

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ORDINANCE, 1945

Short title.

1. This ordinance may be cited as the Accidents and Occupational Disease (Notification) Ordinance, 1945.

2. In this Ordinance, unless the context otherwise requires -

"dangerous occurrence" means any occurrence or a class of occurrences to which the provisions of section 3 have been extended by rules made under this Ordinance;

"Director" means the Director of the Department of Labour;

"employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance be deemed to continue to be the employer of the worker whilst he is working for that other person. In relation to a person who is a member of a registered cooperative society and engaged in work carried out by that cooperative society, the cooperative society shall, for the purposes of this Ordinance, be deemed to be the employer notwithstanding that such person is remunerated in whole or in part by shares in the profits or gross earnings of the cooperative society;

"inspector" means any inspector appointed by the Minister of Labour and Social Affairs under section 4 of the Department of Labour Ordinance, 1943;

"occupational disease" means a disease mentioned in the Third Schedule or any other disease to which the provisions of section 5 have been applied by rules made under this Ordinance;

"outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

"worker" means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing, and includes a person who is a member of a registered cooperative society and engaged in work carried out by that cooperative society notwithstanding that such person is remunerated in whole or in part, by shares in the profits or gross earnings of such cooperative society, but does not include -

(a) an outworker;

(b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business; or

(c) a domestic servant employed in a private house.

Notification of accidents.

3. (1) Where any accident arising out of and in the course of the employment of any worker occurs and -

(a) causes loss of life to such worker, or

(b) disables such worker for more than three days from earning full wages at the work at which he was employed at the time of such accident; or, is such worker, being a member of and employed by a registered cooperative society, does not work for wages but is remunerated in whole or in part by shares in the profits or gross earnings of the cooperative society, disables such worker for more than three days from performing the work at which he was employed at the time of such accident,

written notice of the accident, in the form, and accompanied by the particulars, set out in the First Schedule, shall forthwith be sent by the employer to the inspector for the region within which the accident has occurred.

(2) Where any accident causing disablement under this section, and after notification thereof, results in the death of the person disabled, notice in writing of the death shall be sent by the employer to the inspector for the region within which such accident has occurred as soon as the fact of the death comes to the knowledge of the employer.

(3) Any employer who fails to comply with the requirements of subsection (1) or subsection (2) shall be guilty of an offence against this Ordinance.

Where any accident to which this section applies occurs to a worker whose services are for the time being temporarily lent or let on hire to another person by the employer, such other person shall, if he fails to report the accident to the employer immediately, be guilty of an offence against this Ordinance.

Power to extend to dangerous occurrences provisions as to notification of accidents.

4. If the Minister of Labour and Social Affairs considers that, by reason of the risk of serious bodily injury to workers, it is expedient that notice should be given under section 3 in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery, or plant, or other occurrences in places where workers are employed, he may, by rules made under this Ordinance, extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not and may by any such rules allow the required notice of any occurrence to which the rules relate instead of being sent forthwith, to be sent within the time limited by the rules.

Notification of occupational diseases.

5. (1) Every qualified medical practitioner attending or called in to visit a patient whom he believes to be suffering from any occupational disease contracted in the course of his employment as a worker shall, unless such a notice has been previously sent, forthwith send addressed to "The Chief Inspector of Labour, Minister of Labour and Social Affairs, Jerusalem", a notice stating the name and postal address of the patient and the disease from which, in the opinion of such medical practitioner, the patient is suffering, and the name and address of the place at which, and of the employer of whom, he is or was last employed.

(2) If any qualified medical practitioner fails to send any notice in accordance with the requirements of this section, he shall be guilty of an offence against this Ordinance.

(3) Any employer who believes or suspects, or has reasonable grounds for believing or suspecting, that a case of occupational disease has occurred among the workers employed by him, shall forthwith send written notice of such case, in the form, and accompanied by the particulars, set out in the Second Schedule, to the inspector for the subdistrict, within which the place of employment of such workers is situated, and the provisions of this Ordinance with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Minister of Labour and Social Affairs may, as respects all places or any class or description of places where workers are employed, by rules made under this Ordinance, apply the provisions of this section to any disease other than those mentioned in the Third Schedule.

Inquest in case of death by accident or occupational disease.

6. (1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Ordinance to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the director is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to

the inspector for the region within which the inquest is held, notice in writing of the time and place of holding the adjourned inquest:

Provided that the coroner, before the adjournment, may take evidence to identify the body and may order the internment thereof.

- (2) With respect to any such inquest as aforesaid the following persons, that is to say -
 - (a) any inspector;
 - (b) any relation of the person in respect of whose death the inquest is being held;
 - (c) the employer in whose employment the accident or disease occurred or was contracted;
 - (d) any person appointed in writing by the majority of the workers employed in the place of employment in which the deceased was employed;
 - (e) any person appointed in writing by any organisation of workers or other association of persons to which the deceased at the time of his death belonged or to which any worker employed in the said place of employment belongs;
 - (f) any association of employers of which the said employer is a member, shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by an advocate or agent.
- (3) Where evidence is given at any such inquest at which an inspector is not present of any neglect having caused or contributed to the accident or disease, or of any defect in or about the place of employment appearing to the coroner to require a remedy, the coroner shall send to the inspector for the region within which the inquest is held notice in writing of the neglect or defect.
- (4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of the Coroners Ordinance.

Power of Director to direct formal investigation of accidents and cases of occupational disease.

