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Prime Minister

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Minister for Public Works and
Planning

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Chairperson, Occupational
Health and Safety Authority

L.N. of XXX

**OCCUPATIONAL HEALTH AND SAFETY AUTHORITY ACT
(CAP. 424)**

Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Amendment Regulations, 2023	
IN EXERCISE of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, 2000, the Minister for Public Works and Planning, has made the following regulations:-	
The title of these regulations is the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Amendment Regulations, 2023, and these regulations shall be read and construed as one with the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations, hereinafter referred to as “the principal regulations”.	Title and commencement S.L. 424.36
Regulation 2 of the principal regulations shall be amended as follows: (a) immediately after the definition “domestic client”, there shall be added the following new definition:	Amendment of regulation 2 of the principal regulations

<p>“ “duty holder” means a person upon whom a duty is imposed by virtue of these regulations, and shall include a client, a project supervisor, an employer, a contractor, a self-employed person and a worker as the case may be;”.</p>	
<p>Sub-regulation (1) of regulation 3 of the principal regulations shall be substituted by the following:</p> <p>“3(1) It shall be the duty of a client to appoint, in respect of every project, a project supervisor for the design and execution stages, and any such appointment shall be terminated, changed or renewed as necessary.</p> <p>Provided that the client may act as project supervisor for any stage of the project if competent to undertake the duties involved, for those projects which do not require a prior notice in terms of sub-regulation (3) of regulation 5.”.</p>	<p>Amendment of regulation 3 of the principle regulations</p>
<p>Regulation 5 of the principal regulations shall be substituted by the following:</p> <p>“The project supervisor shall:</p> <p>General Principles of Prevention</p> <p>(1) take account of the general principles of prevention concerning health and safety referred to in the Act and subsidiary regulations as appropriate, during the various stages of designing and preparing the project, in particular:</p> <p>(a) when architectural, technical and, or organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession;</p> <p>(b) when estimating the period required for completing such work or work stages.</p> <p>Account shall also be taken, each time this appears necessary, of all health and safety plans and of files drawn up and, or adjusted in accordance with these regulations;</p> <p>Prior Notice</p> <p>(2) communicate a prior notice drawn up in accordance with Schedule III to the Authority at least four calendar weeks before work starts on the project in the case of construction sites on which work is scheduled to last longer than 30 working days and on which more than</p>	<p>Amendment of regulation 5 of the principal regulations</p>

