



CLIENT INFORMATION SHEET

This guidance explains in practical terms what you must do if you are a Client commissioning construction work in order to fulfil your legal duties.

1. WHAT IS A CLIENT?

A 'Client' is any person who commissions or procures the carrying out of a construction project. A **Project** includes the preparation design, planning and the construction activities. '**Construction**' is broadly defined and includes; maintenance of a structure, repair, redecoration, fitting out, alteration, structural cleaning as well as civil engineering and engineering construction work.

2. Am I a Client?

Examples of Clients include:

- A pub owner who engages a contractor to carry out repair or maintenance work to their premises
- A farmer who builds a cattle shed or a milking parlour
- Any person building a house or having construction work carried out on their house
- Any person extending a factory, supermarket or other building
- Any person who engages a contractor to commission, decommission, dismantle or repair building services (mechanical, electrical etc.) which are normally fixed to a structure.

What Regulations apply to me?

The duties of the Client come from the Safety, Health and Welfare at Work (Construction) Regulations 2013. There are also duties for construction work under Section 17 of the Safety, Health and Welfare at Work Act 2005.

3. What must I do as a Client?

1. Appoint, in writing, a competent Project Supervisor for the Design Process (PSDP) before design work starts
2. Appoint, in writing, a competent Project Supervisor for the Construction Stage (PSCS) before construction begins
3. Be satisfied that each designer, contractor and project supervisor appointed is competent to carry out the work and has the adequate resources to complete it in a safe manner
4. Co-operate with the Project Supervisor and supply necessary information
5. Retain and make available the Safety File for the completed structure
6. Provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the project. In the case of a project on a person's own domestic dwelling it is sufficient to just provide the safety and health plan to the PSCS once appointed.
7. Notify the Authority of the appointment of the PSDP where construction is scheduled to last more than 500 person days or 30 working days (see form AF1)
8. Allow a reasonable amount of time for the safe completion of the project

4. When must I appoint Project Supervisors?

You must appoint in writing a competent Project Supervisors for the Design Process (PSDP) before design work starts and a competent Project Supervisor for the Construction Stage (PSCS) before construction work starts, in order to co-ordinate the design and construction. They must acknowledge in writing that they accept the appointment. There can only be one PSDP and PSCS for one project at a given time.

You do not have to appoint Project Supervisors if:

- there is only one contractor involved and;
- the project does not last longer than 30 days or 500 person days and ;
- the work does not involve a *particular risk*

Examples of a particular risk includes : Working in deep trenches and excavations, falling from a height where there is an aggravated risk of injury, use of chemical or biological substances, including work involving asbestos, work with ionizing radiation (usually x-ray examination of structural joints etc.), work near high voltage power lines, work over or near water, work in confined, unventilated spaces, work carried out by drivers using an air supply system, work in a compressed air atmosphere, work involving the assembly or dismantling of heavy prefabricated components.

5. Who can act as Project Supervisor and how do I know if they are competent?

When making the appointments of Project Supervisors, you must satisfy yourself that those appointed are competent to carry out the duties under the Regulations.

You as a Client will need to make reasonable enquires to check that the person or company to be appointed as the PSDP or PSCS is able to fulfil the responsibilities of the position. A designer or a contractor may be appointed so long as they are competent. The extent of these enquiries will depend on the scale, complexity, the hazards of the project and any particular risks and may include, but not limited to, enquiring about the following:

- Membership of professional bodies;
- Knowledge of design and construction, particularly in relation to the nature of the project;
- Safety and Health qualifications, training (e.g. degree, diploma, certificate, continual professional development);
- Safety and Health experience on similar projects. (e.g. knowledge of preparing a Safety File).
- Sufficient staff with qualifications, training and experience, both within the company and from other sources, relevant to the project;
- Evidence of a functioning safety management system.
- Evidence of Regulatory Compliance.

6. What must the Project Supervisors do?

The Project Supervisors Design Process must:

- Communicate necessary control measures, design assumptions, or remaining risks to the PSCS so they can be dealt with in the Safety and Health Plan;
- Ensure that the work of designers is co-ordinated to ensure safety;
- Organise co-operation between designers;
- Prepare a written safety and health plan for any project where construction will take more than 500 person days or 30 working days or there is a Particular Risk and deliver it to the client prior to tender;
- Prepare a safety file for the completed structure and give it to the client;

- The PSDP may issue directions to designers or contractors or others;
- Notify the Authority and client of non-compliance with any written directions issued.

The Project Supervisor Construction Stage must:

- Co-ordinate the implementation of the construction regulations by contractors;
- Organise co-operation between contractors and the provision of information;
- Co-ordinate the reporting of accidents to the Authority;
- Notify the Authority before construction commences where construction is scheduled to last more than 500 person days or 30 working days;
- Provide information to the site safety representative;
- Co-ordinate the checking of safe working procedures;
- Co-ordinate measures to restrict unauthorised entry on to the site;
- Co-ordinate the provision and maintenance of welfare facilities;
- 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;
- Co-ordinate the appointment of a site safety representative
- Appoint a safety adviser where there are more than 100 on site;
- Provide all necessary safety file information to the PSDP;
- Monitor the compliance of contractors and others and take corrective action where necessary;
- The PSCS may issue directions to designers or contractors;
- Notify the Authority and the client of non-compliance with any written directions issued.

7. What must I do as a Client with the Safety and Health Plan?

The client must make sure that every person being considered or tendering for the role of Project Supervisor for the Construction Stage gets a copy of the safety and health plan. Its purpose is to “flag-up”, at an early stage, any safety and health issues specific to that project. In the case of a project on a person’s own domestic dwelling it is sufficient to just provide the safety and health plan to the PSCS once appointed.

8. What is the Safety File?

The Safety File is a key document intended for the safety of end users of the structure or those who will extend or maintain the structure in future. The PSDP must prepare and pass the Safety File to the Client at completion, you as the Client must keep the Safety File and make it available when required e.g. to subsequent designers or contractors engaged in maintenance or renovation of the structure, or pass it on to any new owner of the built structure.

If you as a client sell or otherwise dispose of your interest in the structure, then you must pass on the Safety File to the new owner. Where a Client disposes of his or her interest in part of a structure or development then you must pass on the relevant section of the Safety File for the relevant part. This might happen in the case of the selling of an office floor of a building, or the selling of a house or a number of houses in a new estate. The person receiving the Safety File must keep it available for inspection.

Where can I get more information?

Further information including the Guidelines to the Safety Health and Welfare at Work (Construction) Regulations are available at www.hsa.ie