



DEFINITION OF CONSTRUCTION WORK



Definitions of construction and how each definition can apply to your activities

Introduction

Each of us will have our own view as to what construction work looks like. Clearly the building of a new office block or housing estate is construction. However there are many other tasks that may come under the definition of construction work. For example:

- Carrying out maintenance or upkeep on a building is construction work.
- Repairing a farm building is construction work.
- Fitting mobile telecommunications equipment to the side of a structure is construction work.

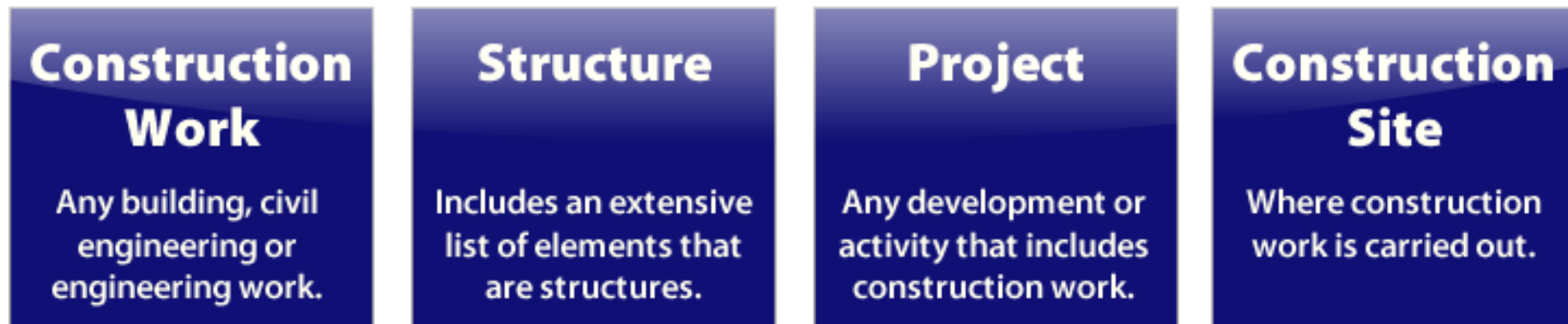
Construction is a high-risk activity, which must be managed from procurement, through the design process and to the end of the construction stage. Everyone involved in a building project must appreciate their role, from client, project supervisor design process (PSDP), designer, project supervisor construction stage (PSCS), contractor and employees.

This document sets out the definition of construction work. There are two things you need to consider:

- What type of task or activities you are undertaking; and
- What you are working on.

Spending five minutes to look at these definitions will help you to get a better understanding of what work activities are considered to be construction work. There is a flowchart which outlines the four different categories of construction work, from maintenance up to large construction projects. If you are involved in construction then you will have specific duties to discharge. On page 4 we have included links to some of our guidelines, which you can view online free of charge.

Definitions that combine to define construction work



Definition of construction work

Need to know

There are a lot of everyday activities that actually come under the definition of construction work. The definition is very broad, many work activities or tasks on a building or structure are construction. Here are some activities that are construction:

Construction - Alterations - Converting - Fitting-out - Commissioning - Renovating - Repairing - Upkeep - Decorating - Maintaining - De-commissioning - Demolishing - Dismantling - Assembling

You can see that there is a wide range of maintenance activities that are clearly classified as construction. This could affect you, e.g. most workplaces will carry out maintenance at some stage.

Examples

Lets take an example where you are a tenant in a retail unit and you are carrying out repairs. In this case you are actually undertaking construction work, even if the repairs are in the store room and not in the actual retail area.

A straightforward task of painting part of your workplace is construction. However the regulations are not there to make life difficult for you. The regulations provide a structured approach to managing hazards that are typical to construction. For example, you would need to be happy that the painter is competent and that he/she will complete the job in a safe manner. Checking this out before the painter starts will help protect you, your employees, your customers and the painter.

What to do next

The definition of construction work clearly relates to the tasks that you are intending to carrying out. The next step is to look at where you are undertaking these tasks.

