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Notification No. B 36 — The Workplace Safety and Health Bill is hereby published for general information. It was introduced in Parliament on the 17th day of October 2005.

Workplace Safety and Health Bill

Bill No. 36/2005.

Read the first time on 17th October 2005.

THE WORKPLACE SAFETY AND HEALTH ACT 2005

(No. of 2005)

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A BILL

i n t i t u l e d

An Act relating to the safety, health and welfare of persons at work in workplaces, and to repeal the Factories Act (Chapter 104 of the 1998 Revised Edition), and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

- 5 **1.** This Act may be cited as the Workplace Safety and Health Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Application of Act

- 10 **2.**—(1) Except as otherwise expressly provided in this Act (but not the regulations), the provisions of this Act shall apply to workplaces within the class or description of workplaces specified in the First Schedule.

(2) The Minister may, by order published in the *Gazette*, add to the class or description of workplaces specified in the First Schedule, and may prescribe in the order such transitional provisions as may be necessary or expedient.

- 15 (3) Every order made under subsection (2) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Application of Act to Government

3.—(1) Except as provided in subsection (2), this Act shall bind the Government and shall apply to —

- 20 (a) any workplace wholly or partly owned or occupied by the Government; and

- (b) any premises in which any building operation or any work of engineering construction is carried on by or on behalf of the Government.

- 25 (2) Nothing in this Act shall render the Government liable to prosecution for an offence.

(3) For the avoidance of doubt, no person shall be immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.

PART II

INTERPRETATION

General interpretation

4.—(1) In this Act, unless the context otherwise requires —

5 “accredited training provider” means a training provider accredited by
the Commissioner to provide safety and health training courses for
the purposes of section 31;

“air receiver” means —

10 (a) any vessel (other than a pipe or coil or an accessory, a fitting
or part of a compressor) for containing compressed air and
connected with an air compressing plant;

(b) any fixed vessel for containing compressed air and used for
the purpose of starting an internal combustion engine;

(c) any blast air bottle; or

15 (d) any vessel in which any substance in the form of solid or
liquid is stored and from which it is forced by compressed air;

“approved code of practice” means any code of practice issued or
approved under section 39, and includes any such code of practice
as amended from time to time under that section;

20 “at work” means —

(a) in relation to an employee, all times when the employee is
performing work in connection with any trade, business,
profession or undertaking carried on by his employer,
wherever that work is carried out;

25 (b) in relation to a self-employed person, all times when the
person is performing work as a self-employed person,
wherever the work is carried out; and

(c) in any other case, all times when the person is performing
work at the direction of the other person who engaged him,
30 wherever the work is carried out;

“authorised examiner” means any person approved by the Commissioner under section 33 for the purpose of carrying out any prescribed examination or test of any —

- (a) hoist and lift;
- 5 (b) lifting gear;
- (c) lifting appliance or lifting machine;
- (d) steam boiler;
- (e) steam receiver;
- (f) air receiver;
- 10 (g) refrigerating plant pressure receiver;
- (h) pressure vessel; or
- (i) any other machinery required by this Act to be examined or tested by an authorised examiner;

15 “bodily injury” includes injury to health, the contraction of a disease, and the aggravation, acceleration or recurrence of any bodily injury or disease;

“building” includes —

- (a) the whole or any part of any house or any other structure, whether used for the purpose of human habitation or otherwise; and
- 20 (b) any structure, support or foundation connected to the house or structure in paragraph (a);

“building operation” means —

- (a) the construction, structural alteration, repair or maintenance of a building (including the re-wiring of any electrical installation, the replacement of any lift, air-conditioning plant and ancillary ducting of a building, and the re-pointing, redecoration and external cleaning of the structure);
- 25 (b) the demolition of a building; or

(c) the preparation of the site for, and the laying of foundation of, an intended building,

but does not include any operation which is a work of engineering construction;

5 “class or description”, in relation to workplaces, includes a group of workplaces described by reference to locality;

“Commissioner” means the Commissioner for Workplace Safety and Health appointed under section 7;

10 “contract of service” means any agreement, whether oral or in writing, express or implied, whereby any person agrees to employ any other person as an employee and that other person agrees to serve as his employee, and includes a contract of apprenticeship;

15 “contractor” means a person engaged by another person (referred to in this Act as the principal) otherwise than under a contract of service —

(a) to supply any labour for gain or reward; or

(b) to do any work for gain or reward,

in connection with any trade, business, profession or undertaking carried on by the principal;

20 “dangerous occurrence” means any occurrence which is specified in the Second Schedule;

“Deputy Commissioner” means a Deputy Commissioner for Workplace Safety and Health appointed under section 7;

25 “electrical installation” means any cable, wire, fitting, accessory, apparatus or other device used for or for purposes incidental to the conveyance, control or use of electricity;

“employ” means to employ the service of any person to do any work under a contract of service, with or without remuneration;

“gas” includes any gas in its gaseous or liquid state;

30 “gas plant” —

(a) means any plant, apparatus or machine for the manufacture or storage of any gas; and

(b) includes pipes and appliances used in carrying any gas to the place where the gas is to be used;

“inspector” means an inspector appointed under section 7(3) and includes the Commissioner and any Deputy Commissioner;

5 “lift” includes any lifting appliance or lifting machine used for carrying persons, whether together with goods or otherwise;

“lifting appliance” includes a pulley block, gin wheel, chain block or set of chain blocks;

“lifting gear” includes —

10 (a) any chain, rope, chain sling, webbing sling, rope sling, ring, hook, shackle, swivel or eyebolt; and

(b) any cage or work platform used for carrying persons while it is suspended from the load line of a crane;

“lifting machine” includes —

15 (a) any crane, crab, winch, teagle, runway, transporter, piling frame or piling machine; and

(b) any work platform or suspended scaffold capable of being raised or lowered by climbers, winches or other powered device;

20 “machinery” includes —

(a) any oil engine, gas engine, steam engine, and any other machine in which mechanical movement, either linear or rotated or both, takes place;

25 (b) any steam boiler, gas cylinder, air receiver, steam receiver, steam container or refrigerating plant pressure receiver;

(c) any appliance for transmission of power by ropes, belts, chains, driving straps or bands or gearing; and

(d) any electrical generator or electrical motor,

30 but does not include any machinery used solely for the propulsion of vehicles;

“maintain” means maintain in an efficient state, in efficient working order and in good repair;

“mechanical power” means any energy derived from steam, water, wind, electricity, compressed air or gas, or the combustion of fuel or explosive, which is used to drive or work any machinery;

5 “occupational disease” means any disease specified in the Third Schedule;

“occupier”, in relation to any premises or part of any premises, means —

10 (a) in the case of a factory where a certificate of registration or a factory permit has to be obtained in relation to the premises pursuant to any regulations — the person who is, or is required to be, the holder of the certificate or permit; and

15 (b) in the case of any other premises — the person who has charge, management or control of those premises either on his own account or as an agent of another person, whether or not he is also the owner of those premises;

“owner”, in relation to any premises, means —

(a) the person for the time being receiving the rents or profits for the lease of the premises, whether on his own account or as agent or trustee for any other person; or

20 (b) the person who would so receive the rents or profits if the premises were leased;

“premises” includes any place whether enclosed or built on or not, whether situated underground or under water and, in particular, includes —

25 (a) any building, vehicle, vessel or aircraft;

(b) any structure, whether a fixed structure or a movable structure such as a tent; and

(c) a part of any premises, including a part of premises of a kind referred to in paragraph (a) or (b);

30 “pressure vessel” —

(a) means any container or vessel used for containing any substance under pressure; and

(b) includes any steam boiler, steam receiver, steam container, air receiver, refrigerating plant pressure receiver and gas cylinder;

5 “prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source of energy;

“principal” means a person who, in connection with any trade, business, profession or undertaking carried on by him, engages any other person otherwise than under a contract of service —

10 (a) to supply any labour for gain or reward; or

(b) to do any work for gain or reward;

“refrigerating plant pressure receiver” means any vessel which contains refrigerant under pressure;

15 “registered medical practitioner” means a person registered or deemed to be registered under the Medical Registration Act (Cap. 174);

“regulations” means regulations made under this Act;

“repealed Act” means the Factories Act (Cap. 104) repealed by this Act;

20 “self-employed person” means a person who works for gain or reward otherwise than under a contract of service, whether or not employing others;

“ship” includes every description of vessel used in navigation, a floating rig, a barge or any platform used in any form of operations at sea;

25 “steam boiler” —

(a) means any closed vessel in which, for any purpose, steam is generated under pressure greater than atmospheric pressure; and

30 (b) includes any economiser used to heat water being fed to any such vessel and any superheater used for heating steam;

“steam container” means any vessel (other than a steam pipe or coil) —

(a) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure; and

5 (b) through which steam is passed at atmospheric pressure, or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or similar purpose;

“steam receiver” means any vessel or apparatus (other than a steam boiler, steam container, steam pipe or coil or a part of a prime mover) used for containing steam under pressure greater than
10 atmospheric pressure;

“subcontractor” means a person engaged (otherwise than under a contract of service) by any contractor or subcontractor —

(a) to supply any labour for gain or reward; or

(b) to do any work for gain or reward,

15 which the contractor or subcontractor has been engaged as contractor or subcontractor, as the case may be, to do;

“work of engineering construction” means any work specified in the Fourth Schedule;

20 “workplace safety and health auditor” means a workplace safety and health auditor appointed under section 30;

“workplace safety and health committee” means a workplace safety and health committee appointed under section 29;

“workplace safety and health co-ordinator” means a workplace safety and health co-ordinator appointed under section 28;

25 “workplace safety and health officer” means a workplace safety and health officer appointed under section 28.

(2) For the purposes of this Act —

30 (a) mechanical power shall not be treated as being used in a workplace by reason only that mechanical power is used for the purpose of heating, ventilating, cooling, air-conditioning or lighting the workplace or any part thereof; and

(b) any reference to the health of a person shall, where that person is pregnant, include a reference to the health of any unborn child which that person is carrying.

(3) For the avoidance of doubt, a person shall be regarded for the purposes of this Act as being at work in a workplace whether or not he is lawfully at work in that workplace.

Meanings of “workplace” and “factory”

5 **5.—**(1) In this Act, “workplace” means any premises where a person is at work or is to work, for the time being works, or customarily works, and includes a factory.

(2) Subject to this section, “factory” means any premises within which —

10 (a) persons are employed in any process for or incidental to any of the following purposes:

(i) the making of any article or part of any article;

(ii) the altering, repairing, ornamenting, finishing, cleaning or washing, or the breaking up or demolition of any article; or

15 (iii) the adapting for sale of any article; and

(b) any work referred to in paragraph (a) is carried out by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.

20 (3) The following premises within which persons are employed are deemed to be factories:

(a) any yard (including any dock, wharf, jetty, quay and the precincts thereof) where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out, including the waters adjacent to any such yard where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out by or on behalf of the occupier of that yard;

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(b) any premises where the sorting of articles is carried on as a preliminary to the work carried on in any other factory, or incidentally to the purposes of any other factory, whether that other factory is situated within or outside Singapore;

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(c) any premises where the washing or filling of bottles or containers or packing of articles is carried on incidentally to the purposes of

any other factory, whether that other factory is situated within or outside Singapore;

- (d) any premises in which the business of hooking, plaiting, lapping, making up or packing of yarn or cloth is carried out;
- 5 (e) any laundry ancillary to another business or incidental to the purposes of any public institution;
- (f) any premises where the construction, reconstruction or repair of locomotives, aircraft, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, not being any
10 premises used for the purpose of housing locomotives, aircraft or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;
- (g) any premises where the printing by letter press, offset, lithography, photogravure, rotogravure, or other similar process, or the binding of such printed materials is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;
15
- (h) any premises where the making, adaptation or repair of dresses, scenery or props is carried on incidentally to the production of films, tapes or discs for public broadcast or screening or to the presentation of theatrical performances by way of trade or for purposes of gain, but not a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
20
- (i) any premises where the business of making or mending nets is carried on incidentally to the fishing industry;
25
- (j) any premises where mechanical power is used in connection with the making or repair of any article incidentally to any business carried on by way of trade or for purposes of gain;
- 30 (k) any premises where the production of cinematograph films is carried on by way of trade or for purposes of gain, but not a stage or a dressing-room of any actor in or connected with the production of any cinematograph film;
- (l) any premises where articles are made or prepared incidentally to the carrying on of any building operations or any works of
35

engineering construction, not being premises in which such operations or works are being carried on;

- 5 (m) any premises which are used for the storage of gas, including liquefied gas, in a container having a storage capacity of not less than 140 cubic metres;
- (n) any premises where work is carried out for or in connection with the generating of electrical energy for supply by way of trade or for purposes of gain;
- 10 (o) any premises where mechanical power is used for the purposes of or in connection with a water supply;
- (p) any sewage works where mechanical power is used and any pumping station used in connection therewith;
- (q) any premises where building operations or any work of engineering construction are carried on;
- 15 (r) any premises where mechanical power is used in connection with the sorting, packing, handling or storing of articles carried on by way of trade or for purposes of gain or incidentally to another business so carried on; and
- 20 (s) any premises which are used for the bulk storage of toxic or flammable liquid (excluding liquefied gas) in a container, not being an underground container, that has a storage capacity of not less than 5,000 cubic metres.

