Unit 201: Employment and employability in the construction sector (Tutor)

# Worksheet 8: Duty of care

**Task 1:** Match the duty of care under CDM 2015 with its corresponding description.

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| Planning and managing the project |  | Those who are responsible for coordinating the work must ensure that the work is carried out safely and without risks to health |
| Coordinating the work |  | Those who are responsible for managing the construction work must consult with workers on matters relating to health and safety |
| Providing information and instruction |  | Those who have control over the construction project must ensure that health and safety risks are identified, assessed and controlled |
| Consulting and engaging with workers |  | Those who are responsible for providing information must provide sufficient information about the project to those involved in the construction work |

**Task 2:** List the duty of care owed by each role under CDM 2015 Regulations, then answer the question that follows.

CDM 2015 Regulations

Client

Principal designer

Principal contractor

* Appointing competent professionals
* Providing relevant information
* Ensuring the project is properly planned, managed and coordinated
* Ensuring that the construction work is carried out safely
* Ensuring suitable welfare facilities are provided
* Ensuring competence of workers on site
* Coordinating health and safety
* Planning, managing and monitoring the construction phase
* Ensuring the site is safe and secure
* Work with all other designated parties under these Regulations
* Planning, managing and monitoring the pre-construction phase
* Coordinating health and safety
* Ensuring design is safe and without risks to health
* Ensuring competence of design team

What are the principal contractor’s duties when working with a domestic client?

The Principal Contractor will take on the duties of the client when working with a domestic client. The principal contractor will also have to complete their duties as well as the client duties.

**Task 3:** Read the paragraph about Compliance with Regulatory Requirements, then answer the questions that follow.

To ensure compliance with current legislation in the UK within a construction organisation, an employee can take the following actions for reporting.

Employees should identify the relevant legislation applicable to their work within the construction organisation. They should have a good understanding of the legal requirements and obligations that the organisation must adhere to.

Report any breaches or violations: If an employee identifies any breaches or violations of the legislation, they should report it to their supervisor or manager immediately. They can also use the organisation's reporting system, such as a whistleblowing policy, to report any wrongdoing or non-compliance.

Attend training sessions: Employees should attend training sessions provided by the organisation to understand the legislation and its requirements. These sessions can help employees identify any potential breaches or violations and take appropriate actions to prevent them.

Keep records: Employees should keep records of any non-compliance or breaches of legislation that they have reported. This can include dates, times, locations and any relevant details. These records can be used as evidence in case of any legal disputes.

Follow up: Employees should follow up with their supervisor or manager to ensure that appropriate actions have been taken to address any reported breaches or violations.

By taking these actions, employees can play an important role in ensuring that their construction organisation complies with current legislation in the UK and maintains a safe and legal workplace. If necessary, they can escalate the matter to a higher authority or regulatory body.

1 Identify the legislation that is relevant to your role in the construction industry. Write down the legislation and explain its requirements and obligations.

Relevant legislation may include: the Health and Safety at Work, etc. Act 1974; the Construction (Design and Management) Regulations 2015; the Control of Substances Hazardous to Health Regulations 2002; the Manual Handling Operations Regulations 1992; the Working at Height Regulations 2005, etc. The requirements and obligations of the relevant legislation may include identifying and assessing risks, providing training and information, ensuring safe systems of work, providing suitable personal protective equipment, etc.

2 Imagine you have identified a breach or violation of the legislation in your organisation. Write down the steps you would take to report it, including who you would report it to and any relevant details you would need to provide.

Steps to report a breach or violation may include reporting it to your supervisor or manager immediately, using the organisation's reporting system, providing relevant details such as dates, times and locations, etc.

3 What are the potential consequences of not following the relevant legislation in the construction industry.

Potential consequences of not following the relevant legislation may include accidents, injuries, fatalities, legal action, fines, damage to reputation, loss of business, etc.