

SAINT LUCIA
EMPLOYEES (OCCUPATIONAL HEALTH AND SAFETY) ACT

CHAPTER 16.02

Revised Edition
Showing the law as at 31 December 2001

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AN ACT to set new and improved standards of occupational health and safety in places of employment.

Commencement [10 December 1985]

PART 1

Preliminary

Short Title

1. This Act may be cited as the Employees (Occupational Health and Safety) Act.

Interpretation

2. In this Act, unless the context otherwise requires—

“Chief Fire Officer” means the person appointed by the Public Service Commission to be Chief Fire Officer;

“Chief Medical Officer” means the person appointed by the Public Service Commission to be Chief Medical Officer;

“competent person” means a person possessing particular necessary qualifications and experience and approved in writing by the Minister for any purpose under the Act;

“doctor” means a registered medical practitioner;

“employed” means working for any other person, whether for reward or not and whether under any form of contract or not;

“employee” means any person working under a contract of employment but does not include members of the Royal Saint Lucia Police Force; and the term

“employer” is construed accordingly and includes the Government of Saint Lucia;

“Labour Commissioner” means the person appointed by the Public Service Commission to be the Labour Commissioner, and includes any person performing the functions of the Labour Commissioner or any person authorised by the Labour Commissioner to perform any of his or her functions;

“Minister” means the Minister to whom responsibility for labour is assigned;

“occupational disease” means any disease specified in Schedule 1;

“place of employment” means any place in or at which an employee works;

“prescribed” means prescribed by the Minister by order published in the Gazette;

“young person” means a person who has attained the age of 16 years but who is under the age of 18 years.

PART 2 General Duties

General duties of employers

3. Every employer shall—

- (a) provide and maintain places of employment, equipment and systems of work, that are, so far as is reasonably practicable, safe and without risk of injury to health;
- (b) provide and maintain safe means of access to and egress from any place of work;
- (c) ensure, so far as is reasonably practicable, that risks of accident and injury to health do not arise as a result of the handling, storage, transport, use and disposal of dangerous substances;
- (d) provide information, training and supervision necessary to ensure the protection of his or her employees against risk of accident and injury to health arising from their employment;
- (e) provide his or her employees with any personal protective clothing and equipment where adequate protection against risks of accident and injury to health cannot be provided by other means; and
- (f) provide and maintain adequate first aid facilities in places of employment under his or her control.

General duties of employees

4. Every employee shall—

- (a) take reasonable care for his or her safety and health at all times and also that of any other persons who may be affected by his or her acts or omissions at work;
- (b) co-operate with his or her employer in the carrying out of all duties and requirements imposed by this Act;
- (c) not deliberately misuse or interfere with the operation of any safety device or other appliance provided for his or her protection or that of others;

- (d) ensure, so far as is within his or her control, that risks to himself of herself, to others and to the environment do not arise as a result of the handling, storage, transport, use and disposal of dangerous substances;
- (e) make proper use and take care of personal protective clothing and any other equipment provided for his or her own protection;
- (f) report immediately to his or her immediate superior any defect which he or she may discover and which, in his or her opinion, may be a cause of accident or of injury to health; and
- (g) report immediately to his or her immediate superior any accident or injury to health that he or she has suffered.

No charges to be made to employees

5. An employer shall not charge an employee for anything done or provided under any requirement of this Act or any regulation or order made under it.

Duties of Labour Commissioner

6. The Labour Commissioner shall—

- (a) make adequate arrangements for the enforcement of the provisions of this Act and any regulation made thereunder;
- (b) immediately attend to—
 - (i) all fatal accidents without any exception,
 - (ii) all other accidents involving serious injury, and
 - (iii) all dangerous occurrences and arrange for investigation where it is necessary as soon as possible and not later than 14 days after they are reported to him or her;
- (c) make recommendations to the Minister as occasion demands for the prevention of accidents and injury to health in places of employment and the promotion of the safety, health and welfare of persons employed thereto; and
- (d) submit a report to the Minister annually on the working of this Act.