25 (4) Where any person carries on any work referred to in subsection (2) or (3) in a workplace with the express or implied permission of, or under any agreement with, the occupier of the workplace, then, notwithstanding that the person is not an employee of the occupier of the workplace —

- (a) the workplace shall be treated as a factory for the purposes of this Act; and
- 30 (b) the provisions of this Act relating to the duty of an occupier shall apply to the occupier of the workplace as if he were the occupier of a factory.

(5) Notwithstanding subsection (2), where any place situated within a factory is solely used for some purpose other than any of the processes carried on in the factory —

(a) the place shall not be treated as forming part of the factory for the purposes of this Act; but

(b) the place shall, if it would otherwise be a factory, be treated as a separate factory for the purposes of this Act.

5 (6) A part of a factory may, with the approval in writing of the Commissioner, be treated as a separate factory for the purposes of this Act.

(7) Two or more factories may, with the approval in writing of the Commissioner, be treated as a single factory for the purposes of this Act.

10 (8) For the avoidance of doubt, no premises shall be excluded from the definition of a “factory” by reason only that they are open air premises.

(9) Any premises in which work is carried on by or on behalf of the Government or any statutory board or body shall not be excluded from the definition of a “factory” by reason only that the work carried on at the premises is not carried on by way of trade or for purposes of gain.

Meanings of “employee” and “employer”

6.—(1) Subject to subsections (2), (3), (4) and (5), in this Act —

“employee” means any person employed by an employer to do any work under a contract of service;

20 “employer” means a person who, in the course of the person’s trade, business, profession or undertaking, employs any person to do any work under a contract of service.

(2) For the purposes of this Act, any reference to an employee shall include a volunteer who —

25 (a) does work for another person with the knowledge or consent of the other person; and

(b) does the work on an ongoing and regular basis for that other person,

30 being work that is in connection with any trade, business, profession or undertaking carried on by that other person, and this Act shall apply —

(i) as if the volunteer were an employee of the other person;

(ii) as if the other person were the volunteer’s employer; and

(iii) as if the volunteer were at work when doing work for the other person.

(3) For the purposes of this Act, any reference to an employee shall also include a person who is in a workplace for the purpose of receiving on the job training or gaining work experience, including under a rehabilitation scheme (referred to in this subsection as person A), and this Act shall apply —

- (a) as if the person A were an employee of the person (referred to in this subsection as person B) who agreed to provide on the job training or work experience;
- (b) as if person B were that person A's employer; and
- (c) as if person A were at work when in the workplace for the purpose of receiving on the job training or gaining work experience.

(4) Where —

- (a) an employer places an employee (referred to in this subsection as the loaned employee) at the disposal of another person to do work for that other person; and
- (b) there is no contractual relationship between the employer and that other person regarding the work to be performed by the loaned employee,

then, for the purposes of this Act —

- (i) the loaned employee shall be regarded as if he were an employee of that other person (instead of his employer) while the loaned employee is at work for that other person;
- (ii) that other person shall be regarded as if he were the employer of the loaned employee while the loaned employee is at work for that other person; and
- (iii) the loaned employee shall be regarded as if he were at work when doing work for that other person.

(5) Where a person carries on any work in a factory —

- (a) the occupier of the factory shall be deemed to be the employer of the person; and

(b) the provisions of this Act shall apply as if the occupier of the factory were the employer of the person,
 unless the occupier of the factory proves that he is not the employer of the person.

5

PART III

ADMINISTRATION OF ACT

Appointment of Commissioner for Workplace Safety and Health and other officers

10 7.—(1) The Minister may appoint any person to be the Commissioner for Workplace Safety and Health, and such other persons, by name or office, as Deputy Commissioners for Workplace Safety and Health.

15 (2) The Commissioner shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act or any other written law.

(3) The Commissioner may appoint, by name or office, such number of persons as inspectors, and such number of other persons as authorised officers, as may be necessary to assist the Commissioner in the administration of this Act.

20 (4) The Commissioner may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act (except the power of delegation conferred by this subsection) to any Deputy Commissioner, inspector or authorised officer, subject to such conditions or limitations as the Commissioner may
 25 specify.

(5) Notice of all appointments made under this section shall be published in the *Gazette*.

Commissioner, Deputy Commissioners, inspectors and authorised officers to be public servants

30 8. The Commissioner and every Deputy Commissioner, inspector and authorised officer appointed under section 7 shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

Identification of inspectors and authorised officers

9. Every inspector and authorised officer shall —

- (a) be furnished with a certificate of his appointment as an inspector or authorised officer, as the case may be; and
- 5 (b) when exercising any powers under this Act, on demand, produce the certificate of his appointment to the person affected by the exercise of those powers.

PART IV

GENERAL DUTIES OF PERSONS AT WORKPLACES

10 Duties according to different capacities

10. For the avoidance of doubt, it is hereby declared that —

- (a) a person may at any one time be 2 or more of the following:
 - (i) an employer;
 - (ii) a contractor;
 - 15 (iii) a subcontractor;
 - (iv) a principal;
 - (v) a self-employed person;
 - (vi) an occupier of a workplace;
 - (vii) a designer, manufacturer or supplier of any machinery, equipment or hazardous substance for use at work;
 - 20 (viii) an erector, installer or a modifier of machinery or equipment for use at work;
 - (ix) an owner, a hirer or lessee of machinery moved by mechanical power or a person who maintains such machinery for use at work,
 - 25 and this Act may impose duties or liabilities on the person accordingly;
- (b) this Act may at any one time impose the same duty or liability on 2 or more persons, whether in the same capacity or different capacities; and
- 30

- (c) a duty or liability imposed by this Act on any person is not diminished or affected by the fact that it is imposed on one or more other persons, whether in the same capacity or in different capacities.

5 **Duty of occupier of workplace**

11. It shall be the duty of every occupier of any workplace to take, so far as is reasonably practicable, such measures to ensure that —

- (a) the workplace;
- (b) all means of access to or egress from the workplace; and
- 10 (c) any machinery, equipment, plant, article or substance kept on the workplace,

are safe and without risks to health to every person within those premises, whether or not the person is at work or is an employee of the occupier.

Duties of employers

- 15 **12.—**(1) It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of his employees at work.

- (2) It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any
- 20 undertaking carried on by him in the workplace.

(3) For the purposes of subsection (1), the measures necessary to ensure the safety and health of persons at work include —

- 25 (a) providing and maintaining for those persons a work environment which is safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work;
- (b) ensuring that adequate safety measures are taken in respect of any machinery, equipment, plant, article or process used by those persons;
- 30 (c) ensuring that those persons are not exposed to hazards arising out of the arrangement, disposal, manipulation, organisation, processing, storage, transport, working or use of things —
 - (i) in their workplace; or

(ii) near their workplace and under the control of the employer;

(d) developing and implementing procedures for dealing with emergencies that may arise while those persons are at work; and

5 (e) ensuring that the person at work has adequate instruction, information, training and supervision as is necessary for that person to perform his work.

10 (4) Every employer shall, where required by the regulations, give to persons (not being his employees) the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their safety or health while those persons are at his workplace.

Duties of self-employed persons

15 **13.**—(1) It shall be the duty of every self-employed person (whether or not he is also a contractor or subcontractor) to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any undertaking carried on by him in the workplace.

20 (2) Every self-employed person shall, where required by the regulations, give to persons (not being his employees) the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their safety or health while those persons are at his workplace.

Duties of principals

25 **14.**—(1) Subject to subsection (2), it shall be the duty of every principal to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of —

(a) any contractor engaged by the principal when at work;

(b) any direct or indirect subcontractor engaged by such contractor when at work; and

30 (c) any employee employed by such contractor or subcontractor when at work.

(2) The duty imposed on the principal in subsection (1) shall only apply where the contractor, subcontractor or employee referred to in that subsection is working under the direction of the principal as to the manner in which the work is carried out.

(3) It shall be the duty of every principal to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (other than a person referred to in subsection (1)(a), (b) or (c) working under the principal's direction) who may be affected by any undertaking carried on by him in the workplace.

(4) For the purposes of subsection (1), the measures necessary to ensure the safety and health of persons at work include —

- (a) providing and maintaining for those persons a work environment which is safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work;
- (b) ensuring that adequate safety measures are taken in respect of any machinery, equipment, plant, article or process used by those persons;
- (c) ensuring that those persons are not exposed to hazards arising out of the arrangement, disposal, manipulation, organisation, processing, storage, transport, working or use of things —
 - (i) in their workplace; or
 - (ii) near their workplace and under the control of the principal;
- (d) developing and implementing procedures for dealing with emergencies that may arise while those persons are at work; and
- (e) ensuring that the person at work has adequate instruction, information, training and supervision as is necessary for that person to perform his work.

(5) Every principal shall, where required by the regulations, give to persons (other than a person referred to in subsection (1)(a), (b) or (c) working under the principal's direction) the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their safety or health while those persons are at his workplace.

Duties of persons at work

15.—(1) It shall be the duty of every person at work —

- (a) to use in such manner so as to provide the protection intended, any suitable appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use

alone or for use by him in common with others) for securing his safety, health and welfare while at work; and

(b) to co-operate with his employer or principal and any other person to such extent as will enable his employer, principal or the other person, as the case may be, to comply with the provisions of this Act.

(2) No person at work shall wilfully or recklessly interfere with or misuse any appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use alone or for use by him in common with others) pursuant to any requirement under this Act for securing the safety, health or welfare of persons (including himself) at work.

(3) Any person at work who, without reasonable cause, wilfully or recklessly does any act which endangers the safety or health of himself or others shall be guilty of an offence.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000.

Duties of manufacturers and suppliers of machinery, equipment or hazardous substances used at work

16.—(1) Subject to this section, it shall be the duty of any person who manufactures or supplies any machinery, equipment or hazardous substance for use at work to ensure, so far as is reasonably practicable —

(a) that the following information about the safe use of the machinery, equipment or hazardous substance is available to any person to whom the machinery, equipment or hazardous substance is supplied for use at work:

(i) the precautions (if any) to be taken for the proper use and maintenance of the machinery, equipment or hazardous substance;

(ii) the health hazards (if any) associated with the machinery, equipment or hazardous substance; and

(iii) the information relating to and the results of any tests or examinations of the machinery, equipment or hazardous

substance under paragraph (c) that are relevant to its safe use;

(b) that the machinery, equipment or hazardous substance is safe, and without risk to health, when properly used;

5 (c) that the machinery, equipment or hazardous substance is tested and examined so as to comply with the obligation imposed by paragraph (b).

(2) The duties imposed on any person specified in subsection (1) shall —

10 (a) apply only if the machinery, equipment or hazardous substance is manufactured or supplied in the course of trade, business, profession or undertaking carried on by the person, whether for profit or not;

15 (b) apply whether or not the machinery, equipment or hazardous substance is exclusively manufactured or supplied for use by persons at work; and

20 (c) extend to the supply of the machinery, equipment or hazardous substance by way of sale, transfer, lease or hire and whether as principal or agent, and to the supply of the machinery, equipment or hazardous substance to a person for the purpose of supply to others.

(3) The duties imposed on any person specified in subsection (1) shall not apply to a person by reason only that the person supplies the machinery or equipment under a hire-purchase agreement, conditional sale agreement or credit-sale agreement to another (referred to in this section as the customer) in the course of a business of financing the acquisition of the machinery or equipment by the customer from others.

