

CHAPTER 356

SAFETY AND HEALTH AT WORK 2005-12

This Act comes into operation on a date to be fixed by proclamation.

Amended by:

This Act has not been amended

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2007

CHAPTER 356

SAFETY AND HEALTH AT WORK 2005-12

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**BARBADOS****SAFETY AND HEALTH AT WORK**

2005-12

An Act to make provision

- (a) *for securing the health, safety and welfare of persons at work;*
- (b) *for protecting other persons against risks to health and safety in connection with the activities of persons at work;*
- (c) *for controlling certain emissions into the environment;*
- (d) *to consolidate the law relating to health, safety and welfare in the workplace; and*
- (e) *for related matters.*

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the *Safety and Health at Work Act*.

Definitions

2. For the purposes of this Act,

THE LAWS OF BARBADOS

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“agricultural purposes” includes

- (a) purposes connected with
 - (i) dairy farming, cattle farming, sheep farming and the rearing of poultry or other livestock; or
 - (ii) the production and storage of consumable produce grown for sale, consumption or other use or for the purpose of a trade or a business or other undertaking whether carried on for profit or not; and
- (b) the use of land for market gardening, horticulture, animal husbandry or similar purposes;

“authorised person” means a person so designated by the occupier;

“building operations” means

- (a) the construction, structural alteration, repair or maintenance of a building (including repainting, redecorating and external cleaning of the structure);
- (b) the demolition of a building or the preparation for and laying the foundation of an intended building,

but does not include any operation that is a work of engineering construction within the meaning of this Act;

“civil works” means any

- (a) airport, runway, dock, harbour, inland navigation works, tunnel, bridge, viaduct, waterworks, reservoir, pipeline, aqueduct, sewer, sewerworks, gasholder, oil tank, race track or foot-path;
- (b) trench, underground service line, electricity works, telecommunications works;
- (c) petroleum winning operations; and
- (d) other works so designated by the Minister by notice published in the *Official Gazette*;

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

“competent person” means a person approved as such by the Minister for a specified purpose;

“dangerous fumes and gases”, unless the context otherwise suggests, includes vapours, dust, mist, or any other impurity in the air of such a character and to such an extent as to be likely to be harmful or cause adverse effects to health;

“driving-belt” includes a strap, chain or rope;

“employee” means any person who has entered into or works under a contract of service or apprenticeship with an employer to do any skilled, unskilled, manual, clerical or other work for hire or reward, whether the contract is expressed or implied, oral or in writing or partly oral and partly in writing, and includes a public officer;

“employer” means a person who employs persons for the purpose of carrying out any trade, business, profession, office, vocation or apprenticeship;

“factory” means

- (a) any premises in which or on which or within the close, curtilage or precincts of which, persons, whether or not self-employed, work in connection with any process for or incidental to
 - (i) the slaughtering of cattle, sheep, swine, goats, poultry or other livestock;
 - (ii) the confinement of animals or livestock of any of the kinds referred to in sub-paragraph (i) pending their slaughter at other premises, in a case where the place of confinement is not maintained primarily for agricultural purposes and is not part of premises used as a market in respect of such animals;
 - (iii) any chilling or refrigeration connected with any manufacturing process or bulk storage and preservation of meat or other food;

- (iv) the making, formulating, altering, repairing, ornamenting, finishing, cleaning, washing, polishing, breaking up, demolition or adapting for sale, of any article or product or the filling of containers,

and in which, or within the close, curtilage or precincts of which, the work carried on by way of trade or for profit and to or over which the employer of the persons employed therein has a right of access or control; and includes any of the premises mentioned in paragraphs (b) to (n) in which persons are employed, whether or not they are factories by virtue of this paragraph;

- (b) any yard or dry dock, including the precincts thereof, in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;
- (c) any premises in which or on which the business of sorting articles is done, being preliminary to work carried on in a factory or incidental to the purposes of any factory;
- (d) any premises in which or on which the business of washing or filling bottles or containers or the packing of articles is carried on incidental to the purposes of a factory;
- (e) any laundry or dry cleaning operation or other related operation that is carried on as an ancillary to another business, or incidentally to the purposes of any public institution;
- (f) any premises in which or on which the construction, reconstruction or repair of vehicles or other plant for use for transport purposes is carried on as an ancillary to a transport or other commercial undertaking or industrial undertaking, not being premises used for the purpose of housing vehicles where only cleaning, washing or minor adjustments are carried out;
- (g) any premises in which
 - (i) printing by letter-press, lithography, photogravure or other similar process, or

(ii) bookbinding

is carried on by way of trade for purposes of gain, or incidentally to another business so carried on;

(h) any premises in which mechanical power is used in connection with the making or repair of articles incidentally to any business carried on by way of trade or for purposes of gain;

(i) any premises in which, or on which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;

(j) any premises used for the storage of gas in a gas-holder having a storage capacity of not less than 150 cubic metres;

(k) any premises in which mechanical power is used for the purpose of the pumping of

(i) water for public use;

(ii) sewage; or

(iii) petro-chemicals;

(l) any premises in which the business of hooking, plaiting, lapping, making up or packing of yarn or cloth is being carried on;

(m) any premises in which or on which the business of making or mending nets is carried on incidentally to the fishing industry; or

(n) any premises on which machinery or equipment is being used, whether mechanically or otherwise, for agricultural purposes;

“factory doctor”, means a medical practitioner designated as such by the Chief Labour Officer under section 75;

“general register” means the register kept pursuant to section 93;

“Health and Safety Committee” means a Health and Safety Committee referred to in section 103;

“inspector” means the Chief Labour Officer and any person authorised in writing by him under section 96 to be an inspector for the purposes of this Act;

“lead paint” means any paint, paste, spray, stopping, filling or other material used in painting, which, when treated in the prescribed manner, yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding its recommended threshold limit or maximum permissible value when calculated as lead monoxide;

“machinery” includes driving belt, control devices and appliances;

“maintained” means maintained in an efficient and work-safe state, in good working order and in good repair;

“maximum permissible working pressure” means

(a) in the case of a new pressure vessel, that specified by the manufacturer; and

(b) in the case of a pressure vessel which is examined by a person under this Act, that specified in the report of the last examination by a competent person

and “maximum working load” in relation to hoists and lifts is to be construed accordingly;

“medical practitioner” has the meaning assigned to it by section 2 of the *Medical Registration Act*, Cap. 371;

“midwife” means a midwife within the meaning of the *Nurses and Midwives (Registration) Act*, Cap. 372;

“Minister” means the Minister responsible for Labour;

“nuisance” includes a nuisance specified in the *Health Services (Nuisances) Regulations, 1969* (S.I. 1969 No. 159) wherever the nuisance arises in, or in connection with, a workplace; except that, for the purposes of this

definition section 54(2) is, subject to the regulations, to be substituted for paragraph (1) of regulation 4 of these Regulations;

“nurse” means a nurse within the meaning of the *Nurses and Midwives (Registration) Act*, Cap. 372;

“occupier” means the person who has control over a workplace and the work that is done there;

“owner” means the person for the time being receiving rent for the premises in connection with which the work is carried on, whether on his own account or as an agent or trustee for another person, or the person who would so receive the rent if the premises were let at a rent;

“power” includes mechanical or other forms of non-human power;

“pressure vessel” includes steam boiler, air receiver, steam receiver and any vessel containing fuel for commercial or industrial use, of 91 kilograms or more, stored at a pressure greater than atmospheric pressure;

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

“safe working load” means

- (a) in the case of a new lifting rope, chain, tackle or machine, that specified by the manufacturer, or such working load not greater than that specified by the manufacturer as may be specified by a competent or authorised person carrying out a test and examination; and
- (b) in the case of a lifting rope, chain, tackle or machine examined under this Act, not being a new lifting rope, chain, tackle or machine, that specified by a competent or authorised person in the report of the last examination;

“ship” includes any description of vessel used in aquatic navigation but not propelled by oars;

“transfer” means to pass possession by whatever means;

“woman” means a female person who has attained the age of 18 years;

“work of engineering construction” means

- (a) the construction, structural alteration or repair including repointing and repainting; or
- (b) the demolition of any
 - (i) airport, runway, dock, harbour, inland navigation works, tunnel, bridge, viaduct, waterworks, reservoir, pipe line, aqueduct, sewer, sewage works, gas holder, oil tank, trench, underground service line, race-track or footpath; or
 - (ii) petroleum winning operations; and
 - (iii) other works so designated by the Minister by notice published in the *Official Gazette*;

“workplace” means any place where persons work or are employed, including a factory, but does not include a private household where persons work or are employed only in domestic service;

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

General application

3.(1) Subject to subsections (3) and (5) and section 4, this Act applies to all workplaces in Barbados.

(2) Notwithstanding the provisions of any relevant legislation, this Act applies to all seaports and airports.

- (3) Without prejudice to the generality of the application of this Act, it is hereby declared that this Act shall apply to persons employed by or under
- (a) any department of the Government of Barbados other than
 - (i) members of the Police Force or the Barbados Defence Force; or
 - (ii) such persons or classes of persons, not being members of the Police Force or the Barbados Defence Force employed by or under any department of the Government of Barbados as may be specified by the Minister by order.
- (4) Subject to subsection (5), any workplace in respect of which work is carried out in a harbour or wet dock in connection with
- (a) the constructing, reconstructing, repairing, refitting, painting, finishing or breaking up of a ship;
 - (b) the scaling, scurfing or cleaning of boilers, including combustion chambers and smoke boxes, in a ship;
 - (c) the cleaning of
 - (i) oil-fuel tanks or bilges in a ship;
 - (ii) any tank in a ship last used for oil of any description carried as cargo; or
 - (iii) any tank or hold used for any substance carried as cargo declared by the Minister by order to be of a dangerous or injurious nature,and any such ship shall be deemed to be a workplace and a person undertaking such work shall be deemed to be the occupier of a workplace.
- (5) Nothing in this Act applies to any work mentioned in this section that is
- (a) done by the master or crew of a ship; or
 - (b) done on board a ship during a trial run.

Public emergency

4. The Minister may, in a case of public emergency, by order to the extent of and during the period named in the order exempt workplaces generally, or workplaces of any class or description, from any of the provisions of this Act.

Extension of application

5.(1) Where 2 or more persons, with the permission of or by virtue of an agreement with an owner or occupier of a place of work, engage at that place of work in activity of such a nature as would constitute that place a workplace, if the person engaging in the activity were in the employment of such owner or occupier, then

- (a) that place is to be treated as a workplace for the purposes of this Act; and
- (b) this Act applies as if
 - (i) the owner or occupier were the owner or occupier of such a workplace; and
 - (ii) the persons taking part in the activity at the place of work were persons employed in such a workplace.

(2) Where an owner or occupier enters into a contract with sub-contractors to undertake civil works or works of engineering construction on his behalf, the owner shall be responsible for maintaining safety in the workplace.

PART II**GENERAL DUTIES****General duties of an occupier or employer**

6.(1) It shall be the duty of any person who undertakes the design, importation or manufacture of any article for use at work to carry out or arrange

for the carrying out of any necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimisation of any risks to health or safety to which the design or article may give rise.

(2) No occupier shall carry on any work or put into use any equipment, material, article or substance in a workplace unless a suitable and sufficient assessment of the risks likely to arise in the circumstances and of the steps to be taken to eliminate or minimise such risks to safety or health has been undertaken.

(3) The assessment required by subsection (2) shall be reviewed where there has been a material change in the work or the circumstances under which the work is carried on.

(4) It shall be the duty of any person who erects or installs any article for use at work in any premises where that article is to be used by persons to ensure, so far as is reasonably practicable, that nothing about the way in which it is erected or installed makes it unsafe or a risk to health when properly used.

(5) It shall be the duty of every occupier to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

(6) Without prejudice to the generality of an occupier's duty under subsection (5), the matters to which that duty extends include in particular

- (a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
- (b) arrangements for ensuring, so far as is reasonably practicable, safety and the absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- (c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of employees;
- (d) so far as is reasonably practicable as regards any place of work, the maintenance of it in a condition that is safe and without risks to health,

and the provision and maintenance of means of access to and egress from it that are safe and without such risks;

(e) the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work; and

(f) ensuring that the workplace, work spaces and procedures meet prescribed ergonomic standards.

(7) An employer shall, after being notified by a female employee that she is pregnant and upon production of a medical certificate to that effect, adapt the working conditions of the female employee to ensure that she is not

(a) involved in the use of, or exposed to chemicals, substances or anything dangerous to the health of the unborn child; or

(b) subjected to working conditions dangerous to the health of the unborn child,

and, where appropriate, the employer may assign alternative work, where available, to her without prejudice to her right to return to her previous job.

(8) Where a female employee who has notified her employer of her pregnancy under subsection (7) is no longer pregnant, she shall immediately upon discovery of this fact notify her employer and shall produce a medical certificate to that effect.

(9) No employer shall require or permit a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or the health of the child.

(10) Notwithstanding any other law, during an employee's pregnancy and for a period of 6 months after the birth of her child, the employer shall offer her suitable alternative employment on terms and conditions that are no less favourable than her ordinary terms and conditions of work where the employee is required to perform work that poses a danger to her safety or health or that of

her child, unless there is no alternative employment or that in doing so the employer will incur costs greater than ordinary administrative costs.

Duties of an occupier to persons generally

- 7.(1) Every occupier shall
- (a) keep his workplace so that the safety of persons in the workplace is not likely to be endangered;
 - (b) take such precautions as are reasonable in the circumstances to ensure the safety of every person in the workplace; and
 - (c) ensure that all employees with special needs shall be given any directions, notices, information and instructions or training that are required to be given to employees under this Act, by any method of communication that readily permits the employees to receive it.
- (2) For the purposes of this section, an employee has a special need where he is affected by a condition that impairs his ability to receive any direction, notice, information, instruction or training given by a method that would otherwise be sufficient under this Part.
- (3) It shall be the duty of every occupier to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their health and safety.
- (4) It shall be the duty of every occupier to prepare and, as often as may be appropriate, revise a statement of general policy with respect to workplace, safety, health and welfare, and the organisation and arrangements for the time being in force for carrying out the policy; and to bring the policy and any revision of it to the notice of all employees.
- (5) Where 10 or more persons are employed, the statement of policy and the organisation and arrangements for the time being in force for carrying out the policy required by subsection (4) shall be in writing.

(6) Every part of any ways, works, plant or thing in a workplace shall be of safe construction and sound material and shall be properly maintained; and every dangerous part of such ways, works, plant or thing shall be so enclosed, covered, fenced or otherwise effectively guarded as to prevent danger.

(7) No part of any ways, works, plant or thing shall be so overloaded or maintained as to create danger to any person in a workplace.

Safe means of access and safe means of employment

8. There shall, so far as is practicable, be provided and maintained a safe means of access to every place at which any person has at any time to work; and that place shall, so far as is reasonably practicable, be made and kept safe for any person working there.

General duties of employee at work

9.(1) It shall be the duty of every employee

- (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work;
- (b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to cooperate with his employer so far as is necessary to enable that duty or requirement to be performed or complied with;
- (c) while at work to report to his employer any contravention under this Act, or any Regulations made thereunder, the existence of which he knows; and
- (d) to use correctly the personal protective clothing or devices provided for his use.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for one month or to both.

Unauthorised use of appliances prohibited

10.(1) No person employed in a workplace to which this Act applies shall interfere with or use in an unauthorised manner any appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in that place.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for one month or to both.

PART III**SAFETY****Fencing of machinery**

11.(1) Every dangerous part of machinery on premises to which this Act applies must be securely fenced unless such machinery is in such a position or is so constructed as to be as safe to every person employed or working on the premises as it would be if it were securely fenced.

(2) Where the dangerous part of any machinery, by reason of the nature of an operation, cannot be securely fenced by means of a fixed guard, the requirements of subsection (1) shall be deemed to have been complied with if a device is provided that automatically prevents the operator from coming into contact with that part of the machinery while it is in motion or use.

(3) In determining, for the purposes of this section, whether any part of machinery is in such a position or is so constructed as to be as safe to every person employed or working on the premises as it would be if securely fenced, no account is to be taken of the carrying out by any person, while that part of the machinery is in motion, of

- (a) any examination, lubrication, adjustment or other operation that is immediately necessary if that examination, lubrication, adjustment or

other operation can only be carried out while that part of the machinery is in motion; or

- (b) any lubrication, mounting or slipping of belts by such methods and in such circumstances as may be prescribed, in the case of any part of transmission machinery used in a process specified in the *First Schedule* where, owing to the continuous nature thereof, the stopping of that part would seriously interfere with the carrying out of the process.

(4) Subsection (3) does not apply unless

- (a) the examination, lubrication, adjustment or other operation referred to therein is being carried out by persons who have attained the age of 18 years; and
- (b) all conditions prescribed in the regulations relating to such activities are complied with.

(5) All fencing or other safeguards provided in pursuance of this section shall be of substantial construction and shall be constantly maintained and, subject to the provisions of subsections (3) and (4), kept in position while the parts required to be fenced or otherwise safeguarded are in motion or in use.

