

# ACEI Advice Note on Safe Pass - March 2022

## 1. Introduction

This Advice Note has been prepared by the Association of Consulting Engineers of Ireland (ACEI) in reference to the advice provided on the Health and Safety Authority (HSA) [website](#).

A number of Contractors around the country have determined that Consulting Engineers must hold a valid Safe Pass Card in order to gain access to a construction site. The purpose of this advice note is to clarify the requirement for certain individuals to be in possession of a Safe Pass.

## 2. What is Safe Pass?

Safe Pass is a one-day safety awareness programme aimed at construction workers. The aims of the programme are to raise the standard of safety awareness in the construction industry and ensure that construction workers after completing the one-day awareness programme can make a positive contribution to the prevention of accidents and ill health while working on the site.

The Safe Pass programme is operated and managed by [Solas](#).

Safe Pass is a general awareness programme and does not negate the duty of the employer under the Safety, Health and Welfare at Work Act 2005 (2005 Act) regarding the provision of information, instruction and training to enable employees to carry out their work safely.

## 3. Who needs a Safe Pass?

Under the Safety Health and Welfare at Work (Construction) Regulations 2013 (2013 Regs), Safe Pass / Safety Awareness Programmes only applies to -

- (a) Craft and general construction workers,
- (b) Persons undertaking on-site security work, and
- (c) Persons or classes of persons as may be prescribed by the Minister.

## 4. Does a Consulting Engineer need a Safe Pass?

There is no legal requirement for a Consulting Engineer visiting a construction site to be in possession of a Safe Pass.

The HSA in conjunction with the Construction Advisory Committee have clarified the position and produced a **summary guide** of the categories of persons to whom Safe Pass does and does not apply.

| Category of personnel involved in Construction Projects                      | Is Safe Pass or equivalent mandatory | Category of personnel involved in Construction Projects               | Is Safe Pass or equivalent mandatory |
|--|--------------------------------------|---|--------------------------------------|
| Craft Workers  | Yes                                  | Project Managers/Site Agents not involved in construction activities  | No                                   |
| Apprentices  | Yes                                  | Site Managers not involved in construction activities                 | No                                   |
| General Construction Workers   | Yes                                  | Safety Advisor's or Safety Officers not involved in construction work | No                                   |
| Working Chargehands  | Yes                                  | <b>PSDP/PSCS</b>  | <b>No</b>                            |
| On-site Security Workers   | Yes                                  | <b>Inspectors/Consultants</b>   | <b>No</b>                            |
| Contractors Drivers On-site  | Yes                                  | <b>Clients &amp; Client Reps</b>                                      | <b>No</b>                            |
| Delivery Drivers On-site e.g. concrete trucks                                | Yes                                  | Supervised Visitors   | No                                   |
| Students on Placement on site  | Yes                                  | Archaeologists  | No                                   |
| Delivery Drivers Not On-site e.g. delivering to compounds, canteens, offices | No                                   | Sales Representatives   | No (see below)                       |
| Canteen Staff  | No                                   | Visitors to Show Houses   | No                                   |
| Site Office Staff  | No                                   |   |                                      |
| <b>Architects, Surveyors, Engineers</b>                                      | <b>No</b>                            |   |                                      |

Strictly speaking, archaeologists are not construction workers and, as such, are not required by the 2013 Regs to have a Safe Pass. However, given that much of the work they do is in a construction type environment, it is appropriate that the employer assesses the work to be undertaken on a site-specific basis. If an objective assessment shows that employees having "Safe Pass" would help the employer comply with their general duties regarding training (in accordance with Section 8 of the 2005 Safety Health & Welfare at Work Act) then the employer should give strong consideration to having workers obtain Safe Pass.

It should be noted that the regulations relate to minimum requirements and a Client, PSCS or a Contractor may require that all personnel entering their construction site have a Safe Pass.

Where Safe Pass is not specifically required, employers should note that there is a General Duty on Employers under the Safety, Health and Welfare at Work Act 2005 for the provision of such information, instruction, training and supervision as is necessary to ensure so far as is reasonably practicable, the safety and health at work of their employees.

The Safe Pass Programme is aimed at all construction site personnel, including new entrants, to ensure that they have a basic awareness of health and safety.

## **5. Can a Contractor insist on a Consulting Engineer having a Safe Pass?**

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There is no legal requirement for a Consulting Engineer visiting a construction site to be in possession of a Safe Pass.

However, when exercising their duties under the 2005 Act and 2013 Regs, a Contractor may require that all personnel entering their construction site have a Safe Pass.

Where a contractor requires visitors to have a Safe Pass to gain entry to a site, it is established practice that the visitor without a Safe Pass would be accompanied by a member of the contractors' personnel.

In standard construction contracts there is no valid basis that a contractor may refuse site access to the consultant. It is the same client / builder contract giving temporary control of the site to the contractor that also gives the consultant, as a representative of the client / employer, the right to inspect the works being executed, at any time at their sole discretion.

If the contractor refuses entry to carry out such inspections, they can be reminded that they are putting at risk approval of works by the consultant and, therefore, payment for those works.