30 (4) Where a person (referred to in this subsection as the ostensible supplier) supplies any machinery or equipment for use at work to a customer under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, and the ostensible supplier —

(a) carries on the business of financing the acquisition of goods by others by means of such agreements; and

35 (b) in the course of that business acquired his interest in the machinery or equipment supplied to the customer as a means of

financing its acquisition by the customer from a third person
(referred to in this subsection as the effective supplier),

the effective supplier shall be treated for the purposes of this section as
supplying the machinery or equipment to the customer instead of the
5 ostensible supplier, and any duty imposed by subsection (1) on a supplier
shall accordingly apply to the effective supplier, and not on the ostensible
supplier.

(5) Where a person designs, manufactures or supplies any machinery,
equipment or hazardous substance for use at work and does so for or to
10 another on the basis of a written undertaking by that other to take
specified steps sufficient to ensure, so far as is reasonably practicable, that
the machinery, equipment or hazardous substance will be safe and without
risk to health when properly used, the undertaking shall have the effect of
relieving the first-mentioned person from the duty imposed by subsection
15 (1)(b) to such extent as is reasonable having regard to the terms of the
undertaking.

(6) Any person required under subsection (1)(c) to ensure that any
machinery, equipment or hazardous substance is examined and tested so
as to comply with the obligation imposed by subsection (1)(b) shall be
20 regarded as having complied with subsection (1)(c) to the extent that —

(a) the examination or test has already been carried out otherwise
than by, or on behalf of, the person; and

(b) it is reasonable for the person to rely on that examination or test.

(7) For the purposes of this section, an absence of safety, or a risk to
25 health, shall be disregarded in so far as the case in or in relation to which
it would arise is shown to be one the occurrence of which could not
reasonably be foreseen.

(8) In this section, “supplier”, in relation to any machinery, equipment
or hazardous substance, does not include a manufacturer of those items
30 when supplying, but includes an importer when supplying those items.

(9) This section shall apply only to machinery, equipment or hazardous
substance specified in the Fifth Schedule.

Duties of persons who erect, install or modify machinery or equipment and persons in control of machinery for use at work

17.—(1) It shall be the duty of any person who erects, installs or modifies any machinery or equipment for use at work to ensure, so far as
 5 is reasonably practicable, that the machinery or equipment is erected, installed or modified in such a manner that it is safe, and without risk to health, when properly used.

(2) The duty imposed on a person erecting, installing or modifying any machinery or equipment under subsection (1) shall apply only if the
 10 the machinery or equipment is erected, installed or modified in the course of the person's trade, business, profession or undertaking.

(3) Any person required under subsection (1) to ensure that any machinery or equipment is erected, installed or modified in such a manner that it is safe, and without risk to health, when properly used shall be
 15 regarded as having complied with that subsection to the extent that —

(a) the person ensured, so far as is reasonably practicable, that the erection, installation or modification was in accordance with the information supplied by the designer, manufacturer or supplier of the machinery or equipment regarding its erection, installation or
 20 modification; and

(b) it is reasonable for the person to rely on that information.

(4) Where any machinery moved by mechanical power is used in any workplace, then notwithstanding anything in this Act, it shall be the duty of the owner of the machinery to ensure —

25 (a) so far as is reasonably practicable, that the machinery is maintained in a safe condition; and

(b) that the precautions (if any) to be taken for the safe use of the machinery and the health hazards (if any) associated with the machinery is available to any person using the machinery.

30 (5) Where the owner of any machinery moved by mechanical power has entered into a contract of hire or lease with a hirer or lessee, the duty imposed under subsection (4) shall apply to the hirer or lessee of the machinery instead of the owner.

35 (6) Where the owner, hirer or lessee of any machinery moved by mechanical power has entered into a contract with another person to

maintain the machinery, the duty under subsection (4)(a) shall apply to that other person instead of the owner, hirer or lessee of the machinery.

(7) Subsections (1), (2) and (3) shall apply only to machinery or equipment specified in Part I of the Fifth Schedule.

5 **Other related duties of occupiers and employers**

18.—(1) An employer shall not —

- (a) deduct, or allow to be deducted, from the sum contracted to be paid by him to any employee of his; or
- (b) receive, or allow any agent of his to receive, any payment from
10 any employee of his,

in respect of anything to be done or provided by him in accordance with this Act in order to ensure the safety, health or welfare of any of his employees at work.

15 (2) An employer shall not dismiss or threaten to dismiss an employee because the employee —

- (a) has assisted (whether by the giving of information or otherwise) an inspector, authorised person or any other public authority in the conduct of any inspection or investigation under this Act for a breach or an alleged breach of this Act, or proposes to do so;
- 20 (b) has in good faith sought the assistance of, or made a report to an inspector or authorised person in relation to a safety and health matter, or proposes to do so;
- (c) is performing his duties in good faith as a member of a workplace safety and health committee; or
- 25 (d) has complied with an order made under section 21 or otherwise complied with this Act, or proposes to do so.

(3) The occupier of a workplace shall cause to be kept in the workplace the following records:

- 30 (a) every document issued in respect of the workplace by the Commissioner under the provisions of this Act;
- (b) a copy of every notice furnished to the Commissioner as required under this Act; and

(c) all reports and particulars prepared in respect of the workplace under this Act.

(4) Any occupier of a workplace shall ensure that such records referred to in subsection (3) shall —

5 (a) be kept for not less than 5 years from the date the records were made or such other period as may be prescribed; and

(b) whenever required to do so within that period, produce and make available to an inspector for inspection a copy of the record.

10 (5) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(6) Any person who contravenes subsection (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

15 **Duties of occupier of common areas**

19.—(1) For the purposes of subsection (2), where a building comprises one or more workplaces, any common property or limited common property of the building (referred to in this section as the common area) which is used by persons at work in any such workplace or is used by
20 such persons to move through shall be treated as part of their workplace.

(2) It shall be the duty of the occupier of the common area to comply with any provision of this Act with respect to —

(a) electric generators and motors located in the common area;

25 (b) hoists and lifts, lifting gear, lifting appliances and lifting machines located in the common area;

(c) means of access into or egress from the common area; and

(d) any machinery or plant located in the common area which belongs to or is supplied by the owner or occupier of the common area.

30 (3) In this section —

“common property” and “limited common property” have the same meanings as in the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004);

“occupier”, in relation to a common area, includes the management corporation or subsidiary management corporation, as the case may be, having control of that common area.

Offence of breaching duty under this Part

- 5 **20.** In the event of any contravention of any provision in this Part which imposes a duty on a person, that person shall be guilty of an offence.

PART V

POWERS OF COMMISSIONER

Power to issue remedial order or stop-work order

- 10 **21.**—(1) This section shall apply if the Commissioner is satisfied that —
- (a) any workplace is in such condition, or is so located, or any part of the machinery, equipment, plant or article in the workplace is so used, that any process or work carried on in the workplace cannot be carried on with due regard to the safety, health and
 - 15 welfare of persons at work;
 - (b) any person has contravened any duty imposed by this Act; or
 - (c) any person has done any act, or has refrained from doing any act which, in the opinion of the Commissioner, poses or is likely to pose a risk to the safety, health and welfare of persons at work.

20 (2) Where this section applies, the Commissioner may serve a remedial order or a stop-work order in respect of a workplace on —

 - (a) any person who is in control of the workplace, or the process or work carried out in the workplace;
 - (b) any person whose duty under this Act is to ensure the safety,
 - 25 health and welfare of any person at work in the workplace; or
 - (c) any person who poses or is likely to pose a risk to the safety, health and welfare of any person at work in the workplace.

(3) A remedial order under this section shall —

 - (a) direct the person served with the order to take such measures, to
 - 30 the satisfaction of the Commissioner —

- (i) to remedy any danger so as to enable the work or process in the workplace to be carried on with due regard to the safety, health and welfare of the persons at work;
 - (ii) to comply with any duty imposed under this Act; or
 - 5 (iii) to do or refrain from doing any act referred to in subsection (1)(c); and
- (b) specify the date on which it is to take effect and the period (which shall run from the date the remedial order takes effect) within which any step required by the order shall be taken.
- 10 (4) A stop-work order shall —
 - (a) direct the person served with the order to immediately cease to carry on any work or process —
 - (i) indefinitely; or
 - (ii) until such measures as are required by the Commissioner have been taken, to the satisfaction of the Commissioner, to remedy any danger so as to enable the work or process in the workplace to be carried on with due regard to the safety, health and welfare of the persons at work; and
 - (b) specify the date on which it is to take effect.
- 20 (5) The Commissioner may delegate the power to issue a remedial order or stop-work order to any Deputy Commissioner.
- (6) Any person who fails to comply with a remedial order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.
- 25 (7) Any person who fails to comply with a stop-work order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part thereof during which the offence continues after conviction.
- 30 (8) Where any person fails to comply with a remedial order or stop-work order, the Commissioner may —
- 35

(a) at all reasonable times enter upon the workplace and take such measures and do such work as may be necessary to give effect to the order; and

(b) take appropriate measures to prevent —

- 5 (i) unauthorised entry to any area; or
- (ii) unauthorised access to any machinery, equipment, plant or article affected by the order.

10 (9) Any costs and expenses incurred by the Commissioner under subsection (8) may be recovered as a debt due to the Government from the person served with the remedial order or stop-work order.

(10) Where the Commissioner has taken measures under subsection (8)(b) in respect of any area or machinery, equipment, plant or article, any person who, knowing that such measures have been taken, enters that area or gains access to that machinery, equipment, plant or article without the
15 authorisation of the Commissioner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Appeal from order made by Commissioner

20 **22.**—(1) Any person who is affected by any order made by the Commissioner under section 21 may, within 14 days of the date of service of the order, appeal to the Minister who may rescind or vary the order.

(2) Where an appeal is made to the Minister against any remedial order, that order shall not have effect pending the outcome of the appeal.

25 (3) Where an appeal is made to the Minister against any stop-work order, the affected person shall comply with the order pending the outcome of the appeal, and the stop-work order shall have effect until it is otherwise rescinded or varied.

Power to suspend certificate

30 **23.**—(1) The Commissioner may, if he thinks fit, suspend any certificate issued by him under this Act in respect of any work or workplace, and shall inform the person named in the certificate in writing of the suspension and also the reason for the suspension.

(2) Where any certificate is suspended under subsection (1), the person affected shall immediately cease to do any work at any workplace for which the certificate was required.

5 (3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

PART VI

10 INVESTIGATIONS, INQUIRIES AND REPORTING OF ACCIDENTS, DANGEROUS OCCURRENCES AND OCCUPATIONAL DISEASES

Investigation into accidents, dangerous occurrences, etc.

15 **24.** Where the Commissioner becomes aware of any accident, dangerous occurrence or occupational disease in a workplace, the Commissioner may direct an inspector to investigate the circumstances of the accident, dangerous occurrence or occupational disease.

Alteration or addition to machinery, equipment, etc.

25.—(1) No person shall, without the consent of the Commissioner —

20 (a) alter, replace, remove or add to any machinery, equipment, plant or article which may have contributed to the cause of any accident resulting in the death of any person or any dangerous occurrence or occupational disease; or

(b) modify the scene of the fatal accident or dangerous occurrence or the scene where the occupational disease occurred.

25 (2) The occupier of a workplace in which an accident, a dangerous occurrence or an occupational disease occurs shall take all reasonable measures to prevent any person from —

30 (a) altering, replacing, removing or adding to any machinery, equipment, plant or article which may have contributed to the cause of the accident resulting in the death of any person or the dangerous occurrence or occupational disease; or

(b) modifying the scene of the fatal accident or dangerous occurrence or the scene where the occupational disease occurred.

(3) It shall be presumed, unless it is proved to the contrary, that any alteration, replacement, removal or addition as is referred to in subsection (1) has been made by the occupier of a workplace.

5 (4) Nothing in subsection (1) or (2) shall operate to interfere with rescue work or work necessary for the general safety of life and property.

(5) Any person who contravenes subsection (1) and any occupier of the workplace who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

10 **Minister may direct inquiry to be held**

26.—(1) The Minister may appoint an Inquiry Committee to hold an inquiry into any accident, dangerous occurrence or occupational disease that has occurred in a workplace and into its causes and circumstances, and direct that the Committee reports its findings to the Minister.

15 (2) The Inquiry Committee referred to in subsection (1) shall comprise —

(a) a District Judge appointed by the Minister after consulting the Senior District Judge; and

(b) one or more assessors appointed by the Minister.