<p>20 workers are occupied simultaneously, or on which the volume of work is scheduled to exceed 500 person-days, the project supervisor shall Once any work activity on the project commences, a copy of the prior notice shall be clearly displayed on the construction site and, if necessary, periodically updated.</p> <p>Provided that an administrative fee shall be paid to the Authority upon communication of the said prior notice;</p> <p>Health and Safety Plan</p> <p>(3) draw up a health and safety plan prior to the setting up of a construction site. The health and safety plan shall set out the rules applicable to the construction site concerned, taking into account where necessary the industrial activities taking place on the site and shall also include specific measures concerning work which falls within one or more of the categories of Schedule II.</p> <p>Provided that the project supervisor shall make any adjustments required to the health and safety plan to take account of the progress of the work and any changes which have occurred;</p> <p>Health and Safety File</p> <p>(4) prepare a file appropriate to the characteristics of the project containing relevant health and safety information to be taken into account during any subsequent works.</p> <p>Provided that the project supervisor shall make any adjustments required to the health and safety file to take account of the progress of the work and any changes which have occurred;</p> <p>Implementation of the general principles of prevention</p> <p>(5) coordinate the implementation of the general principles of prevention and safety:</p> <ul style="list-style-type: none"> (a) when technical and, or organisational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession; (b) when estimating the period required for completing such work or work stages <p>Management of health and, or safety at the construction site</p>	
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<p>(6) In order to preserve health and safety on the construction site, the project supervisor shall also:</p> <ul style="list-style-type: none"> (a) coordinate the implementation of the relevant provisions of these regulations in order to ensure that employers and, if necessary for the protection of workers, self employed persons apply the principles referred to in regulation 9 of these regulations in a consistent manner; (b) coordinate the implementation of the relevant provisions of these regulations in order to ensure that employers and, if necessary for the protection of workers, self employed persons follow the health and safety plan referred to in sub-regulation (3) of regulation 5; (c) organize cooperation between contractors, including successive contractors on the same site, coordination of their activities with a view to protecting workers and preventing accidents and occupational health hazards and reciprocal information as provided for in regulation 7 of the General Provisions for Health and Safety at Work Places Regulations, ensuring that self-employed persons are brought into this process where necessary; (d) carry out as often as necessary a thorough inspection of the whole construction site and work practices to identify any potential hazards and recommend the necessary preventive and protective measures in line with the general principles of prevention laid down in the Act. Provided that the frequency of inspections shall be commensurate with the size of the construction site, the nature and extent of the hazards and risks at the construction site, and the type of works being carried out; (e) issue and submit without undue delay to the relevant duty holders involved in the construction project, an inspection report in writing highlighting the identified unaddressed hazards noted during the inspection carried out under these regulations and the required preventive and protective measures to be taken by the relevant duty holders to address the identified hazards and, or manage health and safety 	
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<p>Provided that for the purpose of this paragraph “duty holders” shall not include “workers” ;</p> <ul style="list-style-type: none"> (f) give directions to duty holders and other relevant persons, in the interest of occupational health and, or safety (g) co-ordinate, monitor the implementation of and ensure the execution of, the required preventive and protective measures indicated in the inspection report prepared under these regulations, and any other measures required to render the site safe; (h) co-ordinate, monitor the implementation of and ensure the execution of, the preventive and protective measures indicated in the health and safety plan prepared in terms of these regulations; (i) carry out as often as necessary, follow-up inspections to ensure the implementation of the preventive and protective measures indicated in the inspection report and any directions made and given out under these regulations; (j) give a written copy of the health and safety plan prepared in terms of these regulations, or a relevant extract thereof to all duty holders in terms of these regulations <p>Provided that for the purpose of this paragraph “duty holders” shall not include “workers”;</p> <ul style="list-style-type: none"> (k) consult and liaise on matters relating to occupational health and, or safety with respect to the construction project with any designated persons and, or external services appointed by the employer in terms of regulation 9 of the General Provisions for Health and Safety at Work Places Regulations, S.L.424.18; (l) ensure that a construction project is safe for any person who may enter thereupon for the duration of the project.”. 	
<p>Regulation 6 of the principal regulations shall be substituted with the following:-</p> <p>“Powers of Project Supervisors”</p> <p>“In order to preserve health and, or safety on the construction site, the project supervisor shall have the following powers:</p>	<p>Amendment of regulation 6 of the principal regulations</p>

<ol style="list-style-type: none"> 1. to inspect at any time of day or night the construction site to which he has been appointed to act as project supervisor to fulfil the duties made under these regulations; 2. to make such examination, interview and investigation as may in any circumstances be necessary in the interest of occupational health and, or safety; 3. to take such measurements, photographs, video recording and, or any other recordings, including the use of monitoring equipment and atmospheric sampling, as the project supervisor considers necessary for the purpose of fulfilling the duties under these regulations. <p>Cap 586</p> <p>Provided that the handling and storage of personal data resulting from the said activities shall conform to the provisions of the Data Protection Act.</p> <ol style="list-style-type: none"> 4. to order that work be halted if there is a reasonable concern that the carrying out of work and, or activity would expose any person present on the construction site to a serious risk to their health and, or safety, emanating from an immediate or imminent exposure to a hazard. <p>Provided that the project supervisor must, without undue delay, notify in writing the duty holders involved in the construction project, that the work or activity has been stopped.</p> <p>Provided further that for the purpose of this paragraph “duty holders” shall not include “workers”.</p> <p>Provided also that the project supervisor must, without undue delay, inform workers on site that the work activity has been stopped.</p> <ol style="list-style-type: none"> 5. to require any article, substance, material, equipment, machinery, installation, structure, apparatus, tool and any other thing at the construction site that he may reasonably consider to be a risk to occupational health and, or safety to be dismantled and, or removed from site and, or rectified and, or subjected to any process or test at the expense of the relevant duty holder.”. 	
<p>Regulation 7 of the principal regulations shall be substituted by the following:-</p> <p>“Project Supervisor: Non-liability”</p>	<p>Substitution of regulation 7 of the principal regulations</p>

