

# THE OCCUPATIONAL SAFETY AND HEALTH ACT 2005

Act No. 28 of 2005

I assent

28<sup>th</sup> October, 2005

A. R. BUNDHUN  
Acting President of the Republic

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## AN ACT

To consolidate and widen the scope of legislation on safety, health and the welfare of employees at work.

ENACTED by the Parliament of Mauritius, as follows -

## PART I

## PRELIMINARY

### 1. Short title

This Act may be cited as the Occupational Safety and Health Act 2005.

### 2. Interpretation

In this Act –

“air receiver” means –

- (a) any vessel, other than a pipe or coil, or any accessory, fitting or part of a compressor, for containing compressed air and connected with an air compressing plant;
- (b) any fixed or portable vessel, not being part of a spray gun, used for the purpose of spraying by means of compressed air, any paint, varnish, lacquer or similar material;
- (c) any fixed vessel for containing compressed air or any other gas and used for the purpose of starting an internal combustion engine; or
- (d) any vessel in which any material in solid or liquid form is stored and from which it is forced by compressed air;

“article” includes any solid, liquid or gas, or any combination thereof;

“article for use at work” means –

- (a) any plant designed for use or operation, whether exclusively or not, by any person at work; and
- (b) any article designed for use as a component in any such plant;

“biological agent” means any micro-organism, cell culture, or human endoparasite, and includes any organism which has been genetically modified, which may cause any infection, allergy, toxicity or otherwise create a hazard to human health;

“bodily injury” includes any disease or any impairment of a person's physical or mental condition;

“building” includes its fixtures and fittings;

“cell culture” means in-vitro growth of cells derived from multicellular organisms;

“chemical” means a chemical element, or a compound, or a mixture thereof, whether natural or synthetic;

"Classification Society" means Lloyds Register of Shipping (United Kingdom), Bureau Veritas (France) or any similar organisation approved by the Permanent Secretary;

"competent person" means any person who, by reason of his qualifications and training, or having at least 5 years experience, is competent to undertake the work he is required to perform;

"contract of employment" means a contract of service or of apprenticeship, whether expressed or implied and whether oral or in writing;

"construction" means –

- (a) building, including the construction, structural alteration, renovation, repair, maintenance, dismantling, or demolition of any building or structure;
- (b) civil engineering works, including the construction, structural alteration, repair, maintenance, demolition, of any airport, dock, harbour, inland waterway, dam, river and sea defence works, road, highway, bridge, tunnel, viaduct or works related to the provision of services such as communication, drainage, sewerage or power supply;
- (c) the erection, but not the manufacture, of prefabricated components of a building or structure;

"Court" means the Industrial Court;

"danger" in circumstances which may be reasonably expected to occur in relation to a machine, means that the machine is a reasonably foreseeable cause of injury to any person acting in a way in which a human being may reasonably be expected to act;

"Director, Occupational Safety and Health" means the Director, Occupational Safety and Health of the Ministry;

"employee" means a person who has entered into, or works under, a contract of employment with an employer, and includes a casual worker or a manual worker, and however remunerated;

"employer" means a person liable or responsible under a contract of employment for the payment of remuneration to an employee, and includes –

- (a) his agent;
- (b) a job contractor;

"escalator" includes a moving ramp for use by a person but does not include a conveyor used for moving goods;

"eye protector" includes goggles, spectacles, visor or face screen;

"Fire Services" means the fire services as defined in the Fire Services Act;

"fume" includes gas or vapour;

"genetically modified organism" has the meaning assigned to it by the Genetically Modified Organism Act 2004;

"guest employee" means an employee of foreign nationality who has migrated from his country with a view to being employed on contract, otherwise than on his own account, and includes any person regularly admitted as a migrant for employment;

"hoist" means a lifting device with a platform or cage, the direction or movement of which is restricted by a guide;

"job contractor" has the same meaning as in section 2 of the Labour Act;

"lift" has the same meaning as "hoist";

"lifting machine" means a crane, winch, pulley block, or any other device other than a hoist or lift, intended for raising or lowering persons, goods or materials;

"lifting tackle" means a chain sling, rope sling, ring, hook, shackle or swivel used for the purpose of raising or lowering goods or materials;

"machine" includes any prime mover and any transmission machinery;

"maintain" means keep in an efficient state, in efficient working order, or in good repair;