20 (3) The Inquiry Committee shall hold the inquiry in open court in such manner and under such conditions as it thinks most effectual for —

(a) ascertaining the causes and circumstances of the accident, dangerous occurrence or occupational disease; and

(b) enabling it to make the report to the Minister.

25 (4) The Inquiry Committee shall have, for the purposes of the inquiry —

(a) all the powers of a District Court when trying offences under this Act;

(b) all the powers of an inspector under this Act; and

(c) all of the following powers:

30 (i) to enter and inspect any premises, the entry or inspection of which appears to the Inquiry Committee requisite for the purposes of the inquiry;

- (ii) by summons signed by the District Judge, to require attendance of all such persons as the Inquiry Committee thinks fit to call before it and examine and to require answers or returns to such inquiries it thinks fit;
- 5 (iii) to require the production of all books, papers and documents which the Inquiry Committee considers important for the purposes of the inquiry; and
- (iv) to administer oaths and to require any person examined to make and sign a declaration of the truth of the statements
- 10 made by him in his examination.

(5) Upon conclusion of its inquiry, the Inquiry Committee shall make a report to the Minister —

- (a) stating the causes of the accident, dangerous occurrence or occupational disease and their circumstances; and
- 15 (b) adding any observations or recommendations which the Inquiry Committee thinks appropriate to make.

(6) If the District Judge is of the opinion that criminal proceedings ought to be instituted against any person in connection with the accident, dangerous occurrence or occupational disease, he shall also forward a

20 copy of the report to the Public Prosecutor.

(7) Any person who —

- (a) fails to comply with any summons, order or requisition of the District Judge; or
- (b) prevents or impedes the Inquiry Committee in the execution of
- 25 its duties,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(8) It shall be a defence for a person charged with an offence under subsection (7)(a) to prove that he had a reasonable excuse for failing to

30 comply with the summons, order or requisition of the District Judge.

(9) The Minister may cause the report of the Inquiry Committee to be made public at such time and in such manner as he thinks fit.

Notification and reporting of accidents, dangerous occurrences, etc.

27.—(1) The Minister may by regulations require an employer, an occupier, a registered medical practitioner or any other person to notify or to submit a report to the Commissioner, in the event of an accident, a
5 dangerous occurrence or an occupational disease in a prescribed workplace.

(2) Regulations made under subsection (1) may apply to —

- (a) a workplace which is not specified in the First Schedule; and
- (b) a person who is an exempt person at work specified in the Sixth
10 Schedule.

PART VII

SAFETY AND HEALTH MANAGEMENT ARRANGEMENTS

Workplace safety and health officers and co-ordinators

28.—(1) Every workplace within the prescribed class or description of
15 workplaces shall have appointed in respect thereof a workplace safety and health officer or a workplace safety and health co-ordinator.

(2) For the purposes of this section, the Minister may prescribe —

- (a) the manner of appointment of a workplace safety and health officer and a workplace safety and health co-ordinator;
- 20 (b) the functions and duties of a workplace safety and health officer and a workplace safety and health co-ordinator; and
- (c) the powers of a workplace safety and health officer and a workplace safety and health co-ordinator, being necessary powers for the officer or co-ordinator, as the case may be, to
25 discharge his functions and duties under this Act.

Workplace safety and health committees

29.—(1) Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health committee.

(2) Every workplace safety and health committee of a workplace shall comprise representatives of employees of the workplace as well as employers.

5 (3) The functions of a workplace safety and health committee appointed in respect of a workplace shall be —

- (a) to keep under review circumstances in the workplace which affect or may affect the safety or health of persons in the workplace;
- 10 (b) to promote co-operation between management and employees in achieving and maintaining safe and healthy working conditions;
- (c) to carry out from time to time inspections of the scene of any accident or dangerous occurrence in the interests of the safety and health of the employees;
- 15 (d) to exercise such other functions and duties as may be prescribed or conferred on the committee under this Act; and
- (e) such other functions as may be prescribed.

20 (4) The management shall provide such facilities and assistance to the workplace safety and health committee of a workplace as the committee may reasonably require for the purpose of carrying out the committee's functions and duties under this section.

(5) A workplace safety and health committee shall have such powers as may be prescribed, being necessary powers for the committee to discharge its functions and duties under this Act.

Workplace safety and health auditors

25 **30.**—(1) Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health auditor.

30 (2) The functions of a workplace safety and health auditor appointed in respect of a workplace shall be to audit, in such manner as the Commissioner may determine, all or any of the following with a view to ensuring the safety, health and welfare of persons at work in the workplace:

- (a) the safety and health management system of the workplace;

- (b) any risk assessment relating to the workplace or the work carried out in that workplace;
- (c) any work process at the workplace; or
- (d) the workplace.

5 (3) A workplace safety and health auditor shall have such powers as may be prescribed, being necessary powers for the auditor to discharge his functions and duties under this Act.

10 (4) In this section, “risk assessment” means the process of evaluating the probability and consequences of injury or illness arising from exposure to an identified hazard, and determining the appropriate measures for risk control.

Safety and health training courses

15 **31.**—(1) The Minister may, by order published in the *Gazette*, require such prescribed class or description of persons to attend such training courses as are specified in the order.

(2) The employer of any person required to attend any training course under subsection (1) shall ensure that the person completes or has completed such safety and health training course before allowing that person to perform any work for which the training is required.

20 (3) Any safety and health training course referred to in subsection (1) shall be conducted by an accredited training provider.

(4) Notwithstanding that a person has completed such safety and health training course as is required under this section, the Commissioner may, if he thinks that a refresher course is necessary, issue a written direction
25 requiring that person to attend another such training course.

(5) An employer who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Requirement for approval of Commissioner to act

30 **32.** No person shall act as —

- (a) an authorised examiner for the purpose of carrying out any prescribed examination or test of any —
 - (i) hoist or lift;

- (ii) lifting gear;
 - (iii) lifting appliance or lifting machine;
 - (iv) steam boiler;
 - (v) steam receiver;
 - 5 (vi) air receiver;
 - (vii) refrigerating plant pressure receiver;
 - (viii) pressure vessel; or
 - (ix) any other machinery required by this Act to be examined or tested by an authorised examiner;
 - 10 (b) a workplace safety and health officer;
 - (c) a workplace safety and health co-ordinator;
 - (d) a workplace safety and health auditor; or
 - (e) an accredited training provider,
- (referred to in this Part as an authorised person) except with the approval
15 of the Commissioner.

Application for and grant of approval

33.—(1) An application for approval to act as an authorised person shall be —

- (a) in such form as the Commissioner may determine;
- 20 (b) accompanied by such information, statements and documents as the Commissioner may require; and
- (c) accompanied by the prescribed fee.

(2) Upon receiving an application under subsection (1), the Commissioner may —

- 25 (a) grant the approval applied for either unconditionally or subject to such conditions as the Commissioner thinks fit; or
- (b) refuse the application.

(3) The Commissioner shall not approve any person as an authorised person unless the Commissioner is satisfied that the applicant —

(a) possesses the prescribed qualifications and prescribed practical experience; and

(b) is sufficiently competent and is, in all other respects, a fit and proper person, to be entrusted to carry out the work of the relevant authorised person.

(4) The Commissioner may at any time vary or revoke any of the existing conditions imposed under subsection (2) or impose new conditions.

(5) Upon the approval of a person as an authorised person, the Commissioner shall issue the applicant with a certificate of approval to act as a relevant authorised person for such period and subject to such terms and conditions as the Commissioner may specify therein.

Duration of approval

34.—(1) Subject to section 35, any approval of a person as an authorised person shall each be valid for such period as the Commissioner may determine.

(2) The Commissioner may, on application in writing and on payment of the prescribed fee, renew the approval of any authorised person.

Cancellation of approval

35.—(1) The Commissioner may suspend or cancel the approval of a person as an authorised person if —

(a) the Commissioner is satisfied that the person —

(i) had obtained or procured his approval by fraud or misrepresentation;

(ii) has breached any term or condition subject to which the approval was granted; or

(iii) is no longer a fit and proper person to act as a relevant authorised person; or

(b) the Commissioner considers that it is in the public interest to do so.

(2) The Commissioner shall, before cancelling the approval of any person as an authorised person under subsection (1) —

- (a) give the affected person notice in writing of his intention to do so;
- (b) specify a date, not less than 21 days after the date of the notice, upon which the cancellation shall take effect; and
- 5 (c) call upon the affected person to show cause to the Commissioner why his approval as an authorised person should not be cancelled.

(3) If the person to whom a notice has been given under subsection (2) —

- 10 (a) fails to show cause within the period of time given to him to do so or such extended period of time as the Commissioner may allow; or
- (b) fails to show sufficient cause,

the Commissioner shall give notice in writing to that person of the date
15 from which the cancellation of the approval shall take effect.

(4) A person whose approval as an authorised person has been cancelled may, within 14 days after the receipt of the notice referred to in subsection (3), appeal in writing against the cancellation to the Minister whose decision shall be final.

20 **Surrender of certificate**

36. A person whose approval as an authorised person has been cancelled by the Commissioner under section 35 shall, within 7 days of the date of the cancellation, surrender his certificate of approval issued under section 33(5).

25 **False assumption of title**

37. No person shall claim or imply that he is approved by the Commissioner as a relevant authorised person unless he is approved as such by the Commissioner under section 33.

Offence under this Part

- 30 **38.** Any person who contravenes section 32, 36 or 37 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

PART VIII

CODES OF PRACTICE

Codes of practice

5 **39.**—(1) For the purpose of providing practical guidance with respect to the requirements of this Act relating to safety, health and welfare at work, the Commissioner may, from time to time, do all or any of the following:

- (a) issue one or more codes of practice, which may include any code of practice issued or approved under another written law if he considers that code of practice suitable for this purpose;
- 10 (b) approve as a code of practice any document prepared by any person other than the Commissioner if the Commissioner considers the document as a suitable document for this purpose;
- (c) amend or revoke any code of practice issued or approved under this section.

15 (2) The power of the Commissioner under subsection (1)(a) or (b) to issue or approve a code of practice that is either a code of practice issued or approved under another written law or a document prepared by a person other than the Commissioner shall include the power to issue or approve a part of such a code of practice or document.

20 (3) Where a code of practice is issued, approved, amended or revoked by the Commissioner under subsection (1), the Commissioner shall —

- (a) publish a notice of the issue, approval, amendment or revocation, as the case may be, of the code of practice in such manner as will secure adequate publicity for such issue, approval, amendment or revocation;
- 25 (b) specify in the notice referred to in paragraph (a) —
 - (i) the date of issue, approval, amendment or revocation, as the case may be;
 - (ii) the class of hazards, activities or articles in respect of which the code of practice is issued, approved, amended or revoked; and
 - 30 (iii) the place at and the time during which the code of practice which is the subject of the notice may be inspected; and

(c) ensure that, so long as the code of practice remains in force, copies of that code, and of all amendments to that code, are available —

(i) for inspection by members of the public free of charge; and

5 (ii) for purchase by members of the public at a reasonable price.

(4) No code of practice, no amendment to an approved code of practice, and no revocation of any such approved code of practice, shall have any force or effect as an approved code of practice until the notice relating thereto is published in accordance with subsection (3).

10 (5) An approved code of practice that is also either a code of practice issued or approved under another written law or a document prepared by a person other than the Commissioner shall consist of the contents of that code or document as that code or document existed on the date it was issued or approved as an approved code of practice under this section.

15 (6) If any provision of any approved code of practice is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

(a) shall have effect subject to the provisions of this Act; or

(b) having regard to the provisions of this Act, shall not have effect.

20 (7) Any approved code of practice shall not have legislative effect.

Use of approved codes of practice in criminal proceedings

40.—(1) A person shall not be liable to any criminal proceedings by reason only that he has failed to observe any approved code of practice.

25 (2) In any proceedings for an offence under this Act, an approved code of practice that is relevant to any matter which it is necessary for the prosecution to prove in order to establish the commission of the offence shall be admissible in evidence in the proceedings.

(3) Without affecting any other method of proof, in any proceedings for an offence under this Act —

30 (a) the production of a document purporting to be a copy of a notice published by the Commissioner under section 39(3)(a) shall be taken to be such a notice until the contrary is proved; and

(b) the production of a code of practice, or an amendment or a revocation of a code of practice, purporting to be the subject of a

notice under section 39(3)(a) shall be taken to be the subject of that notice until the contrary is proved.

