

SURINAME
SAFETY ORDINANCE

NATIONAL ORDINANCE of 8 September 1947, containing provisions with regard to safety while labouring, as amended and supplemented by National Ordinance of 17 July 1962 (Law Gazette 1962 No. 109)¹.

IN THE NAME OF THE QUEEN!
THE GOVERNOR OF SURINAME,

Having considered the desirability to establish measures aimed at safety while labouring;

Having heard the Governing Board, after approval from Parliament, established the following National Ordinance:

FIRST CHAPTER
Preliminary

Article 1

This ordinance shall understand under:

- a. "labour", all operations in a company, except the operations performed by the manager or the administrator or his wife;
- b. "manager or administrator", the manager or the administrator of the company;
- c. "employees", persons of both genders, whether or not working on a regular basis;
- d. "permanent secretary", the Permanent Secretary of the Ministry of Social Affairs;²
- e. "minister", the Minister of Social Affairs and Public Health.³

Article 2

For the employment of this ordinance the following shall be considered equal to a company:

- a. the execution at one's own responsibility of the construction, the building, the renovation, the repair, or the demolition of buildings or construction works, or of mining works;

¹ Effective 1 November 1947 (Resolution 8 September 1947 No. 3657 Law Gazette 1947 No. 143)

² Law Gazette 1962 No. 109

³ Law Gazette 1962 No. 109

- b. companies or departments under management of the government, or any statutory body and of corporate bodies, except if this concerns military connected operations, in which only military are engaged;
- c. trade- and vocational schools.

SECOND CHAPTER

Measures for protection

Article 3

1.⁴ The Governor may issue instructions, either for all companies or for certain indicated companies with regard to:

- a. avoiding and limiting accidents⁵ and fires, the provision of assistance in case of accidents⁶ and of provisions to allow escape in the case of fire;
- b. promoting cleanliness⁷;
- c. promoting a tolerable temperature;
- d. countering the beginning and distribution, or the removal of harmful or irritating vapours or gasses or of dust⁸;
- e. avoiding damage to the health situation resulting from the labour;
- f. the height of the ceiling of workrooms and the free air stream for every person, such in connection to the height;
- g. day lighting and night lighting;
- h. the electrical installation;
- i. dressing rooms, closets, canteens and sleep accommodations;
- j. toilets, urinals and washing accommodations.

2. The manager or the administrator is obliged to see that in his company the instructions pursuant to this article are met. The same obligation is entrusted to the supervising personnel, as far as this concerns the labour for which he has supervision.

3. The obligations of the manager or the administrator and the supervising personnel are considered satisfied, when they prove, that the necessary measures have been taken by them, the necessary means have been supplied and the supervision, which in all fairness may be expected, has been held, to guarantee compliance with the measures, for whose compliance they were obliged to care for.

⁴ Safety Instruction No. 5 (Law Gazette 1950 No. 121) page 44

⁵ Safety Instruction No. 1 (Law Gazette 1972 No. 95) page 20

⁶ Safety Instruction No. 3 (Law Gazette 1948 No. 183) page 31

⁷ Safety Instruction No. 2 (Law Gazette 1948 No. 104) page 29

⁸ Safety Instruction No. 4 (Law Gazette 1949 No. 128) page 33

4. An employee, performing labour subject to an instruction pursuant to this article, is obliged to observe all instructions regarding that specific labour and to utilize all the present and assigned safety systems.

*Article 3 bis*⁹

1. It is prohibited to bring into operation in a company or to have in operation equipment, appliances, barrels or tools, and all accessories, referred to in the National Order, unless permission thereto has been granted by the permanent secretary.

2. The National Order shall determine the requirements to which the equipment, the appliances, barrels or tools, and their accessories, referred to in the foregoing paragraph, shall have to comply.

3. The permit shall be awarded if the equipment, the appliances, barrels or tools, and their accessories, during examination by the Department of Labour Inspection, proof to satisfy the instructions issued to that regard, and pursuant to paragraph 2 or article 3.

The permit may be subject to conditions regarding e.g. re-inspection. Refusal of the permit shall be brought to the attention of the applicant, immediately and in writing, by the official referred to in the first paragraph, mentioning the grounds on which the refusal is based.