Transmission machinery

12.(1) The following requirements, in addition to the requirements of section 11(1), shall be complied with in every case where there is transmission machinery in use at a workplace, namely:

- (a) in every room or place where work is carried on, efficient devices or appliances by which the power that drives the machinery can be properly cut off shall be located in an easily accessible location and shall be properly maintained;
- (b) no driving-belt shall, when not in use, be allowed to rest or ride on any revolving shaft that forms part of the machinery; and

- (c) suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and idle pulleys that form part of transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving-belt from creeping back on to the fast pulley.
- (2) Where, in any case, the Minister is satisfied that owing to special circumstances compliance with any of the requirements of subsection (1) is unnecessary or impracticable, he may by order direct that that requirement need not be complied with in those circumstances.

Part of stock bar to be securely fenced

13. Any part of a stock bar that projects beyond the head stock of a lathe shall be securely fenced unless it is in such a position as to be safe for every person employed or working on the premises as it would be if securely fenced.

Standards for construction of machinery

14.(1) Any machinery that, after the commencement of this Act, is imported into or constructed in Barbados to be driven by mechanical power shall be constructed in accordance with the following requirements:

- (a) every set-screw, bolt or key on a revolving shaft, spindle, wheel or pinion must be so sunk, encased or otherwise effectively guarded as to prevent danger; and
- (b) all spur and other toothed or friction gearing that does not require frequent adjustment while in motion must be entirely encased unless it is so situated as to be as safe as it would be if completely encased.
- (2) No pre-owned or used machinery shall be installed or put into use in a workplace unless it is examined and a certificate of fitness is issued in respect of it by a competent person and a report is sent to the Chief Labour Officer.
- (3) Any person who sells or lets on hire or, as an agent of a seller or hirer, procures to be sold or let on hire for use in a workplace any machinery constructed

to be driven by mechanical power but which does not satisfy the requirement of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of a month or to both.

(4) The Minister may by order extend the provisions of subsection (3) to any machinery or plant that is not in compliance with the requirements of this Act or the Regulations and the order may relate to any machinery or plant in a process specified in the order.

Pre-owned or used machinery

15.(1) Any person who desires to take into use pre-owned or used machinery shall, not less than one month before he does so, serve on the Chief Labour Officer a notice containing

- (i) the name of the business;
- (ii) the name of the occupier of the business;
- (iii) the name and address of the owner of the premises;
- (iv) the postal address of the workplace, including the exact location of the workplace; and
- (v) details of the machinery to be used.

(2) This section applies to those machines specified in the *Second Schedule*.

(3) The Minister may by order amend the *Second Schedule* to ensure the inclusion of any type, description or class of machine that in his opinion no person should work at it unless the requirements of subsection (1) are complied with.

Fencing of places into which persons may fall

16.(1) Every fixed vessel, structure, sump or pit, the edge of which is less than one metre above the highest adjacent ground or platform shall, be securely fenced to a height of not less than one metre or be securely covered.

- (2) Where, by reason of the nature of work being carried on, fencing or covering as required by subsection (1) is not practicable, other steps shall be taken to prevent any person from falling into the vessel, structure, sump or pit.
- (3) Where a vessel, structure, sump or pit as described in subsection (1) is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it unless the ladder, stair or gangway
- (a) is at least 45 centimetres wide; and
 - (b) is securely fenced on both sides with sheet fencing and with an upper rail of not less than one metre high, an intermediate rail and toe-boards.
- (4) Any vessel, structure, sump or pit as referred to in subsection (3) that is adjacent to another, and
- (a) is separated from that other by a space, clear of any surrounding brick or other work, of less than 45 centimetres wide; and
 - (b) is not securely fenced on both sides to a height of at least one metre,
- shall be so fitted with secure barriers as to prevent passage between them.
- (5) The Chief Labour Officer may,
- (a) by certificate issued under his hand, exempt any class of vessel, structure, sump or pit from the requirements of this section, on his being satisfied that in respect thereof compliance is unnecessary or inappropriate; or
 - (b) by order, extend any of the provisions of this section to
 - (i) any vessel or structure that is not fixed, or
 - (ii) any vessel, structure, sump or pit containing a substance that is not liquid.

Self-acting machines

17.(1) Where the traversing part of a machine that has been installed after the commencement of this Act runs over a space where a person is likely to pass,

whether in the course of his employment or otherwise, the traversing part of the machine or any material carried thereon shall not at anytime be permitted to run within 45 centimetres, in any direction, of any fixed structure that does not form part of the machine.

(2) The Minister may, for a period not exceeding 6 months after the commencement of this Act and, subject to such conditions as to safety as he imposes, permit the continued use of a machine that was installed before the commencement of this Act notwithstanding that it does not conform with the requirements of subsection (1).

Cleaning machines

18. Subject to subsection (3) of section 11, no person shall engage in the maintenance or cleaning of any part of any machinery or machine if the maintenance or cleaning would expose that person to risk of injury from any moving part of the machine or of any other machinery or machine adjacent thereto.

Training and supervision of persons

19. No person shall be employed at a machine unless he

- (a) has been fully instructed in respect of
 - (i) the working of the machine;
 - (ii) the dangers arising in connection with the machine;
 - (iii) the precautions to be observed while working in connection with the operation of the machine; and
- (b) he has received sufficient training in the working of the machine or is adequately supervised during the course of his work in connection therewith.

Chains, ropes and lifting tackle

20.(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials, namely:

- (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;
- (b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown on the table shall be used; but the requirements of this paragraph do not apply in respect of any lifting tackle if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs, is clearly marked on it;
- (c) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in paragraph (b) or marked as mentioned in that paragraph;
- (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by an authorised person at least
 - (i) once in every period of 3 months; or
 - (ii) at such greater intervals as the Chief Labour Officer prescribes;
- (e) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of 12 months and a report sent within 28 days of such examination to the Chief Labour Officer;

- (f) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any workplace for the first time in that workplace unless it has been tested and thoroughly examined by an authorised person and a record of the test and examination specifying the safe working load, signed by the person making the test and examination, has been obtained and is kept available for inspection;
- (g) every chain and every lifting tackle, except a rope sling, shall, unless of a class or description specified in the *Third Schedule*, be annealed at least once in every 12 months and in the case of chains or slings of 12.5 millimeters bar or smaller, or chains used in connection with molten metal or molten slag, once in every 6 months, except that chains and lifting tackle not in regular use need be annealed only when necessary;
- (h) a register containing the prescribed particulars shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.

(2) In this section “lifting tackle” means chain slings, rope slings, rings, hooks, shackles and swivels.

Cranes and lifting machines

21.(1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances of every machine being used in connection with lifting, shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) Every rail or track on which a travelling crane moves and every track on which the carriage of a transporter or runway moves

(a) shall be of proper size and adequate strength; and

(b) shall have an even running surface;

and every such rail or track shall be properly laid, adequately supported or suspended and properly maintained.

(3) The following requirements apply in respect of machines of the type referred to in subsection (1), namely:

- (a) every such machine shall, before being put into operation for the first time, be tested and all such parts and working gear as are specified in that subsection shall be thoroughly examined by a competent person and the machine certified as being fit to be put into operation in a workplace;
- (b) the certificate
 - (i) shall contain a statement as to the safe working load of the machine and such other details as the Minister requires;
 - (ii) shall be signed by the person issuing it; and
 - (iii) shall be kept available by the owner or occupier of the workplace for inspection;
- (c) all such parts and gear as are specified in that subsection shall be thoroughly examined by a competent person at least once in every 12 months, and a register containing the prescribed details of every such examination shall be kept available by the owner or occupier of the workplace for inspection; and
- (d) if an examination reveals that a machine should not be used until repairs are carried out, a report containing details of the results of the examination shall be sent to the Chief Labour Officer within 7 days from the date of the examination.

(4) The safe working load of every machine that is used in connection with lifting or lowering shall be clearly marked thereon; but in the case of a jib crane that is so constructed that the safe working load may be varied by the lowering or raising of the jib, there shall be attached thereto

- (a) an automatic indicator of the safe working loads;
- (b) a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii for the load.

(5) No machine used in connection with lifting or lowering shall be loaded beyond the limit of its safe working load except for the purposes of a test.

(6) Where a person is employed or is working on or near a crane in a place where there is a possibility of his being struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach a point within 6 meters of that place; and the person so employed or working shall be informed of the measures that have been taken respecting his safety.

(7) Where a person is employed or is working otherwise than mentioned in subsection (6), and there is a possibility of his being struck by a crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane and he shall be informed of the measures that have been taken respecting his safety, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.

(8) For the purposes of this section, “machine used in connection with lifting or lowering” includes a lift, crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

Fencing of doorways used for hoisting or lowering of goods

22.(1) Every teagle opening or similar doorway used for hoisting or lowering goods or materials into or out of a workplace, whether by mechanical power or otherwise, shall be securely fenced and provided with a secure hand-hold on each side of the doorway or opening.

(2) Any fencing provided pursuant to subsection (1) shall be properly maintained and shall, except while the hoisting or lowering of goods or materials is being carried on at the doorway or opening, be kept in position.

Hoists and lifts generally

23.(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained; and no lifting

machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide.

(2) Every hoist or lift shall be thoroughly examined by a competent person before being put into service and thereafter at least once in every period of 12 months; and a report of the result of every such examination shall, in such form and containing such particulars as the Minister determines, be signed by the person making the examination and shall within 21 days from the date of the completion of the examination be entered in or attached to the general register; and, in the case of

- (a) a continuous hoist or lift; or
- (b) a hoist or lift not connected with mechanical power,

the examination shall be carried out at least once in every period of 24 months.

(3) Where an examination reveals that a hoist or lift can no longer be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report shall within 7 days of the completion of the examination send a copy of the report to the Chief Labour Officer.

(4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be such as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(5) A gate referred to in subsection (4) shall be fitted with efficient interlocking or other devices so that the gate cannot be opened unless the cage or platform is at the landing and the cage or platform cannot be moved away from the landing until the gate is closed; but, in the case of a hoist or lift constructed before the commencement of this Act, where it is not reasonably practicable to fit gates with such devices, it shall be sufficient if the gate is

- (a) provided with such arrangements as will achieve the objects of this section so far as is reasonably practicable; and

(b) kept closed and fastened, unless the cage or platform is at rest at the landing.

(6) Every hoist or lift and every enclosure mentioned in subsection (4) shall be so constructed as to prevent any part of any person, or any part of any goods, carried thereon from being trapped

(a) between any part of the hoist or lift and any fixed structure; or

(b) between the counter-balance weight and other moving part of the hoist or lift.

(7) There shall be marked conspicuously on every hoist or lift the maximum working load that it can safely carry, and no greater load than such load shall be carried thereon.

(8) The following additional requirements apply in the case of hoists and lifts used for carrying persons, whether together with goods or otherwise, namely,

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform from over-running;

(b) the cage shall be fitted with a gate on each side from which there is access to a landing;

(c) every gate shall be of such construction and design as not to render its users liable to injury, and shall be fitted with efficient devices so that, if persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest as soon as the gate is opened;

(d) the cage shall be provided with

(i) an audible emergency signal that is operative from inside the cage and clearly audible outside the hoistway or liftway, or

(ii) a telephone together with a notice posted informing passengers of the number to be dialed in the event of an emergency.

(9) Where, in the case of a hoist or lift already in use in a workplace after commencement of this Act, it is not reasonably practicable to provide such devices as are mentioned in paragraph (c) of subsection (8), it is sufficient if

- (a) the arrangements provided achieve the objects of that paragraph so far as is reasonably practicable; and
- (b) the gate is kept closed and fastened unless the cage is at rest or empty.

(10) This section and any regulations or orders relating to hoists or lifts apply in respect of every hoist and lift, whether or not such hoist or lift is situate on premises to which this Act applies, but does not apply in respect of a hoist or lift that is used exclusively for domestic purposes and in which no person is carried.

(11) Notwithstanding subsection (2), where a hoist or lift is situate wholly or partly on premises to which this Act does not apply, a copy of the report of any examination shall within 14 days from the date of completion of the examination be sent to the Chief Labour Officer; and the owner or hirer shall take all reasonable steps to ensure that the provisions of this section and of any regulations or orders made in pursuance of this section are complied with.

Passenger-carrying hoist or lift constructed after the commencement of this Act

24. Where a hoist or lift used for conveying passengers has been constructed or reconstructed after the commencement of this Act and its platform or cage is suspended by rope or chain,

- (a) there shall be at least 2 ropes or chains separately connected with the platform or cage, each rope or chain and its attachment being capable of carrying the whole weight of the platform or cage together with its maximum working load; and
- (b) efficient devices, capable of supporting the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or of any of their attachments, shall be provided and maintained.

Application of sections 23 and 24

25.(1) Subsections (3) to (9) of section 23, and section 24, do not apply to continuous hoists or lifts.

(2) Subsections (5) to (8) and (9) of section 23 and section 24 do not apply in the case of a hoist or lift that is not connected with mechanical power; and in a case respecting such a hoist or lift, any gate required to be fitted to the hoistway or liftway enclosure under section 23(4) shall be kept closed and fastened unless the cage or platform is at rest at the landing.

Exemption from section 22, 23, 24 or 25(2)

26. The Minister may by order exempt from any requirements of section 22, 23, 24 or 25(2) any class or description of hoist, lift, hoistway or liftway or any teagle opening or similar doorway used for hoisting or lowering goods if, in any special circumstances, he is satisfied that insistence on compliance with the requirement would be unreasonable.

Steam boilers - restrictions on entry

27. No person shall enter or be in any steam boiler that is one of a range of 2 or more steam boilers unless

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or taps controlling the entry of steam or hot water are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key that
 - (i) cannot be removed until the valve or tap is closed; and
 - (ii) is the only key in use for that set of blow-off valves or taps.

Steam boilers - attachments and construction

28.(1) Subject to subsection (3), every steam boiler, whether separate or one of a range,

- (a) shall have attached to it the devices mentioned in subsection (2);
- (b) shall be provided with means for attaching a test pressure gauge;
- (c) shall, unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device.

(2) The devices referred to in subsection (1) are

- (a) a suitable safety valve, separate from any stop valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and fixed directly to, or as close as practicable to, the boiler and, if of the lever type, with the weight secured in the correct position;
- (b) a safety valve, in addition to that required by paragraph (a) fitted at the superheater outlet end;
- (c) a suitable stop valve connecting the boiler to the steam pipe;
- (d) a correct steam pressure gauge connected to the steam space easily visible by a boiler attendant, indicating the pressure of steam in the boiler in kilograms per square centimeter, and having marked thereon in a distinctive colour the maximum permissible working pressure;
- (e) subject to subsection (4), at least 2 water gauges of a transparent material or such other type of material as the Chief Labour Officer approves, to show the water level in the boiler, together with, if any gauges are of the glass tubular type and the working pressure of the boiler normally exceeds 2.8 kilograms per square centimeter, an efficient guard provided so as not to obstruct the reading of the gauge;

- (f) where the boiler is one of 2 or more boilers,
 - (i) a plate bearing a distinctive number that is clearly visible; and
 - (ii) a blow-down cock or valve.

(3) Paragraph (c) of subsection (2) does not apply in respect of economisers; and paragraphs (d), (e) and (f) of that subsection and paragraphs (b) and (c) of subsection (1) do not apply in respect of economisers or superheaters.

(4) Notwithstanding paragraph (e) of subsection (2), the Chief Labour Officer may permit the use of one water gauge where he considers two to be unnecessary.

(5) Every part of every steam boiler shall be of good construction, sound material, adequate strength and free from patent defect.

Steam boilers - maintenance, examination and use

29.(1) Every steam boiler and all its fittings and attachments shall be properly maintained.

(2) A steam boiler shall not be used in any workplace unless

- (a) it has been examined by a competent person, together with its fittings and attachments, in such a manner as the Minister prescribes; and
- (b) no greater period than 12 months has elapsed since the examination;

but the Minister may, in special circumstances by order extend the time within which a boiler that has been examined as required may be used in a workplace without being again examined.

(3) The Minister may prescribe the manner in which a steam boiler, together with its fittings and attachments, shall be examined after the carrying out of such repairs as he directs; and where the repairs are carried out to a steam boiler after it has been examined pursuant to subsection (2), then, notwithstanding that the period prescribed by virtue of that subsection has not expired, the steam boiler

shall not be used in any workplace until the examination prescribed under this subsection has been made.