Exemption

7. (1) The Labour Commissioner may grant exemption in writing from any provision of this Act or any regulation or order made under it in any case where he or she is satisfied that the provision is, in the circumstances, impracticable or unnecessary.

7. (2) Exemptions under this section may be granted either unconditionally or conditionally and with or without limit of time.

7. (3) A notice containing the terms of any exemption granted under this section shall be posted by the employer in the place of employment so that it may conveniently be read by the employees concerned.

PART 3 Health

Cleanliness

8. All premises used as a place of employment shall be kept clean and free from effluvia from any drain, privy or other nuisance and in particular—

- (a) accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors, benches and furniture of workrooms and from staircases and passages and disposed of in a suitable manner;
- (b) the floors of every workroom shall be cleaned at least once in every week by washing, using disinfectant, where necessary or by some other effective method;
- (c) where a floor is liable to become wet to such extent as is capable of being drained, effective means of drainage shall be provided and maintained; and
- (d) all inside walls and partitions, all ceilings or tops of rooms, passages and staircases shall be kept thoroughly cleaned, white washed, colour washed or painted.

Disposal of wastes and effluents

9. Effective arrangements shall be made in every place of employment for the disposal of wastes and effluents due to the manufacturing process or any other working methods carried on therein.

Ventilation and temperature

10. Provision shall be made in places of employment for securing and maintaining in every workroom adequate ventilation for the circulation of fresh air so as to prevent injury to health of employees. Where any process carried on in a workroom involves the production of excessive heat, adequate measures shall be taken so far as is practicable to protect employees from it, by separating the process from the workroom by insulation or by other effective measures.

Overcrowding

11. (1) A room in any place of employment shall not be overcrowded to an extent injurious to the health of workers employed therein.

11.(2) Without prejudice to the generality of subsection (1) there shall be in every workroom at least 400 cubic feet of space for every worker.

Drinking water

12. In every place of employment effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.

Latrines and Urinals

13. In every place of employment—

- (a) sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers on duty;
- (b) separate enclosed accommodation shall be provided for employees of either sex with adequate facilities for ventilation and light;
- (c) the accommodation shall be maintained in clean and sanitary condition at all times;
- (d) the floors and interior walls of every sanitary convenience shall have a smooth and impervious surface up to a height of 3 feet; and
- (e) washing facilities shall be provided in or close to the accommodation.

Lighting

14. (1) There shall be provided in every place of employment including passages and staircases sufficient and suitable lighting, natural or artificial or both.

14. (2) All glazed windows and skylights used for the lighting of the workrooms shall be kept clean on both the inner and outer surfaces and free from obstructions.

14. (3) Adequate measures shall be taken to prevent or minimise glare and excessive sharp contrasts.

First aid appliances

15. There shall be provided and maintained in every place of employment first aid boxes or cupboards equipped with the prescribed contents so as to be readily accessible during all working hours.

Resuscitation

16. In places of employment where the conditions of work involve a risk of asphyxiation or electric shock, there shall be provision of trained personnel in resuscitation techniques, who should be readily available at all times during working hours.

Medical Examination

17. (1) There shall be adequate arrangements in every place of employment for the medical examination and supervision of the employees where—

- (a) cases of disease or health disorders have occurred which may be due to the nature of a process or other conditions of work;
- (b) because of changes in any process or in the substances used in any process, there may be a risk of injury to the health of the employees engaged; or
- (c) the work involved may give rise to risks of injury to the health of the employees.

17. (2) The employer shall permit medical examinations, carried out under this section, to be conducted within such period of time as may be prescribed and shall, if needed, provide suitable accommodation for such examination.

17. (3) The medical examination as provided under subsections (1) and (2) shall be conducted under the supervision of a doctor and shall include such clinical, biological and radiological investigation as may be required in each case.

17. (4) The cost of any medical examination carried out shall be a charge on the employer.

