NEW EDITION OF “DESIGNING FOR SAFETY IN CONSTRUCTION”

By Cathie Shannon

11 May 2011 saw the launch of the new edition of the Manual “Designing for Safety in Construction”. Authored by Jack Kavanagh, with advice and support from a committee established by the RIAI, Engineers Ireland and the Association of Consulting Engineers in Ireland, the new publication is targeted at a professional designer or design consultant, employed to design or specify permanent works.

The Manual combines in a readable, easy to assimilate format, the current understanding of the legislative requirements, with interpretation and consideration of Health and Safety Authority (HSA) Guidelines and the briefing notes produced by the three professional bodies.


The combined experience of those involved in the Manual’s production affords the reader valuable insight into how best to balance the demands imposed by the legislation, in particular the 2006 Construction Regulations, whilst bearing in mind that the permanent works designer has been engaged by a client to prepare a design which, when constructed, will meet that client’s end use requirements.

Duties of Permanent Works Designer

The author considers the duties imposed on a permanent works designer by the existing health and safety legislation and identifies how best the designer might ensure that he or she complies with the legislative requirements, whilst bearing in mind his or her contractual duties. Legislative and contractual requirements may not coincide and it is not lost on the author that satisfying these separate obligations may pose a problem for a permanent works designer, who has to work to ensure that the design brief is fulfilled, whilst bearing in mind the designer’s continuing obligation to take account of the general principles of prevention. The onerous nature of the latter duty is highlighted, with the recommendation that the permanent works designer must consider not just those persons involved in the construction process, but those involved in future maintenance of the constructed works. The Manual provides pragmatic advice to a permanent works designer on essential considerations for the designer in satisfying the designer’s obligation to eliminate hazards and mitigate risks to these particular groups.

The fact that it tends to be the contractor and not the permanent works designer who is in control of the site and whose responsibility it is to chose construction methods and the system of work, ensures that the difficulties faced by the permanent works designer in complying with his or her statutory health and safety obligations cannot be underestimated. However, in considering these issues, the Manual provides a helpful reminder to the permanent works designer on the unwanted implications of inadvertently exceeding one’s brief and thereby assigning to oneself an unintended statutory health and safety obligation.

Of particular utility are the sections which provide guidance on essential cooperation with other designers, with a view to assisting them in complying with the legislation, and the provision of information to those parties and to the Project Supervisor Design Stage (PSDS). Along with taking account of the general principles of prevention, these requirements are most prominent amongst the designer’s duties enumerated in Regulation 15 of the 2006 Regulations.
Broad Definitions

The author of the Manual rightly draws attention to the difficulties associated with the broad definitions in the Regulations. The word “designer” is defined as “any person engaged in work relating to the design of a project”, which may, for example, encompass those who make decisions on site in relation to temporary works. Similarly, the word “design” is broadly defined, whilst the words “structure” and “construction” have definitions which go well beyond their generally understood meanings within the construction industry.

The obvious consequence of these broad definitions is that a variety of personnel may be considered to be acting as a designer engaged in work relating to the design of a project, as understood by the Regulations. Decisions taken by a client or end users of a building may be construed as design decisions. From this perspective, the Manual might usefully be read, in conjunction with the legislation, by personnel throughout the construction and associated industries, not to mention clients who are involved in a project, as a statutory health and safety obligation may be ascribed to those who little suspect that this is the case.

Certificates

New Certificates, in form HSP1 and HST1, are presented in the Manual and suggested as suitable for use by permanent and temporary works designers respectively. The Manual’s check list of what to consider before certifying permanent works is a particularly helpful reminder to members of the architectural and engineering professions, bearing in mind that certifying works without adequate consideration of the implications of so doing continues to be a subject of concern for architects and engineers and a fruitful area for lawyers. Such considerations are of particular importance in this era of rising Professional Indemnity insurance costs and any steps that might assist a construction professional in reducing the risk of a claim being made is of value, such that the Manual, aside from being an invaluable health and safety aid, merits consideration for this reason.

Illustrative Cases and Examples

One constructive feature of the Manual is the inclusion of illustrative cases and examples, which serve to demonstrate how the principles adduced in the Manual may be adapted to practice. The Manual expands upon a set of examples of a design consultant’s in house records used in HSA Guidelines, for the inception/concepts stage of a project, using a Designer’s Assessment Record (DAR). These are intended to illustrate how each designer might record key decisions taken by the designer in risk and hazard identification, evaluating design decisions and so on. In addition, in the area of risk reduction heuristics, a helpful list is provided of design options intended to mitigate risk during construction projects. Regarding the information to be provided to the PSDS by a permanent works designer, it is suggested that for practical purposes this may be dealt with under four headings and this approach is expanded upon in the Manual. From the point of view of utilising the Manual and adapting its precepts to practice, such examples should be helpful to designers in the architectural and engineering fields. Certainly, the wisdom of the permanent works designer maintaining clear, project specific records should be obvious to all and not merely from a health and safety view point.

Conclusion

There may be little doubt that the Manual “Designing for Safety in Construction” achieves its aim of providing practical guidance on compliance with the Safety Health and Welfare at Work Act 2005 and the Safety Health and Welfare at Work (Construction) Regulations 2006-2008. It is a valuable point of reference for anyone with an interest in health and safety in the construction industry, particularly designers of permanent works. It may be anticipated that the current edition will achieve the success of the earlier edition on the 2001 Regulations, which was adopted by the European Federation of Consulting Engineering Associations and the European Council of Architects for use throughout Europe.
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