- (4) A report of the result of every examination under this section
 - (a) shall be in such form as the Minister determines;
 - (b) shall contain such information as the Minister requires, including the maximum permissible working pressure; and
 - (c) shall, not less than 15 days after the examination or such extended period as the Minister allows, be entered in or attached to the general register kept by the owner or occupier of the workplace and a copy of such report sent to the Chief Labour Officer not later than 28 days after the examination.
- (5) Every report made under subsection (4) shall be signed by the person carrying out the examination.
- (6) No new steam boiler shall be put into operation unless
 - (a) there has been obtained from the manufacturer thereof or from a competent person a certificate in which there are stated the maximum permissible working pressure of the boiler and the nature of the tests to which the boiler and the fittings have been submitted; and
 - (b) the boiler has been made to undergo at the site a hydrostatic test of at least 1½ times the maximum permissible working pressure, having regard to the type of boiler, the test being carried out and certified by a competent person.
- (7) Every certificate obtained under subsection (6) shall be kept for inspection by the Chief Labour Officer or an inspector, and the boiler to which the certificate relates shall be so marked as to enable it to be easily identified as the boiler to which the certificate relates.
- (8) Non-destructive testing of a steam boiler shall be performed every 5 years or at such other period as determined by a competent person, and such testing shall be performed in such manner as the Minister prescribes.

(9) Where a report of an examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(10) A person making a report of an examination under this section shall, within 15 days after the examination or such extended period as the Minister in any special case allows, send to the Chief Labour Officer a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler can no longer be used with safety unless certain repairs are carried out immediately or within a specified time.

(11) A person employed to make an examination for the purposes of this section who

- (a) fails to make a thorough examination;
- (b) makes a report that is false or deficient in any material particular; or
- (c) fails to send a report to the Chief Labour Officer in accordance with subsection (10)

is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or to the imprisonment for 6 months or to both.

(12) Where there is any doubt as to the thoroughness of an examination, the Chief Labour Officer may require a boiler to be re-examined by one or more competent persons and the occupier shall provide the necessary facilities for the re-examination.

(13) The fee payable in respect of an examination or a re-examination of a steam boiler, pressure vessel, crane, lifting machine, chain, rope and lifting tackle, where fitness must be determined by a competent person, shall be such as the Minister prescribes.

(14) A person who is

- (a) an employee of the occupier of a workplace in which a steam boiler is situate;

- (b) an employee of the owner or hirer of such boiler;
- (c) a repairer of that boiler; or
- (d) a shareholder or director in a firm or company owning, using or leasing the boiler,

is not competent to examine such boiler for the purposes of this section.

(15) Where the headers and drums of steam boilers are of fusion welded or solid forged construction the period between examinations may be extended by the Chief Labour Officer to 24 months.

(16) Subsection (15) applies in respect of

- (a) boilers of evaporative capacity of not less than 22 680 kilograms of steam per hour;
- (b) boilers in a group of boilers, each having evaporative capacity of not less than 11 340 kilograms of steam per hour the total evaporative capacity of all boilers not being less than 45 360 kilograms of steam per hour; and
- (c) waste heat boilers, heat exchangers or superheaters, being an integral part of a continuous flow installation in a chemical or oil refining process unit.

Steam receivers and steam containers

30.(1) Every steam receiver that is not constructed and maintained in such a manner as to enable it to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure that can be obtained in the pipe connecting the receiver with any other source of supply shall be fitted with

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded;

- (b) one of the following:
- (i) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or
 - (ii) a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded;
- (c) a correct steam pressure gauge that indicates, in kilograms per square centimeter, the pressure of steam in the receiver;
- (d) a suitable stop valve; and
- (e) except where only one steam receiver is in use, a plate bearing a distinctive number that is easily visible.
- (2) Every safety valve and pressure gauge shall be fitted on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance so as to prevent the safe working pressure being exceeded.
- (3) Where any set of receivers is supplied with steam through a single pipe and the reducing valve or other appliance required by paragraph (a) of subsection (1) is fitted on that pipe, the set shall be treated as one receiver for the purposes of subsection (2) and paragraphs (a) to (c) of subsection (1), and also for the purposes of paragraph (d) of subsection (1) if the set forms part of a single machine.
- (4) Every part of every steam receiver shall be of good construction, sound material, adequate strength and free from patent defect.
- (5) Every steam receiver and its fittings shall be properly maintained and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of 12 months.
- (6) A report of the result of every examination made pursuant to subsection (5) containing the prescribed particulars including the particulars of the safe working pressure shall be entered in or attached to the general register.

- (7) Every steam container shall be so examined as to ensure that the outlet is at all times kept open and free from obstruction.
- (8) A steam receiver shall not be used in any workplace
- (a) unless it has been examined by a competent person, together with its fittings and attachments, in such a manner as the Minister prescribes; and
 - (b) provided that no greater period than 12 months has elapsed since the examination,

but the Minister may, in special circumstances by order extend the time within which a steam receiver that has been examined as required may be used in a workplace without being again examined.

Air receivers

- 31.(1)** Every air receiver
- (a) shall have marked on it so as to be plainly visible the safe working pressure thereof;
 - (b) shall, if it is connected with an air compressing plant, be either so constructed as to withstand with safety the maximum pressure that can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded;
 - (c) shall be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded;
 - (d) shall be fitted with a correct pressure gauge indicating the pressure in the receiver in kilograms per square centimeter;
 - (e) shall be fitted with a suitable appliance for draining the receiver;
 - (f) shall be provided with a suitable manhole, handhole or other means that will allow the interior to be thoroughly cleaned; and

- (g) shall in a case where more than one receiver is in use in a workplace, bear a distinguishing mark that is easily visible.
- (2) For the purposes of any provision of subsection (1) that relates to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver; but, where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, only if the valve or appliance is fitted on that pipe shall this subsection apply.
- (3) Every air receiver and its fittings shall be of sound construction and properly maintained.
- (4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of 12 months except that in the case of a receiver of solid drawn construction,
- (a) the person making the examination may specify in writing a period exceeding 12 months but not exceeding 2 years within which the next examination shall be made; and
 - (b) if the construction is of such that the internal surface cannot be thoroughly examined an external examination shall be carried out at least once every 12 months and a hydrostatic or non-destructive test carried out at least once every 4 years.
- (5) Every examination and test required to be carried out under subsection (4) shall be carried out by a competent person, and a report of every such examination and test containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register and a copy of the report submitted to the Chief Labour Officer within 28 days of the examination.
- (6) An air receiver shall not be used in any workplace unless
- (a) it has been examined by a competent person, together with its fittings and attachments, in such a manner as the Minister prescribes; and

- (b) no greater period than 12 months has elapsed since the last examination;

but the Minister may, in special circumstances by order extend the time within which an air receiver that has been examined as required may be used in a workplace without being again examined.

(7) The Minister shall fix the rates to be charged for the examination of air receivers.

(8) For the purposes of this section “air receiver” means

- (a) any vessel, other than a pipe or coil, or an accessory, 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 or compressed exhaust gases and used for the purpose of starting an internal combustion engine;
- (c) any fixed or portable vessel, not being part of a spraying pistol, used for the purpose of spraying, by means of compressed air, any paint, varnish, lacquer or similar material; or
- (d) any vessel in which oil is stored and from which it is forced by compressed air;

but paragraph (e) of subsection (1) does not apply to a vessel mentioned in paragraph (c) or (d).

Provision and maintenance of fire escape

32. Every occupier of a workplace shall provide and maintain such means of escape in case of fire for the persons employed therein as may be reasonably required in the circumstances.

Certificate of Chief Fire Officer in respect of fire escape

33.(1) Subject to subsection (2) no premises shall be used as a workplace to which this section applies unless there is in force in respect of those premises a certificate issued by the Chief Fire Officer to the effect that those premises are provided with such means of escape in case of fire for the persons employed in the workplace as may reasonably be required in the circumstances.

(2) Where premises are in use as a workplace after the commencement of this Act, or are sought to be used as a workplace after the commencement of this Act, an application in such form as the Minister approves shall be made to the Chief Fire Officer for the certification of those premises as having been provided with a sufficient means of escape in case of fire; and such application shall be accompanied by such plan or drawing of the premises and other information as may be prescribed.

(3) Where an occupier complies with subsection (2), no liability attaches to him in respect of the use of those premises during the period between the making of the application and the grant or refusal of a certificate in respect thereof.

(4) The Chief Fire Officer may, upon an application being made to him,
(a) issue a certificate; or
(b) refuse to issue a certificate

until certain alterations as he specifies are carried out to the premises within such time as he specifies and, where those alterations are not carried out, the issue of a certificate shall be deemed to have been refused at the end of the time specified for the alterations to be carried out or at the end of such further period as the Chief Fire Officer allows.

(5) The Chief Fire Officer or an officer of the Fire Service authorised by him in writing shall inspect every workplace to which this section applies and, upon being satisfied that a workplace is equipped with such means of escape as mentioned in subsection (1), issue in respect of the workplace a certificate under this section.

(6) In a certificate issued under subsection (5), there shall be specified precisely and in detail

- (a) the means of escape with which the workplace inspected is equipped;
- (b) particulars of the number of persons employed or proposed to be employed in the workplace as a whole and, where the person making the inspection thinks fit, the number of persons employed in any specified part of the workplace; and
- (c) particulars of any explosives or highly inflammable material stored or used and any other matters taken into account in granting the certificate.

(7) A certificate issued pursuant to subsection (5) shall be attached by the occupier to the general register and a copy sent by the Chief Fire Officer to the Chief Labour Officer.

(8) Any occupier who uses premises in contravention of this section is guilty of an offence and liable on summary conviction to

- (a) a fine of \$500; and
- (b) a fine of \$100 for each day on which the contravention continues after the date on which the conviction was first obtained.

Premises to which section 33 applies

34. Section 33 applies to

- (a) every factory
 - (i) in which more than 20 persons are employed at any one time;
 - (ii) in which more than 10 persons are employed elsewhere than on the ground floor of the building; and
 - (iii) in or under which explosives or highly inflammable materials are stored or used; and
- (b) such class or description of workplace as the Chief Labour Officer in consultation with the Chief Fire Officer may specify.

Maintenance and inspection

35.(1) All means of escape in a workplace specified in a certificate issued by the Chief Fire Officer shall be properly maintained and kept free from obstruction.

(2) The Chief Fire Officer may, annually or at shorter intervals if he so desires, examine those workplaces to which section 33 applies for the purpose of ascertaining whether there has been any change of conditions by reason of which the existing means of escape in case of fire have become insufficient.

(3) An occupier shall give notice in writing to the Chief Fire Officer of any proposal

- (a) to make any material extension or material structural alteration of the workplace to which a certificate relates;
- (b) to increase materially the number of persons employed in the workplace or in any part thereof specified in the certificate;
- (c) to begin to store or use explosive or highly inflammable material in the workplace; or
- (d) to materially increase the extent of such storage or use,

after a certificate has been issued under section 33.

(4) If the Chief Fire Officer is

- (a) on receipt of a notice referred to in subsection (3) of the opinion that the conditions with respect to escape in case of fire will be affected; or
- (b) at any time satisfied that, by reason of the changed conditions, the existing means of escape have become insufficient,

he may by notice in writing require the occupier to make such alterations within such period, as may be specified in the notice.

(5) Where it appears to an inspector that dangerous conditions respecting means of escape in case of fire exist in any workplace to which section 33 applies,

he shall give notice thereof in writing to the Chief Fire Officer, who shall, upon receiving such notice, examine that workplace and if necessary require the occupier by notice in writing to make within a specified period such alterations as may be necessary.

(6) An occupier shall, within the period specified in a notice given under subsection (4) or (5), carry out the alterations required by such notice, and

- (a) upon the alterations being carried out, the Chief Fire Officer shall
 - (i) amend the certificate issued in respect of that workplace, or
 - (ii) issue a new certificate,

and send a copy of the amended certificate, or the new certificate as the case may be to the Chief Labour Officer; or

- (b) upon failure of the occupier to carry out the alterations as required, the Chief Fire Officer shall, without prejudice to the taking of proceedings against the occupier, cancel the certificate and inform the Chief Labour Officer in writing accordingly.

(7) Where it appears to the Chief Labour Officer that the conditions in respect of means of escape in the case of fire in a workplace to which section 33 applies are so dangerous that the workplace or any part thereof ought not to be used at all or ought not to be used for a particular process or work until steps have been taken to make the conditions safe, he may, after consultation with the Chief Fire Officer, serve an improvement or a prohibition notice as provided for in sections 112 and 113.

Appeal against refusal of certificate

36.(1) An occupier of a workplace who is aggrieved by reason of

- (a) the refusal of the Chief Fire Officer to grant a certificate under section 33;
- (b) the refusal by the Chief Fire Officer to amend or issue a new certificate under section 35(6);

- (c) any requirement for repairs or alterations to be made at his workplace under section 33, 35 or 37;
- (d) the length of time within which he is required to comply with any requirement made under section 33 or 35; or
- (e) the cancellation by the Chief Fire Officer of a certificate issued to him under this Act,

may within 7 days of the decision apply to a magistrate's court to have the matter reviewed.

(2) An occupier may operate a workplace pending the determination of an application to a magistrate under this section.

Notice served on occupier where workplace is not in conformity with regulations

37.(1) Where a workplace in respect of which a certificate is in force is not in conformity with the regulations respecting escape in case of fire, the Chief Fire Officer shall serve notice on the occupier of that workplace requiring him to make, within a specified period, such alterations as are necessary to bring the workplace into conformity with the regulations.

(2) Section 33(8) applies to a contravention of subsection (1) as it does in the case of a contravention of that section.

Provision and maintenance of means of fire warning

38.(1) There shall be provided

- (a) in every building that forms part of or comprises a workplace to which section 33 applies; or
- (b) in any workplace where the Chief Labour Officer so directs by requisition to the occupier,

a device which any person can use for giving a warning in the case of a fire.

(2) The means provided for giving warning in case of fire shall be clearly audible and visible throughout the building or, where the workplace is only part of a building, in every part of the building that is used for the purposes of the workplace.

Safety provisions in case of fire

39.(1) While a person is in a workplace for the purpose of employment or taking meals,

- (a) the door of the workplace and of any room therein in which he is; and
- (b) any door that, for persons working in the workplace, provides means of exit from any building or from any enclosure in which the workplace is situate,

shall not be locked or fastened in such a manner that that door cannot be easily and immediately opened from the inside.

(2) Any door opening on to a staircase or corridor from any room in which more than 10 persons are employed and all other doors affording a means of exit from a workplace in which more than 10 persons are employed shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any workplace in which more than 10 persons are employed in the same building above the ground floor, any door at the foot of a staircase affording a means of exit from the building that is not kept continuously open shall, except in the case of sliding doors, be constructed to open outwards.

(4) Every hoistway or liftway inside a building constructed after the commencement of this Act shall be completely enclosed with fire-resistant materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resistant materials; except that any such hoistway or liftway that is not provided with a vent at the top shall at the top be enclosed only by some material easily broken by fire.

(5) The Chief Fire Officer may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the

requirements of subsections (2) to (4) in a case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

(6) Every window, door or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in letters of adequate size having regard to the position and size of the exit, so as to be clearly visible at all times.

(7) The appropriate and adequate equipment for fighting fire shall be provided and maintained at the workplace, and shall be so placed as to be readily available for use.

(8) Every occupier shall ensure that at least one person trained in the use of the fire-fighting equipment shall be available on the premises at all times when persons are employed in the workplace.

(9) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage way for all persons employed in the room to a means of escape in case of fire.

Testing and examination of fire warnings

40. There shall be examined and tested at least once during every period of 3 months, or more frequently, if an inspector so requires, every means of giving warning in case of fire required to be provided under this Act; and the date of every such examination and test together with particulars of any defect found and the date and particulars of any action taken to remedy the defect shall be entered in or attached to the general register.

Instructions as to use of means of escape in case of fire

41.(1) Where, in any workplace,

- (a) more than 10 persons are employed in the same building above the first floor or more than 6 meters above ground level; or

- (b) explosive or inflammable materials are stored or used in any building where persons are employed,

effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire, with their use, and with the routine to be followed in case of fire.

- (2) For the purposes of paragraph (b) of subsection (1), storage shall be such as would prevent or minimise the spread of fire or be of such construction as would restrict the impact of an explosion.

Power of Chief Fire Officer to enter a workplace

42.(1) The Chief Fire Officer may at any reasonable time enter any workplace and inspect the means of escape in case of fire and the fire-fighting equipment provided by the occupier.

- (2) Every

- (a) occupier of a workplace; or
(b) person engaged by an occupier of a workplace

who obstructs or fails to admit the Chief Fire Officer to the workplace pursuant to subsection (1) is guilty of an offence.

Floors and passages

43.(1) All floors, steps, passages and gangways shall be of sound construction and shall be properly maintained and, in so far as is reasonably practicable, shall be kept free from obstruction or from any substance that is likely to cause a person to slip.

- (2) Where any process is carried on that renders a floor liable to be wet to such an extent that the liquid causing the wet condition is capable of being removed by drainage, effective means shall be provided and maintained for the draining off of such liquid.