To get a fuller picture of the definition of construction work, you need to look at the definition of 'structure'. See page 3 to look at the range of structures considered in the 2013 Construction Regulations.

Definition of structure

Need to know

There is a wide range of features that are deemed to be a structure under the Regulations. You will probably accept that buildings and bridges are structures. However the definition also includes features such as cables, lagoons and embankments. For example the following are all structures.

Building ~ Railway line or siding ~ Tramway line ~ Dock ~ Harbour ~ Inland navigation systems ~ Tunnel ~ Bridge ~ Viaduct ~ Waterworks ~ Reservoir ~ Pipe-line, whatever it contains or is intended to contain ~ Underground or overground cables ~ Aqueduct ~ Sewer ~ Sewage works ~ Gasholder ~ Road ~ Airfield ~ Sea defence works ~ River works ~ Drainage works ~ Earthworks ~ Lagoon ~ Dam ~ Wall ~ Caisson ~ Mast ~ Tower ~ Pylon ~ Underground tank ~ Earth retaining element or assembly of elements ~ Element or assembly of elements designed to preserve or alter any natural feature ~ Any other structure similar to the foregoing

Examples

For example, if you work in a water treatment works and you are carrying out electrical maintenance, under the Regulations, you are undertaking construction work on a structure.

While an embankment is a structure, cutting the grass on the embankment is not construction work. However if you were excavating the embankment to form a new profile, then you would be engaged in construction work.

What to do next

List out the activities that you undertake in your place of work, including building maintenance and maintenance on mechanical and electrical systems. Then look at where you are carrying out these tasks. This will help you determine when you are undertaking construction work. The Health and Safety Authority's *Guide for Clients in Construction* includes a flowchart that will help you make the right appointments. In addition there are several guidance documents available to explain the roles and responsibilities.

Definition of project

Need to know

When you are thinking about starting construction work or actually undertaking the construction work, you are basically involved in a project. This brings into effect the duties under Section 17 of the 2005 Act and the relevant regulations in the 2013 Construction Regulations.

It is not complex, you just need to make sure that you understand your role and duties as part of the construction project.

Help is available – click the thumbnails below to get immediate access to guides and supporting documents. You can also access the Authority's website by clicking [here](#).

Examples

For example if you are a client, then you need to ensure that you appoint competent PSDP, Designers, PSCS and contractors. You also need to make information available to them.

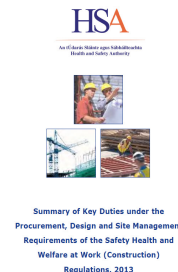
Other duty-holders should advise the client as to the definition of construction work and their duties under the Regulations.

What to do next

Once you have identified that you are undertaking construction work on a structure, you must make sure that you have the proper controls in place. If you are the client then where required by the regulations you must appoint competent designers and PSDP before the design process starts and appoint competent contractors and PSCS before construction work starts on site. All appointments must be made in writing.

It is about taking sensible precautions in good time to protect people and being proactive in making the work safer.

Here are some of our guides, to help you.



Safety, Health and Welfare at Work Act 2005

1

There is a definition for '**construction work**' in the 2005 Act. It basically sets out that construction work includes building work, civil engineering or engineering construction work.

Section 2: '**construction work**' means the carrying out of any building, civil engineering or engineering construction work, as may be prescribed.

2

Section 17 of the 2005 Act sets out duties relating to construction work and includes a definition of '**project**', as being any development which includes or is intended to include construction work.

Section 17(4): For the purposes of this section, '**project**' means any development which includes or is intended to include construction work.

The Safety, Health and Welfare at Work Act 2005 covers all places of work. It also sets out some key definitions for construction work and project. These definitions support those in the construction regulations.

Safety, Health and Welfare at Work (Construction) Regulations 2013

3

There is a number of definitions that provide a combined definition of construction work.

Some key words:

- Construct
- Alter
- Convert
- Fit-out
- Commission
- Renovate
- Repair
- Upkeep
- Decorate
- Maintain
- De-commission
- Demolish
- Dismantle
- Assemble

Any works that involve preparation of an area for a building or structure would be considered as construction work.