(4) In determining for the purpose of any provision of this Act as to whether any machinery, equipment, plant, installation or article is of good construction, sound material, adequate strength or in accordance with the generally accepted principles of safe and sound practice, regard shall be had to any relevant Singapore Standards established and published by the Standards, Productivity and Innovation Board under section 7(2)(h) of the Standards, Productivity and Innovation Board Act (Cap. 303A) or such other standards, codes of practice or guidance acceptable to the Commissioner.

PART IX

INSPECTIONS AND OTHER POWERS OF ENFORCEMENT

Powers of inspectors

41.—(1) An inspector shall, for the purposes of the execution of this Act, have power to do all or any of the following:

- (a) to enter, inspect and examine at any time any workplace;
- (b) to enter, inspect and examine at all reasonable times any place which he has reasonable cause to believe to be —
 - (i) a workplace; or
 - (ii) a place of which a workplace forms a part;
- (c) to inspect and examine any machinery, equipment, plant, installation or article in any place referred to in paragraphs (a) and (b);
- (d) to require the production of workplace records, certificates, notices and documents kept or required to be kept under this Act, and to inspect, examine and make a copy of any of them;
- (e) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as regards any workplace and any person at work;

- (f) to require any person whom he finds in a workplace to give such particulars of the employer and the occupier of the workplace as are within his knowledge;
 - 5 (g) in the case of an inspector who is a registered medical practitioner, to carry out on any person who is or had been working in a workplace such medical examinations as may be necessary for the purposes of his duties under this Act;
 - 10 (h) to take samples of any material or substance found in a workplace or being discharged from any workplace for the purpose of analysis or test;
 - (i) to assess the levels of noise, illumination, heat or harmful or hazardous substances in any workplace and the exposure levels of persons at work therein;
 - 15 (j) to require any hospital, medical clinic or mortuary to provide any information (including the medical records) of any person who is or had been working in a workplace who is injured in an accident in a workplace or who is suspected of suffering from an occupational disease contracted from a workplace and is receiving treatment at the hospital or medical clinic;
 - 20 (k) to take such photographs or video recording as he thinks necessary to record the conditions in a workplace and the processes carried on therein which may be dangerous to the safety or health of the persons at work therein;
 - 25 (l) to take into custody any article in the workplace which is required for the purpose of an investigation or inquiry under this Act;
 - (m) to require any person whom he finds in the workplace to produce evidence of the person's identity.
- (2) Any person who is found in a workplace shall render all necessary
30 assistance and co-operation to the inspector as are necessary for an entry, inspection, examination, inquiry, the taking of samples or otherwise for the exercise of his powers under this Act in relation to that workplace.
- (3) If entry to a workplace cannot be obtained, an inspector may —
- 35 (a) break open any outer or inner door or window leading to the workplace;

- (b) forcibly enter such workplace and every part thereof; or
- (c) remove by force any obstruction to such entry or search.

(4) Any person who —

- 5 (a) obstructs or delays an inspector in the exercise of his power under this section;
- (b) fails to comply with any order of an inspector under this section, or fails to produce any record, certificate, notice or document which he is required by or under this Act to produce;
- 10 (c) withholds any information as to who the employer or occupier of the workplace is; or
- (d) conceals or prevents or attempts to conceal or prevent a person from appearing before or being examined by an inspector,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Power to take samples

42.—(1) An inspector may, at any time after informing the occupier of a workplace or any person apparently in charge of the workplace, take for analysis sufficient samples of —

- 20 (a) any substance used or intended to be used in the workplace;
- (b) any substance found in the workplace that is required for the purposes of an investigation or inquiry under this Act;
- (c) any substance the use or presence of which in the workplace is suspected to be prohibited under this Act; or
- 25 (d) any substance found in the workplace which, in his opinion, is likely or may prove on analysis to be likely to cause bodily injury to the persons at work in the workplace.

(2) The occupier of a workplace or any person apparently in charge of the workplace may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into 3 parts, to mark and seal or fasten up each part in such manner as its nature permits, and —

- (a) to deliver one part to the occupier of the workplace or the person apparently in charge of the workplace;
- (b) to retain one part for future comparison; and
- (c) to submit one part to the Health Sciences Authority, or any testing laboratory as the Commissioner may appoint, for analysis.

(3) A certificate purporting to be a certificate by an analyst employed by the Health Sciences Authority or the testing laboratory appointed by the Commissioner under subsection (2)(c) as to the result of an analysis of a sample under this section shall be admissible in any proceedings under this Act as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) No person shall interfere with any equipment, instrument or device used for monitoring the workplace or taking samples for analysis.

(5) Any person who —

- (a) contravenes subsection (4); or
- (b) without the permission of the Commissioner, publishes or discloses to any person the results of any analysis made under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Power to examine and secure attendance

43.—(1) An inspector may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of any accident or dangerous occurrence or occupational disease occurring in the workplace, or with respect to any matter under this Act, and to reduce to writing any statement made by the person so examined; and
- (b) require by order in writing the attendance before himself of any person, being within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with

the facts and circumstances of matters under this Act and that person shall attend as so required.

(2) The person referred to in subsection (1)(a) shall be bound to state truly the facts and circumstances with which he is acquainted concerning matters under this Act, except only that he may decline to make with regard to any fact or circumstance, a statement which would have a tendency to expose him to a criminal charge, penalty or forfeiture.

(3) A statement made under this section by any person shall be read over to him and shall, after correction, if necessary, be signed by him.

(4) If any person fails to attend as required by an order under subsection (1)(b), the inspector may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

Competency of inspector as witness

44. In any case where a prosecution under this Act is brought at the instance of, or is conducted by, an inspector, it shall not be an objection to the competency of an inspector to give evidence as a witness in any prosecution for an offence under this Act that the prosecution is brought at his instance, or conducted by him.

Persons not to reveal protected information

45.—(1) If a person exercising any function under this Act as an inspector obtains protected information about the affairs of another person, he shall not disclose that protected information to any other person unless the disclosure —

- (a) is made with the written consent of the person to whom the information relates;
- (b) is for the purpose of the administration or enforcement of this Act; or
- (c) is in compliance with the requirement of any court, tribunal, authority or person having lawful authority to require the production of documents or the answering of questions.

(2) If any person acts in contravention of subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) For the purpose of this section, the reference to a person disclosing any protected information includes his permitting any other person to have any access to any record, document or other thing containing that information which is in his possession or under his control by virtue of his being or having been an inspector.

(4) In this section, “protected information” means information the disclosure of which would, or could reasonably be expected to disclose a trade secret or to adversely affect a person in relation to the lawful business affairs of that person.

PART X

OFFENCES, PENALTIES AND PROCEEDINGS

Unregistered factories

- 15 **46.**—(1) No person shall occupy or use any premises as a factory if —
- (a) the regulations require the person to hold a certificate of registration of a factory or a factory permit issued under the regulations; and
 - (b) the person does not hold such a valid certificate of registration of a factory or factory permit.
- 20 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and
 - 25 (b) in the case of a continuing offence, to a further fine not exceeding \$500 or to further imprisonment for a term not exceeding 7 days or to both for every day or part thereof during which the offence continues after conviction.

Onus of proving what is reasonably practicable

- 30 **47.** Where in any proceedings for an offence under any provision in this Act, it is alleged that any person failed to comply with a duty to do

something so far as is reasonably practicable, it shall be for the accused to prove that —

- (a) it was not reasonably practicable to do more than what was in fact done to satisfy that duty; or
- 5 (b) there was no better practicable means than was in fact used to satisfy that duty.

Offences by bodies corporate, etc.

48.—(1) Where an offence under this Act has been committed by a body corporate, an officer of the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that —

- (a) the offence was committed without his consent or connivance; and
- 15 (b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act is committed by a partnership, a partner of the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that —

- 25 (a) the offence was committed without his consent or connivance; and
- (b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(4) Where an offence under this Act is committed by an unincorporated association (other than a partnership), any officer of the unincorporated association or member of its governing body shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that —

(a) the offence was committed without his consent or connivance;
and

(b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The regulations may provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Arrest of person accused of offence under section 15(3) or 21(7)

49.—(1) Any person reasonably suspected of having committed an offence under section 15(3) or 21(7) may be arrested without warrant by any police officer or by any inspector authorised by the Commissioner in that behalf and produced before a Magistrate’s Court or a District Court.

(2) Notwithstanding any other written law, any police officer or inspector who, having effected an arrest in accordance with subsection (1), is satisfied as to the identity, name and place of residence of the person arrested may, instead of producing the person before a court or to a police station, serve upon the person a prescribed notice requiring the

person to attend at such court, at such time and on such date as may be specified in the notice.

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer or inspector may require such evidence of
5 identity as he may consider necessary to be furnished by the person.

(4) A duplicate of the notice served under subsection (2) shall be prepared by the police officer or inspector, as the case may be, and produced by him to the court if so required by the court.

(5) Where an accused person appears before a court in accordance with
10 a notice served under subsection (2), the court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom a notice has been served under subsection (2) fails to appear before a court in accordance with the notice, the court may
15 issue a warrant for the arrest of that person.

(7) Where a person arrested pursuant to a warrant issued under subsection (6) is produced before a court, the court shall proceed as though he were produced before it under subsection (1) and shall, at the conclusion of such proceedings, call upon him to show cause why he
20 should not be punished for failing to attend in compliance with the notice served under subsection (2).

(8) If due cause is not shown under subsection (7), the court may order him to pay a fine not exceeding \$2,000 or may commit him to prison for a term not exceeding 2 months.

25 **General penalties**

50. Any person guilty of an offence under this Act (but not including the regulations) for which no penalty is expressly provided by this Act shall be liable on conviction —

(a) in the case of a natural person, to a fine not exceeding \$200,000
30 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in the case of a body corporate, to a fine not exceeding \$500,000, and, if the contravention in respect of which he was so convicted continues after the conviction, he shall (subject to section 52) be guilty of
35 a further offence and shall be liable to a fine —

- (i) in the case of a natural person, not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction; or
- (ii) in the case of a body corporate, not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

Penalty for repeat offenders

51. Where a person —

- (a) has on at least one previous occasion been convicted of an offence under this Act (but not including the regulations) that causes the death of any person; and
- (b) is subsequently convicted of the same offence that causes the death of another person,

the court may, in addition to any imprisonment if prescribed, punish the person with —

- (i) in the case of a natural person, a fine not exceeding \$400,000, and, in the case of a continuing offence, with a further fine not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction; and
- (ii) in the case of a body corporate, a fine not exceeding \$1 million and, in the case of a continuing offence, with a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

Power of court to order cause of contravention to be remedied

52.—(1) Where any person is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him to take, within the time specified in the order (or within such further time as the court may allow), such steps as may be so specified for remedying the matters in respect of which the contravention occurred.

(2) Subject to subsection (3), where an order is made under subsection (1), the convicted person shall not be liable under this Act in respect of the continuation of the contravention during the time specified in the order or allowed by the court to remedy the matters in respect of which the contravention occurred.

(3) If, after the expiration of the time specified in the order or allowed by the court under subsection (1) following a conviction of an offence, the order is not complied with, the person referred to in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day during which the non-compliance continues after the date of conviction for that first-mentioned offence.

Forgery of certificates, false entries and false declarations

53. If any person —

- (a) forges or counterfeits any certificate required by, under, or for the purposes of, this Act;
- (b) gives or signs any certificate required by, under, or for the purposes of, this Act knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any certificate required by, under, or for the purposes of, this Act that is forged, counterfeited or false;
- (d) knowingly utters or makes use of, as applying to any person, any certificate required by, under, or for the purposes of, this Act which does not so apply;
- (e) personates any person named in any certificate required by, under, or for the purposes of, this Act;
- (f) falsely pretends to be an inspector;
- (g) wilfully connives at any of the matters referred to in paragraphs (a) to (f) such forging, counterfeiting, giving, signing, uttering, making use of, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any record, notice, certificate or document required by, under, or for the purposes of, this Act to be kept, served or sent;
- (i) wilfully makes or signs a declaration required by, under, or for the purposes of, this Act which is false; or
- (j) knowingly makes use of any false entry or declaration referred to in paragraph (h) or (i),

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Jurisdiction of court

- 5 **54.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

When Magistrate may take cognizance of offence

- 10 **55.** For the purpose of section 133 of the Criminal Procedure Code and notwithstanding subsections (1) and (2) thereof, a Magistrate may take cognizance of an offence under this Act upon receiving a complaint in writing and signed by an inspector.