- (3) Where any process or activity is undertaken in a building which causes the floor of the building to be slippery,
- (a) the floor shall be covered in a slip-resistant material or so constructed as to minimize the slippery conditions;
 - (b) the floor shall be cleaned as often as required to minimize the conditions; and
 - (c) such other steps as are reasonable shall be taken to minimize the slippery conditions.
- (4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

Stairs and ladders

- 44.(1)** For every staircase that is in a building or affords a means of exit from a building, a substantial hand-rail shall be provided and maintained and,
- (a) in the case of a staircase that has one open side, the hand-rail shall be on the open side; and
 - (b) in the case of a staircase that has 2 open sides or is likely to be a source of accidents owing to the nature of its construction or to the condition of the surface of the steps or other special circumstances, there shall be a hand-rail on both sides.
- (2) Any open side of a staircase shall be guarded by a lower rail or other effective means, which shall be properly maintained.
- (3) Where a person has to work at a place from which there is a possibility that he might fall from a height of more than 2 meters then, so far as is reasonably practicable, means shall be provided either by fencing or otherwise to ensure that person's safety.
- (4) All ladders shall be of sound construction and shall be properly maintained.

Dangerous fumes, lack of oxygen and confined spaces

45.(1) Subsections (2) to (7) have effect where work in any workplace has to be done inside a chamber, tank, vat, pit, well, pipe, flue or similar confined space in which dangerous fumes, gases, smoke or vapours are likely to be present to such an extent as to involve a risk of persons being overcome thereby.

(2) A confined space shall, unless there is other adequate means of egress, be provided with a rectangular, oval or circular manhole not less than 45 centimeters long and not less than 40 centimeters wide or, if circular, not less than 45 centimeters in diameter; and in the case of a tank, wagon or other mobile plant, not less than 40 centimeters long or less than 35 centimeters wide or, if circular, not less than 40 centimeters in diameter.

(3) Subject to subsection (4), a person shall enter a confined space only where

- (a) there is an easy egress from all accessible parts of the confined space;
- (b) mechanical equipment in the confined space is
 - (i) disconnected from its power source; and
 - (ii) locked out;
- (c) all pipes and other supply lines whose contents are likely to create a hazard are blanked off; and
- (d) the confined space is tested and evaluated by an authorised person who
 - (i) records the results of each test in a permanent record; and
 - (ii) certifies in writing in the permanent record that the confined space
 - (A) is free from hazard; and
 - (B) will remain free from hazard while any worker is in the confined space having regard to the nature and duration of the work to be performed.

(4) Subject to subsection (5), no person shall, for any purpose, be made to enter or remain in a confined space unless

- (a) all of the requirements of subsection (3) except subparagraph (d)(ii) are complied with;
- (b) he is using suitable breathing apparatus, in the use of which he had been trained;
- (c) he is using a safety harness or other similar equipment to which is securely attached a rope, the free end of which is attached to rescue equipment operated by an employee equipped with an alarm who is keeping watch outside the confined space;
- (d) the safety harness, rope and other equipment referred to in paragraph (c) have been inspected by a competent person and are in good working order; and
- (e) a person adequately trained in artificial respiration is conveniently available to render such assistance as may be needed.

(5) Subsections (3) and (4) do not apply where a confined space has been certified by a responsible person appointed in writing by an occupier as being, for a specified period, safe for entry without breathing apparatus and the period specified has not expired; but no person shall be permitted to enter or remain in such space unless he has been clearly warned as to when that period will expire.

(6) A confined space shall not be certified under subsection (5) as being safe for entry for any period unless

- (a) effective steps have been taken to prevent any ingress of dangerous fumes;
- (b) all sludge or other deposit likely to emit dangerous fumes has been removed; and

- (c) the space
 - (i) is free of any other material capable of giving off dangerous fumes;
 - (ii) has been adequately ventilated;
 - (iii) has been tested for dangerous fumes; and
 - (iv) has a supply of air adequate for respiration;

but, for the purposes of paragraphs (b) and (c)(i), no account shall be taken of any deposit or other material that is capable of giving off fumes in quantities not likely to be harmful.

- (7) There shall be provided and kept readily available a sufficient supply of
- (a) suitable breathing apparatus;
 - (b) belts, ropes and harnesses; and
 - (c) oxygen and suitable reviving apparatus,

the apparatus, belts, ropes and harnesses being maintained and thoroughly examined at least once a month by an authorised person or at such other intervals as may be prescribed; and a report of every examination containing such particulars as may be prescribed and signed by the person making the examination shall be kept available for inspection.

(8) The Chief Labour Officer may issue a certificate signifying, subject to such conditions as are specified in the certificate, the grant of exemption from compliance with any of the requirements of subsections (2) to (7) if he is satisfied that compliance with those requirements is unnecessary or impracticable.

- (9) No person shall be required to enter or remain in a confined space in which the proportion of oxygen in the air is liable to be substantially reduced unless
- (a) he is wearing a suitable breathing apparatus; or
 - (b) the space is adequately ventilated and is safe for entry without the use of breathing apparatus.

(10) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled, by ventilation or otherwise, to make working safe for the persons employed in connection therewith.

(11) A sufficient number of persons employed at a workplace to which this section relates shall be trained and practised in the use of the apparatus mentioned in subsection (7) and in the method of respiration unless a certificate has been issued under subsection (8) in respect of that workplace.

Storage of gas or dangerous liquid

46. Subject to regulations made under section 106(1)(d) no gas or dangerous substance of an explosive or volatile nature shall be stored in a workplace.

Removal of gas, dust or fumes

47.(1) Where, in connection with any process carried on in a workplace, there is given off any substantial quantity of gas, dust of any kind, fume, vapour or other impurity of such a character and to such an extent as to be likely to be injurious or offensive to the persons employed therein, all practicable steps shall be taken to protect those persons against inhalation of the gas, dust, fume, vapour or other impurity and to prevent it accumulating in any workroom; and in particular, where the nature of the process makes it practicable, exhaust and extraction appliances shall be provided and maintained as near as possible to the point of origin of the gas, dust, fume, vapour or other impurity so as to prevent it entering the air of any workroom.

(2) No gas, dust, fume, vapour or other impurity referred to in subsection (1) or given off pursuant to that subsection shall be conducted into the open air if they are of such a nature as to be likely to cause injury or to be offensive to the public.

Precautions with respect to explosive or flammable substances

48.(1) Where, as a result of any grinding, sieving or other process at a plant, dust, vapour, fume or other substance likely to become a nuisance or capable of exploding or igniting is likely to escape, all practicable steps to prevent such nuisance, ignition or explosion shall be taken

- (a) by enclosing the plant;
- (b) by removing the dust or preventing the accumulation thereof; and
- (c) by excluding or effectively enclosing the possible sources of ignition.

(2) Where a plant is not constructed so that it can withstand the pressure of an explosion, measures shall be taken to restrict the spread and effects of an explosion by the provision in connection with the plant of chokes, baffles and vents or other equally effective appliances.

(3) Where any part of a plant contains explosive or inflammable gas or vapour under pressure that is greater than the atmospheric pressure, then, in order to prevent the gas from suddenly escaping and igniting, the following precautions shall be taken before that part of the plant is opened, namely:

- (a) before the fastening of a joint of any pipe connected with that part of the plant or the fastening of the cover of any opening into that part is loosened, any flow of gas or vapour into that part or into any such pipe shall be effectively stopped by a stop-valve or otherwise; and
- (b) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced.

(4) Subject to subsection (6), no plant, tank or vessel that contains or has contained any explosive or inflammable substance shall be subjected to

- (a) any welding, brazing or soldering operation;
- (b) any cutting operation involving the application of heat; or
- (c) any operation involving the application of heat thereon,

until all practicable steps have been taken

- (i) to remove the substance and any fumes arising from it, or to render the substance and fumes non-explosive or non-inflammable; and
- (ii) where any plant, tank or vessel has been subjected to any such operation no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) No plant, tank or vessel shall be subjected to any operation mentioned in sub-paragraphs (a), (b), or (c) of subsection (4) unless provisions are made for the venting of the plant, tank or vessel.

(6) The Chief Labour Officer may issue a certificate granting, subject to such conditions as are specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) if he is satisfied that compliance with those requirements is unnecessary or impracticable.

PART IV

HEALTH

Cleanliness

49.(1) Every workplace shall be kept in a clean state and free from effluvia arising from any drain or sanitary convenience and from nuisance.

- (2) Without limiting or affecting the application of subsection (1),
- (a) workrooms shall be cleaned as often as the nature of the work carried on requires;
 - (b) accumulations of dirt and refuse shall, by a suitable method, be removed from the floors and benches of workrooms, and from the staircases and passages not less than once each day;
 - (c) effective means shall be provided, maintained and used to prevent the breeding of insects, rats, mice or other vermin;
 - (d) the floor of every workroom shall be kept in a clean state by washing or by other suitable or effective means;
 - (e) sweeping and cleaning shall be done during intervals between work and in a manner to prevent the raising of dust, unless otherwise directed by the Chief Labour Officer; and
 - (f) where for practical purposes cleaning cannot be done outside working hours, special precautions shall be taken to avoid contamination of the air with dust or any other noxious substances.
- (3) Notwithstanding subsection (1) but subject to subsection (4), the following requirements apply in respect of all inside walls, partitions, ceilings, tops of rooms and all walls, sides, tops of passages and staircases, namely:
- (a) where they have a smooth impervious surface, they shall at least once in every period of 12 months be washed with suitable detergent or cleaned by any other method that the Chief Labour Officer approves;
 - (b) where they are kept painted in a prescribed manner or are varnished, they shall be repainted in like manner or revarnished at such intervals, not exceeding 3 years, as may be prescribed and shall, at least once in every period of 12 months, be washed with suitable detergent or cleaned by any other method that the Chief Labour Officer approves; and

(c) in any case other than contained in paragraphs (a) and (b), they shall be kept painted and shall be repainted at least once in every period of 12 months.

(4) Except in a case where the Chief Labour Officer otherwise requires, subsection (3) must not be construed as applying to a workplace where less than 10 persons are employed.

(5) Where it appears to the Chief Labour Officer that in a workplace or any part thereof any provision of this section is not required for the purpose of keeping the workplace in a clean state, or is by reason of special circumstances inappropriate or inadequate for that purpose, he may, direct that such provision is not to apply to such workplace or part thereof or is to apply as he otherwise determines.

Disposal of wastes and effluents

50.(1) Effective arrangements shall be made in every workplace for the disposal of waste and effluents arising out of any work processes carried on therein.

(2) All receptacles used for waste or refuse

(a) shall be so constructed that

(i) they cannot leak;

(ii) they can be conveniently and thoroughly cleaned; and

(iii) they can be effectively covered or otherwise protected from the entry of insects and rodents;

(b) shall be maintained in a sanitary condition; and

(c) shall be disinfected as often as is necessary.

(3) All refuse shall be removed from the workrooms

(a) if possible, outside working hours;

(b) in such a manner as to avoid creating a hazard to health; and

(c) as often as is necessary to maintain the workroom in a sanitary condition.

(4) There shall be provided and maintained in every workplace, where necessary, adequate drains for the effective removal of waste water, and such drains shall be provided with hydraulic seals or other effective devices to prevent the escape of effluvia.

Temperature

51.(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed that results in the escape into the air of any workroom of any fume or substance of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.

(2) Where a process carried on in a workplace involves or is likely to involve the production of excessively high temperatures, such measures shall be taken as are practicable and adequate to protect the persons employed in connection with such process by separating from the workroom the process that produces those temperatures, either by insulating the hot parts or by some other effective means.

(3) Where it appears to the Chief Labour Officer that in any workplace excessive temperatures can be reduced by a method such as

- (a) whitewashing, spraying or insulating and screening outside walls, roofs or windows;
- (b) raising the level of the roof of the building;
- (c) insulating the roof by
 - (i) constructing an air-space and double roof;
 - (ii) using of insulating roof materials; or
 - (iii) using any other effective method; or

- (d) increasing the number of air changes per hour within the workplace, he may in writing order any such method to be adopted.
- (4) The occupier shall ensure that the temperature in any workroom provides reasonable comfort without requiring the persons employed therein to wear special clothing.
- (5) Where the occupier cannot comply with subsection (4), he shall
- (a) take all reasonable steps to ensure that the temperature in the workroom is as close as possible to a temperature that is reasonably comfortable;
 - (b) provide such special clothing to the persons employed therein as may be necessary to ensure reasonable protection and comfort;
 - (c) ensure that the persons referred to in paragraph (b) shall not be required to remain in any workroom for a period longer than is necessary, and in any case for a period longer than 2½ hours, without a break.

Ventilation

- 52.(1)** Effective and suitable provision shall be made in every workplace
- (a) for the adequate ventilation of every room in which work is carried on by securing and maintaining the circulation of fresh air therein; and
 - (b) for rendering harmless, as far as practicable, all substances, fumes, dust and other impurities that are likely to be injurious to health and generated in the course of any process or work carried on in the workplace, in accordance with the guidelines and standards set by the Chief Labour Officer.
- (2) No internal combustion engine shall be used unless
- (a) provision is made for conducting exhaust gases given off from the engine away from all workplaces into the open air, and where necessary the exhaust gases shall be filtered to minimise environmental pollution; and

- (b) the engine, except when used for the purpose of being tested, is so partitioned off from any workroom in which persons are employed, other than persons attending to the engine, so as to prevent any injurious fumes given off from the engine entering the air of the room or part of the room.

Underground rooms

53.(1) The Chief Labour Officer may certify any underground room as unsuitable for work other than work involving the use of the room for the purpose of storage or such other purpose as the Minister by order specifies; and, where a room is so certified, no work for which it is certified as unsuitable shall be carried on in it.

(2) Where the Chief Labour Officer certifies as unsuitable any room that is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(3) No underground room shall be used as a workplace unless it is certified for use as such by the Chief Labour Officer.

(4) An occupier of a workplace in which an underground room is used as a workplace after the date of commencement of this Act shall, within a period of 12 months from that date, apply to have the room certified as required by subsection (3) and on failure to have the room certified shall cease to use that room as a workplace.

(5) An occupier of a workplace who has been refused permission by the Chief Labour Officer to use an underground room under this section may, within 21 days from the date of notification of refusal of permission, make application to a magistrate to have his case reviewed, and pending the final determination of the application no offence shall be deemed to be committed in respect of the room to which the application relates.

(6) A certificate issued in accordance with this section may be withdrawn by the Chief Labour Officer if such alterations are made as in his opinion render the room suitable.

(7) For the purposes of this section,

“underground room” means any room that is so situate or any part of which is so situate that at least half its height, measured from the floor to the ceiling is below the surface of the foot-path of the adjoining street or below the surface of the land adjoining or nearest the room; and

“unsuitable” means unfit

- (a) in relation to construction, height, light, ventilation or hygienic conditions; or
- (b) by reason of inadequacy with respect to safety and health conditions or means of escape in case of fire.

Overcrowding

54.(1) A workplace shall not be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(2) Without limiting or affecting the application of subsection (1) but subject to subsection (3), the number of persons employed at a time in any workroom shall be such that the amount of cubic space allowed for each person is not less than 8.5 cubic meters.

(3) In calculating the cubic space in a room, no more than 3.4 meters from the floor shall be taken into account and, where the room contains a gallery, the gallery is to be treated as if it were partitioned off from the remainder of the room and formed a separate room.

(4) Cubic space shall not be deemed to be allowed for any person unless it is kept clear from all materials, goods or tools other than those actually used or required by the person for whom the space is required to be allowed.

(5) Unless the Chief Labour Officer otherwise allows, a notice shall be posted in every workroom specifying the number of persons who, having regard to the provisions of this section, may be employed in such room.

Lighting

55.(1) Effective provision shall be made for securing and maintaining, in every part of a workplace where persons are working or passing, sufficient and suitable lighting, whether natural or artificial.

(2) In every workplace, effective provision shall, so far as is practicable, be made for the prevention of

- (a) glare, either directly from a source of light or by reflection from a smooth or polished surface; and
- (b) the formation of shadows to such an extent as to cause eye strain or the risk of accident to any person.

(3) All glazed windows and skylights used for the lighting of workrooms shall, as far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction; but this subsection does not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

Noise and vibration

56.(1) Every owner, occupier or employer shall take adequate steps to prevent hearing impairment caused by noise, and disease caused by vibration, from occurring to persons in or in the vicinity of his workplace, and shall comply with any directives

- (a) issued by the Chief Labour Officer relating to the reduction of the level of noise or vibration generated by a machine, device or process; and
- (b) issued by the Chief Medical Officer relating to the protection of persons employed from hearing impairment caused by noise or from disease caused by vibration.

- (2) It shall be the duty of the owner, occupier or employer
- (a) to ensure that all protective equipment necessary for compliance with subsection (1) is worn or used by employees at all appropriate times;
 - (b) to arrange for the initial and periodic medical examination and assessment of those employees who are exposed to the risk of injury to their hearing or of contracting a disease caused by vibration;
 - (c) to keep a record of the results of examinations and assessments under paragraph (b) which shall include audiometric tests and the monitoring of the work environment; and
 - (d) to arrange programmes for hearing conservation.

PART V
WELFARE

Supply of drinking water

57.(1) There shall be provided and maintained at suitable points accessible to all persons employed in a workplace an adequate supply of wholesome, cool drinking water supplied from a public main or from some other source approved in writing by the Chief Labour Officer.

