

ADVISORY NOTE TO MEMBERS OF ACEM

OCCUPATIONAL SAFETY AND HEALTH CDM REGULATIONS 2024

1. Introduction

The Occupational Safety and Health (Construction Work) (Design and Management) CDM Regulations 2024, P.U. (A) 147 came into effect on 1 June 2024 and is applicable to all construction project sites.

The Regulations establish comprehensive duties for various parties, including owners, designers, and contractors. Each duty holder is expected to manage safety and health risks throughout all construction project phases, from planning and design to execution and maintenance.

2. Objective

This Advisory Note is prepared to communicate the role of the Construction Work Designer (CWD) and Principal Construction Work Designer (PCWD) under the Regulations.

3. Key Issues of the Regulation

There are two (2) distinct phases defined in the Regulations –

The “construction phase” means the period of time when a construction work of a project starts until the construction work in the project completes; and

The “pre-construction phase” means any period of time during which any design or preparatory work of a project is carried out, including during construction phase;

The Engineering Consultancy Practice (ECP), appointed by the client is required to undertake the role and responsibilities as CWD as stated in Clause 11 of the Regulations.

The Regulations also requires the Client to appoint a PCWD. Regulation 7(1) states that –

Where there is more than one construction work contractor, or if it is reasonably foreseeable that more than one construction work contractor will be working on a project at any time, the client shall appoint in writing –

- (a) a construction work designer (CWD) with control over the pre-construction phase as a principal construction work designer (PCWD);*
- (b) a construction work contractor as a principal construction work contractor.*

Regulation 12 states the duties and responsibility of the PCWD.

These regulations have statutory implications on the professional and business practice of ECPs.

4. Advice

An ECP who is appointed as the CWD for the construction works should only accept the appointment as PCWD by the client and assume this role if they have the personnel with the appropriate competency to undertake the works.



Ref: AN/001/2025

Only PEPC with specialised training and qualifications in safety may take on the role as PCWD. PEPCs who are keen to take up the role of PCWD are advised to attend training organised by DOSH to equip themselves with the related competency and qualification.

The ECP must be adequately compensated to take up the role and responsibilities of PCWD as it does not fall under Engineers' basic professional scope of professional services. The ECP can claim for this additional professional services as per Appendix 7 Schedule of OSHCIM Guidelines. Additionally, the Engineers are advised to consult their insurance cover provider for adequate PII coverage.

Ir. Chong Chew Fan
President
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