4. Notwithstanding the provisions in the foregoing paragraph, the Department of Labour Inspection has the authority to subject each of the equipment, the appliances, barrels or tools, and their accessories, as referred to in paragraph 1, to an examination if and whenever the Head of the Department, in the interest of the safety, deems necessary. The permanent secretary is authorized to repeal the permit if the relevant equipment, the appliances, barrels or tools, and their accessories, during examination, do not proof to comply to the prescribed requirements.

5. The manager or the administrator of a company is obliged to put the equipment, the appliances, barrels or tools, and their accessories to be examined and the workers needed to that respect, at the disposal of the official charged with the examination, and furthermore to render every cooperation this official may deem necessary.

6. The way in which the examination must occur and the rules which thereby must be considered shall be determined by National Order.¹⁰

7. Charges for the prescribed and possibly requested examinations referred to in or by this National Ordinance may be determined by National Order.

*Article 3 ter*¹¹

1. The equipment, the appliances, barrels or tools, and their accessories referred to in article 3bis may be put under seal by the permanent secretary, or on his behalf, if, in his opinion, the functioning of these produce serious danger for persons working in the company, as a result of non-compliance with the requirements prescribed pursuant to article 3 or paragraph 2 of article 3 bis.

⁹ Law Gazette 1962 No. 109

¹⁰ Re: Page 20 and following

¹¹ Law Gazette 1962 No. 109

2 The official in question shall make an official report containing the reasons for the sealing and present this report to the manager or administrator within 48 hours.

3. The manager or the administrator may, within fourteen days after the sealing, by means of a motivated request, appeal to the Cantonal Judge in whose jurisdiction the equipment, the appliances, barrels or tools, and their accessories, are located. Having heard the manager or the administrator and, if necessary, experts, the Cantonal Judge shall give his disposition, and the reasons thereto, as soon as possible but not later than ten days after the appeal has been filed with the Court Registry. The swearing in of experts shall take place according to the provisions of the Suriname Civil Code of Legal Proceedings. The judge shall order the de-sealing if he finds the appeal legitimate. The disposition of the Judge is not subject to any legal remedy.

4. The permanent secretary shall see to the de-sealing as soon as the requirements are met and no serious danger remains with regard to the safety, or as soon as the Judge has ordered the de-sealing.

*Article 3 quarter*¹²

Refusal or repeal of the permit referred to in article 3 bis is open for appeal by the manager or the administrator to the minister within two weeks after receipt or notification of the refusal or repeal.

Article 4

1. The manager or the administrator is obliged to affix, or pin up and affix, or keep pinned up, a notification in the Dutch language containing the, pursuant to article 3, issued requirements concerning the company, in the place or at the nearest place in his company where labour is performed.

2. The manager or the administrator shall see that a copy of this notification, within eight days after the pinning up or the affixation, is issued to every employee in the service of the company, and to new employees before or at the moment of commencement of their employment, this of course as far as these employees, considering the nature of their labour, are eligible for the issuance.

THIRD CHAPTER Supervision

Article 5

The permanent secretary of Social Affairs, the District Commissioners and other officials designated by the Governor are charged with the enforcement of this ordinance and its instructions and with the cooperation in its execution.

Article 6

The manager or the administrator of a company and the persons labouring in that company are obliged to provide the officials referred to in paragraph 5 the desired information regarding the business and facts, and the compliance to this ordinance. The information must, if so requested, be provided in writing within the period set by those officials.

¹² Law Gazette 1962 No. 109

Article 7

1. The manager or the administrator shall, within a month after this ordinance has become effective or within a month after the operations of a company have started, send to the permanent secretary of Social Affairs a statement:

- a. of the company that will be practised;
- b. of the kind of driving power and the number of power tools to be utilized, and the use of an oven or a steam boiler;
- c. of the number of persons that will normally stay in the company.