(2) A supply of drinking water that is not supplied flowing from a public main shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply, whether laid on or not shall, in such cases as the Chief Labour Officer directs, be clearly marked "Drinking Water".

(3) All drinking water facilities shall be located at a suitable distance away from the nearest convenience or washing facility, or placed at such distance away as the Chief Labour Officer directs.

Washing facilities

58.(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing, which shall include a supply of clean running water and, in addition, soap and clean towels or other suitable means of cleaning or drying; and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Chief Labour Officer may, by certificate in writing, modify any of the requirements of subsection (1) in any case where there is difficulty in obtaining an adequate supply of water or in other special circumstances.

(3) A certificate referred to in subsection (2) shall be subject to such conditions and be for such period as may be specified therein and such certificate may be modified, varied or revoked.

Lunch rooms

59.(1) Where 10 or more persons are at any one time employed in a workplace, there shall be provided and maintained in such workplace for the use of all the persons employed therein a suitable and adequate room furnished with an adequate number of tables and seats for the taking of meals.

(2) Where less than 10 persons are employed in a workplace and no lunch room is provided, the occupier shall make such other provisions as may be appropriate in the circumstances for the taking of meals by employees.

(3) The Chief Labour Officer shall determine the adequacy or otherwise of facilities provided under subsections (1) and (2), and he may give directions to the occupier respecting the facilities, and the occupier shall comply with the directions.

(4) Notwithstanding subsections (1) and (2) the Chief Labour Officer may in writing permit the operation of a workplace with such modifications to the requirements of this section as he deems proper.

Meals in certain dangerous trades

60.(1) Where in any room lead, arsenic or any other poisonous, toxic or hazardous substance is so used as to give rise to any dust or fume, or other harmful emission, no person shall be permitted

- (a) to partake of food or drink;
- (b) to smoke; or
- (c) to remain

in that room during the intervals allowed him for meals or rest, other than intervals allowed in the course of a spell of continuous employment.

(2) Where, in any room, a process prescribed by the Minister is carried on, being a process that gives rise to siliceous dust, asbestos dust, or other harmful dust or fibres, no person shall be allowed to remain in that room during the intervals allowed him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(3) Suitable provision shall be made for enabling the persons employed in any room described in subsections (1) and (2) to take their meals in some other suitable part of the workplace.

(4) Where it appears to the Minister that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, by order, extend any of the provisions of subsections (1) and (3) to rooms where that process is carried on.

Provision of changing facilities and accommodation for clothing

61.(1) Where change of clothing is necessary at a workplace, a room with sufficient space for the purpose of the changing of clothing shall be provided.

- (2) There shall, in addition to subsection (1), be provided and maintained in every workplace for the use of persons employed therein
- (i) adequate and suitable changing rooms with locks on the inside and accommodation for clothing not worn during working hours; and
 - (ii) adequate and suitable accommodation for the normal and reasonable personal effects of employees.
- (3) Where persons of different sexes are employed in a workplace, separate provision shall be made under subsections (1) and (2) for persons of each sex.
- (4) The Chief Labour Officer may by certificate exempt any workplace from the requirements of this section where, by reason of any special circumstances, the application of such requirements would in his opinion be unreasonable.

Sitting facilities

- 62.(1)** Where employed persons have in the course of their employment reasonable opportunities for sitting without any adverse effect on their work, there shall be provided and maintained for their use suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.
- (2) When a substantial proportion of any work can be properly done sitting, there shall be provided and maintained for an employed person doing that work a seat of a design and construction and of a dimension suitable for him and the work, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without a foot-rest; and the arrangements shall be such that the seat is adequately and properly supported while in use for the purpose for which it is provided.
- (3) For the purposes of subsection (2), the dimensions of a seat that is adjustable shall be taken to be its dimension as for the time being adjusted.

First-aid

- 63.(1)** There shall be provided and maintained so as to be readily accessible a first-aid box or first-aid cupboard of a standard approved by the Chief Labour

Officer in consultation with the Chief Medical Officer; and, where more than 150 persons are employed, there shall be an additional box or cupboard for each additional 150 persons.

(2) For the purposes of subsection (1), the number of persons employed in a workplace shall be taken to be the largest number of persons employed therein at any time, and any fraction of 150 shall be treated as 150.

(3) Nothing, except appliances or requisites for first-aid, shall be kept in a first-aid box or first-aid cupboard; and the Chief Labour Officer may give directions, either generally or in relation to a particular workplace, as to the minimum appliances and requisites to be kept for the purposes of first-aid.

(4) Each first-aid box or first-aid cupboard shall be placed under the charge of a responsible person, who shall, in the case of a workplace where more than 25 persons or more than such smaller number as the Chief Labour Officer by order prescribes are employed, be trained in first-aid treatment; and the person in charge shall always be available during working hours.

(5) In every workroom there shall be affixed a notice on which is stated the name of the person in charge of the first-aid box or cupboard provided in respect of that workroom.

(6) For the purposes of subsection (4), a person shall not be deemed to be trained in first-aid treatment unless he satisfies such conditions as the Chief Labour Officer or the Chief Medical Officer prescribes.

(7) Failure to comply with subsection (4), in so far as it is required by that subsection that the person in charge of a first-aid box or first-aid cupboard shall be trained in first-aid treatment, constitutes an offence; but it is a defence in any proceedings if the court is satisfied that the accused made all reasonable efforts to secure compliance but was unable to do so.

(8) Where a nurse is employed in a workplace for the purpose of rendering first-aid treatment to persons employed in that workplace, the Chief Labour Officer may by certificate exempt that workplace from the requirements of this

section to such extent and subject to such conditions as he specifies in the certificate.

(9) Where hazardous or toxic substances are in use in a workplace, hazard data sheets as required under section 85 shall be kept so as to be readily available at or near the first-aid box or cupboard.

Rest rooms

64.(1) Where 20 or more persons are employed at any one time in a workplace, there shall be provided and maintained and kept under the supervision of a person appointed by the occupier a suitable rest room

- (a) affording adequate privacy; and
- (b) equipped with adequate facilities for resting.

(2) Where less than 20 persons are employed in a workplace and no rest room is available, a suitable and adequate place that is capable of being properly screened shall be provided and made available for the use of female employees in the same manner as a rest room under subsection (1).

Sanitary conveniences

65.(1) There shall be provided in every workplace sufficient, suitable and readily accessible sanitary conveniences for the use of persons employed therein.

(2) The conveniences referred to in subsection (1) shall be kept clean, and effective provision shall be made

- (a) for the lighting thereof;
- (b) for their proper ventilation; and
- (c) for the impossibility of any form of communication with any workroom except through the open air or an intervening ventilated space.

(3) Where persons of both sexes are employed or proposed to be employed in a workplace, conveniences provided pursuant to subsections (1) and (2) shall be adequate to afford proper and separate accommodation for persons of either sex,

and shall be so placed or screened that the interior is not visible, even when the door thereof is open, from another place where persons of the other sex work or pass.

(4) The occupier of a workplace shall provide and maintain suitable receptacles or disposal units for use by women in the sanitary conveniences provided for women.

(5) Conveniences provided for persons of one sex that adjoin conveniences provided for persons of another sex

(a) shall be provided with separate approaches; and

(b) shall be indicated by suitable notices showing the sex to which each convenience is allocated.

(6) Subsections (3) and (4) do not apply in respect of a workplace where less than 10 persons or such other number as the Chief Labour Officer determines are employed, or the only persons employed are members of the same family.

(7) In this section “sanitary convenience” includes urinals, water-closets, latrines and other lavatories and such other conveniences as are necessary for the personal hygiene of an employee.

Lifting excessive weight

66. Subject to the regulations, no person shall be employed to lift, carry or move any load so heavy or so distributed as to be likely to cause injury to him.

PART VI

MEDICAL EXAMINATIONS AND YOUNG PERSONS

Power to require medical supervision

67. Where the Minister is advised by the factory doctor, and is of the opinion,

- (a) that in a workplace
 - (i) a case of illness has occurred which he has reason to believe may be due to the nature of a process or other condition of work;
 - (ii) by reason of changes in any process or in the substances used, or of the introduction of a new process, there may be risk of injury to the health of employees in that process; or
 - (iii) young persons are or are about to be employed in work which may cause risk of injury to their health; or
- (b) that there may be risk of injury to the health of employees in a workplace
 - (i) from any substance or material brought to the workplace to be used or handled therein; or
 - (ii) from any change of conditions of work or other conditions in the workplace,

he may make regulations specifying the arrangements to be made for the medical supervision of those employees or young persons, as the case may be, or any class thereof.

Certificate of fitness for employment of young persons

68.(1) Subject to section 70(1) no young person shall be admitted to employment in a factory for a period exceeding 2 weeks unless after a medical examination he has been found fit for the work he is employed to do.

(2) For the purposes of subsection (1), a medical examination shall be carried out by a factory doctor or a Medical Officer of Health, who shall, in such form as the Minister approves, submit to the occupier of the workplace a certificate containing the result of the examination and deliver a copy thereof to the person examined.

(3) No fees shall be payable by the person examined in respect of a medical examination under this section.

(4) Where a young person is certified as fit for employment in pursuance of this section, the certification may be

- (a) subject to such conditions as may be specified in the certificate;
- (b) in respect of a specified job, or a group of jobs or occupations that involve similar health risks and have been classified as a group by the Minister; or
- (c) subject to the condition that he be re-examined after a specified period.

(5) Where a young person is employed in continuous employment, he shall be medically examined at intervals of not more than one year or at such shorter intervals as the factory doctor carrying out the medical examination specifies.

(6) A certificate issued under this section shall be deemed to be issued by the Chief Labour Officer, who may, before the date of its expiry, vary or revoke such certificate, as the case may be, having regard to the findings of a factory doctor after examination by him of the young person in respect of whom the certificate was issued.

School medical records

69. Where there is a school health service in existence and the young person, his parent or guardian consents, the Minister responsible for Education shall make arrangements for officers of his Ministry to furnish, on the application

of a factory doctor in connection with his examination of a young person in pursuance of this section,

- (a) a medical record of such person; and
- (b) any other information in their possession relating to the medical history of the young person.

Procedure where young persons' fitness not clearly determined

70.(1) A young person whose fitness is not clearly determined may be employed if a factory doctor issues, after an examination by him of the young person,

- (a) a temporary medical certificate, to be valid for a period of not more than 3 months, as to his fitness for the work he is being engaged to do; or
- (b) a medical certificate or permit in which are specified the conditions under which he may be employed.

(2) Where, after the expiration of the period specified in a temporary certificate issued under this section, a young person in respect of whom such certificate was issued desires to continue in the employment to which such certificate relates, that person shall undergo another examination to determine his fitness to continue in that employment.

Occupier of factory to file medical certificate

71. An occupier of a factory shall file every medical certificate issued in respect of every young person employed in the factory and produce it for inspection on being required by the Chief Labour Officer to do so.

Procedure where employment of a young person is injurious to health

72.(1) Where an inspector is of the opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is injurious to his health or the health of other persons, he shall immediately report

the matter to the Chief Labour Officer, who may, by notice in writing served on the occupier of the factory, require that the employment of the young person in that factory or, as the case may be, in that process or kind of work be discontinued within a specified time after service of the notice.

(2) An occupier of a factory on whom a notice is served under subsection (1) shall, notwithstanding that a medical certificate is in force in respect of the fitness of a young person whose employment has been required to be terminated by virtue of that subsection, comply with the requirements of the notice unless a panel of 2 or more factory doctors appointed by the Chief Labour Officer have, after service of the notice, personally examined the young person and certified him as being fit for employment in the factory, process or kind of work, as the case may be.

Prohibition of employment of women and young persons in certain processes connected with lead manufacture

73. No woman or young person shall be employed in any of the following, namely:

- (a) work at a furnace involving the reduction or treatment of zinc or lead ores;
- (b) the manipulation, treatment or reduction of ashes containing lead, the de-silvering of lead or the melting of scrap lead or zinc;
- (c) the manufacture of solder or alloys containing more than 10 per cent lead;
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead;
- (e) the cleaning of workrooms where any of the processes mentioned in paragraphs (a) to (d) are carried on;
- (f) the manufacture of paint containing lead or the dry rubbing down of surfaces treated with paint containing lead; or

- (g) mixing or pasting in connection with the manufacture or repair of electric accumulators, or the recovery of plates or lead components from discarded accumulators.

Employment of persons in processes involving lead compounds

74.(1) No person shall be employed in any process in a workplace involving the use of lead compounds if the process is such that dust or fumes from a lead compound are produced therein or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following provisions are complied with as respects all persons employed, namely:

- (a) where dust or fumes from a lead compound are produced in the process, provision shall be made for drawing the dust or fumes away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fumes as near as possible to its point of origin;
- (b) the persons employed shall undergo such medical examinations, to be paid for by the employer, as may be prescribed at such intervals as may be prescribed; and the prescribed record shall be kept with respect to their health;
- (c) no food, drink or tobacco shall be brought into, or be consumed in, any room in which the process is carried on and no person shall be allowed to remain in any such room during meal times;
- (d) suitable protective clothing and gear in a clean condition shall be provided by the occupier and worn by the persons employed;
- (e) such suitable lunch-room, washing, bathing and changing facilities as may be prescribed shall be provided for the use of persons employed; and
- (f) rooms in which persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.

(2) No person shall employ in any process that involves the use of lead compounds any person who has been suspended, after medical examination, from employment in such process on the ground that continuance therein would involve special danger to health.

(3) For the purposes of this section, “lead compound” means any soluble compound of lead that the Minister by order declares to be a lead compound, or any mixture containing such compound, but does not include an alloy containing lead.

Designation of factory doctor

75.(1) Subject to the general directions of the Minister, the Chief Labour Officer in consultation with the Chief Medical Officer may designate a sufficient number of medical practitioners to be factory doctors for the purposes of this Act.

(2) No medical practitioner who is

- (a) the occupier of a workplace; or
- (b) directly or indirectly interested in such workplace or in
 - (i) any process or business carried on in a workplace, or
 - (ii) in any patent connected with a workplace,

shall act as a factory doctor in respect of that workplace or a connected workplace, and, if appointed to act he shall declare his interest in the workplace; but nothing in this subsection, except in such cases and for such purposes as may be prescribed, prevents a medical practitioner from being so appointed by reason only of the fact that he is employed by the occupier of the workplace in connection with the medical supervision of persons employed in the workplace.

(3) A factory doctor may

- (a) at all reasonable times inspect the registers relating to safety and health of that workplace; and

- (b) make any special inquiry and examination of employees as the Minister directs.

Medical officer of Health to act as factory doctor

76. Where no factory doctor is appointed for a workplace, a Medical Officer of Health may act in that behalf.

Factory doctor to report to Chief Labour Officer

77. Every factory doctor appointed for a factory or a Medical Officer of Health acting pursuant to section 76, as the case may be, shall at such time of each year as may be prescribed report to the Chief Labour Officer in such form as the Minister approves respecting such examinations and other duties performed by him under this Act.

Fees for factory doctors

78.(1) Any fees payable under this Act to a factory doctor or medical practitioner in respect of the examination of young persons employed in the workplace or of any examination or medical supervision of persons employed in a factory shall be paid by the occupier of the workplace.

(2) Fees payable under this section shall be of such amount as the Minister by order prescribes.

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS OF THE ACT

Parts of building let as separate workplace - fire provisions

79.(1) Where a part of a building has been let as a separate workplace, the owner of the building, and not the occupier, is the person on whom

- (a) duties are imposed;
(b) rights are conferred; or

(c) any notice is to be served

in pursuance of sections 33 to 41 or the regulations relating to fire protection and fire prevention under sections 33 to 36 and 38 to 40.

(2) This section does not apply to a case that arises under section 35(1), in so far as that case requires the means of escape to be kept free from obstruction caused by the use of the workplace, or under subsections (1), (7), (8) and (9) of section 39.

(3) For the purposes of this section, a part of a building let as a separate workplace shall be deemed to include any other part of that building used for the purposes of the workplace.

(4) The occupier of a workplace occupying part of a building shall inform the owner of the building where he proposes to make any material change in the workplace after the Chief Fire Officer has granted his certificate as to the means of escape in the case of fire under section 32.

(5) For the purposes of this section, a warning in case of fire referred to in section 38 means a warning occurring anywhere in the building in which the workplace is situated and the warning clearly audible and visible in every part of that building.

(6) An owner of a building who is prevented by the occupier of a workplace in that building from carrying out any work, test or examination which it is his duty to carry out under this Act may bring a complaint before a magistrate alleging the facts, and the magistrate may order the occupier to permit the owner to carry out the work, test or examination; and an occupier who fails to comply with the order of the magistrate is liable to a fine \$100 for each day during which he fails to comply with the order.