"maximum exposure limit" means the maximum exposure limit prescribed by virtue of section 4;

"maximum permissible working pressure" in relation to any steam boiler means the pressure specified in the latest valid report of examination by a registered boiler inspector;

"micro-organism" means a microbiological entity, cellular or non-cellular, which is capable of replication or of transferring genetic material;

"Minister" means the Minister to whom responsibility for the subject of labour and industrial relations is assigned;

"occupational exposure standard" means the standard of exposure of a substance hazardous to health prescribed by virtue of section 4;

"occupier" means the person who runs a place of work and who controls the work that is done there;

"officer" means an officer of the Ministry;

"outworker" means any person employed in manual labour or with machinery in any process for or incidental to the making, altering, repairing, ornamenting, finishing, cleaning, washing, or breaking up of any article for the purposes of gain, or by way of trade, whether directly by the occupier of any place from which work is given out, or by a contractor or person employed by such occupier or contractor;

"owner" includes the person for the time being owning, or receiving rent whether on his own account, or as agent or trustee for any other person, in respect of the letting of premises, or the use of plants or equipment, and includes an occupier of premises;

"Permanent Secretary" means the Permanent Secretary of the Ministry to which responsibility for the subject of occupational safety and health is assigned, but where the official head of the Ministry is a Senior Chief Executive Officer, reference to the Permanent Secretary shall be reference to the Senior Chief Executive Officer;

"personal protective equipment" means any equipment intended to be worn or held by an employee and which protects him against risk to his health or safety, and includes –

- (a) any addition or accessory designed to meet that objective; and
- (b) clothing affording protection against the weather;

"plant" includes any machinery, equipment or appliance;

"place of work" means any place including –

- (a) any vehicle or vessel;
- (b) any installation on land including the foreshore and other land intermittently covered by water and any offshore installations;
- (c) any moveable structure;  
where work is carried out by any person under a contract of employment;

"preventive and protective measure" means any measure which has been identified by an employer in consequence of an assessment as the measure he needs to take to comply with the requirements of, and prohibitions imposed upon him by, any relevant statutory provision;

"prohibition order" means an order made under section 27;

"protected escape route" means a route having an adequate degree of fire protection and includes wall, partition, floor or ceiling, of fire resisting construction which separates the route from the remainder of the building in case of fire;

"radiation" means radiation emitted from radioactive material as defined in the Radiation Protection Act 2003;



"radioactive substance" means any substance that emits ionising radiation above the statutory exemption level that may cause a risk of disability or disease as a result of exposure;

"registered professional engineer" means an engineer registered under the Registered Professional Engineers Council Act;

"respirable dust" means airborne material which is capable of penetrating to the gas exchange region of the lung;

"safe working pressure" means –

- (a) in the case of a newly installed steam receiver or air receiver, the pressure specified in the report referred to in section 61;
- (b) in the case of a steam receiver or air receiver which has been examined in accordance with the provisions of sections 58 and 59, the pressure specified in the report of the last examination;

"Safety and Health Committee" means the committee established by virtue of section 21;

"sanitary convenience" includes a water closet or an earth closet;

"securely fenced" means fenced or guarded in such a way as to protect effectively a person from the danger of contact with the exposed part of a machine;

"self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment;

"shield" means a helmet or hand-held shield, being equipment designed to be worn or held by a person;

"standard" includes a code of practice, specification or any other documentary form of practical guidance;

"steam boiler" means any closed vessel in which steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel and any superheater used for heating steam, and includes any mounting or other fitting attached to the vessel which is wholly or partly under pressure even when the steam is shut off;

"steam container" means any vessel, other than a steam pipe or coil, constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure, or at approximately that pressure, for the purpose of heating, boiling, drying, evaporating or other similar purposes;

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

“substance” means any natural or artificial substance, whether in the form of solid, liquid, gas, or vapour, and includes a biological agent;

“substance for use at work” means any substance intended for use, whether exclusively or not, by a person at work;