7. (1) The Director may, where he considers it expedient so to do, direct a formal investigation to be held into any accident arising out and in the course of the employment of any worker or case of occupational disease contracted or suspected to have been contracted in the course of the employment of any worker and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:
 - (a) the Director may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;
 - (b) the person or persons so appointed (hereinafter in this section referred to as "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of occupational disease, and for enabling the court to make the report in this section mentioned;
 - (c) the court shall have for the purposes of the investigation all the powers of a Magistrate's Court when exercising criminal jurisdiction and, in addition power -
 - (i) to enter and inspect any place or building the entry of inspection whereof appears to the court requisite for the said purposes;
 - (ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make;
 - (iii) to require the production of all books, papers and documents which it considers important for the said purposes;
 - (iv) to administer an oath and require any persons examined to make and sign a declaration of the truth of the statements made by him in his examination;
 - (d) persons attending as witnesses before the court shall be allowed such detention allowances, traveling expenses and fees as would be allowed, under the Witnesses (Allowances) Rules, to witnesses attending in any court at the instance of the Government to give evidence in any criminal proceedings; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to the Chief Registrar of the Supreme Court, who, on request, signed by the court, shall ascertain and certify the proper amount of such detention allowances, traveling expenses and fees;
 - (e) the court shall make a report to the Director stating the causes and circumstances of the accident or case of occupational disease and adding any observations which the court thinks right to make;

(f) the court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of occupational disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Director in the administration of this Ordinance;

(g) any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the detention allowances, traveling expenses and fees (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and shall be liable on conviction to a fine not to exceed 9600 new Shekalim or imprisonment for one month or to both such penalties, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable on conviction thereof to a fine not to exceed 960 new Shekalim per day for every day on which the failure was so continued.

(2) The Director may cause the report of the court to be made public at such time and in such manner as he thinks fit.

Penalties.

8. (1) Any person guilty of an offence against this Ordinance or any rules made thereunder shall be liable, on conviction, to a fine not to exceed 9600 new Shekalim, or imprisonment for three months, or to both such penalties.

(2) Where an offence against this Ordinance or any rules made thereunder committed by a company, cooperative society or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, president, chairman, manager, secretary or other officer of the company, cooperative society or other body of persons, he, as well as the company, cooperative society or body of persons shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Power of Minister of Labour and Social Affairs to make rules.

9. The Minister of Labour and Social Affairs may make rules generally for carrying into effect the provisions of this Ordinance.

Application of Ordinance to Government.

10. Without prejudice to the generality of the application of this Ordinance, it is hereby declared that this Ordinance shall apply in case of accidents or occupational diseases occurring to persons employed by or under -

- (a) any Ministry of the government of Israel other than members of the Israel Police Force;
- (b) repealed

and in such cases the notice to be given under this Ordinance by the employer shall be given by such person as the Minister in charge of the Ministry involved may by written instructions direct.

Implementation of Ordinance.

11. The Minister of Labour and Social Affairs shall be responsible for the implementation of this Ordinance.

THE FIRST SCHEDULE

Accidents and Occupational Disease (Notification) Ordinance, 1945, Notice, under Section 3, of Accident or Dangerous Occurrence

- 1. Name of employer
- 2. Address of works or place where accident or dangerous occurrence happened
.....
- 3. Nature of industry or business
- 4. Branch or department and exact place where accident or dangerous occurrence happened
.....

5. Injured person's
 - (a) surname
 - (b) other names
 - (c) sex
 - (d) age last birthday
 - (e) precise occupation
 (avoid the term "labourer" where possible)
6. Date and hour of accident or dangerous occurrence
7. Hour at which injured person started work on day of accident
8. Cause or nature of accident or dangerous occurrence
9. Nature, location and extent of injuries
10. If accident was not fatal, state whether person was disabled for more than three days from -
 - (a) earning full wages at the work at which he was employed at the time of the accident, or,
 - (b) if, being a member of and employed by a registered cooperative society, he did not work for wages but was remunerated in whole or in part by shares in the profits or gross earnings of the cooperative society, performing the work at which he was employed at the time of the accident.
 (State "yes" or "no", as the case may be).

Date

Signature of employer

THE SECOND SCHEDULE

Accidents and Occupational Diseases (Notification) Ordinance, 1945, Notice, under Section 5(3), of Accident of Occupational Disease

(To be sent to the inspector for the region, and to the Medical Officer of the Ministry of Health for the sub-district, within which the place of employment is situated).

Enterprise

1. Name of employer
2. Address of place of employment
3. Address of office
- (if work on the place of employment is only temporary)
4. Nature of Industry of business
5. Nature of occupational disease

Person Affected

6. (a) Surname
- (b) Other names
7. Address (permanent)
8. Temporary address (if any)
9. Sex, and age last birthday
10. Precise occupation

(avoid the term "labourer" where possible).

Date

Signature of employer

THE THIRD SCHEDULE

Aniline poisoning

Anthrax

Arsenical poisoning

Asbestos

Carbon bisulphide poisoning

Chrome ulceration, that is to say, ulceration due to chromic acid or bichromate of potassium, sodium or ammonium or any preparation of those substances.

Chronic benzene poisoning

Dermatitis

Epitheliomatous ulceration due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, produce or residue of any of those substances.

Lead poisoning

Manganese poisoning

Mercurial poisoning

Phosphorus poisoning

Silicosis

Toxic jaundice, that is to say, jaundice due to tetrachlorethane or nitro - or amino - derivatives of benzene or other poisonous substance.