(7) The provisions of this Act respecting the requiring of certificates in respect of means of escape in case of fire, the registration of such certificates and the requirements of tests and examinations to be carried out in pursuance of

section 40 apply in respect of a workplace occupying part of a building, except that

- (a) a certificate issued pursuant to section 33 shall be issued to the owner of the building in which the workplace is situate and a copy of such certificate sent to each occupier of a workplace situate in a part of that building;
- (b) the general register mentioned in sections 33(7) and 40 shall be kept by the owner of the building instead of the occupier of a workplace situate in part of the building; and
- (c) a copy of a certificate of the Chief Fire Officer sent to an occupier of a workplace occupying part of a building shall be treated as a certificate issued to such occupier for the purposes of section 33.

Parts of building let as separate workplace-provisions other than fire provisions

80.(1) Where a part of a building is let as a separate workplace the provisions of this Act respecting

- (a) cleanliness and lighting;
- (b) transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines;
- (c) construction and maintenance of floors, steps, stairs, passages and gangways and the keeping of them free from obstruction and slippery substances;
- (d) steam boilers, steam receivers, steam containers and air receivers;
- (e) means of warning in case of fire;
- (f) means of escape;
- (g) the power of a magistrate to make orders in cases of danger or of unsatisfactory premises,

apply to any part of the building used in connection with the workplace though not comprised therein; and the owner of the building, and not the occupier of the workplace, is liable for any contravention of those provisions.

(2) The owner of a building referred to in this section is liable for the contravention of any of the provisions of this Act relating to

- (a) sanitary conveniences; and
- (b) hoists and lifts,

whether in the workplace or otherwise, in so far as they relate to matters within his control; but the owner is not liable to keep sanitary conveniences in a clean state, except where they are used in common by employees of more than one workplace occupying the building.

(3) For the purposes of subsection (1), lifting machines attached to the outside of a building and chains, ropes and lifting tackle used in connection therewith shall be treated as though they were in the building, but a lifting machine not used for the purpose of the workplace, and any chain, rope or lifting tackle used in connection with that machine, shall be disregarded.

(4) Any liability arising

- (a) out of the use of chains, ropes and lifting tackle, cranes and other lifting machines, steam boilers, steam receivers, steam containers and air receivers, in respect of plant or machinery supplied by the occupier of a workplace; or
- (b) in relation to matters not within the control of the owner of the building in which a workplace is situate

attaches to the occupier of the workplace.

(5) Liability in respect of matters not referred to in subsection (4) attaches to the owner of the building in which the workplace is situate, in so far as such matters are not outside his control.

(6) A reference in this Act to the occupier of a workplace, in connection with the power of a magistrate to make orders respecting dangerous conditions in a workplace shall, where that workplace is situate in part of a building, be construed as a reference to the owner of the building if the owner is responsible for the condition in respect of which application for the order is made.

(7) A reference in this Act to the general register in relation to a workplace that is situate in a part of a building shall, in respect of matters for which the owner of the building is responsible, be construed as a reference to the register required to be kept by him; and section 127(3) applies in relation to that register as if the owner were the occupier of the workplace.

Written notice in respect of pressure vessels taken into use on premises not part of workplace

81. Where a pressure vessel is taken into use in any premises that do not form part of a workplace, the occupier of such premises shall, one month before the date upon which it is first taken into use or, if it is in use at the commencement of this Act, within one month of that date forward to the Chief Labour Officer a written notice containing the following particulars, namely:

- (a) the name and address of the occupier of the premises;
- (b) the address and location of the premises;
- (c) the nature of the work carried on at the premises; and
- (d) in respect of each pressure vessel,
 - (i) the type, description and distinctive number;
 - (ii) the country and year of its manufacture; and
 - (iii) whether it is new or pre-used and, if pre-used, the name and address of the former owner.

Written notice in respect of pressure vessels subject to examination under this Act

82.(1) Where a pressure vessel subject to examination under this Act is taken into use in any premises, the occupier of such premises shall within one month of doing so forward to the Chief Labour Officer a written notice containing particulars as set out in paragraphs (a) to (d) of section 81 in respect of the equipment involved.

(2) Any person who imports a pressure vessel shall within one month of delivery to the place of intended use forward to the Chief Labour Officer a written notice containing particulars as set out in paragraph (a) of section 81 in respect of the equipment involved.

Application to Barbadian ships

83. The following provisions extend to any ship owned and worked by or on behalf of the Crown, or owned or hired by any person resident in Barbados, and ordinarily used within the territorial sea of Barbados:

- (a) the provisions respecting steam boilers, steam receivers and steam containers, including the exceptions thereto, except that the owner of a steam boiler, steam receiver or steam container shall be deemed to be the occupier where there is any contravention of these provisions in so far as they relate to matters within his control;
- (b) the provisions respecting the power of a magistrate to make orders where dangerous conditions exist or dangerous practices are engaged in;
- (c) the provisions respecting the making of regulations where such regulations relate to health, safety or welfare;
- (d) subject to the regulations and so far as is applicable, the provisions respecting general registers and the preservation of registers and records;

- (e) the provisions respecting the powers and duties of persons who are concerned with the enforcement of this Act; and
- (f) the provisions respecting offences, penalties and legal proceedings.

Institutions

84.(1) Where, in any premises forming part of an educational or vocational institution, any manual labour is required in or is incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting, whether or not for sale, of articles, whether or not intended for the use of the institution, the provisions of this Act are nevertheless to be construed as applying to those premises.

(2) Where in any premises forming part of an institution operated for charitable or reformatory purposes, any manual labour is required incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting, whether or not for sale, of articles, whether or not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act are nevertheless to be construed as applying to those premises.

(3) Notwithstanding subsection (2), where the persons having control of an institution, in this section referred to as “the managers”, satisfy the Minister that the only persons working therein are inmates of the institution maintained by the institution, or are persons engaged in the supervision of the work or the management of machinery and that the work is carried on in good faith for the purposes of the support, education, training or reformation of persons engaged in it, the Minister may by order direct that, so long as the order is in force, this Act is to apply to the institution, subject to the following modifications, namely:

- (a) the medical officer of the institution, if there is such an officer, may, on the application of the managers be appointed factory doctor for the institution;
- (b) the provisions relating to the posting of an abstract and notices are not to apply;

- (c) if the institution is carried on for reformatory purposes and the managers give notice to the Chief Labour Officer, no person shall, without the consent of the managers or the next person having immediate charge of the institution, examine any inmate of the institution unless the manager or that next person is present; but the Minister may, on being satisfied that in that institution there has been a contravention of the provisions of the Act or of any statutory instrument made pursuant thereto, suspend in respect of that institution the operation of this paragraph to such extent as he considers necessary; and
 - (d) the managers shall, not later than 15th January in each year send to the Minister a return specifying the names of persons in charge of the institution and particulars as to the number, age, sex and employment of the inmates and other persons employed in the institution.
- (4) Any person who fails to comply with paragraph (d), of subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of 7 days.

Building operations and works of engineering construction

85.(1) Subject to subsection (2), any person who undertakes any building operations or works of engineering construction to which this section applies shall, not later than 7 days before the commencement of such operations or works serve notice in writing on the Chief Labour Officer stating

- (a) the name and postal address of the person who undertakes such operations or works;
- (b) the place and nature of the operations or works that are being carried out;
- (c) whether mechanical or other power is being used and, if so, the nature of that power; and
- (d) any other particulars that the Chief Labour Officer requires.

- (2) Except the Chief Labour Officer otherwise directs, subsection (1) does not apply where
- (a) a person undertaking the operations or works has reasonable grounds for believing that operations or works will be completed in a period not exceeding one week;
 - (b) building operations or works of engineering construction are already in progress at the place where a person proposes to undertake other building operations or works of engineering construction; or
 - (c) the building operations or works are of a simple nature and not likely to cause injury to workers.
- (3) The provisions of this Act requiring the keeping of special registers and the posting of copies or, as the case may be, abstracts of this Act or the regulations on premises shall be deemed to be complied with as respects building operations or works of engineering construction where
- (a) the register is kept at an office of the person undertaking the operations or works; and
 - (b) copies or, as the case may be, the abstracts of the Act or the regulations are kept posted in each office, yard or shop at which persons employed by him on the operations or works attend, in a position where they can be easily read by those persons.
- (4) No order made by a magistrate pursuant to this Act operates to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method not inconsistent with the safety of those works or of the persons employed which is set forth in the specification or in any signed plan issued, or written directions given, by the consulting engineer, or the engineer in charge or registered professional.

Duty of persons who apply or put into use any article or substance at a workplace

86.(1) It shall be the duty of any person who applies, or puts into use, any machinery, tool, article or substance at a workplace

- (a) to ensure so far as is reasonably practicable that the machinery, tool, article or substance is without risk to health and safety when properly used; and
- (b) to take such steps as are necessary to ensure that in connection with the use of the machinery, tool, article or substance there are data sheets available that contain
 - (i) adequate information about the use for which the machinery, tool, article or substance is intended;
 - (ii) the precautions to be observed in the use of the machinery, tool, article or substance; and
 - (iii) any information necessary to ensure that, when put to that use, the machinery, tool, article or substance will be safe and without risk to safety or health.

(2) The following persons shall have ready access to all information secured with respect to machinery, tools, articles or substances referred to in paragraphs (a) and (b) of subsection (1):

- (i) all workers likely to be affected by the use of the machinery, tool, article or substance;
- (ii) trade union and workers' representatives at the workplace; and
- (iii) members of the Health and Safety Committee.

(3) For the purposes of this section, machinery or a tool, article or substance is not to be regarded as properly used where it is used without regard to any

relevant information or advice relating to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.

(4) Every person who

- (a) uses;
- (b) intends to use;
- (c) stores;
- (d) trades; or
- (e) deals in

any hazardous substance or article in a workplace shall inform the Chief Labour Office by sending him all the relevant information in writing, with copies to the Chief Fire Officer, the Commissioner of Police and the Accident and Emergency Unit and the Chief Medical Officer.

(5) Where a hazardous substance is stored, handled or used in a workplace, a warning shall be given to every person granted access to the workplace of the presence of the hazardous substance and of the precautions to be taken to prevent or reduce any hazard or injury to health.

Chief Labour Officer to prescribe process as involving special risk to safety and health of employees

87.(1) Where the Chief Labour Officer prescribes a process which may involve special risk or injury to the safety and health of persons employed in connection with the process, the Chief Labour Officer shall issue directions in writing setting out

- (a) the action to be taken;
- (b) the procedures to be followed; and
- (c) the methods to be adopted

in relation to that process.

(2) Notwithstanding subsection (1) the Chief Labour Officer may in certain circumstances vary the standards attached to any regulations if in his judgement such amendments are necessary.

Prohibition of importation of material or articles for use in prohibited processes

88.(1) Where by the regulations the use of any material or process is prohibited, the Minister responsible for Trade may, on the advice of the Minister responsible for Labour, absolutely or subject to exceptions, prohibit the importation into Barbados of the material or of any article used in the manufacture of which such material or process was employed.

(2) Any person who sells or offers for sale, exposes for sale, or has in his possession for purposes of sale any article or material the importation of which is prohibited is guilty of an offence and in addition to any punishment which may be imposed under this Act, such article or material shall be forfeited and destroyed or otherwise disposed of as the court thinks fit.

PART VIII

NOTICES AND REGISTERS

Notice of occupation of a factory and use of mechanical power

89.(1) Subject to subsection (4), any person who desires to occupy or use any premises as a factory shall, not less than 30 days before he does so, serve on the Chief Labour Officer a notice containing

- (a) the name of the occupier or title of the business;
- (b) the name and address of the owner of the premises;
- (c) the postal address of the factory including the exact location of the factory;
- (d) the number of persons likely to be employed;

- (e) the nature of the work being carried on;
 - (f) whether mechanical power is to be used and, if so, the nature of that power;
 - (g) a flow chart of the manufacturing process; and
 - (h) any additional particulars that the Chief Labour Officer requires.
- (2) Where the premises are being occupied for the first time as a factory or where extensions are to be made to the factory, the Chief Labour Officer shall in addition to information required by subsection (1), require the submission to him of plans in duplicate showing
- (a) the site of the factory and its immediate surroundings; and
 - (b) the plan elevations and necessary cross sections of the various buildings showing details of lighting, ventilation, means of escape in case of fire, sanitary and welfare facilities, position of plant and machinery, and aisles and passageways.
- (3) Subject to subsection (4), not less than one month before the date on which mechanical power is first used in a factory the occupier shall serve notice in writing on the Chief Labour Officer stating the nature of the mechanical power.
- (4) A person may, with the permission of the Chief Labour Officer, occupy or use any premises as a factory or use mechanical power for the first time in a factory less than one month after the notice required by this section has been served; and a person may also occupy a factory less than one month after or before such notice has been served if he takes over those premises from another person without changing the nature of the work and the notice is served as soon as practicable and in any case within one month of his taking over.
- (5) The powers of inspectors under section 97 shall be deemed to include power to enter by day or night and inspect and examine premises that are stated in a notice served on the Chief Labour Officer under this section as being intended to be used as a factory, and in relation to any such premises the reference to the

occupier of a factory in subsection (3) shall be construed as a reference to the person giving the notice.

(6) Where a notice is served on the Chief Labour Officer pursuant to this section and the person serving the notice does not, within 30 days after the date of the service thereof, receive any communication from the Chief Labour Officer, permission for him to operate a factory shall be deemed to have been granted.

(7) Where the Chief Labour Officer refuses permission for the operation of a factory after a notice has been served on him under this section, the person aggrieved by the refusal may, within 30 days after such refusal, apply to the High Court to have the matter reviewed.

(8) Any person who occupies or uses any premises as a factory in contravention of this section is guilty of an offence and is liable on summary conviction to a fine of \$500 and, in the case of a continuing offence, to a further fine of \$100 for each day on which the offence continues after a conviction was first obtained.

Register of factories

90. The Chief Labour Officer shall keep a register of factories, in which he shall enter such particulars as may be prescribed in relation to every factory of which notice is required to be given in accordance with this Act.

Posting of abstracts and notices

91.(1) Subject to subsections (2) and (3), there shall be kept posted at the principal entrances of every workplace where employees enter

- (a) a notice of the address and telephone number of the office of the Chief Labour Officer;
- (b) a notice showing the names of the members of the Health and Safety Committee for that workplace;

- (c) in the case of a factory,
 - (i) the prescribed abstract of this Act,
 - (ii) a notice of the name and address of the factory doctor appointed for the factory; and
 - (iii) every notice and document required by this Act to be posted in the factory.
- (2) The Chief Labour Officer may direct that any document mentioned in subsection (1) shall be posted in other parts of the workplace either in addition to, or in substitution for, the principal entrances.
- (3) Subsection (1) applies to every workplace where 10 or more persons are employed.
- (4) All documents required by this section to be posted shall be posted in such characters and in such positions as to permit them to be conveniently read by the persons employed in the workplace, and where a form is prescribed they shall be posted in that form.
- (5) Any person who wilfully pulls down, damages or defaces any abstract, notice, regulation or other document posted pursuant to this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of 7 days or to both.

Provisions as to special regulations

- 92.(1)** Printed copies of all special regulations for the time being in force in respect of a workplace or the prescribed abstract of such regulations shall be kept posted in the workplace in such manner and in such positions as to permit them to be conveniently read by the persons employed in the workplace.
- (2) A copy of every regulation or abstract referred to in subsection (1) shall be given by the occupier of a workplace to any person affected thereby upon his application therefor.

General register and report register

93.(1) There shall be kept by the occupier in every workplace, or in such place as the Chief Labour Officer approves, a register in the prescribed form to be known as the general register.

(2) The occupier referred to in subsection (1) shall keep

(a) in the general register the following information:

- (i) a copy of all accident reports sent to the Chief Labour Officer;
- (ii) a certificate of the Chief Fire Officer relating to means of escape in case of fire;
- (iii) a certificate of examination of an air receiver;
- (iv) a certificate of examination of a boiler;
- (v) a certificate of examination of hoists and lifts;
- (vi) a certificate in respect of any other examination required under this Act;
- (vii) any other report and particulars required by any other provision of this Act to be entered into or attached to the general register;
- (viii) any other matter that may be prescribed; and
- (ix) any reports regarding the safety and health conditions in the workplace.

Preservation of registers and records

94. The general register and every other record kept in pursuance of this Act shall be preserved for a period of at least 6 years after the date of the last entry therein, or for such longer period as may be prescribed, in respect of any class or description of register or record; and shall be kept available for inspection by an inspector or by a factory doctor or by members of the Health and Safety Committee.

Periodical return of persons employed

95.(1) The occupier of every workplace shall, at intervals of not more than 12 months or such other intervals as may be determined by the Chief Labour Officer, send to the Chief Labour Officer a correct return specifying, with respect to such days or such periods as the Chief Labour Officer directs,

- (a) the number of persons employed in the workplace;
- (b) the hours of employment of young persons employed;
- (c) the age, sex and occupation of all the persons employed;
- (d) the nature of the business carried on in the workplace;
- (e) the products and product lines manufactured in the workplace; and
- (f) such other matters as the Chief Labour Officer requires.