Notifications of accidents

18. (1) Where an employee suffers an accident arising out of and in the course of his or her employment or any accident at his or her place of employment and the accident—

- (a) causes the loss of the employee's life; or
- (b) disables the employee for more than 3 days from earning full wages at the work at which he or she was employed at the time of the accident,

written notice of the accident in the form set out in Schedule 2 shall immediately be sent by the employer to the Labour Commissioner.

18. (2) When any accident causing disablement has been notified under this section and, after the notification, the accident results in the death of the employee, notice in writing of the death shall be sent by the employer to the Labour Commissioner as soon as he or she knows of it.

Notification of occupational disease

19. (1) Any employer who knows, believes or suspects that a case of occupational disease has occurred among his or her employees shall immediately send written notice of the case to the Labour Commissioner in the form set out in Schedule 3.

19. (2) Any doctor attending a patient whom he or she knows, believes or suspects to be suffering from an occupational disease shall immediately send the Labour Commissioner a notice stating the name and address of the

patient and the disease from which he or she is suffering and the name and address of the employer by whom he or she is or was last employed.

19. (3) The Labour Commissioner shall inform the Chief Medical Officer of any notice received under this section.

Notification of dangerous occurrence

20. Where a dangerous occurrence as set out in Schedule 4 happens in any place of employment the employer shall immediately inform the Labour Commissioner in the form set out in Schedule 5.

Inquest by coroner

21. (1) When a coroner holds an inquest on the body of any person whose death may have been caused by accident or disease required to be reported by sections 18 and 19 he or she shall send the Labour Commissioner notice in writing of the time and place of the inquest.

21. (2) Where at an inquest to which this section applies, evidence is given of neglect having caused or contributed to the accident or the disease or of any defect in the place of employment appearing to the coroner to require a remedy, the coroner shall send a report to the Labour Commissioner in writing of the neglect or defect.

Power to direct formal investigation

22. (1) The Minister may direct a formal investigation to be held into any accident out of or in the course of employment or in any case of occupational disease contracted or suspected to have been contracted in the course of, or at any place of employment and into their causes and circumstances.

22. (2) The Minister shall appoint a competent person to hold the investigation, and may appoint any person possessing legal or technical knowledge to act as assessor in carrying out the investigation.

22. (3) Any investigation under this section shall be held in public.

22. (4) The person holding an investigation under this section and any person assisting him or her shall after identifying themselves have power to—

- (a) enter and inspect any place of employment necessary for carrying out their investigations;
 - (b) require the attendance of any person they see fit to call before them, to examine him or her and require him or her to answer any queries they see fit to make;
 - (c) require the production of any documents they consider relevant;
- and

(d) administer an oath and require any person examined to sign a declaration of the truth of the statements made by him or her in his or her examination.

However, a person shall not be required to answer any question or to give any evidence tending to incriminate himself or herself.

22. (5) A full report of the investigation shall be submitted to the Minister, stating the causes and circumstances of the accident or case of occupational disease and including any further observations.

22. (6) The Minister may publish the report, or any part of it, at such time and in such manner as he or she sees fit.

PART 4 Safety

Employment of young persons

23. A young person shall not be employed in the following processes and operations—

- (a) cleaning, lubricating or adjusting any machinery while in motion;
- (b) work on steam boilers, kilns, ovens (other than bakery ovens) or other equipment involving exposure to high temperature;
- (c) work on machine tools and any other high speed machinery;
- (d) operation of cranes, winches and other lifting appliances;
- (e) operation of vibratory tools; and
- (f) work involving responsibility for the safety and health of other persons.

However, a young person adequately instructed and supervised may be employed in any process or operation specified in this section for the purpose of apprenticeship or skill-training.

Guarding of machinery

24. All parts of machinery liable to cause injury shall, so far as is practicable, be effectively guarded unless they are located in such a position or are of such construction as to prevent persons from coming into contact with them.

Construction maintenance and positioning of guards

25. (1) All guards provided under section 24 shall be of sound construction, properly maintained and, subject to section 27, kept in position whenever the parts required to be guarded are in motion or in use at any speed and for any purpose.

