



A Short Guide for Employers

TO THE OCCUPATIONAL SAFETY & HEALTH ACT

Chapter 88:08



This leaflet is a brief guide to the OSH Act Chapter 88:08
It does not describe the law in detail, but it does list the key points

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Occupational Safety and Health Act as it applies to the Employer and Occupier

Under the Occupational Safety and Health Act Chap 88:08, an **Employer** is defined as the person who employs persons for the purpose of carrying out any trade, business, profession, office, vocation or apprenticeship.

The **Occupier** is defined as the person who has ultimate control over the affairs of the industrial establishment.

In many industrial establishments, the occupier and the employer are one and the same. In such instances, the responsibilities of the employers will also include those of the occupiers.

Some responsibilities are assigned to both employers and occupiers.

For simplicity, some of the fundamental duties of both the employer and the occupier are listed in this brochure. The OSH Act should be consulted for further details.

THE EMPLOYER

General Duties

The employer must ensure the safety, health and welfare of all employees at work.

In his endeavours to accomplish this he must:

- Ensure safety of plant and systems of work.
- Provide arrangements for safe use, handling, storage and transport of equipment, machinery, articles and substances.
- Provide appropriate personal protective clothing and equipment, at no cost to the employee.
- Provide the necessary information, instruction, training and supervision as is necessary.
- Maintain the workplace in a safe condition and ensure the provision of safe means of access and egress.
- Provide a safe working environment with adequate welfare facilities.



In particular, the employer must do the following:

Risk Assessment

- Assess the risks to the safety and health of employees.
- Make arrangements for implementing the necessary safety & health measures identified by the assessment.
- If there are twenty-five or more employees, record the significant findings of the risk assessment. Such an assessment is vital to the development and implementation of the arrangements required in the Safety and Health Policy.



Chemicals

- Institute arrangements to ensure that all hazardous chemicals are properly labelled.
- Ensure the availability of Chemical Safety Data Sheets for all hazardous chemicals.
- Ensure arrangements for the handling, storage and disposal of hazardous chemicals.

Pregnant Women and Nursing Mothers

- Adapt working conditions for a pregnant woman to ensure that she is not exposed to conditions dangerous to the health of the unborn child.
- Where appropriate, alternative work must be assigned if available.
- For up to six months after the birth of her child, alternative work must be provided if the employee is normally required to perform work that poses danger to her health or that of her child.

Non-Employees/Visitors/Public

- Conduct his undertaking in such a manner as to ensure persons not employed are not exposed to risks to their safety and health.

Safety and Health Committee

- Where there are twenty-five or more employees, consult with employees in establishing a safety and health committee.

Appointment of Competent Person

- Appoint someone competent to assist with safety and health responsibilities if requested to do so by the Chief Inspector.

Cooperation

- Co-operate on safety and health issues with other employers sharing the same workplace.

Health Surveillance

- Provide such health surveillance as appropriate having regard to the findings of the risk assessment. The OSH Act defines health surveillance as the periodic review, for the purpose of protecting health and preventing occupational related disease, so that any adverse variations in their health that may be related to working conditions are identified as early as possible.

Medical Examination

- An Employer may require an employee or a person seeking employment to undergo a medical examination to determine fitness for work.
- The cost of such examination is to be paid by the employer.

THE OCCUPIER

An occupier must ensure the following:

Young Persons (16-18)

- A register of young persons is maintained that includes the names, dates of employments, particulars as to the certificate of fitness and the nature of work that the young person is required to undertake.
- That young persons do not operate dangerous machinery unless provided with adequate training *and* supervision.

Confined Space

- A confined space is entered only where:
there is egress from all accessible points in the confined space; all mechanical equipment is disconnected from its power source and locked out;

all pipes and other supply lines likely to create a hazard are blanked off and the confined space is tested and evaluated by a competent person.

- In any confined space in which exists, or is likely to exist, a hazardous gas, vapour, dust or fume, or an oxygen content less than eighteen per cent or more than twenty-three per cent, arrangements are made to ensure that another worker with appropriate rescue equipment is stationed outside the confined space and suitable arrangements have been made to remove the worker from the confined space in an emergency. Such a confined space must also be purged and ventilated and in the event that this is not possible, then suitable breathing apparatus must be used by the employee entering the confined space.