Also where work is carried out on any mechanical, electrical, gas, compressed air, hydraulic, telecommunication, computer system or similar service that is normally fixed within or to a structure. For example work on a mobile phone mast fixed to a building, or work on an automated security gate would be considered to be construction work.

Regulation 2(1): '**construction work**' means the carrying out of any building, civil engineering or engineering work, other than drilling and extraction in the extractive industries, and includes but is not limited to each of the following

The doing of one or more of the following with respect to a structure:

- construction;
- alteration;
- conversion;
- fitting out;
- commissioning;
- renovation;
- repair;
- upkeep;
- redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of substances or preparations classified as corrosive or toxic for the purposes of Regulation 8 of the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003 and 2006 (S.I. 116 of 2003 and S.I. 25 of 2006) and Regulation 5 of the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004));
- de-commissioning, demolition or dismantling.

The assembly of prefabricated elements to form a structure, or the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure.

The preparation for an intended structure, including but not limited to site clearance, exploration, investigation (but not site survey) and excavation, and the laying or installing of the foundations of an intended structure.

The removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or disassembly of prefabricated elements which, immediately before such disassembly, formed a structure

The installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunication and computer systems, or similar services which are normally fixed within or to a structure

Safety, Health and Welfare at Work (Construction) Regulations 2013

4

The previous definition for '**construction work**' referred to doing something to a '**structure**'.

Some key words:

- Building
- Railway
- Dock
- Tunnel
- Bridge
- Waterworks
- Pipeline
- Cables
- Sewer
- Gasholder
- Road
- Airfield
- River
- Earthworks
- Wall
- Mast
- Pylon
- Underground tank
- Earth retaining

The definition also includes any element to preserve or alter any natural feature, which is quite broad. In addition to the extensive list, any other similar structure would also be included.

The list of elements that are considered to be structures is very extensive and it is likely that any construction work you do will involve a structure.

Regulation 2(1): '**structure**' means

any building, railway line or siding, tramway line, dock, harbour, inland navigation systems, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line (whatever it contains or is intended to contain), underground or overground cables, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining element or assembly of elements, or element or assembly of elements designed to preserve or alter any natural feature, and any other structure similar to the foregoing.

any formwork, falsework, scaffold or other element or assembly of elements designed or used to provide support or means of access during construction work, or

any fixed plant in respect of work which is installation, commissioning, de-commissioning or dismantling.

Safety, Health and Welfare at Work (Construction) Regulations 2013

5

Once you have determined you are undertaking '**construction work**' it is linked to a '**project**'.

Regulation 2(1): '**project**' means an activity which includes or is intended to include construction work.

6

And all of this is going to take place on a '**construction site**'.

Regulation 2(1): '**construction site**' site" means any site at which construction work in relation to a project is carried out.

The definition of construction is interlinked with the following definitions:

- Construction work
- Structure
- Project
- Construction site

The definitions in the 2005 Act and the 2013 Construction Regulations are compatible and support each other in clearing setting out what activities are considered to be construction work.

Examples of work that are not construction work

Tasks or activities that are not construction work

The main intent of this document is to clearly set out the definition of construction work.

To finish, here are some examples of tasks or activities that would not **normally** be considered to be construction work:

- Inspection and test;
- Meter reading;
- Fault finding;
- Grass cutting;
- Hedge trimming;
- Routine street cleaning;
- Litter picking;
- Delivering materials to site e.g. builders providers.

In any case, these activities would fall under the requirements of the Safety, Health and Welfare at Work Act 2005. For example, the general duties of the employer, including the provision of a safe place of work, safe systems and safe plant and equipment. In addition the duties of the employee to work in a safe manner.

Summary

If you are undertaking construction work, then the Safety, Health and Welfare at Work (Construction) Regulations 2013 apply, along with other applicable legislation.

If you are not undertaking construction work, then you are still required to comply with the Safety, Health and Welfare at Work Act 2005 and other applicable legislation.