25. (2) Whenever practicable, guards on power driven machines shall be interlocked with machine controls so as to prevent operation of the machines unless the guards are properly in position.

Exception

26. The provisions of section 24 shall not apply when a part of machinery covered by section 25 is necessarily exposed for examination or for any testing, lubrication or adjustment shown by the examination to be immediately necessary and the examination, testing, lubrication or adjustment can only be carried out while the part is in motion.

Means of cutting power

27. Effective means shall be provided in a place of employment by which the power of every machine can promptly be cut off.

Responsibility of compliance

28. The obligation of complying with the requirements of sections 23, 24, 25 and 27 shall rest on the employer and no machine shall be put into operation unless it fulfils all these requirements.

Operation of unguarded machinery

29. Subject to the provisions of section 24 an employee shall not use any machinery and an employee shall not be required to use any machinery without the guards provided being in position.

Cleaning and repair of machinery

30. (1) When any cleaning or repairing work has to be undertaken on a power driven machine, the machine shall be stopped before the work is begun, and adequate measures taken to ensure that the machine cannot be restarted until the work has been completed.

However, the machine may be restarted under the immediate control of the person responsible for the repair work where that is necessary for testing, lubrication or adjustment purposes.

30. (2) If any cleaning or repair work has to be carried out on a machine, any part of which may move without the power being applied, that part shall be effectively blocked before the work is begun.

Clothing

31. Employees working on or near moving machinery shall wear close fitting garments.

Training and supervision of operators

32. A person shall not be employed at any machine or plant or in any process unless he or she has been fully instructed as to the dangers likely to arise in connection with it and the precaution to be observed and—

- (a) has received adequate training in work at the machine, plant or process; or

(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine, plant or process.

Conveyors

33. (1) All driving belts, chains, gears, pulleys and drums of conveyor equipment shall be effectively guarded.

33. (2) All in-running nips on equipment covered by this section shall be effectively guarded.

Lifting gear

34. All chains, ropes and lifting tackles, winches, cranes and other lifting appliances shall be constructed, operated and maintained so as to afford adequate safety to every person employed or working at the place of employment.

Marking of safe working load

35. The safe working load or loads shall be clearly marked upon every lifting appliance and shall not be exceeded.

Inspection of lifting gear

36. All chains, ropes, winches, cranes and other lifting appliances shall be thoroughly examined by a competent person at such intervals as may be prescribed.

Standing under loads

37. An employee shall not and shall not be required to stand or pass under raised loads.

Handling of loads

38. (1) An employee shall not be required to manually lift, carry or move any load which, by reason of its weight, size or shape is likely to endanger his or her health or safety.

38. (2) Employees engaged in the regular manual lifting or carrying of loads shall receive adequate training in correct working techniques.

Trucks and Tractors

39. (1) Power trucks and tractors shall be equipped with rear view mirrors, effective brakes and warning horns.

39. (2) Power trucks and tractors shall be operated only by properly qualified and trained drivers.

39. (3) Trucks and tractors shall not be loaded beyond their rated capacity or in such a manner that they become top-heavy and liable to overturn.

39. (4) Special precautions shall be taken when reversing trucks or operating them at places where the driver does not have a clear field of vision.

Riding on Equipment

40. (1) An unauthorised person shall not be allowed to ride on any moving equipment.

40. (2) An employee shall not be allowed to ride on the sides of road vehicles provided by the employer for their transportation or on top of loads being transported on the vehicles.

Hand tools

41. (1) Hand tools shall be made of sound material and be appropriate for the work for which they are used.

41. (2) Hand tools shall be examined periodically and shall be repaired or replaced if found defective.

41. (3) Defective or broken hand tools shall not be used.

Pressure vessels

42. Every steam boiler, steam receiver, air compressor, air receiver or other pressure vessel used in any place of employment shall be so constructed, equipped, operated and maintained as to afford adequate safety to all persons employed or working in the place of employment.

Overhead equipment

43. Overhead equipment and plant shall be constructed, installed, operated and maintained so as not to create a hazard for any person working or passing below.

