

S.I. 6 of 2012

OCCUPATIONAL SAFETY AND HEALTH DECREE

(Cap 151)

Occupational Safety and Health (Safety Officers) Regulations, 2012

In exercise of the powers conferred by section 26 of the Occupational Safety and Health Decree, the Minister of Education, Employment and Human Resources hereby makes the following Regulations —

1. These Regulations may be cited as the Occupational Safety and Health (Safety Officers) Regulations, 2012.

Citation

2. In these Regulations —

Interpretation

“Director” means the Chief Executive of the Ministry or Department responsible for the administration of the Occupational Safety and Health Decree;

“safety officer” means a person employed by an enterprise with more than 50 workers to deal with safety and health matters;

“safety representative” means an employee elected or designated under section 26 of the Decree;

3.(1) Every employer to whom these Regulations apply shall inform the Director in writing the name of each Safety Officer or Safety Representative appointed, elected or designated in respect of the employer's premises.

Application

(2) The Director shall keep a register of all Safety Officers and Safety Representatives.

(3) These Regulations shall apply to—

- (a) enterprises that employ 50 or more persons; and
- (b) premises designated by the Director for the purpose of section 26 of the Decree;

Supervision of
Safety officer

4. A Safety Officer shall, as far as practicable, work under the supervision of a person who has effective control over the work that is carried on within the enterprise by the persons employed therein.

Employer
to provide
facilities

5. Every employer shall provide the Safety Officer with such facilities, equipment and information as are necessary to enable the Safety Officer to promote the safe conduct of work within the enterprise.

Safety
officer's
report

6.(1) Every Safety Officer shall in every month prepare and submit to the employer or person in charge of the workplace a report in such form as the Director may require.

(2) The report referred to in paragraph (1) shall contain the following particulars—

- (a) any action to be taken by the occupier or the owner of the workplace under the Decree or any regulations made thereunder;
- (b) methods of establishing and maintaining safe and healthy working conditions in the workplace;
- (c) the number of accidents and dangerous occurrences which took place within the workplace including the number of persons injured but not incapacitated either temporarily or permanently from working;

- (j) printing, photography and x-ray establishments;
- (k) bitumen and tar manufacturing premises;
- (l) tobacco manufacturing premises;
- (m) activities involving exposure to excessive noise, dust and fumes;
- (n) operators of public transport by air, sea or land;
- (o) fibre glass;
- (p) diving centre; and
- (q) shipyard.

10. The Director may direct an employer to appoint or designate a Safety Officer if the plant, process or substances to be used warrant such appointment, regardless of the number of persons employed.

Direction to
have Safety
Officer

MADE this 1st day of March, 2012.

MACSUZY MONDON
MINISTER OF EDUCATION,
EMPLOYMENT AND HUMAN RESOURCES

(j) take part in any inspection of the workplace carried out by any statutory authority or by the management for the purpose of assessing the efficacy of any measure taken in the interest of health and safety;

(k) keep a copy of all safety and health reports and the Decree and all regulations made thereunder;

(l) report to the employer or any other person in charge of the premises on the work done or to be done by any person or group of persons employed therein for the purpose of implementing the provisions of the Decree;

(m) any health and safety duties to be assigned by the employer of the director.

Categories of enterprises that carry risk to safety etc.

9. For purposes of sections 26 and 5 (2) of the Decree, the following categories of premises are, irrespective of the number of employees in the premises for the time being, considered as involving particular risks to safety and health —

- (a) construction sites and quarries;
- (b) electricity generation plants;
- (c) woodworking establishments;
- (d) pesticide handling premises;
- (e) fisheries, agricultural and livestock;
- (f) food handling premises;
- (g) bottling and canning plants;
- (h) plastic manufacturing premises;
- (i) paint manufacturing and handling premises;

(d) any measures taken or to be taken by the employer to ensure the safety and health of persons affected;

(e) any machinery, plant, equipment, appliance or process or any description of manual labour used in the factory which is likely to cause risk of bodily injury to any person employed in the workplace;

(f) any machinery, plant, equipment appliance or protective clothing required for the purpose of minimising any risk;

(g) a report on any investigation conducted by the Safety Officer into any dangerous occurrence or accident which took place within the workplace or any industrial diseases contracted in the workplace;

(h) any comment on the functions of the safety committee established at the workplace under section 26 of the Decree.

(i) any campaign, competition, training course or contest held among employees in order to develop and maintain their interest in establishing safe and health working conditions;

(j) the recommendation of any alteration to be made to the structure or layout of a worksite in the interest of the health and safety of employees;

(k) any proposal for co-operation between the management and other person for implementing the provisions of the Decree;

(l) confidential safety ratings of all supervisors, and

(m) any matter arising from the previous report.

Action on report

7.(1) The employer to whom a report is submitted under regulation 6 shall, not later than 3 weeks after the receipt of the report, discuss the report with the Safety Officer and require any other person employed in the enterprise to take such action as the employer thinks fit.

(2) The employer shall countersign the report, which shall be kept available for inspection by an authorised officer under section 20 of the Decree for at least 10 years.

(3) An authorised officer may at any time require an employer to furnish him with any such report and the employer shall forthwith comply as per subsection (1).

Safety Officer's duties

8. A Safety Officer shall —

(a) advise the occupier, manager or other person in charge of the enterprise on the measures to be taken in the interests of the safety and health of the persons employed therein;

(b) with the approval of the occupier, manager or other person implement such measures as specified in subparagraph (a);

(c) inspect the workplace personally or direct any assistant to inspect it on his behalf to determine whether there is any machinery, plant, equipment, appliance or process or any description of manual labour used in the enterprise which is likely to cause risk of injury to any person working or employed therein;

(d) discuss the findings of his inspection with the person who is in charge of the machinery, plant, equipment, process, appliance or manual labour, and report the findings to the employer;

(e) assist the person investigating any accident which took place within the premises arising from the use of machinery, plant, equipment, process, appliance or manual labour, and check the investigator's report and the action taken to remove the cause or causes of the accident;

(f) investigate every fatal accident and dangerous occurrence which took place within the enterprise and any industrial disease contracted in the enterprise;

(g) organise campaigns, training courses, competitions, contests and other activities designed to develop and maintain the interest of persons employed in the factory in the premises in establishing safe and healthy working conditions;

(h) advise the employer on any repair or alteration to be made to the worksite or any extension thereof and any new machinery, plant, equipment or appliance to be installed or used in the premises;

(i) co-operate with any health personnel engaged to look after the health of the persons employed in the premises on all matters affecting the safety and health of those persons;