2. Every alteration shall be reported within a month in the same manner as referred to in paragraph 1.

FOURTH CHAPTER Penalty Clauses

Article 8

1. With detention of three months at the most or a fine of three hundred guilders at the most shall be penalized:

- a. violation of the provisions in article 3 of the, pursuant to this article, prescribed instructions in article 4, article 6 or article 7;
- b. the manager or administrator of a company, who without permission, after the permit has been repealed, or contrary to the conditions referred to in that permit, brings into operation, or has, the equipment, the appliances, barrels or tools, and their accessories, referred to in article 3, or acts contrary to the obligation which pursuant to paragraph 5 of article 3 bis; ¹³ will result for his account;
- c. violation of a condition connected to an exemption or freedom, as referred to in article 12.

2. If at the time the act is committed a period of two years, since a prior conviction of the offender, has not yet elapsed, such on account of a violation as referred to in paragraph 1, detention of six months at the most or a fine of six hundred guilders at the most may be imposed.

Article 9

1. The investigation of the actions which, according to article 8, are liable to punishment, is, in addition to the persons designated by article 8 of the Suriname Code of Legal Proceedings, entrusted to the officials referred to in article 5. With regard to companies or departments managed by the government, this task is exclusively entrusted to the permanent secretary of Social Affairs, the Attorney General, and the Assistant Public Prosecutors, referred to in article 23 of the Suriname Code of Legal Proceedings.

¹³ Law Gazette 1862 No. 109

2. The officials referred to in the first paragraph have entry to all locations where labour is being performed, or is normally performed, or of which reasonably may be suspected that labour is being performed there. With regard to companies or departments managed by the government this authority is reserved exclusively for the permanent secretary of Social Affairs, the Attorney General and the Assistant Public Prosecutors. They are authorized to be accompanied by certain persons, to be designated by them.

3. If entry is refused to the officials referred to in paragraph 1 or if they are obstructed, or if there is no response to their notification to obtain entry, these officials shall then provide themselves entry; if need be with the assistance of the strong arm of the law.

4. They shall not enter houses against the will of the occupant other than accompanied by the District Commissioner in question or provided with a general or a special mandate from the Attorney General or the District Commissioner in question. They will report this entry in official minutes within forty eight hours, mentioning the moment of entry and the reasons. The person whose house has been entered shall receive a copy of these official minutes.

Article 10

1. The officials referred to in article 9 are obliged to confidentiality of what has come to their knowledge in the places they, pursuant to this article, have entered with regard to the operations performed in those places, as far as this knowledge is not contrary to their office or the provisions of this or another general ordinance.

2. Except for the official to whose orders they are subjected by virtue of their office, the officials referred to in the foregoing paragraph are obliged to confidentiality of the names of the persons who have reported a violation of what has been determined by or pursuant to this ordinance, unless these persons have declared in writing to have no objections to their names being reported.

3. The person who deliberately violates the confidentiality imposed on him in the first and second paragraph shall be punished with imprisonment of six months at the most or a fine of six hundred guilders at the most, with or without expulsion from the right to hold offices or certain offices.

4. The person guilty of violating that confidentiality shall be punished with detention of three months at the most or a fine of three hundred guilders at the most.

5. No prosecution will be undertaken if not by complaint from:

a. the manager or administrator with regard to violation of the provisions in the first paragraph;

b. the person whose name has been revealed with regard to violation of the provisions in the second paragraph.

Article 11

The actions liable to punishment pursuant to or by this ordinance shall be considered misdemeanours; with the exception of actions liable to punishment according to the third and fourth paragraph of article 10 which shall be considered criminal offences.

FIFTH CHAPTER Final Clauses

Article 12

The Governor is authorized to indicate the circumstances where exemption or freedom may be granted from the instructions issued pursuant to this ordinance, conditional or unconditional, and whether or not for an indefinite time, and the circumstances in which such exemption or freedom may be repealed.¹⁴

Article 13

This National Ordinance may be cited as the Safety Ordinance with addition of the year of the Law Gazette in which it has been published and becomes effective on a date yet to be determined by the Governor.¹⁵

Done at Paramaribo, the 8th of September 1947
J.C. BRONS

The Acting Secretary of the Government
A.J. MAY

Issued the 30th of September 1947
The Acting Secretary of the Government
A.J. MAY

Translated for the benefit of:
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¹⁴ Resolution of 31 October 1947 No. 4476 (Law Gazette No. 167) page 7

¹⁵ Effective from 1 November 1947 by Resolution of 8 September 1947 No. 3657 (Law Gazette 1947 No. 143)