Electrical installations

44. (1) All electrical equipment and installations shall be constructed, installed and maintained so as to prevent risks of electric shock and fire.

44. (2) All electrical equipment and installations shall conform to such standards as may be prescribed.

44. (3) All live electrical parts shall be fixed, located, enclosed or insulated so as to prevent risky accidental contact.

44. (4) Portable electrical appliances, connections and fittings shall be properly earthed when in use.

44. (5) Employees shall not be engaged in electrical work unless they have received adequate instructions as to the special precautions pertaining to such work.

Toxic substances

45. When toxic substances are manufactured, used or handled in a place of employment, the concentration of the substances in the working atmosphere—

- (a) shall not be such as to cause danger to the health of any employee; or
- (b) shall not exceed such permissible limits as may be prescribed.

Meals in certain dangerous trades

46. When, in any workroom, lead, mercury, asbestos or any other toxic substance is handled or used so as to give rise to dust, vapour or fume, employees shall not be permitted to take food or drink in the workroom or to remain in it during intervals allowed for meals.

Work in confined spaces

47. (1) Where any work has to be carried out in any confined space in which dangerous vapour or fume is liable to be present or in which the oxygen content of the air is liable to be substantially reduced, a person shall not enter the space unless—

- (a) all practicable steps have been taken to remove any vapour or fume which may be present and it has been established that the place is safe to enter; or
- (b) the person entering wears suitable breathing apparatus.

47. (2) A person shall not enter a confined space to which this section applies unless—

- (a) he or she is wearing a safety belt securely attached to a rope the free end of which is held by a person or persons standing outside the confined space and capable of pulling the person inside the confined space out, should he or she be overcome; and
- (b) he or she is wearing a suitable breathing apparatus which ensures a supply of air adequate for respiration or renders any vapour or fume harmless.

Personal protective equipment

48. The employer shall provide free of charge and maintain in good condition any protective clothing and equipment reasonably required to ensure the effective protection of employees exposed to risks which cannot be eliminated by other means.

Protective tools

49. (1) Employees exposed to falling objects or blows on the head shall be provided with and shall wear well fitting protective head gear.

49. (2) Suitable eye protection shall be provided for and shall be worn by all employees performing any work which may endanger their eyes.

49. (3) Employees subjected to prolonged intensive noise shall be provided with and shall wear suitable hearing protection.

49. (4) Employees working near open flames or handling corrosive liquids shall be provided with and shall wear suitable protective aprons and gloves.

49. (5) Employees handling pointed or sharp edged objects shall be provided with and shall wear suitable gloves, unless they are working on or near machinery in motion.

49. (6) Suitable skin guards shall be provided for and shall be worn by all employees when using axes, portable chainsaws or similar tools.

49. (7) Employees exposed to the risk of foot injury from heavy objects, hot or corrosive substances or sharp objects shall be provided with and shall wear suitable protective foot-wear.

49. (8) Employees exposed to the risk of falls from a height shall be provided with safety nets or other effective safeguards.

49. (9) Employees exposed to the risk of injury to health from toxic or irritant gases, vapours, fumes or dust or from oxygen deficiency shall be provided with and wear suitable respiratory protection.

49. (10) Personal protective equipment provided under subsections (1) to (9) shall be examined at regular intervals and any defective part repaired or replaced immediately.

49. (11) Employees required to wear personal protective equipment shall be properly instructed in its use.

Pressure plant

50. If in any place of employment, any part of the plant or machinery used in a manufacturing process is operated at a pressure above or below the atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such part is maintained.

Floors, stairs and means of access

51. In every place of employment—

(a) all floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and where it is necessary to ensure safety, steps, stairs, passages and gangways shall be provided with substantial handrails; and

(b) there shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person is at any time required to work.

Pits, sumps, and openings in floors

52. In every place of employment every pit, sump, opening or fixed vats in the ground or in the floor which, by reason of its depth, situation, construction or contents, is or may be a source of danger shall be either securely covered or securely fenced.