“substance hazardous to health” means –

- (a) a substance which has been classified as corrosive, irritant, very toxic, toxic, harmful, sensitising, carcinogenic, mutagenic, or toxic for reproduction;
- (b) a substance for which an occupational exposure standard or a maximum exposure limit has been prescribed by the Minister;
- (c) a biological agent;
- (d) dust of any kind, except dust which is a substance referred to in paragraph (a) or (b) above, when present at a concentration in a working environment equal to or greater than-
  - (i) 10 milligrams per cubic metre, as a time-weighted average over an 8-hour period, of total inhalable dust; or
  - (ii) 4 milligrams per cubic metre, as a time-weighted average over an 8-hour period, of respirable dust;
- (e) a substance listed in the Ninth Schedule;
- (f) a substance which may cause any disease referred to in the Fourteenth Schedule;
- (g) a substance, not being a substance mentioned in subparagraphs (a) to (f), which creates a health hazard comparable with the hazard created by any substance mentioned in those sub-paragraphs;

“supply”, where the reference is to supplying articles or substances, means supplying them by way of sale, lease or hiring out;

“total inhalable dust” means airborne material which is capable of entering the nose and mouth during breathing and is thereby available for deposition in the respiratory tract;

“travel distance” means the actual distance to be travelled by a person from any point within a floor area to the nearest exit on that floor, having regard to the layout of walls, partitions and fittings;

“vehicle lift” means a device designed to raise the whole of any type of vehicle above floor level;

“young person” means a person who is above the age of 16 but has not attained the age of 18.

### **3. Application of Act**

- (1) This Act shall bind the State.
- (2) This Act shall apply wherever work is performed –
  - (a) under a contract of employment;
  - (b) by a self-employed person; or
  - (c) by an outworker.
- (3) The Minister may, in the interest of public security or public safety, or in the public interest, exempt any place of work from the application of any provision of this Act and for such period as he deems necessary.

### **4. Standards and classification systems**

- (1) Without prejudice to any standards issued under the Environment Protection Act 2002 and the classification requirements specified under the Dangerous Chemicals Control Act 2004, the Minister may, for the purpose of providing practical guidance, prescribe any standard, classification system or method of calculation in respect of any matter governed by this Act, which the Minister deems appropriate.
- (2) In criminal proceedings under this Act, a failure on the part of an employer or owner to observe any provision of a standard, classification system or method of calculation, prescribed under subsection (1) shall be proof of failure to comply with the provisions of this Act to which the standard, classification system or method of calculation relates, unless the Court is satisfied that the standard, classification system or method of calculation was complied with otherwise.

## **PART II**

### **DUTIES AND RESPONSIBILITIES**

#### **5. General duties of employers**

- (1) Every employer shall, so far as is reasonably practicable, ensure the safety, health and welfare at work of all his employees.
- (2) The employer shall, so far as is reasonably practicable, in particular –

- (a) (i) provide and maintain a working environment;
- (ii) provide and maintain any plant or system of work;
- (iii) maintain any place of work under his control, including the means of access to, or egress from it,

that is safe and without risks to health;

- (b) ensure that use, handling, storage or transport of articles or substances is safe and without risks to health;
  - (c) provide and maintain adequate facilities and arrangements for the welfare at work of his employees;
  - (d) provide information, instruction, training and supervision as is necessary to ensure the safety and health at work of his employees;
  - (e) ensure that any person not in his employment is not exposed to any risk to his safety or health.
- (3) Every employer shall consult representatives of his employees who sit on the Safety and Health Committee with a view to the making and maintenance of arrangements which will enable him and his employees to cooperate effectively in promoting and developing measures to ensure the safety and health at work of the employees, and in checking the effectiveness of such measures.

## 6. Special duties of employers

- (1) Every employer of 50 or more employees shall –
- (a) make a written statement of his policy with respect to the safety and health of his employees;
  - (b) make arrangements to give effect to the policy referred to in paragraph (a);
  - (c) record the arrangements made under paragraph (b) in a register;
  - (d) review the policy referred to in paragraph (a) as and when required;
  - (e) provide such resources, as appropriate, having regard to the nature of his activities and the size of his undertaking for the effective planning, organisation, control, monitoring and review of the preventive and protective measures required to be taken by him under this Act.