(2) The Minister may, for the purpose of facilitating the making of returns under this section, make arrangements for the consolidation of any return with other returns that any department of the public service requires from occupiers.

PART IX**ADMINISTRATION****Administration generally**

96.(1) The Chief Labour Officer may, in writing

- (a) authorise officers of his department to be inspectors for the purposes of this Act; and
- (b) delegate any of his functions under this Act to the officers so authorised.

(2) Notwithstanding subsection (1), where the circumstances so require, the Chief Labour Officer, with the approval of the Minister, may

- (a) authorise in writing a person other than an officer referred to in that subsection to be an inspector; and
- (b) delegate any of his functions under this Act to a person so authorised.

(3) No occupier of a workplace or any person who is

- (a) directly or indirectly interested in such workplace or in any process or business carried on therein or in a patent connected therewith; or
- (b) employed in or about a workplace,

shall act as an inspector for that workplace and, if authorised so to act, he shall declare his interest in the workplace.

(4) Every inspector shall be furnished with a certificate of his appointment and, upon his visiting a place to which this Act applies, shall, if required, produce such certificate to the occupier or other person holding a responsible position of management at such place, and to any person he interviews.

Powers of inspectors

97. An inspector may, for the purpose of carrying out his duties under this Act,

- (a) enter, inspect, take photographs of and examine at all reasonable times, either alone or together with such other persons possessing technical or special knowledge as the Chief Labour Officer may authorise in writing, any premises which he has reasonable cause to believe are premises to which this Act applies;
- (b) enter, inspect and examine, by day,
 - (i) any place that he has reasonable cause to believe to be a workplace; or

- (ii) any part of any building of which a workplace forms part and in which he has reasonable cause to believe that explosive or highly flammable materials are stored or used;
- (c) request and authorise a member of the Police Force to enter a workplace with him if he has reasonable cause to believe that there will be serious obstruction in the execution of his duty;
- (d) require the production of any licence, drawing, specification, register, certificate, notice or other document which the owner or occupier of a workplace is by this Act or the regulations required to keep or exhibit therein, and inspect, examine or make copies thereof;
- (e) examine, whether alone or in the presence of such other person as he thinks fit, with respect to matters under this Act, every person whom he finds in a workplace or who he has reasonable cause to believe is or has been within the preceding 2 months employed in a workplace, and require such person to make and sign a declaration of the truth of the matters respecting which he is so examined; however, no person shall be required to answer any question or make any statement tending to incriminate himself;
- (f) carry out any examination and inquiry necessary to ascertain whether the provisions of the Act and any enactment for the time being in force relating to public health are complied with in so far as they apply to a workplace or to any person employed in a workplace;
- (g) require any person he finds in a workplace to give information to the best of his knowledge as to who is the occupier of the workplace;
- (h) where he is a medical practitioner, conduct such medical examinations as may be necessary for the purpose of performing his duties under the Act;
- (i) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under this Act or any regulations;

- (j) investigate accidents occurring in the workplace; and
- (k) exercise any other powers that are necessary for giving effect to this Act.

Power to take samples

98.(1) An inspector may, at any time after informing the occupier of any workplace or, if the occupier is not readily available, a foreman or any other responsible person therein, take for analysis a sufficient number of samples of any material in use or kept for use in a workplace without payment of compensation to the owner thereof, if he suspects that there has been a contravention of any provision under this Act or if in his opinion the material is likely, or may be proved on analysis to be likely, to cause injury to the persons employed.

(2) An occupier, a foreman or any other responsible person may, at the time when a sample is taken under this section and on providing the necessary utensils, require that the samples be divided into three parts, and that each part be marked, sealed or fastened in such manner as its nature permits and that

- (a) one part be delivered to the occupier, foreman or other responsible person;
- (b) one part be retained by the inspector for future comparison; and
- (c) one part be submitted to an analyst;

and any analysis shall, if so required, be carried out by a department of the public service.

(3) A certificate purporting to be a certificate issued by the Government Analyst or a recognised testing agency approved by the Government Analyst as to the result of an analysis of a sample under this section is, in any proceedings under this Act, *prima facie* 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, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, publish or disclose to any other person the results of an analysis made under this section, and any person who contravenes this subsection is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of one month or to both.

Powers of entry of officers of Fire Service

99.(1) The Chief Fire Officer is assigned the administration of sections 33, 37, 39 and 40, and he or an officer of the Fire Service authorised by him in writing under section 33 may, for the purpose of doing anything connected with his functions under this Act, exercise the powers of entry conferred on an inspector by section 97.

(2) Subsection (4) of section 96 shall apply in respect of a person exercising powers under this section as it does in respect of an inspector.

Means of entry and obstruction

100.(1) The occupier of every workplace and his agents and servants shall at all times furnish the means required by an inspector as being necessary for an entry, examination, inspection, inquiry or the taking of samples, or otherwise for the exercise of his powers, under this Act in relation to such workplace.

(2) Any person who

- (a) wilfully and without reasonable cause delays, hinders or interferes with an inspector or a member of the Fire Service in the exercise of his powers or functions, as the case may be, under this Act;
- (b) fails to produce any register, certificate or document that he is required to produce in pursuance of this Act or the regulations;
- (c) wilfully withholds any information as to who is the occupier of a workplace;

- (d) conceals or attempts to conceal any person from an inspector or prevents or attempts to prevent any person from appearing before or being examined by an inspector;
- (e) fails to comply with a requisition of an inspector in pursuance of this Act;
- (f) assaults, resists, obstructs or intimidates an inspector or a member of the Fire Service in the execution of his duty under this Act or the regulations;
- (g) uses any indecent, abusive or insulting language to an inspector or a member of the Fire Service in the execution of his duty;
- (h) by the offer of any gratuity, bribe, promise or other inducement prevents or attempts to prevent an inspector or a member of the Fire Service from carrying out his duty under this Act or the regulations; or
- (i) contravenes any provision of this Act, the regulations or any order made under this Act

is guilty of an offence.

Information respecting workplaces to be confidential

101.(1) No inspector or other person shall, except for the purposes of civil or criminal proceedings, disclose to another person any information respecting any workplace or any process carried on in a workplace.

(2) Notwithstanding subsection (1), an inspector or other person referred to in that subsection may disclose information respecting any workplace,

- (a) in the case where representation has been made with respect to any condition in that workplace; or
- (b) in the case of a person injured while engaged in employment at a workplace, and on the payment of any fee which may be prescribed,

to

- (i) the injured person, being a worker at that workplace, or any relative or friend authorised by the injured person to make such representation;
- (ii) any trade union representing the workers at the workplace making the representation;
- (iii) an attorney-at-law authorised by the person making the representation;
- (iv) the occupier of the workplace or an attorney-at-law representing the occupier; or
- (v) the personal representative of the deceased in any case where an injury results in death.

(3) Except to the extent immediately necessary, no person shall disturb, alter or remove any machinery, equipment or substance that is likely to be of assistance in the investigation of an accident in a workplace unless authorised to do so by the Chief Labour Officer.

(4) Disclosure of a report under paragraph (b) of subsection (2) must be in the form of a copy of the report and on payment to the Chief Labour Officer of such fee as the Minister may by order prescribe.

(5) Any person who contravenes subsection (1) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for one month or to both.

Worker not to be dismissed by reason only of requesting inspection of workplace by inspector

102. No employee shall be dismissed or disciplined in any manner by reason only of his requesting an inspection of his workplace by an inspector.

Safety consultations

- 103.(1)** Every employer in a workplace shall
- (a) consult with his employees or their representatives for the purpose of developing measures to promote safety and health at such workplace; and
 - (b) make arrangements for the participation of the employees in the improvement and development of such measures.
- (2) Consultation for the purpose of subsection (1) shall be effected as follows:
- (a) in workplaces where there are 25 or more persons employed, through the meeting of a Health and Safety Committee consisting of representatives appointed by the employer and representatives appointed by the employees; and
 - (b) in workplaces where there are less than 25 persons employed and it is not practical to have a Health and Safety Committee, through one or more safety delegates appointed by the employees.
- (3) The Health and Safety Committee referred to in subsection (2) shall meet not less than once a quarter and its records kept available for inspection.
- (4) Copies of all reports relating to the workplace safety and health conditions and the environment must be forwarded to at least one member of the Health and Safety Committee appointed by the employees.
- (5) Where there is a Health and Safety Committee,
- (a) the Committee shall comprise an equal number of employers' and employees' representatives;
 - (b) the employees' representatives shall be appointed through their trade union or recognized staff association, where the employees are represented by such a trade union or staff association;

- (c) the employees' representatives shall be granted access to information relating to all workplace hazards and to all reports relating to the workplace environment;
- (d) the employees' representatives may conduct tests and take samples of hazardous materials;
- (e) the recommendations of the Health and Safety Committee shall, if practicable, be implemented;
- (f) it shall be the duty of the Chief Labour Officer to resolve any issues relating to the practicability of any recommendations made pursuant to sub-paragraph (e), and any declaration by the Chief Labour Officer in that regard shall be conclusive.

Right to refuse dangerous task

104. Where, during the course of his employment, there is sufficient evidence to indicate that an employee's health and safety are in imminent danger, that employee may refuse to carry out the tasks assigned to him pending consultation with his safety committee, trade union or staff association or the Chief Labour Officer.

PART X REGULATIONS

Special regulations relating to safety

105. The Minister may, in respect of any class or description of a workplace, make regulations

- (a) prescribing
 - (i) the measures to be taken to reduce the risk of the outbreak of fire or the spreading of smoke; and

- (ii) the requirements to be complied with in internal construction and the materials to be used in such construction;
- (b) prescribing the devices that may be used for fighting fire, and the methods for the testing and examination of any device for fighting fire, and for the recording of
 - (i) particulars of any test or examination carried out pursuant to any regulation made under this paragraph;
 - (ii) any defect found after any such test and examination; and
 - (iii) any action taken to remedy such defect;
- (c) requiring devices to be provided for notifying the Fire Service of an outbreak of fire and the instruction of employees in the use of such devices;
- (d) prescribing those cases in which persons other than the occupier may be liable for contravention of regulations made under paragraphs (a) to (c);
- (e) providing, in relation to any class or description of appliance, for the substitution of a period exceeding that mentioned in section 40;
- (f) prescribing the test or examination of means of giving warning to be carried out in case of fire;
- (g) providing that any application for a certificate of the Chief Fire Officer under section 33 shall be accompanied by a specified plan of the building;
- (h) applying the provisions respecting
 - (i) the means of giving of warning in a case of fire; and
 - (ii) the means of escape in case of fireto that class or description of workplace;

- (i) prescribing
 - (i) the means of escape in case of fire that are to be provided therein; and
 - (ii) the steps that are to be taken in ensuring that, as far as possible, all employees are familiar with the means of escape in case of fire, with their use and with the routine to be followed in case of fire;
- (j) prescribing a standard of reasonable temperature, and prohibiting the use of any method of maintaining a reasonable temperature which, in his opinion, is likely to be injurious to employees;
- (k) directing the provision and placement in particular places of thermometers;
- (l) for the protection of employees against hazards caused by exposure to noise;
- (m) respecting arrangements for the treatment and disposal of effluents arising out of any manufacturing processes;
- (n) for prevention of glare and the formation of shadows in respect of lighting;
- (o) prescribing a standard of adequate ventilation for any factory or part thereof;
- (p) prescribing for the purposes of section 47(1) those processes that give rise to dust;
- (q) prescribing in respect of any class of persons or in respect of persons employed in any process the maximum weights to be lifted, carried or moved by employees;
- (r) requiring an occupier to make specific arrangements for supervision with regard to the safety of employees, investigation into the circumstances and cases of accidents and any other matters related

thereto where the number or nature of accidents occurring in such factory, in his opinion, indicates the need therefor.

Special regulations relating to health

106.(1) The Minister, may, in respect of any class or description of a workplace, make regulations

- (a) determining what amounts to sufficient and suitable sanitary convenience and prescribing the standards of construction for such conveniences;
- (b) modifying the number of cubic meters that, under section 54, must be allowed for every person employed in any workroom;
- (c) prescribing a standard of sufficient and suitable lighting for such factory or any part thereof, or for any process;
- (d) prescribing the maximum allowable concentrations of specific dusts, fumes and other hazardous substances within the factory or working environment; and
- (e) prescribing such matters as are by this Act authorised or required to be prescribed.

(2) Subject to subsection (3) the Minister may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of persons or any class of persons employed at any workplace or description of a workplace where he is satisfied that

- (a) cases of illness have occurred which he believes to be connected with the nature of the work carried on at that workplace;
- (b) there might be a risk of injury to the health of persons employed in particular processes at a workplace by reason of
 - (i) changes in the processes;

- (ii) changes in substances used in the processes; or
 - (iii) the introduction of new processes or new substances;
 - (c) young persons are employed or are about to be employed in work likely to cause injury to their health; or
 - (d) there might be a risk to the health of employees caused by
 - (i) any substance or material brought to the workplace to be used or handled therein, or
 - (ii) any change in conditions of works or other conditions in the workplace.
- (3) Powers conferred on the Minister by subsection (2) may, in relation to a particular workplace for a limited period, be exercised by order.
- (4) An order referred to in subsection (3)
- (a) must contain the date on which it expires; and
 - (b) must not be made to have effect for a period exceeding 6 months.
- (5) The Minister may, upon the expiration of an order, made under subsection (3) make a new order extending the period contained in the original order subject to the conditions specified in subsection (4); but the occupier of the workplace may, by notice in writing to the Minister object to the extension of the order and the original order ceases to have effect as from one month after the service of the notice, without prejudice to the making of any special regulations in relation to the factory.

Special regulations relating to welfare

107. The Minister may, in respect of any class or description of a workplace, make regulations

- (a) prescribing, either generally or as respects any class or description of a workplace or as respects the persons employed in any process, a standard of adequate washing facilities;

- (b) prescribing the standards required to be attained by a person after training in first-aid treatment;
- (c) requiring reasonable steps to be taken, either in addition to, in substitution for or by way of extension or variation of, any provision of the Act relating to welfare;
- (d) respecting any of the following:
 - (i) the supply of drinking water;
 - (ii) washing facilities and the supply and use of seats in workrooms;
 - (iii) adequate and suitable accommodation for clothing;
 - (iv) facilities for sitting;
 - (v) first aid and first-aid arrangements;
 - (vi) arrangements for the preparing, heating and taking of meals;
 - (vii) the supply of protective clothing and equipment;
 - (viii)adequate furniture in rest rooms;
 - (ix) arrangements for the supervision of employees; and
 - (x) any other matter affecting the welfare of employees or any class of employees;
- (e) respecting arrangements to be made to ensure the immediate treatment of injuries occurring in any workplace; and
- (f) generally for the proper carrying into effect of the provisions of this Act.

General regulations

108.(1) The Minister may, in respect of any class or description of a workplace, make regulations

- (a) for the prevention of injury to employees employed in connection with any manufacture, machinery, plant, equipment, appliance, process, work-station or description of labour where such injury is likely to occur;
- (b) prohibiting the employment, or modifying or limiting the hours of employment, of all persons or of any class of persons connected with any manufacture, machinery, plant, process or description of labour;
- (c) prohibiting, limiting or controlling the use of any material or process;
- (d) modifying or extending any provisions of this Act or the regulations relating to safety;
- (e) imposing duties on owners, occupiers, employees and other persons;
- (f) respecting the prevention of danger to employees arising out of employment connected with the manufacture, use or dry-rubbing down of paint containing lead;
- (g) respecting the inspection of factories and machinery;
- (h) prescribing any act or thing that is desirable for the proper administration of this Act or is by this Act required or authorised to be prescribed.

(2) Notwithstanding subsection (1) and sections 105 to 107, the Minister may make regulations

- (a) prescribing the manner in which and the place where examinations for the purpose of certifying fitness of young persons for employment shall be conducted;

- (b) respecting the facilities to be afforded by occupiers of workplaces for the purpose of examinations of young persons in pursuance of this Act, including facilities for the factory doctor appointed in respect of the workplace to inspect any process in which a young person is to be employed;
- (c) regulating the duties of factory doctors appointed by virtue of this Act;
- (d) prescribing the employments to be treated as a group for the purposes of paragraph (b) of section 68(4);
- (e) for the doing of anything that the Minister considers desirable for the purpose of giving effect to any of the provisions relating to the medical examination of young persons;
- (f) modifying or extending any provision of this Act or the regulations relating to health; and
- (g) prescribing the manner in which lead paint must be treated before it is permitted to be used.

PART XI

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Contravention by occupiers, employers and companies

109.(1) In the event of any contravention in connection with or in relation to a workplace of the provisions of this Act, or of any regulations or order made under this Act, the occupier or, if the contravention is one in respect of which the owner is by or under this Act responsible, the owner of the workplace, is, subject to this Act, guilty of an offence.

(2) In the event of

- (a) the contravention by an employee in respect of the duties imposed on employees; or

- (b) a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him,

that employee or person is guilty of an offence.