Protection of eyes

53. In respect of any such manufacturing process carried on in a place of employment as may be prescribed, being a process which involves—

- (a) risk of injury to the eyes from particles or fragments thrown off in the course of the process; or
- (b) risk to the eyes by reason of exposure to excessive light, effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of the process.

Flammable substances

54. Where in any place of employment any manufacturing process produces dust, gas, fume or vapour of such character and to such extent as to be likely to explode on ignition all practicable measures shall be taken to prevent any such explosion by—

- (a) effective enclosure of the machinery used in the process;
- (b) removal or prevention of the accumulation of such dust, gas, fume or vapour; and
- (c) exclusion or effective enclosure of all possible sources of ignition.

Precautions in case of fire

55. (1) Premises used as a place of employment shall be certified by the Chief Fire Officer as being provided with the means of escape in case of fire for persons employed in them that are reasonably required in the circumstances of each case.

However, an employer operating a place of employment that was occupied before this Part came into operation, is considered to have complied with this section if, within one month of this Part coming in operation, he or she applies in writing to the Chief Fire Officer for a certificate under this section; and the employer may continue to operate the place of employment until the Chief Fire Officer has come to a decision on the application.

In addition, an employer wishing to start to operate a place of employment after this Part comes into operation shall apply in writing to the Chief Fire Officer before he or she occupies the place of employment and may then operate the place of employment until the Chief Fire Officer has come to a decision on the application.

55. (2) If, on an application under this section, the Chief Fire Officer is of the opinion that the means of escape in case of fire in a place of employment for which an application has been made under this section are inadequate, he or she shall refuse to issue the certificate.

However, an employer who is aggrieved by a decision of the Chief Fire Officer under this section may appeal to the Minister whose decision shall be final and not subject to appeal in any court.

In addition, the employer does not commit an offence under this section until the Minister has given his or her decision.

55. (3) The certificate issued under this section shall be attached to the general register and a copy posted on the premises where it can conveniently be read by employees.

55. (4) If, after the grant of a certificate under this section it is proposed—

- (a) to carry out any major extension or alteration to the premises;
- (b) substantially to increase the number of persons employed on the premises;
- (c) to begin to store, handle or use explosive or highly flammable materials on the premises; or
- (d) substantially to increase any of the practices specified in paragraph (c),

then the employer shall give notice in writing to the Labour Commissioner.

55. (5) All means of escape specified in a certificate issued under this section shall be properly maintained and kept free from obstruction at all times.

55. (6) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any place of employment, he or she may, by notice in writing, require the employer to make any alterations he or she considers necessary within a period to be specified in the notice.

55. (7) In every place of employment—

- (a) the doors affording exit from any room shall not be locked or fastened so that they cannot be easily opened from the inside while any person is within the room, and all such doors unless they are of the sliding type shall be constructed to open outwards;
- (b) every window, door or other exit affording a means of escape in case of fire shall be distinctly and conspicuously marked by a notice printed in red letters of adequate size;
- (c) effective steps shall be taken to ensure that all employees are familiar with the means of escape in case of fire, the routine to be followed in case of fire and the use of fire extinguishers;

- (d) effective provision clearly audible throughout the premises shall be made for giving warning to all employees in the case of fire;
- (e) smoking shall be prohibited in any workroom or storeroom where explosive or highly flammable substances are handled, used or stored;
- (f) suitable and adequate means for fighting fire shall be provided and maintained;
- (g) the nature, capacity, number and location of the fire extinguishers provided under this subsection shall be decided according to the circumstances of each case and shall be approved by the Chief Fire Officer;
- (h) portable fire extinguishers shall be inspected at regular intervals and recharged when necessary;
- (i) all stocks of highly flammable substance shall be kept either in a fire-resistant store or in a safe outside any occupied premises; however, a store shall not be so situated as to endanger the means of escape in the event of fire occurring in the store;
- (j) highly flammable liquids shall be stored in tightly closed containers which shall not be kept in any workroom in quantities exceeding those that are actually required for the work being carried out in that workroom at the particular time.