Safeguarding of Machinery

- All transmission machinery must be securely fenced, unless safe by position or construction.
- Other dangerous parts of machines must be securely fenced or provided with a device that automatically protects the operator from coming into contact with that part.

Removal of dust and fumes

- Where dust or fumes are produced, measures must be taken to protect employees from inhalation.
- Where practicable, exhaust appliances must be provided as close to the point of origin of the dust or fumes as possible.

Ventilation

- Ensure adequate ventilation by fresh air in industrial establishments not ventilated by a functioning air-conditioning system.

Emergency Response

- Set up an Emergency Plan in writing based on the risks assessments that were done.
- Provide adequate first-aid facilities.

Fire

- Ensure certification of establishment by the Fire Authority as prescribed in Section 26 (2) of the OSH Act.



Cleanliness

- The industrial establishment is maintained in a clean state.

Lighting

- The provision of lighting that is suitable and sufficient in areas where employees are working or passing.

Welfare

- Provision and maintenance of sufficient supply of drinking water, washing facilities, sanitary conveniences, restrooms, lunch rooms and accommodation for clothing.

Overcrowding

- The industrial establishment is not overcrowded as to cause risk of injury to employees.
- For employees at factories, 11 ½ cubic metres of space to be provided per person in accordance with Section 35 (2) of the Act.

Construction and Maintenance of Fencing

- All fencing or other safeguards are of sound construction and constantly maintained and kept in position when the parts required to be fenced are in motion.

THE EMPLOYER AND THE OCCUPIER

Both the employer and the occupier must ensure the following:

Policy

- If there are twenty-five or more employees, prepare a safety and health policy, specifying the organisation (i) and arrangements (ii) for carrying out that policy.
- I.** The organisation shows the safety and health responsibilities of individuals or groups of individuals within the establishment.



- II.** The arrangements will specify what the employer needs to do to give effect to the commitment made in the policy statement.

Noise

- That adequate steps are taken to prevent hearing impairment caused by noise from occurring to persons in or in the vicinity of the establishment.

Vibration

- That adequate steps are taken to prevent hearing impairment caused by noise and disease caused by vibration from occurring to persons in or in the vicinity of the establishment.

Notification of Accidents

- Where an accident that causes death or critical injury occurs in an industrial establishment, the occupier, or in the course of employment the employer, must immediately inform the Chief Inspector.
- Where an accident occurs that makes an employee unable to perform his/her normal function or causes the employee to receive medical attention, the accident must be reported to the Chief Inspector within four (4) days

Notification of Occupational Disease

- When advised that an employee is suffering from an occupational disease as listed in Schedule 1 of the OSH Act, the employer must give notice in writing to the Chief Inspector within four (4) days

Notification of Dangerous Occurrence

- Where an incident which may be prejudicial to the safety or health of the public, or which has the potential of causing critical injury, including fire, explosion or the release of toxic substances, occurs in an industrial establishment, the occupier shall inform the Chief Inspector of the incident forthwith by telephone, facsimile or e-mail and shall send a written notice of the incident to the Chief Inspector within forty-eight hours of his learning of the incident

Preservation of Accident Scene

- There are arrangements to preserve an accident site where accidents occurred that caused critical injury or death.

Records

- Every register or record kept in pursuance of this Act shall be preserved and kept available for inspection for at least five years after the date of the last entry in the register or record, or for such other period as may be prescribed for any class or description of register or record, except in the case of a health record, the record shall be kept for at least twenty-five years.

Penalties

- Under the Act, there are Safety and Health Offences and Summary Offences. For safety and health offences, the Industrial Court can impose fines up to twenty-thousand dollars or in the event of critical injury, occupational disease, or death, one hundred thousand dollars or of an amount equivalent to three years pay of that person, whichever is greater.
- For summary offences for which no penalty is expressly provided, the Magistrate's Court may impose a fine of twenty thousand dollars and imprisonment for one year and if the offence for which a person was convicted is continued after the conviction, then there is a fine of ten thousand dollars for each day on which the offence continues.



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