


Safety and Health at Work Act 2005 Cap 356

The Labour Department
Occupational Safety and Health Section
2019

A faint, semi-transparent image of two hands shaking is visible in the background, centered behind the text. The hands are rendered in a light teal color, matching the background, and are positioned as if in a firm handshake.

What is Occupational Safety and Health?

A joint committee of the International Labour Organisation and the World Health Organisation defined occupational safety and health as “the promotion of the highest degree of physical, mental and social well-being of workers in all occupations” (ILO, 1984)

Current Legal Framework

- Labour Department Act
 - Act to outline the powers of officers appointed by the Labour Department to act on behalf of the Chief Labour Officer
- Accidents and Occupational Diseases Notification Act - (Cap. 338)
 - applies to all workers except maids in private households
 - accidents resulting in more than three days absence must be reported to the CLO
- Safety and Health at Work Act – (Cap. 356)

Current Legal Framework

- Safety and Health at Work Act 2005 – Cap 356
 - Applies to all workplaces except:
 - police force,
 - the military and armed forces,
 - domestic service in private households,
 - Minister may by order exempt certain dept's of gov't
 - General duties explicit

General Intent of 2005 Act

- The Act makes provision for
 - Securing health, safety and welfare of persons at work
 - Protecting other persons against risks to health and safety in connection with the activities of persons at work
 - Controlling emissions into the environment

Definition of Workplace [Sec 2]

“Workplace” means any place where persons work or are employed including a factory, but does not include a private household where persons work or are employed in domestic service.

Definition of Factory

- Generally any premises where persons are employed in the making, altering, repairing, cleaning or adapting for sale of articles
- Also extends to
 - power generation,
 - pumping of water, oil , sewage,
 - construction sites,
 - seaports
 - agricultural enterprises

Approach to Management of Safety and Health

- The principle of joint responsibility is promoted
- Self regulation is encouraged as seen through the mandatory requirements for formal safety and health consultation
- Clearly defined roles for employers, employees and parties having an impact on workplace

Safety Organisation

- Safety Policy [*S 7(5)*]
- Safety Delegate [*S 103*]
- Safety Committee [*S 103*]

Safety Policy [S 7(5)]

- The statement of intent: The statement of intent section sets out your commitment to managing health and safety effectively, and what you want to achieve.
- The organisation section of your policy: The organisation section states who is responsible for what.
- The arrangements section of your policy: The arrangements section contains the detail of what you are going to do in practice to achieve the aims set out in your statement of intent.

Safety Delegate [S 103]

Safety Delegate:- mandatory where there are less than 25 employees. [S 103]

- Safety Delegate to be appointed by employees.
- There can be more than one Safety Delegate.
- Safety Delegate shall have access to information on articles and substances used in the workplace.

[S 103]

Safety Committee [S 103]

Safety committee:- mandatory where there are 25 or more employees. [S 103]

- The safety committee shall consist of representatives appointed by the employer and representatives appointed by the employees.
- The safety committee shall meet no less than once a quarter and records shall be kept for inspection.
- Committee members shall have access to information on articles and substances used in the workplace. [S 103]
- Recommendations to be implemented where practicable. [S 103]

General Duties [Sec 6(1)]

- It shall be the duty of any person who undertakes the design, importation or manufacture of any article for use at work to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as reasonably practicable, the elimination or minimisation of any risk to health or safety to which the design or article may give rise.

Employer Duties [S 6(6)]

- Provision and maintenance of a safe workplace
- Provision and maintenance of safe systems of work
- Safe arrangements for transport, storage and use of articles and substances
- Provision of adequate training, information, instruction and supervision
- Provision of a healthy working environment and adequate welfare facilities
- Ensuring workspace and procedures meets prescribed ergonomic standards

Employee's Duties (S 9)

- Take reasonable care of their own safety and the safety of others.
- Cooperate with their employer in carrying out his statutory duties.
- Report to his employer unsafe conditions or breaches of the Act.
- Use all equipment including PPE provided to ensure their safety.

Risk Assessment [S 6(2)]

- A suitable and sufficient assessments of the risks likely to arise and the steps to be taken to eliminate or minimise such risks to safety and health.
- The assessment has to be reviewed whenever there has been a material change in the work or the circumstances under which the work is carried on.

Product Information[S 86]

- Occupiers to acquire and review Material Safety Data Sheets (MSDS) or product manual before putting substances, materials and articles into use.
- Information to be made accessible to employees, trade union representatives at the workplace, members of the Safety and Health Committee
- A warning shall be given where hazardous substance is stored , handled or used in the workplace (the precautions to be taken shall be included)

Access to Information[S 101]

- Employees and trade union have right to access reports on workplace conditions where specific representation is made
- Employees have the ‘right to know’

Access to Information[S 101]

Where a person has been injured at work information can be released to the following persons

- The injured worker or a person authorised by him
- Any trade union representing the workers at the workplace
- An attorney at law authorised by the persons making the representation;
- The occupier of the workplace or his attorney
- The personal representative of the deceased in any case where an injury results in death

Training [S 19]

No person should be employed at any machine or piece of equipment unless he:

- a) has been fully instructed in respect of:
 - i. The working of the machine
 - ii. The danger arising in connection with use
 - iii. The precautions to be observed while operating

- b) has received sufficient training or is adequately supervised during work

Fire Safety [S (32)]

- Every occupier of a workplace shall provide and maintain such means of escape in case of fire for the persons employed therein as may be reasonably required in the circumstances.