Composition of offences

- 15 **56.**—(1) The Commissioner may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence or a sum of \$5,000, whichever is the
20 lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) All sums collected under this section shall be paid to the Consolidated Fund.

Power to modify agreements

- 25 **57.**—(1) If, by reason of an agreement between the owner and the occupier of the workplace, the whole or any part of which has been let as a workplace, the owner or the occupier of the workplace is prevented from carrying out any structural or other alterations in the premises which are
30 necessary to enable him to comply with the provisions of this Act or in order to conform with any standard or requirement imposed by or under this Act, the owner or the occupier of the workplace may apply to the High Court for the terms of the agreement to be set aside or modified.

(2) The High Court may, after hearing the parties and any witness whom they may desire to call, make such an order setting aside or modifying the terms of the agreement as the Court considers just and equitable in the circumstances of the case.

5 **Power to apportion expenses**

10 **58.**—(1) Where in any premises the whole or any part of which has been let as a workplace any structural or other alterations are required in order to comply with the provisions of this Act or to conform with any standard or requirement imposed by or under this Act, and the owner or occupier of the workplace, as the case may be, alleges that the whole or part of the expenses of the alterations ought to be borne by the owner or occupier of the workplace, the owner or occupier of the workplace may apply to the High Court for the expenses of the alterations to be apportioned between them.

15 (2) The High Court may, after hearing the parties and any witness whom they may desire to call, make such an order concerning the apportionment of their expenses as the Court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative, the Court may, at the request of
20 the owner or occupier of the workplace, determine the lease.

PART XI

GENERAL

Relation to other laws

25 **59.** Nothing in this Act or in any approved code of practice shall derogate from the effect of any other written law for the time being in force.

Civil liability

60.—(1) Nothing in this Act shall be construed —
30 (a) as conferring a right of action in any civil proceedings in respect of any contravention, whether by act or omission, of any provision of this Act; or

- (b) as conferring a defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings.

(2) Subsection (1) shall not affect the extent (if any) to which a breach of duty imposed under any written law is actionable.

5 **Protection from personal liability**

61.—(1) No action, suit or other legal proceeding shall lie personally against —

- (a) the Commissioner;
- (b) a Deputy Commissioner;
- 10 (c) an inspector; or
- (d) an authorised examiner,

for any damage done to any item specified in subsection (2) in the course of carrying out in good faith any prescribed examination or test of the item.

15 (2) Subsection (1) shall apply only in respect of the following items:

- (a) a hoist or lift;
- (b) a lifting gear;
- (c) a lifting appliance or lifting machine;
- (d) a steam boiler;
- 20 (e) a steam receiver;
- (f) an air receiver;
- (g) a refrigerating plant pressure receiver;
- (h) a pressure vessel; or
- 25 (i) any other machinery required by this Act to be examined or tested by an authorised examiner.

30 (3) No action, suit or other legal proceedings shall lie personally against the Commissioner or any Deputy Commissioner for anything done or omitted to be done in good faith in the course of or in connection with the performance or purported performance of any duty or function under section 21.

Exempt workers, workplaces and equipment, etc.

62.—(1) The provisions of this Act shall not apply to such persons at work as are specified in the Sixth Schedule, notwithstanding that their work is carried out or performed in a workplace specified in the First Schedule.

(2) The Minister may, by order published in the *Gazette* and with or without conditions, exempt —

- (a) any class or description of workplaces from all or any of the provisions of this Act;
- (b) any class or description of persons from compliance with all or any of the provisions of this Act; or
- (c) any class or description of machinery, equipment, plant, installation or articles from all or any of the provisions of this Act.

(3) The Commissioner may, subject to any general or special directions of the Minister, by a certificate in writing, with or without conditions, exempt —

- (a) any machinery, equipment, plant, installation or article that is identified specifically in the certificate from all or any of the provisions of this Act; or
- (b) any person identified specifically in the certificate from compliance with all or any of the provisions of this Act.

(4) If an exemption is granted under this section with conditions, the exemption operates only if the conditions are complied with.

Service of documents, etc.

63.—(1) Any document (including any summons or order) required or authorised to be served under this Act may be served —

- (a) on any person by delivering it to him, or by leaving it at, or sending it by registered post to, his residence;
- (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by registered post to, an office of the firm;
- (c) on the owner of any premises, the owner of any equipment or occupier of the workplace (including any such owner or occupier

of the workplace being a company registered under the Companies Act (Cap. 50), or a co-operative society registered under the Co-operative Societies Act (Cap. 62)) in any such manner as aforesaid or by delivering it, or a true copy thereof, to the manager, foreman or other responsible person at the workplace.

(2) Any such document may be addressed, for the purpose of the service thereof on the occupier of a workplace, to “the occupier of the workplace” at the proper postal address of the workplace, without further name or description.

(3) Subsections (1) and (2) shall apply, with the necessary modifications, to documents required or authorised under this Act to be sent to any person, firm, owner or occupier of the workplace, and to the sending, addressing and delivering of such documents.

Amendment of Schedules

64.—(1) Subject to section 2(2) and this section, the Minister may, by order published in the *Gazette*, amend any of the Schedules.

(2) The Minister may prescribe in the order under subsection (1) such transitional, incidental and consequential provisions as may be necessary or expedient.

(3) Every order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations

65.—(1) The Minister may make regulations for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) any matter relating to the registration of a factory, including —
 - (i) the class or description of factories which require registration;
 - (ii) the form and manner of application for the registration;
 - (iii) the conditions of registration;

- (iv) the circumstances under which an application for registration may be granted or refused;
- (v) the issuance of a certificate of registration of a factory or a factory permit in lieu of such a certificate;
- 5 (vi) the duration of the certificate of registration or factory permit;
- (vii) the form, custody and maintenance of any register to be kept by the Commissioner of any premises registered as a factory or in respect of which a factory permit is issued;
- 10 (viii) the circumstances under which a certificate of registration or factory permit may be renewed, extended or revoked;
- (ix) the imposition of any duty on the occupier of a factory to provide such information to the Commissioner with respect to any change in any matter in relation to the factory;
- 15 (x) the bringing of appeals to the Minister in respect of the registration of factories or the issue of factory permits;
- (b) the lighting, ventilation, temperature, humidity, radiant heat, noise, drainage and hygiene in workplaces, and the fixing of standards therefor;
- 20 (c) the provision of first-aid resources and the appointment of first-aiders in workplaces;
- (d) the procedures and resources required in case of fire at any workplace;
- 25 (e) the means, if any, required for removing impurities from the air in workplaces and for reducing excessive heat and noise in workplaces;
- (f) the permissible exposure levels, control and disposal of any toxic or noxious materials, whether solid, liquid, gaseous or vaporous;
- 30 (g) the handling, storage and disposal of any harmful organisms and biohazardous material;
- (h) the use and control of, and the safeguards and safety measures when using any dangerous machinery or equipment;
- (i) the types of clothing and appliances to be provided for use at work;

- (j) in relation to any hoist or lift, lifting gear, lifting appliance and lifting machine, steam boiler, steam receiver, air receiver, refrigerating plant pressure receiver, or any other machine —
- 5 (i) the conditions under which it may be used and any safety requirement in relation to its use;
 - (ii) its construction, use or maintenance;
 - (iii) the issue of certificates of competency to persons who may operate, or take charge and control over it;
 - 10 (iv) any examination or test which is required to be conducted on it;
 - (v) the person who may examine or test it to ensure its safe working condition;
 - (vi) the manner in which any examination or test is to be carried out;
 - 15 (vii) the frequency of such examination or test;
 - (viii) the form, custody and inspection of any certificate or report of such examination or test;
 - (ix) the duty of any approved person who conducts such examination or test; and
 - 20 (x) the imposition of any duty on any person in order to ensure its safe operation or the safety of persons at work;
- (k) the fees to be paid in respect of any matter or thing done or document issued under this Act;
- 25 (l) the issue of certificates of competency to persons taking charge of or operating internal combustion engines;
- 30 (m) the nature of the examination for certificates of competency to be issued to persons taking charge of or operating steam boilers or internal combustion engines, the constitution of a board of examiners, the form of the certificates of competency, and the fees to be paid for such examination and certificates;
- (n) the accreditation of accredited training providers to conduct safety and health training courses for persons who are required to attend such courses under this Act, the establishment of a scheme

to accredit training providers, and the fees to be paid by the accredited training providers under that scheme;

- (o) the nature of any gas plant that may be used;
- (p) the type of fittings and pipes that may be used in all or any types of gas plant;
- (q) the inspection of gas plants;
- (r) the prevention or minimisation of risk of bodily injury or injury to health where any manufacture, machinery, equipment, installation, plant, article or process used or work carried out in any workplace involves such risk;
- (s) the arrangements to be made for the medical supervision and medical examination (not including medical treatment of a preventive character), and for the removal from exposure of risk of any person or any class of persons at work;
- (t) the health, safety and welfare in respect of the following types of work:
 - (i) building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking;
 - (ii) works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking;
 - (iii) design and management of building operations or works of engineering construction;
 - (iv) work involving the use of or exposure to pesticides;
 - (v) maintenance and repair of roads;
 - (vi) building renovation work;
 - (vii) lift maintenance and repair;
 - (viii) work in confined spaces;
 - (ix) work involving the use of visual display units;
 - (x) work involving a steam boiler, steam receiver or air receiver and;
 - (xi) any other process, work or operation —

(A) which is of such a nature as to cause any risk of bodily injury to any person at work; or

(B) which poses any health hazard to persons at work;

5 (u) the conduct of any risk assessment or safety and health arrangement and the duties of any occupier, employer or any other person in relation to the conduct of the risk assessment or the safety and health arrangement;

10 (v) the implementation of any safety and health management system and the duties of any occupier, employer or any other person in relation to the implementation of the safety and health management system;

(w) the prescribing of anything that is required or permitted to be prescribed under this Act.

15 (3) The regulations made under this section may prescribe offences in respect of the contravention of any provision thereof, and may prescribe that fines not exceeding \$20,000 and imprisonment not exceeding 2 years may, on conviction, be imposed in respect of any such offence.

20 (4) The regulations may impose duties on any person who has control or influence over any aspect of workplace safety or health, including but not limited to any occupier, owner, employer, manufacturer, designer or employed person.

(5) Regulations made under subsection (2)(r) may, among other things —

25 (a) prohibit the employment of, or modify or limit the hours of employment of, any person at work in connection with any manufacture, machinery, plant, process or description of work;

(b) prohibit, limit or control the use of any material or process;

(c) prescribe maximum weights which may be lifted, carried or moved by any person at work;

30 (d) prescribe the qualifications and minimum age of, and the training to be received by, persons who are at work using any machinery or plant; and

(e) prescribe the procedures to be undertaken before the work can be carried out.

(6) Regulations made under subsection (2)(s) may —

- (a) require the medical supervision and medical examination under the regulations to be carried out by persons registered with the Commissioner; and
- 5 (b) prescribe the qualifications and other conditions to be satisfied for such registration.

(7) Regulations made under subsection (2)(t) may —

- (a) apply any of the provisions of this Act to the classes of premises, processes or operations referred to in that subsection;
- 10 (b) impose duties on persons involved in the type of work referred to in that subsection, including any developer, contractor, architect or engineer; and
- (c) prescribe the qualifications and training to be received by persons involved in the type of work referred to in that subsection.
- 15

(8) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Repeal

66. The Factories Act (Cap. 104) is repealed.

20 Savings and transitional provisions

67.—(1) The person who, immediately before the appointed day, is the Chief Inspector shall be deemed to be the Commissioner for Workplace Safety and Health appointed under section 7(1) of this Act, but his appointment as the Commissioner shall expire on the day his appointment as Chief Inspector would have expired if this Act had not been enacted.

- 25

(2) Any person who, immediately before the appointed day, is an inspector or officer appointed under section 84(1) of the repealed Act shall continue to hold such office as if he were appointed under section 7(3) of this Act.

30 (3) Every person who, immediately before the appointed day, is —

- (a) a safety officer under section 71 of the repealed Act; or

(b) a safety co-ordinator under section 71A of the repealed Act, shall continue in such appointments as if he were appointed as a workplace safety and health officer or a workplace safety and health co-ordinator under section 28 of this Act, respectively, and their respective appointments shall expire on the day their appointments would have expired if this Act had not been enacted.

