

Introduction

The Code of Practice gives practical guidance with respect to the Construction (Design and Management) Regulations 2007, sections 2, 3 and 6 of the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, and the Provision and Use of Work Equipment Regulations 1998. The Code of Practice came into effect on 6th April 2007.

These regulations place duties on clients, designers, principal contractors and contractors (including both employed and the self employed) to consider their approach to health and safety so that it is taken into account and then coordinated and managed effectively throughout all stages of a construction project: from conception, design and planning through to the execution of works on site and subsequent maintenance and repair.

The regulations require the appointment of a CDM Co-ordinator (on notifiable projects) who has overall responsibility for coordinating the health and safety aspects of the design and planning stage. The CDM Co-ordinator has to notify the HSE, identify, collect and pass on Pre-Construction Information, monitor the health and safety aspects of the design, advise the client on the satisfactory allocation of resources for health and safety and prepare a health and safety file.

Whilst the regulations place greater emphasis on the client, designer, CDM Co-ordinator and principal contractor, the duties of the mastic asphalt specialist subcontractor is in support of the duties upon the principal contractor. The cooperation of contractors is essential if the principal contractor is to fulfill his duties under the regulations to:

- achieve effective coordination and cooperation of contractors in managing the work for health, safety and welfare on site
- ensure contractors comply with the rules in the Construction Phase Plan
- provide the CDM Co-ordinator with information for compiling the health and safety file

Mastic asphalt specialist subcontractors are required to:

- cooperate with the principal contractor
- provide the principal contractor with details on the management and prevention of health and safety risks created by their work
- provide information promptly
- comply with directives/site rules
- promptly provide details of injuries, diseases and dangerous occurrences, which are reportable to the enforcing authorities

mastic asphalt

- plan, manage and monitor their own work, and that of their workers
- check the competence of all appointees and their own workers
- train their own employees
- ensure adequate welfare facilities for their workers
- check the client is aware of their duties, a CDM Co-ordinator has been appointed, and the HSE has been notified before starting work
- provide details to the Principal Contractor of any contractor who is engaged to carry out any work
- comply with the specific requirements of Part 4 of the Regulations
- inform the Principal Contractor of any problems with the Construction Phase Plan
- provide information to their own employees

The specialist subcontractor has absolute duty to provide:

- 1) Risk assessments made under Regulation 3 of the Management of Health and Safety at Work Regulations 1999
- 2) Health and Safety Method statement
- 3) Health and Safety policy to include statements for achieving an adequate level of competence of operatives
- 4) Evidence of training (documentary)
- 5) Assessment made under the Control of Substances Hazardous to Health Regulations 2002 (as amended)

The specialist subcontractor should also provide:

- advice on installation
- advice on maintenance and after care
- assistance with planning

Before starting work or allowing work to start on site, the specialist subcontractor must obtain the name of the CDM Co-ordinator, the principal contractor and a copy of the Construction Phase Plan. Non cooperation with the CDM Co-ordinator and/or principal contractor is not only in breach of the law but also normally in breach of contract.