(3) Notwithstanding subsection (2) no offence is committed by the occupier or the owner, as the case may be, by reason only of the contravention of the provision imposing the duty unless it is proved that he failed to take all reasonable steps to prevent the contravention; but subsection (2) does not affect any liability of an occupier or owner in respect of the same facts by virtue of some provision other than any referred to in that subsection.

(4) An occupier of a workplace shall be deemed to have contravened this Act if he avails himself of an exception allowed under this Act and fails to comply with any of the conditions attached to that exception.

(5) Where persons are employed in a workplace otherwise than in accordance with the provisions of this Act or of any regulations or order made pursuant to this Act, there shall be deemed to be a separate contravention in respect of each person so employed.

(6) Where an offence under this Act has been committed by a company and has been proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, both such officer and the company are guilty of the offence committed.

General penalty

110.(1) Subject to subsection (2), any person who

- (a) contravenes any provision of this Act for which no specific penalty is provided; or
- (b) contravenes any of the regulations or any order made pursuant to this Act

is guilty of an offence and liable on summary conviction, in the case of an owner or occupier, to a fine of \$500; and if the offence continues after such conviction, the person convicted is liable to a further fine of \$100 for each day in respect of which the offence continues.

(2) If the contravention is the act or omission of the owner or the occupier, as the case may be, and causes death or injury that results in permanent injury, such owner or occupier is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

Power of court to order contraventions to be remedied

111.(1) Where an occupier or owner of a workplace has been convicted of an offence under this Act, the court may, in addition to or instead of imposing a fine, order him, within such time as the court determines, to take such steps as the court specifies for remedying the matters in respect of which the contravention occurred, and may on application extend the time stated in the order.

(2) Where an extension is allowed under subsection (1), the occupier is not liable in respect of any continuation of the contravention during the extended time, but if, after the expiration of the time as originally specified or as extended the order is not complied with, the occupier or owner, as the case maybe, is liable to a fine of \$100 for each day on which the non-compliance continues after the date on which the conviction was first obtained.

Power of Chief Labour Officer to issue improvement notices

112. Where the Chief Labour Officer is of the opinion that a person

- (a) is contravening the provisions of this Act or the regulations; or
- (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

he may serve on that person an improvement notice stating that he is of that opinion, specifying the provision or provisions as to which he is of that opinion, giving particulars of the reason why he is of that opinion and requiring that person

to remedy the contravention or, as the case may be, the matters occasioning it within such period, ending not earlier than the period within which an appeal against the notice can be brought under section 114, as may be specified in the notice.

Power of Chief Labour Officer to issue prohibition notices

113.(1) Where the Chief Labour Officer is satisfied that

- (a) any part of the ways, works, machinery or plant used in a workplace is in such a condition, or is so constructed or placed, that it cannot be used without risk of bodily injury;
- (b) any process or work that is carried on in any workplace would cause risk of bodily injury or endanger health; or
- (c) any workplace is in such a condition, or is so constructed or placed, that any process or work carried on or proposed to be carried on therein cannot be so carried on with due regard being paid to the safety, health and welfare of the persons employed in that workplace,

the Chief Labour Officer may serve on the occupier a prohibition notice.

(2) A prohibition notice shall

- (a) specify the matters which in the opinion of the Chief Labour Officer give rise to the risk;
- (b) shall specify the provision or provisions of the Act or regulations which are being contravened, and give particulars of the contravention; and
- (c) shall direct that the activities to which the notice relates shall not be carried on by the occupier unless the provisions of the Act or regulations which are being contravened and the risk mentioned in paragraph (a) have been remedied.

(3) Where a prohibition notice gives a direction in accordance with subsection (2)(c), the direction shall take immediate effect if the inspector is of

the opinion, and states, that the risk of serious personal injury is or will be imminent.

(4) In circumstances other than those specified in the preceding subsection a prohibition notice shall take effect at such time and date as specified by the notice.

Provisions relating to the issuing of, and appeal against, prohibition and improvement notices

114.(1) In this section, “a notice” means an improvement notice or a prohibition notice.

(2) A notice may include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates, and any such directions

- (a) may be framed to any extent by reference to any approved code of practice; and
- (b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.

(3) The Chief Labour Officer shall consult the Chief Fire Officer before he serves on the occupier of premises used or about to be used as a workplace a notice concerning the means of escape in case of a fire.

(4) Where a notice which is not to take immediate effect has been served,

- (a) the notice may be withdrawn by the Chief Labour Officer at any time before the end of the period specified therein in pursuance of section 112 or section 113, as the case may be; and
- (b) the period specified in the notice may be extended by the Chief Labour Officer at any time when an appeal against the notice is not pending.

(5) A person on whom a notice is served may appeal to a magistrate, and on such an appeal the magistrate may either cancel or affirm the notice and, if he

affirms it, he may do so either in its original form or with such modifications as the magistrate may in the circumstances think fit.

- (6) Where an appeal under this section is brought against a notice,
- (a) in the case of an improvement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal; or
 - (b) in the case of a prohibition notice, the bringing of the appeal shall have the like effect if, but only if, on the application of the appellant the magistrate so directs (and then only from the giving of the direction).

Posting of prohibition and improvement notices

115. A copy of a notice issued under section 112 or 113 may be posted by the Chief Labour Officer at or near the place where the contravention or risk referred to in the notice exists, or at such other prominent position at the workplace as he so determines.

Commission of offence where notice is defaced or removed

116. Any person who, without lawful authority removes, defaces or in any way tampers with a notice posted under section 115 is guilty of an offence under this Act.

Compliance with notices under sections 112 and 113

117. A notice issued under section 112 or 113 shall, subject to the provisions regarding appeal, be complied with.

Fine for non-compliance with notice issued under section 112 or 113

118. Any person who fails to comply with the requirements of a notice issued under section 112 or 113 shall be liable on summary conviction to a fine of \$1 000 and \$100 for every day the offence continues.

Appeal from an order of a magistrate

119. An appeal from an order of a magistrate made under this Act other than an interim order lies to the High Court.

Accused to prove duty or requirement was satisfied

120. In any proceedings for an offence under any of the relevant statutory provisions consisting of a failure

- (a) to comply with a duty or requirement to do something so far as is practicable; or
- (b) to use the best practicable means to do something,

it shall be for the accused to prove that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.

Forgery of certificates, false entries

121. Any person who

- (a) forges or counterfeits any certificate made pursuant to this Act or the regulations;
- (b) gives or signs any such certificate knowing it to be false in any material particular;
- (c) utters or makes use of any such certificate knowing it to be so forged, counterfeited or to be false;
- (d) knowingly utters or makes use of, as applying to any person, any such certificate that does not so apply;
- (e) impersonates any person named in any such certificate;
- (f) falsely pretends to be an inspector;

- (g) wilfully connives at any forging, counterfeiting, giving, signing, uttering, making use, personating or pretending specified in paragraphs (a) to (f);
- (h) wilfully makes a false entry in any register, notice, certificate, or document required by, under or for the purposes of this Act or any regulations or order made pursuant to this Act to be kept, served or sent;
- (i) wilfully makes or signs a false declaration required by, under or for the purposes of this Act or any regulations or order made pursuant to this Act, or knowingly makes use of any false entry or declaration;
- (j) knowingly makes use of any false entry or declaration,

is guilty of an offence and is, without prejudice to any other penalty the court imposes, liable on summary conviction to a fine of \$2 500 or imprisonment for a term of 6 months or to both.

Penalty on persons actually committing offence for which occupier is liable

122. Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, servant, employee or other person, that agent, servant, employee or other person is liable and punishable as if he were the occupier or owner, as the case may be.

Power of occupier or owner to exempt himself from liability

123.(1) An occupier or owner of a workplace who is charged with an offence under this Act is entitled, upon information duly laid by him before a magistrate and on giving to the prosecution not less than 3 days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after

the commission of the offence has been proved, the occupier or owner of the workplace proves to the satisfaction of the court

- (a) that he has used all due diligence to enforce the execution of the provisions of this Act and of any relevant regulations or orders made pursuant to this Act; and
- (b) that the other person had committed the offence in question without his consent, connivance or wilful default,

that other person may be convicted and the occupier or owner acquitted, and the person so convicted may at the discretion of the court be also liable to pay the costs of the proceedings.

(2) The prosecution may, in a case to which subsection (1) relates,

- (a) cross-examine the occupier or owner if he gives evidence, and any witness called by him; and
- (b) call rebutting evidence.

(3) Where an inspector upon his discovery of the commission of an offence is satisfied as to the identity of the person who committed the offence, and that

- (a) the occupier or owner, as the case may be, of the workplace has used all due diligence to enforce the provisions of this Act; and
- (b) the offence has been committed without consent, connivance or wilful default of the occupier or owner and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner of the workplace.

Proceedings against persons other than occupiers or owners

124. Where under this Act any person is substituted for the occupier or owner with respect to any provision of this Act, any order, summons, notice or proceeding required or authorised to be served on or taken in relation to the

occupier or owner is hereby required or authorised, as the case may be, to be served on or taken in relation to that person.

Owner of machine liable in certain cases instead of occupier

125. Where in a workplace the owner or hirer of a machine or implement moved by power is some person other than the occupier of the workplace, such owner or hirer shall be deemed to be the occupier of the workplace in so far as respects any offence under this Act committed in relation to a person who is employed in or in connection with that machine or implement, and is in the employment or pay of the owner or hirer.

Provisions as to proceedings in prosecutions under this Act

126. In any proceedings under this Act, it is sufficient to allege in the information that the workplace is a workplace within the meaning of the Act and to state the name of the ostensible occupier of the workplace or, where the occupier is a firm, the title of the firm; and the burden of proving that the premises do not constitute a workplace, or that the occupier specified in the information is not the occupier of the workplace, lies on the person alleging such fact.

Limitation of time within which proceedings may be instituted

127.(1) Except as otherwise expressly provided in subsection (2), no information in respect of an offence shall be laid, and no proceedings for the recovery of any penalty shall be instituted, under this Act, after the expiration of a period of 12 months commencing on the date on which the offence was committed or the subject-matter of the proceedings arose or came to the attention of the Chief Labour Officer, but in any event not later than 18 months after the date on which the offence was committed.

- (2) Where, with respect to or in consequence of any accident in a workplace,
- (a) a report is made by a court appointed to hold a formal investigation under any Act in operation in Barbados or a coroner's inquest is held; and

(b) it appears from the report of proceedings at the inquest that any of the provisions of this Act or any regulations or orders made pursuant to this Act were not complied with at or before the time of the accident, proceedings may be commenced at any time within a period of 12 months after the making of the report or the conclusion of the inquest.

(3) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report or do any act or other thing at or within a time specified by this Act, or any regulations or orders made pursuant to this Act, the offence shall be deemed to continue until the examination is made or the report entered or other thing done, as the case may be.

Evidence as to employment in workplace

128.(1) Any person found in a workplace at any time during which work is going on or machinery is in motion, except during the intervals for meals or rest, shall, until the contrary is proved, be deemed for the purposes of this Act to be employed in that workplace.

(2) Subsection (1) does not apply to a workplace in which the only persons employed are members of the same family dwelling there.

(3) Where by this Act, an order or the regulations made thereunder an entry is required to be made in the general register or in any other register or record, any entry made by the occupier of a workplace or on his behalf is admissible in evidence as *prima facie* proof of the facts therein stated; and the fact that an entry so required to be made has not been made is *prima facie* evidence that the requirement has not been complied with.

Prosecutions

129. All prosecutions under this Act shall be by information in the name of the Chief Labour Officer.

Power of judge to apportion expenses

130.(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 make those premises

- (a) comply with the provisions of this Act or of any regulations or orders made pursuant to this Act; or
- (b) conform with any standard or requirement imposed by or under this Act,

and the owner or occupier alleges that the whole part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to a Judge who, after hearing the parties and any witness called by them, may make such order concerning the expenses, including their apportionment, as he considers just and equitable in the circumstances of the case, due regard being had to the terms of any contract between the parties; or, in the alternative, the Judge may at the request of the owner or occupier determine the lease.

(2) A person who is dissatisfied with the decision of the Judge made after the hearing of an application under subsection (1) has the same right of appeal as if the application were an action or matter within the original jurisdiction of the Judge.

Power of court to modify agreements

131. Where by reason of an agreement between the owner and the occupier of premises, the whole or any part of which has been let as a workplace, such owner or occupier is prevented from carrying out any structural or other alterations to the premises, such alterations being necessary

- (a) to enable him to comply with the provisions of this Act or of any regulations or order made pursuant to this Act; or

- (b) to conform with any standard or requirement imposed by or under this Act;

the owner or occupier may make an application to the court and the court may, after hearing the parties and any witnesses called by them make such order setting aside or modifying the terms of the agreement as it considers just and equitable having due regard to the circumstances of the case.

PART XII GENERAL

Advisers

132.(1) The Minister responsible for Labour may appoint persons to advise him in connection with his functions under this Act; and such persons are entitled to such travelling and other allowances, including compensation for loss of remunerative time, as the Minister determines.

(2) The Chief Labour Officer may in writing authorise any person who has been appointed as an adviser to the Minister under subsection (1) to enter a workplace and make enquiries in respect of any matter in respect of which advice is desirable.

(3) Section 97 applies in respect of a person appointed under this section as it does in respect of an inspector or a member of the Fire Service.

No charge for facilities and conveniences

133. No fee or other charge shall be required from any person employed in respect of any arrangement, facility, equipment or appliances provided in accordance with this Act.

No exemption from civil or criminal liability

134.(1) Nothing in this Act exempts any person from any civil or criminal liability to which he is subject under any other enactment or at common law.

(2) Notwithstanding subsection (1), as a result of proceedings instituted by the Chief Labour Officer no person shall be punished more than once in respect of the same acts or omissions either under this Act or under another enactment or at common law.

Expenses

135. All expenses incurred in the administration of this Act shall be defrayed out of moneys voted for the purpose by Parliament.

Indemnification of inspectors

136. Where an action has been brought against an inspector in respect of an act done in the execution or purported execution of any of the relevant statutory provisions and the circumstances are such that he is not legally entitled to require the enforcing authority which appointed him to indemnify him, that authority may, nevertheless, indemnify him against the whole or part of any damages and costs or expenses which he may have been ordered to pay or may have incurred if the authority is satisfied that he honestly believed that the act complained of was within his powers and that his duty as an inspector required or entitled him to do it.

Repeal of Cap. 347

137. *[The Factories Act is repealed.]*

Commencement

138. This Act comes into operation on a date to be fixed by proclamation.

FIRST SCHEDULE*(Section 11(3)(b))**Processes to which section 11(3)(b) relates*

- 1.** All processes in the manufacture of
 - (a) sugar;
 - (b) paper or paper-board;
 - (c) plastics;
 - (d) flour;
 - (e) provender and compound food stuffs for animal feeding;
 - (f) sodium carbonate by the ammonia soda or solvay process;
 - (g) caustic soda by the ammonia soda or solvay process, or by continuous causticising;
 - (h) sulphur dioxide;
 - (i) industrial gases.
- 2.** All processes in the milling of cereals, seeds or nuts.
- 3.** All processes in the extraction of oil or other similar products from cereals or seeds.
- 4.** Any manufacturing process in which a mixture of nitric and sulphuric acids is employed and where risks of fire or explosion would arise if the transmission machinery were stopped.
- 5.** The process of enamelling wire, including re-winding after enamelling.

6. Any other process which the Minister by order specifies.

SECOND SCHEDULE*(Section 15(2) and (3))**Machines to which section 15 applies*

1. Brick and tile presses.
2. Machines used for opening or teasing in upholstery or bedding works.
3. Carding machines in use in the wool textile trades.
4. Corner-staying machines.
5. Dough brakes.
6. Dough mixers.
7. Worm pressure extruding machines.
8. Gill boxes in use in the wool textile trades.
9. The following machines:
 - (a) hydro-extractors;
 - (b) calenders;
 - (c) washing machines;
 - (d) garment presses.
10. Meat-mincing machines.
11. Milling machines.
12. Pie-and tart-making machines.

13. Power presses, including hydraulic and pneumatic presses.
14. Loose knife punching machines.
15. Wire stitching machines.
16. Semi-automatic wood-turning lathes.
17. Guillotines, cutting equipment and drilling machines.

THIRD SCHEDULE*(Section 20(1)(g))**Chains and lifting tackle exempted from section 20(1)(g)*

- (a) chains made of malleable cast iron;
- (b) plate link chains;
- (c) chains, rings, hooks, shackles and swivels made of steel or of any non-ferrous metal;
- (d) pitched chains working on sprocket or pocketed wheels;
- (e) rings, hooks, shackles or swivels permanently attached to pitched chains, pulley blocks or weighing machines;
- (f) hooks and swivels having screw-threaded parts or ball-bearings or other case hardened parts;
- (g) socket shackles secured to wire ropes by white capping;
- (h) bordeaux connections;
- (i) any chain or lifting tackle that has been subjected to heat treatment known as “normalising” instead of annealing.