(4) Every safety committee established under section 72 of the repealed Act immediately before the appointed day shall, subject to the provisions of this Act, be deemed to be a workplace safety and health committee established under section 29 of this Act.

(5) Every person who, immediately before the appointed day, is an approved auditor under section 71B of the repealed Act shall continue in such appointments as if he were appointed as a workplace safety and health auditor under section 30 of this Act, and his appointment shall expire on the day his appointment would have expired if this Act had not been enacted.

(6) Every person who, immediately before the appointed day, is an approved person or authorised boiler inspector approved by the Chief Inspector under the repealed Act shall continue in such appointment as if he were an authorised examiner appointed under section 33 of this Act, and his appointment shall expire on the day his appointment would have expired if this Act had not been enacted.

(7) Any permit, certificate or report, made, granted or approved under the repealed Act or its subsidiary legislation shall, so far as it is not inconsistent with the provisions of this Act and except as otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been made, granted or approved under the corresponding provisions of this Act.

(8) Any application or other document lodged for approval under the provisions of the repealed Act before the appointed day and whose application was not approved before that day shall, where applicable, be deemed to be an application or a document lodged for approval under the corresponding provisions of this Act.

(9) Where an appeal has been made to the Minister under section 50 of the repealed Act and the appeal has not been dealt with or disposed of immediately before the appointed day, the appeal may be dealt with in accordance with that repealed section as if this Act had not been enacted.

(10) This Act shall not affect —

- 5 (a) any investigation or inquiry commenced or pending under Part V of the repealed Act before the appointed day, and every such investigation or inquiry may be continued and everything in relation thereto may be done in all respects after that day as if this Act had not been enacted;
- (b) the continued operation or force of any order, direction or decision of the Chief Inspector or the Minister made under the repealed Act before the appointed day; and
- 10 (c) any right of appeal accrued before the appointed day in respect of any such order, direction or decision.

(11) Any factory which, immediately before the appointed day, is registered under the repealed Act shall be deemed to be registered under the provisions of this Act.

15 (12) Any approval, notice, direction, order, requirement or exemption that —

- (a) is given, issued or made under the repealed Act; and
- (b) is in force immediately before the appointed day,

20 shall have effect for the purposes of any corresponding provision of this Act, unless this Act otherwise provides.

 (13) Where any period of time specified in any provision in the repealed Act is current immediately before the appointed day, this Act shall have effect as if the corresponding provision in this Act had been in force when the period began to run; and (without prejudice to the foregoing) any
25 period of time so specified and current shall be deemed for the purposes of this Act —

- (a) to run from the date or event from which it was running immediately before that day; and
- 30 (b) to expire (subject to any provision of this Act for its extension) whenever it would have expired if this Act had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such a period as above-mentioned shall be under this Act as they were or would have been under that provision in the repealed Act.

(14) Any subsidiary legislation made under the repealed Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force in factories as if made under this Act until it is revoked or repealed.

5 (15) Any written law or document referring to the repealed Act or any provision thereof shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to this Act or the corresponding provision in this Act, as the case may be.

10 (16) For a period of 2 years after the appointed day, the Minister may, by regulations, prescribe such other transitional, incidental and consequential matters arising from the repeal of the repealed Act, as he may consider necessary or expedient.

(17) In this section, “appointed day” means the date of commencement of this Act.

15 **Consequential amendments to other written laws**

68. The provisions of the Acts specified in the first column of the Seventh Schedule are amended in the manner set out in the second column thereof.

FIRST SCHEDULE

20

Sections 2(1) or (2), 27(2) and 62(1)

WORKPLACES SUBJECT TO ACT

1. Any premises which is a factory.

2. Any premises within an airport where any checking, inspecting, cleaning, loading, unloading or refueling of an aircraft is carried out by persons other than by the crew of
25 the aircraft.

3. Any ship in a harbour where —

(a) any scaling, scurfige or cleaning of boilers (including combustion chambers and smoke boxes) in the ship;

(b) any cleaning of any tank, bilges or holds in the ship; or

30 (c) any construction, re-construction, repair, fitting, furnishing or breaking up,
is carried out.

4. Any dock, wharf or quay where loading, unloading or bunkering of a ship is carried out by persons other than by the crew of the ship.

5. Any premises delineated as a railway area under the Rapid Transit Systems Act (Cap. 263A) and where any inspection, testing or maintenance of any railway is carried out.

6. Any premises (other than domestic premises) in which a steam boiler, steam receiver or air receiver is used.

7. Any laboratory or other premises where the testing, examination or analysis of any article is carried out.

SECOND SCHEDULE

Section 4(1)

10

DANGEROUS OCCURRENCES

1. Bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.

2. Collapse or failure of a crane, derrick, winch, hoist, piling frame or other appliance used in raising or lowering persons or goods, or any load bearing part thereof (except breakage of chain or rope slings), or the overturning of a crane.

3. Explosion or fire damage to the structure of any room or place in which persons are at work, or to any machine or plant contained therein, and resulting in the complete suspension of ordinary work in the room or place or stoppage of machinery or plant for not less than 5 hours, where the explosion or fire is due to the ignition of dust, gas or vapour, or the ignition of celluloid or substance composed wholly or in part of celluloid.

4. Electrical short circuit or failure of electrical machinery, plant or apparatus, attended by explosion or fire or causing structural damage thereto, and involving its stoppage or disuse for not less than 5 hours.

5. Explosion or fire affecting any room in which persons are at work and causing complete suspension of ordinary work therein for not less than 24 hours.

6. Explosion or failure of structure of a steam boiler or of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

7. Failure or collapse of formwork or its supports.

8. Collapse, in part or in whole, of a scaffold exceeding 15 metres in height or of a suspended scaffold or a hanging scaffold from which any person may fall more than 2 metres.

9. Accidental seepage or entry of seawater into a dry dock or floating dock causing flooding of the dry dock or floating dock.

THIRD SCHEDULE

Section 4(1)

OCCUPATIONAL DISEASES

1. Aniline poisoning
- 5 2. Anthrax
3. Arsenical poisoning
4. Asbestosis
5. Barotrauma
6. Beryllium poisoning
- 10 7. Byssinosis
8. Cadmium poisoning
9. Carbamate poisoning
10. Carbon Bisulphide poisoning
11. Chrome ulceration
- 15 12. Chronic benzene poisoning
13. Compressed air illness
14. Cyanide poisoning
15. Epitheliomatous ulceration (due to tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any such substance)
- 20 16. Hydrogen Sulphide poisoning
17. Occupational skin diseases
18. Lead poisoning
19. Liver angiosarcoma
20. Manganese poisoning
- 25 21. Mercurial poisoning
22. Mesothelioma
23. Noise-induced deafness
24. Occupational asthma
25. Organophosphate poisoning
- 30 26. Phosphorous poisoning
27. Poisoning from halogen derivatives of hydrocarbon compounds

- 28. Repetitive strain disorder of the upper limb
- 29. Silicosis
- 30. Toxic anaemia
- 31. Toxic hepatitis.

5

FOURTH SCHEDULE

Section 4(1)

WORK OF ENGINEERING CONSTRUCTION

- 1. The construction of any railway line or siding.
- 2. The construction, structural alteration or repair (including re-pointing and repainting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewerage works or gas-holder.
- 3. The construction, laying, structural alteration, inspection, maintenance, repair, demolition or removal of —
 - (a) any pipe-line for the conveyance of water, gas or any other thing;
 - (b) any drain, whether open or covered, except open drains situated in domestic premises; or
 - (c) any underground electrical cable and communication cable.
- 4. The inspection, repair or maintenance of any manhole, sump, inspection chamber, valve chamber, and any other similar confined structure providing access to pipe-lines or underground electrical cables and communication cables.
- 5. The construction of any road or car park.
- 6. The reclamation of any land.

FIFTH SCHEDULE

Sections 16(9) and 17(7)

MACHINERY, EQUIPMENT OR HAZARDOUS SUBSTANCES

PART I

5 MACHINERY AND EQUIPMENT

1. Scaffolds and any materials or components used to erect them
2. All lifting equipment
3. Forklifts
4. Power presses
- 10 5. Bar-benders
6. Any equipment or piping intended for operation under pressure, including all statutory pressure vessels
7. Any equipment or piping intended to contain corrosive, toxic or flammable substances
- 15 8. Welding equipment, including any accessory, apparatus or fitting necessary to enable its use
9. Materials or components used for the construction of support structures
10. Explosive powered tools
- 20 11. Equipment used for abrasive blasting, including any accessory, apparatus or fitting necessary to enable its use and operation.

PART II

HAZARDOUS SUBSTANCES

1. Corrosive substances
2. Flammable substances
- 25 3. Explosives
4. Oxidising substances
5. Pyrophoric substances
6. Gases under pressure
7. Organic peroxides

8. Self heating substances
9. Self-reactive substances
10. Substances which in contact with water, emit flammable gases
11. Toxic substances
- 5 12. Mutagens
13. Carcinogens
14. Teratogens
15. Sensitizers
16. Irritants
- 10 17. Substances hazardous to aquatic environment.

SIXTH SCHEDULE

Sections 27(2) and 62(1)

EXEMPT PERSONS AT WORK

- 15 1. Any member of the Singapore Police Force (including the Special Constabulary), Singapore Prisons Service, Internal Security Department, Central Narcotics Bureau, Singapore Armed Forces, Singapore Civil Defence Force and the Immigration & Checkpoints Authority while on duty.
- 20 2. A crew member at work on board any ship, aircraft or any other international mode of transport which does not pose a risk to the safety and health of any person other than the crew member himself or any other crew member on board the ship, aircraft or other international mode of transport.

SEVENTH SCHEDULE

Section 68

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

<i>First column</i>	<i>Second column</i>
(1) Central Provident Fund Act (Chapter 36, 2001 Ed.)	
Third Schedule	Delete item 14 and substitute the following item: “14. Workplace Safety and Health Act 2005.”.

<i>First column</i>	<i>Second column</i>
(2) Income Tax Act (Chapter 134, 2004 Ed.) Section 19A(15)	Delete the words “section 6 of the Factories Act (Cap. 104)” in the definition of “automation equipment” and substitute the words “section 5 of the Workplace Safety and Health Act 2005”.
(3) Professional Engineers Act (Chapter 253, 1992 Ed.) The Schedule, item 2	<p>(a) Delete the words “Factories Act” and substitute the words “Workplace Safety and Health Act 2005”.</p> <p>(b) Delete the marginal reference “Cap. 104.”.</p>

EXPLANATORY STATEMENT

This Bill seeks to repeal and re-enact with amendments the Factories Act (Cap. 104) for the following purposes:

- (a) to secure the safety, health and welfare of persons at work in workplaces;
- (b) to impose specific duties on various persons, which includes employers, self-employed persons, principals, occupiers of workplaces, persons at work, manufacturers or suppliers of machinery or equipment for use at work, persons who erect, install or modify machinery or equipment and persons having control over common areas, etc.;
- (c) to provide a range of enforcement methods, so as to enable an appropriate response to a failure to comply with the Bill depending on its nature;
- (d) to provide for the appointment of authorised examiners and inspectors to carry out such safety and health inspections as are prescribed under the Bill; and
- (e) to provide for safety and health management arrangements.

The Bill also makes consequential amendments to the Central Provident Fund Act (Cap. 36), the Income Tax Act (Cap. 134) and the Professional Engineers Act (Cap. 253).

PART I

PRELIMINARY

Part I contains the preliminary provisions of the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 relates to the scope of application of the Bill. The Bill only applies to workplaces within the class or description of workplaces specified in the First Schedule. The Bill (but not the regulations) may itself make provisions which may expand or restrict the scope of application of the Bill.

Clause 3 provides that the Bill will bind the Government but nothing in it will render the Government liable to prosecution for an offence.

PART II

INTERPRETATION

Part II contains the interpretation of various terms and expressions used in the Bill.

Clause 4 defines various terms and expressions used in the Bill.

Clause 5 defines what a workplace and what a factory is. It also provides for the circumstances under which a workplace is to be treated as a factory.

Clause 6 defines the terms “employer” and “employee”. An employee includes a volunteer, a person who is in a workplace for the purpose of receiving on the job training or gaining work experience (including under a rehabilitation scheme) and a loaned employee.

PART III

ADMINISTRATION OF ACT

Part III relates to the appointment of various persons to assist in the administration of the Bill.

Clause 7 provides for the appointment of the Commissioner for Workplace Safety and Health, Deputy Commissioners, inspectors and other authorised officers.