Fire Safety [S (38-42)]

- Appropriate and adequate equipment for fighting fire shall be provided and maintained at the workplace.
- Workplaces specified should be in possession of a device to be used to give warning to entire building in case of fire. (3 month tests)
- Effective steps shall be taken to ensure that all persons are familiar with the means of escape, their use, and the routine to be followed.

Fire Safety [S (38-42)]

- Consultation between CFO and CLO
- The CFO may at any reasonable time enter any workplace and inspect the means of escape and the fire fighting apparatus
- Multi-tenanted buildings:- owner has specific responsibilities

Ventilation [S 52]

Effective and suitable provision shall be made for

- Circulation of fresh air
- Removal of all substance, fumes, dust and other impurities that are likely to be injurious to health

Temperature [S 51]

- The occupier shall ensure that the temperature in any workroom provides reasonable comfort without requiring the persons employed therein to wear special clothing.
- If this cannot be complied with then the occupier shall
 - ensure that the temperature is as close as possible to reasonably comfortable

Temperature [S 51]

- Effective means must be in place to protect persons working in areas where the nature of the process produces excessively high or excessively low temperatures.
- The occupier must provide such special clothing that will ensure reasonable protection and comfort.
- In the situation where special clothing is provided, the workers must only remain in the workroom as long as is necessary but no longer than 2 1/2 hrs without a break.

Temperature [S 51]

Chief Labour Officer may order the following:

- White washing, insulation, screening
- Raising the height of the roof of a building or room
- Insulating of the roof (use of insulating materials; construction of a double roof)
- Increase in the number of air changes per hour

Manual Handling [S 66]

No person should be employed to lift, carry or move any load so heavy or so distributed as to be likely to cause injury.

- *Lift with legs and not back*
- *Avoid twisting while lifting*
- *Where not possible use hands for support*
- *No lifting of loads that may result in injury*

New and Expectant Mothers[S 6(7,8,9)]

Employer, after being notified in writing of employee's pregnancy, shall:

- conduct job risk assessment
- where necessary assign the employee alternative work
- no employer should require or allow pregnant employee to perform work hazardous to mother or child.

If necessary suitable alternative work to be offered during pregnancy and for 6 months after birth of child

Employees With Special Needs[S 7(1,2)]

- Employers have a duty to cater appropriately to employees with special needs, e.g. provisions, ramps e.t.c.
- Information should be communicated to such persons in a manner that they are able to receive it, e.g. fire alarms must be audible and visible.

Powers of Inspectors [Sec 97]

- An inspector may enter, inspect, take photographs and examine at all reasonable times premises to which this Act applies.
- An inspector may, at anytime after informing the employer, take for analysis samples of any material used in the workplace.
- An inspector may require a person being examined, to sign a declaration of the truth of the matters, respecting which he is examined.

Enforcement [S 112-114]

- The Safety and Health Officer visits workplaces to conduct inspections, respond to concerns, to give advice on request.
- Chief Labour Officer given authority to issue improvement notices and prohibition notices.
- Employer to lodge appeal with court if there is disagreement with the action of CLO

Examination of Air Receivers [S 31]

- Air Receivers not to be used in a workplace unless it has been examined by a competent person.
- Examinations to be conducted by a competent person at least once in every period of 12 months.

NB: CLO to be notified on transfer of pressure vessels [S 82]

Right to Refuse [S 104]

Where, during the course of his employment, there is sufficient evidence to indicate that an employee's safety and health are in imminent danger that employee may refuse to carry out the tasks assigned to him pending consultation with Safety Committee, Trade Union , Staff Association or CLO.

Regulations [S 105-S108]

Minister given the power to make special regulations relating to Safety, Health, Welfare and General regulations.

NB: To date some regulations have been drafted to accompany the Act.

Examination of Lifting Equipment

[S 21-23]

- Cranes and lifting machines to be examined by a competent person before being put into operation.
- Examinations to be conducted by a competent person at least once in every period of 12 months.

Examination of Boilers [S 29]

- Steam Boilers not to be used in a workplace unless it has been examined by a competent person.
- Examinations to be conducted by a competent person at least once in every period of 12 months.

Examination of Steam Receivers

[S 30]

- Steam Receivers to be examined by a competent person at least once in every period of 12 months.

Thank you for your attention!

Labour Department

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