

H.S.A Frequently Asked Questions in Relation to the Guide for Homeowners:

What types of work are defined as construction and therefore included under these Regulations?

Examples of construction work on your house, which may come within these regulations, would include employing somebody to complete:

1. Building an extension, porch or garage
2. An attic conversion
3. Re-fitting a kitchen etc
4. Re-slating a roof
5. Getting solar panels or skylight fitted etc.

DIY work does not come within the regulations.

What are the Construction Regulations?

They are a set of regulations which set out the safety and health requirements for construction work. These requirements stem from European legislation known as Directives which Ireland as a Member of the EU must implement fully.

Does this apply if I am doing all the work myself, for example DIY?

No, these Regulations will not apply if you are carrying out the work yourself and not employing anybody to do it for you. In these circumstances you are not a client and not subject to occupational health and safety legislation.

Who is a "Client" under the Regulations?

A "client" is any person having building/construction work carried out. Clients include individuals such as homeowners and those running small businesses. Clients can also be entities, for example local authorities and private bodies such as companies and similar undertakings, including charities and other non-profit organisations.

When will these changes take effect?

These Regulations are effective from August 01st 2013.

What if I've started my construction work prior to the effective date?

The requirements/obligations under these Regulations are applicable for all construction projects on homes which commence on or after 1st August 2013. If the design or construction stage of a project has started prior to the effective date then the duties of the client with regard to appointing project supervisors do not apply for a period of 12 months.

What new responsibilities will the Regulations impose on homeowners?

You will have to:

1. Ensure you use competent people to do paid construction work for you,
2. Appoint project supervisors for projects that involve more than 1 contractor, involve a particular risk or are planned to last greater than 30days,
3. Keep the safety file for the work as appropriate (this will be provided to you by your Project Supervisor at the end of your project, and
4. Let the Health and Safety Authority know if your project is going to take longer than 30 days or

more than 500 person days (person days mean the number of days the work takes multiplied by the number of people doing the work).

What is a Project Supervisor Design Process?

A "Project Supervisor Design Process" (PSDP) is a person who coordinates the design safety aspect of your project. This can be the client, the lead designer or another person where competent to do so.

What is a Project Supervisor Construction Stage?

A "Project Supervisor Construction Stage" (PSCS) is a person who coordinates the construction safety aspect of your project. This can be the client, the main contractor or another contractor where competent to do so.

Can a Project Supervisor for the design and construction be the same person?

Yes, if they are competent to take on the roles.

Can I fulfil the Project Supervisor's roles myself?

Yes, it is possible to appoint yourself in these roles. It is important to note, however, that you must be competent to carry out these roles and they do carry duties under the Regulations. Normally these roles are carried out by experienced designers or contractors.

When do I need to appoint Project Supervisors for my project?

You must appoint project supervisors if:

- there is more than one contractor involved in the work, or
- there is a particular risk (see below), or
- the work is going to last more than 30 days or more than 500 person days.

How do I appoint Project Supervisors?

The appointments must be made in writing at the start of the design and the start of the construction stages. These appointments must also be accepted in writing by the Project Supervisors. There is a template form available for this in the HAS Homeowner guide.

What is a Particular Risk?

A Particular Risk is includes:

- works that put a person at risk of falling from a height, for example, roofwork where access is restricted,
- burial under an earthfall, for example, deep excavations in poor soil conditions,
- works near high voltage power lines, for example, building a house on a site which has existing power lines crossing the site,
- works exposing a person to the risk of drowning, for example, construction of wall beside or near a pond or river,
- work involving the setting up or taking down of heavy parts, for example, installation of precast floors or assembly of steel beams, or
- work involving asbestos.

How do I know the people I hire are competent?

All designers, contractors and project supervisors working on a domestic project have a duty to demonstrate to the Client that they are competent to carry out the works safely. The homeowner should take reasonable steps to assess competency. Asking questions such as those in our Homeowner Guidance will help you with this.

Can my architect/designer make the appointments for me?

As the "client" you must make the appointments. However, your architect or builder can assist you in making these appointments and can also take on the roles of Project Supervisor Construction Stage or Project Supervisor Design Process if they are competent to do so.

Do you have a list of competent contractors/designers/supervisors?

No, there is no list of competent contractors/designers/supervisors but you can make a reasonable assessment of competence by asking the questions in the Homeowner Guidance.

If I am renting a house, am I a "Client"?

The person having the building work done is the client, in most cases it will be the landlord (including local authorities) who will be the client. In a small minority of cases where you as a tenant get building work done on the property then you may fall under the definition of a client.

What about building work on apartments?

As in all other construction work the person who is having the building work done is the "client". For example:

- If you engage a builder to re-fit your kitchen and move an internal wall then you are the client.
- If the building management agency is having the basement car park resurfaced, then they are the client.

Why are we making these changes?

These changes are being made to bring Ireland fully into compliance with the requirements of an earlier EU Directive relating to health and safety for workers involved in construction. Duties already apply to commercial enterprises, both large and small, and these Regulations extend certain duties onto homeowners who are having building work done on their house or on someone who is having a new home built that they intend to live in.

What benefits will these changes bring?

These Regulations should further enhance construction safety. In the past three years (up to 2013), 12 fatal accidents and many more serious injuries have occurred in the course of construction work on private homes. In that regard, these new Regulations will mean that "competent persons" (known as Project Supervisors) will be in place to co-ordinate the design and build of private homes. Compliance with these Regulations should lead to better safety standards on small construction sites and thereby reduce the level of injuries and fatalities occurring on such sites each year. Construction work is intrinsically high-risk and nobody wants anyone to be killed while construction work is taking place on their house.

Will a person charge extra to take on these responsibilities?

Any additional charges which a contractor might wish to levy for taking on the roles of Project Supervisor are a matter for negotiation between the client and the contractor.

What if the contractor has an accident?

If there is an accident on the building site and the person is out of work for more than three consecutive days the contractor must report the accident to the HSA who may investigate. If you are a client and have made your appointments you will have fulfilled your duties and responsibilities in that respect.

Can I be prosecuted if I do not make the appointment?

We have produced guidance and forms to help homeowners fulfil their duties as simply as possible. However these are legal duties and it would be an offence to fail to comply with them.