<p>“No civil action, or other proceedings for damages shall lie or be instituted by a client, employer, self-employed person, or worker involved in the construction project against the project supervisor for an act done in pursuance of these regulations unless the project supervisor acted in a negligent manner.</p> <p>Provided that this regulation shall not apply where the project supervisor did not fulfil his duties as provided under these regulations.”.</p>	
<p>Sub-regulation (4) of regulation 8 shall be substituted by the following:</p> <p>“The client shall keep the project supervisor updated on the engagement of new contractors and self-employed persons.”</p>	<p>Substitution of sub-regulation (4) of regulation 8 of the principal regulations</p>
<p>Regulation 10 of the principal regulations shall be substituted by the following:</p> <p>“Obligations of contractor</p> <p>“In order to preserve health and, or safety on the construction site, the contractor shall:</p> <ul style="list-style-type: none"> (a) co-operate with the project supervisor in the interest of occupational health and, or safety; (b) co-operate with the project supervisor to enable compliance with the duties pertaining to such project supervisor under these regulations; (c) promptly provide to the project supervisor any necessary information which may be requested in the interest of occupational health and, or safety; (d) comply without undue delay with the directions given by the project supervisor under these regulations, which directions if carried out, would ensure a safe and, or healthy place of work; <p>S.L.424.18;</p> <ul style="list-style-type: none"> (e) comply without undue delay, with the directions given by the designated person and, or external services appointed in terms of regulation 9 of the General Provisions for Health and Safety at Work Places regulations; <p>S.L.424.18</p> <ul style="list-style-type: none"> (f) comply without undue delay, with the preventive and protective measures indicated by the risk assessment carried out under regulation 10 of the General Provisions for Health and Safety at Work Places Regulations and, or any other relevant regulations made under the Act; 	<p>Substitution of regulation 10 of the principal regulations</p>

<p>(g) comply with the relevant preventive and protective measures listed in the health and safety plan prepared out under these regulations, which measures if implemented, would ensure a safe and, or healthy place of work;</p> <p>S.L.424.18</p> <p>(h) ensure that training, information, and instructions provided in terms of regulation 14 of the General Provisions for Health and Safety at Work Places Regulations, and, or any other relevant regulations made under the Act, are given to workers in a comprehensible manner;</p> <p>(i) take all the necessary measures for the adequate safeguard of occupational health and, or safety;</p> <p>(j) in particular when implementing regulation 9, take measures that are in line with the minimum requirements set out in Schedule IV.”.</p>	
<p>Regulation 11 of the principal regulations shall be substituted by the following:</p> <p>“Obligations of self-employed persons”</p> <p>In order to preserve the health and, or safety on the construction site, the self-employed person shall:</p> <p>(a) co-operate with the project supervisor in the interest of occupational health and, or safety;</p> <p>(b) co-operate with the project supervisor to enable compliance with the duties pertaining to such project supervisor under these regulations;</p> <p>(c) promptly provide to the project supervisor any necessary information which may be required to enable compliance with the duties of such project supervisor;</p> <p>(d) comply without undue delay with the directions given by the project supervisor under these regulations, which directions if carried out, will ensure a safe and, or healthy place of work;</p> <p>S.L.424.18</p> <p>(e) comply without undue delay, with the preventive and protective measures indicated by the risk assessment carried out under regulation 10 of the General Provisions for Health and Safety at Work Places Regulations and, or any other relevant regulations made under the Act;</p> <p>(f) comply with the relevant preventive and protective measures listed in the health and safety plan carried out under these regulations, which</p>	<p>Substitution of regulation 11 of the principal regulations</p>

<p>measures if implemented, will ensure a safe and, or healthy place of work;</p> <p>(g) take all the necessary measures for the safeguard of occupational health and, or safety.</p>	
<p>Immediately after regulation 11 of the principal regulations, there shall be added the following new regulation:</p> <p>“Obligations of worker”</p> <p>11A In order to preserve the health and, or safety on the construction site, the worker shall:</p> <ul style="list-style-type: none"> (a) co-operate with the project supervisor in the interest of occupational health and, or safety; (b) co-operate with the project supervisor to enable compliance with the duties pertaining to such project supervisor; (c) promptly provide to the project supervisor any necessary information which may be required to enable compliance with the duties of such project supervisor; (d) comply without undue delay with the directions given by the project supervisor under these regulations, which directions if carried out, will ensure a safe and, or healthy place of work; (e) comply without undue delay, with the preventive and protective measures indicated by the risk assessment carried out under regulation 10 of the General Provisions for Health and Safety at Work Places Regulations and, or any other relevant regulations made under the Act; (f) comply with the relevant preventive and protective measures listed in the health and safety plan carried out under these regulations, which measures if implemented, will ensure a safe and, or healthy place of work.”. 	<p>Amends regulation 12 to 16 of the principal regulations</p>