Clause 8 deems the Commissioner and every Deputy Commissioner, inspector and authorised officer to be public servants within the meaning of the Penal Code (Cap. 224).

Clause 9 provides that every inspector and authorised officer is to be furnished with a certificate of his appointment and must, on demand, produce such certificate when exercising any powers under the Bill.

PART IV

GENERAL DUTIES OF PERSONS AT WORKPLACES

Part IV provides for general duties of various persons in relation to a workplace, which includes employers, self-employed persons, principals, occupiers of workplaces, persons at work, manufacturers or suppliers of machinery or equipment for use at work, persons who erect, install or modify machinery or equipment and persons having control of common areas, etc. Under the Bill, a contravention of any of these duties is an offence.

Clause 10 provides that a person may at any one time be acting in different capacities (e.g. as an employer, a contractor, an occupier of a workplace, etc.) but the Bill may impose duties or liabilities on that person accordingly based on those different capacities. The clause further provides that the Bill may impose the same duty or liability on 2 or more persons, whether in the same capacity or different capacities.

Clause 11 imposes a duty on the occupier of a workplace to take, so far as is reasonably practicable, such measures to ensure that the workplace, all means of access to or egress from the workplace and any machinery, equipment, plant, article or substance kept on the workplace are safe and without risks to health to all persons in that workplace.

Clause 12 imposes a duty on employers to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of various persons. The clause also provides a non-exhaustive list of what steps are necessary to ensure the safety and health of persons at work in the workplace.

Clause 13 imposes a duty on self-employed persons to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any undertaking carried on by him in the workplace.

Clause 14 imposes a duty on principals to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of various persons. The clause also provides a non-exhaustive list of what steps are necessary to ensure the safety and health of persons at work in the workplace.

Clause 15 imposes certain duties on persons at work. The duties include using any appliance, protective clothing, convenience, equipment or other means or thing provided for the purpose of securing his safety, health and welfare while he is at work. The clause also makes it an offence for a person at work to wilfully or recklessly interfere with or misuse any item provided for the purpose of securing the safety, health and welfare of persons at work. It is also an offence for a person at work to wilfully or recklessly do anything to endanger himself or others.

Clause 16 imposes certain duties on any person who manufactures or supplies any machinery, equipment or hazardous substance set out in the Fifth Schedule for use at work in any workplace. The manufacturers or suppliers must ensure that the relevant information about the safe use of such items is made available, that such items are safe

and without risk to health when properly used, and that the relevant test and examination have been done.

Clause 17 imposes certain duties on any person who erects, installs or modifies any machinery or equipment for use at work. Such persons must ensure that the machinery or equipment is erected, installed or modified in a manner that is safe, and without risk to health, when properly used. The clause further imposes certain duties on every owner, hirer or lessee of machinery moved by mechanical power as well as a person who maintains such machinery.

Clause 18 prohibits an employer to deduct from the wages of, or receive payment from, a person employed by him, in relation to anything done or provided by him in accordance with the Bill. The clause also protects the employee from certain actions of his employer as a result of complying with the provisions of the Bill. The clause further requires the occupier of a workplace to keep certain records for inspection by an inspector for not less than 5 years from the date the records were made or such other prescribed period.

Clause 19 imposes a duty on the occupier of the common area which is used by persons at work. His duties will be in relation to the electric generators, hoists and lifts, machinery or plant, etc., located in the common area and which are used by persons at work.

Clause 20 makes it an offence for a person who contravenes any provision in Part IV which imposes a duty on him.

PART V

POWERS OF COMMISSIONER

Part V deals with the power of the Commissioner to issue remedial orders or stop-work orders and to suspend any certificate issued by him under the Bill. It also provides for an appeal to be made to the Minister by any person who is affected by any order or decision of the Commissioner.

Clause 21 allows the Commissioner to issue a remedial order or stop-work order in certain circumstances. It also allows the Commissioner to take certain actions in the event that a person fails to comply with the remedial order or stop-work order.

Clause 22 deals with the manner of appeal from an order made by the Commissioner under clause 21.

Clause 23 allows the Commissioner to suspend any certificate issued by him under the Bill.

PART VI

INVESTIGATIONS, INQUIRIES AND REPORTING OF ACCIDENTS, DANGEROUS OCCURRENCES AND OCCUPATIONAL DISEASES

Part VI deals with investigations into accidents, dangerous occurrences and occupational diseases and the power of the Minister to appoint an Inquiry Committee to hold an inquiry into any accident, dangerous occurrence or occupational disease.

Clause 24 allows the Commissioner to direct an inspector to investigate into an accident, a dangerous occurrence or an occupational disease.

Clause 25 prohibits any person from altering, replacing, removing or adding to any machinery, equipment, plant or article which may have contributed to the cause of any accident resulting in the death of any person or any dangerous occurrence or occupational disease. It also prohibits any person from modifying the scene of the fatal accident or the dangerous occurrence or occupational disease. The clause also imposes certain duties of the occupier of the workplace where the accident, dangerous occurrence or occupational disease occurs.

Clause 26 empowers the Minister to appoint an Inquiry Committee to hold an inquiry into the accident, dangerous occurrence or occupational disease that occurred in a workplace and of its causes and circumstances and to report its findings to him. The clause also provides for the constitution and the powers of the Inquiry Committee and the manner in which the inquiry is to be held.

Clause 27 relates to the notification and reporting of accidents, dangerous occurrences and occupational diseases. The clause empowers the Minister by regulations to require certain persons to notify or report such events even if they occurred in a workplace falling outside the First Schedule. Such persons also have to notify or report even if they are exempt persons at work under the Sixth Schedule.

PART VII

SAFETY AND HEALTH MANAGEMENT ARRANGEMENTS

Part VII provides for the safety and health management arrangements within a workplace. It also provides for the appointment of workplace safety and health officers, workplace safety and health co-ordinators, workplace safety and health committees, workplace safety and health auditors and authorised examiners.

Clause 28 deals with workplace safety and health officers and workplace safety and health co-ordinators. The Minister may make regulations prescribing the functions, duties and powers of such persons.

Clause 29 establishes the workplace safety and health committees. The Minister may make regulations prescribing the duties and powers of such committees.

Clause 30 deals with workplace safety and health auditors. The Minister may make regulations prescribing the duties and powers of such auditors.

Clause 31 deals with safety and health training courses. Certain prescribed persons are required to attend such courses. The duty is on the employer of such a prescribed person to ensure that the person completes or has completed the safety and health training course before allowing that person to work. Such courses are to be conducted by an accredited training provider.

Clause 32 prohibits any person from acting as an authorised person except with the approval of the Commissioner.

Clause 33 provides for the manner of application for approval to act as an authorised person and the considerations the Commissioner has to take into account when approving such applications. The approval by the Commissioner may be subject to such conditions as the Commissioner thinks fit.

Clause 34 relates to the duration of the approval of a person as an authorised person.

Clause 35 deals with the cancellation of the approval of a person as an authorised person. It provides the grounds upon which the Commissioner may cancel an approval. It also provides the steps the Commissioner has to take before cancelling the approval of any person as an authorised person.

Clause 36 provides for the surrender of a certificate of approval.

Clause 37 prohibits any person from claiming or implying that he is approved by the Commissioner as a relevant authorised person.

Clause 38 provides for the punishment of offences under clause 32, 36 or 37.

PART VIII

CODES OF PRACTICE

Part VIII deals with codes of practice and the use of such codes in criminal proceedings.

Clause 39 empowers the Commissioner, for the purpose of providing practical guidance with respect to the requirements of the provisions of the Bill, to approve and issue codes of practice. The clause provides for the manner in which the codes of practice are to be issued, approved, amended or revoked.

Clause 40 provides that a person is not liable to any criminal proceedings by reason only that he has failed to observe any approved code of practice. The clause also provides for the use which can be made of an approved code of practice in any proceeding for an offence under the Bill.

PART IX

INSPECTIONS AND OTHER POWERS OF ENFORCEMENT

Part IX deals with the powers of inspectors carrying out their duties under the Bill.

Clause 41 provides for the powers of an inspector in order to perform his duty under the Bill. It also provides for any person found in the workplace to render all necessary assistance and co-operation to the inspector exercising his powers under the Bill in

relation to that workplace. The clause also makes it an offence for any person to obstruct or delay an inspector in the exercise of his powers.

Clause 42 provides for the power of an inspector to take certain samples for analysis. It also provides that a certificate purporting to be a certificate by an analyst employed by the Health Sciences Authority or the testing laboratory appointed by the Commissioner as to the result of an analysis of a sample under the clause is admissible in any proceedings under the Bill as evidence of the matters stated therein.

Clause 43 provides for the powers of an inspector to examine and secure the attendance of any person supposed to be acquainted with the facts and circumstances of any accident, dangerous occurrence or occupational disease occurring in the workplace, or with respect to any matter under the Bill.

Clause 44 makes an inspector a competent witness in any prosecution for an offence under the Bill, even if such prosecution is conducted by him.

Clause 45 prohibits any person exercising any function under the Bill as an inspector from revealing any protected information which may at any time come to his knowledge in the course of his duty under the Bill.

PART X

OFFENCES, PENALTIES AND PROCEEDINGS

Part X deals with offences, penalties and proceedings.

Clause 46 makes it an offence for a person to occupy or use any premises as a factory except in accordance with the Bill.

Clause 47 provides that the onus of proving the limits of what is reasonably practicable lies on the accused. This is consistent with the practice in the United Kingdom. The rationale for placing the onus on the accused is because the accused is in a better position to explain that what was in fact done in the circumstances of the case was reasonably practicable to secure the safety and health of his workers.

Clause 48 deals with offenders which are corporations or unincorporated associations.

Clause 49 deals with the arrest of persons accused of an offence under clause 15(3) or 21(7) and how they are to be produced before a court.

Clause 50 prescribes various penalties for various offences under the Bill for which no specific punishment is prescribed.

Clause 51 provides for enhanced penalties for repeat offenders.

Clause 52 gives the court the power to order any person convicted of an offence under the Bill to take such steps to cause any contravention under the Bill to be remedied.

Clause 53 provides for various offences relating to forgery and the making of false entries and declarations.

Clause 54 provides that a District Court will have jurisdiction to try any offence under the Bill and will have power to impose the full penalty or punishment in respect of the offence.

Clause 55 provides that a Magistrate may take cognizance of an offence under the Bill upon receiving a complaint in writing and signed by an inspector.

Clause 56 empowers the Commissioner to compound such offences as may be prescribed by collecting a sum not exceeding one half the maximum fine that is prescribed for the offence or a sum of \$5,000, whichever is the lower.

Clause 57 empowers the High Court to set aside or modify an agreement between the owner and the occupier of the workplace in certain circumstances.

Clause 58 relates to an application made to the High Court for the apportionment of expenses incurred for the purpose of making alterations to premises in order to comply with the provisions of the Bill.

PART XI

GENERAL

Part XI contains general provisions.

Clause 59 states that nothing in the Bill or in any approved code of practice under the Bill is to derogate from the effect of any other written law for the time being in force.

Clause 60 states that nothing in the Bill is to be construed as conferring any right of action in any civil proceedings in respect of any contravention of any provisions of the Bill.

Clause 61 protects the Commissioner, a Deputy Commissioner, an inspector or an authorised examiner from civil liability for certain actions taken in good faith under the Bill.

Clause 62 enables the Minister to exempt any class or description of workplaces, persons or machinery from the operation of all or any of the provisions of the Bill. The clause also enables the Commissioner to exempt, subject to any general or special directions of the Minister, any person or machinery that is identified specifically from the provisions of the Bill. The Commissioner can therefore only exempt a specific person or machinery whereas the exemption by the Minister relates to a class or description of workplaces, persons or machinery.

Clause 63 relates to the service and sending of any document required or authorised to be served under the Bill.

Clause 64 empowers the Minister to amend the Schedules by order published in the *Gazette*.

Clause 65 empowers the Minister to make regulations for the purposes of the Bill.

Clause 66 repeals the Factories Act (Cap. 104).

Clause 67 provides various savings and transitional provisions consequential on the repeal of the Factories Act (Cap. 104), and allows the Minister, within 2 years, to prescribe by regulations such other transitional, incidental and consequential matters as he may consider necessary or expedient.

Clause 68 (to be read with the Seventh Schedule) provides for consequential amendments to certain other written laws.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