Regulations

56. The Minister shall have the power to make Regulations for the prevention of accidents and injuries to health in places of employment and for the provision of the safety, health and welfare of persons employed there and, without prejudice to the generality of this power, for—

- (a) the sitting, structural condition, stability, installation, maintenance, repair and alteration of any place of employment and the means of access to and egress from it;
- (b) the cleanliness, ventilation and lighting of premises and work places;
- (c) the provision of sanitary conveniences, washing facilities and drinking water;
- (d) the taking of precautions in connection with fire and explosions;
- (e) the guarding, maintenance, testing, adjustment and repair of any equipment, plant or process liable to cause injury;
- (f) the prohibition, limitation or control of the use of any equipment or substance, plant or process liable to cause injury;

- (g) the packaging, labelling, storage, sampling, analysis and conditions of the use of any noxious or offensive substance;
- (h) the use of electricity;
- (i) the provision and use of protective clothing and equipment;
- (j) the prohibition or restriction of employment of any class of persons in connection with a specified place of employment;
- (k) monitoring the atmospheric and other conditions under which employees perform their work;
- (l) securing the health of employees while at work, including arrangement for any medical examination, vaccination and immunisation that may be required in the light of the special risks to which they are exposed;
- (m) the control of noise and vibration from plant and equipment;
- (n) the control of the emission into the environment of noxious or offensive substances from places of employment;
- (o) the provision of first aid;
- (p) the notification of accidents, dangerous occurrences and cases of occupational disease; and
- (q) any thing required to be prescribed by this Act and any matter or thing in respect of which it may be necessary or expedient to make regulations to give effect to the purposes of the Act.

Prosecution

57. All offences under this Act shall be triable summarily and shall be laid in the name of the Labour Commissioner.

Continuing offences

58. Where an offence is committed under this Act because of a failure to make an examination, enter a report or do any other thing within a specified time, the offence is considered to continue until the examination is made, or the report is entered or the other thing is done.

General, penalty

59. Subject to the provisions in the Act, any person who contravenes any provision of this Act for which no express penalty is provided is liable—

- (a) if he or she is an employee, to a fine not exceeding \$200 or to imprisonment for 3 months; and

(b) in any other case, to a fine not exceeding \$100 or imprisonment for one month and subject to the provision of section 57, if the contravention in respect of which he or she has been convicted is continued after the conviction, he or she commits a further offence and is liable to a fine not exceeding \$50 for each day on which the contravention has been or is continued.

Power of Court to order contravention to be remedied

60. (1) Where a person is convicted of an offence under this Act, the Court may, in addition to or instead of imposing a fine, order him or her to take any specific action, within the time specified in the order, to remedy the cause of the contravention.

60. (2) The time fixed by an order under this section may be extended by a further order on an application made before the time specified in the original order expires.

60. (3) Where an order or further order has been made by the Court under this section and the person against whom such order was made has not complied with it, that person is liable to a fine not exceeding \$50 for each day on which the non-compliance continues.

60. (4) Where the time allowed by any order referred to in subsections (1) and (2) has expired and the person against whom the order made has not complied with it, that person is liable to a fine not exceeding \$50 for each day on which the non-compliance continues.

Offences by corporate bodies

61. Where a corporate body has contravened any provisions of this Act and the contravention is proved to have been committed with the consent and connivance of or to be attributable to any neglect on the part of any officer of the corporate body, he or she, as well as the corporate body, is considered to have contravened that provision and be liable to be proceeded against and punished accordingly.

Offence by employees

62. Where an employee contravenes any provision of this Act with regard to duties of employees, he or she commits an offence unless it is proved that he or she took all reasonable steps to prevent the contravention.

Defence available to persons charged with offences

63. It is a defence for a person charged with contravention of a provision of this Act, to prove that he or she used all due diligence to comply with that provision and that the failure to comply was due to a reason beyond his or her control.

Special offences

64. Any person who without reasonable excuse—

(a) fails to appear before the person holding an inquiry under section 22 after being required to do so;

(b) fails to provide any information or document required by the person holding an inquiry under section 22; or

(c) impedes or obstructs a person holding an inquiry under section 22,

commits an offence and is liable on conviction to a fine not exceeding \$500 or imprisonment for a period not exceeding 3 months or both fine and imprisonment.

SCHEDULE 1

(Section 2)

NOTIFIABLE OCCUPATIONAL DISEASE

1. Poisoning by lead or lead compounds.
2. Poisoning by mercury or mercury compounds.
3. Poisoning by phosphorus or phosphorus compounds.
4. Poisoning by arsenic or arsenic compounds.
5. Chrome ulceration.
6. Poisoning by nitrous fumes.
7. Poisoning by carbon disulphide.
8. Poisoning by benzene or a homologue of benzene.
9. Poisoning by nitro-, amino- or chloro-derivatives of benzene or a homologue of benzene.
10. Poisoning by any substance coming within the scope of the Pesticides and Toxic Chemicals Act.
11. Epithelimoatous ulceration of the skin caused by tar, pitch, bitumen, mineral oils or any compound or residue of any of these substances.
12. Pathological manifestations due to x-rays, radium or other radioactive substances.
13. Anthrax.
14. Silicosis.
15. Asbestosis.
16. Any other disease to be notified in the Gazette.

SCHEDULE 2

(Section 18)

NOTIFICATION OF OCCUPATIONAL ACCIDENT

Particulars of undertaking

Name of employer

.....

Address of undertaking

.....

.....

.....

..... Telephone No.

.....

Nature of business

.....

Particulars of injured employee

Surname

First Name

.....

.....

Age Sex

Social Security No.

.....

.....

Full address

.....

Occupation or title

.....

Nature and location of injury

.....

Estimated duration of disability

.....

(on the basis of medical certificate)

Circumstances of the accident

Date and time of accident

.....

Place where accident occurred

.....

Work performed by injured employee at time of accident

.....

Immediate cause of accident

.....

.....

.....

First aid provided at

.....

Measure taken to prevent recurrence of similar accidents

.....

.....

.....

Date

Signature of Employer

SCHEDULE 3

(Section 19)

NOTIFICATION OF OCCUPATIONAL DISEASE

Particulars of undertaking

Name of employer

Address of undertaking

Telephone No.

Nature of business

Particulars of sick employee

Surname

First Name

Age Sex

Social Security No.

Full address

Occupation or title

Nature of occupational disease

Name and address of medical practitioner who made the initial diagnosis

Date of initial diagnosis

Estimated duration of disability

Circumstances of exposure

Suspected toxic agent (give full particulars of substances handled or used.)

Description of work normally performed by sick employee

Duration of exposure to toxic agent (years or months)

Measures taken to prevent recurrence

.....

Date

.....

Signature of Employer

SCHEDULE 4

(Section 20)

DANGEROUS OCCURRENCES

The following are dangerous occurrences for the purpose of section 20 of this Act.

1. The failure of any lift, crane or other form of lifting machine.
2. The failure of any chain, rope, sling or other form of lifting tackle.
3. The bursting of any revolving vessel, wheel, grindstone, grinding wheel moved by mechanical power.
4. The failure of any vessel or part of any vessel used for the storage of gas at greater than atmospheric pressure.
5. Any fire which puts any room or workshop out of commission for a working day or more.
6. Any electrical short circuit or failure of electrical machinery, plant or apparatus attended by explosion or fire which causes structural damage to the machinery, plant or apparatus and puts it out of commission for 5 hours or more.

SCHEDULE 5

(Section 20)

REPORT OF DANGEROUS OCCURENCES

Particulars of undertaking

Name of employer

.....

Address of undertaking

.....

..... Telephone No.

.....

Nature of business

.....

Circumstances of dangerous occurrence

Date and time

.....

Nature of dangerous occurrence

.....

.....

.....

Measures taken to prevent recurrence

.....

.....

Signature of Employer.