- (2) Every employer shall, so far as is practicable, ensure that any employee is provided with adequate safety and health information, instruction and training –
  - (a) on being recruited into the employer's undertaking;
  - (b) on being exposed to new or increased risks as a result of a transfer or change of responsibilities; or
  - (c) on the introduction of new plant or a change relating to any process already in use within the place of work.
- (3) Every employer shall –
  - (a) establish appropriate procedures to be followed in the event of a fire, explosion or accidental release of substances hazardous to health or a dangerous occurrence specified in the Twelfth Schedule;
  - (b) appoint such persons as may be necessary to implement these procedures in so far as they relate to the evacuation of the employees from the place of work.
- (4) Every employer shall ensure that none of his employees has access to any area of the place of work to which it is necessary to restrict access on grounds of safety and health, unless the employee has received adequate safety and health information, instruction and training.

## **7. Special duty of employers using machinery**

- (1) Where the total power used or generated by machinery installed at any place of work exceeds 750 kilowatts, the employer shall employ a registered professional engineer to be in general charge of all such machinery, and shall notify the Director, Occupational Safety and Health of any such employment.
- (2) Where the total power used or generated by machinery installed at any place of work does not exceed 750 kilowatts, the employer shall employ a competent person to be in general charge of the machinery.
- (3) A registered professional engineer employed under subsection (1) –
  - (a) may be either on a full-time or part-time basis;
  - (b) shall not act in such capacity at more than 3 places of work.
- (4) Any employer employing a registered professional engineer and the registered professional engineer shall, within 14 days of such employment, jointly inform the Permanent Secretary in writing of such employment, and furnish any document or relevant information as the Permanent Secretary may require.

- (5) The Permanent Secretary shall keep and maintain a register of registered professional engineers employed under this section.
- (6) Any employer or registered professional engineer who fails to comply with this section shall commit an offence.

## **8. Prohibition regarding young persons**

No employer shall employ a young person in any activity involving -

- (a) work with explosives;
- (b) exposure to ionising radiation;
- (c) work with heavy metals, including lead and mercury;
- (d) work in the forestry and construction sector;
- (e) work or exposure to any form of asbestos;
- (f) exposure to benzene or other harmful organic solvents;
- (g) exposure to aromatic amines;
- (h) exposure to prescribed noise or vibration;
- (i) work in compressed air or in confined spaces; and
- (j) any work which is harmful to the health and safety of that person.

## **9. Duties of employer regarding Safety and Health Officers**

- (1) The employer shall provide to every Safety and Health Officer sufficient time and adequate resources to enable him to discharge his duties.
- (2) The employer shall provide a register to the Safety and Health Officer for the purpose of recording his findings and recommendations after an inspection or any other matter relating to his functions.

## **10. Risk assessment by employer**

- (1) Every employer shall, within 30 days of the start of operation of his undertaking, make a suitable and sufficient assessment of –
  - (a) any risk to the safety and health to which any employee is exposed whilst he is at work; and

- (b) any risk to the safety and health of any person not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to implement in order to comply with the requirements imposed upon him by this Act, and any other enactment.

- (2) Any assessment made under subsection (1) shall be reviewed by the employer–
  - (a) not later than 2 years after any assessment; or
  - (b) earlier –
    - (i) where the employer is informed by the Permanent Secretary that it is no longer valid; or
    - (ii) where there has been a significant change in the matters to which it relates;
- (3) Where an assessment carried out under subsections (1) and (2) reveals that safety and health measures are inadequate to meet the requirements of this Act, the employer shall implement measures required within the shortest possible delay.

## 11. Record of risk assessments

Where an employer employs more than 5 persons, he shall record in a register –

- (a) the significant findings of any assessment carried out under section 10(1); and
- (b) any group of employees identified as being especially at risk.

## 12. Exposure to serious and imminent danger

- (1) Every employer shall –
  - (a) establish and give effect to any appropriate procedures to be followed in the event of serious and imminent danger to any person at work in his undertaking;
  - (b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation from the premises of persons at work in his undertaking; and
  - (c) ensure that no employee has access to any area occupied by him to which it is necessary to restrict access on grounds of safety and health, unless the employee has received adequate safety and health instructions.
- (2) The procedures referred to in subsection (1) shall, in particular –

- (a) so far as is practicable, require any employee who is exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken to protect him from it;
  - (b) enable the employee to stop work and immediately proceed to a place of safety in the event to his being exposed to serious and imminent danger; and
  - (c) save in an exceptional case for reasons duly documented, require the employee to be prevented from resuming work in any situation where there is still a serious and imminent danger.
- (3) An employee who, in accordance with the procedures referred to in subsection (1), has stopped work on reasonable belief that it presents a serious or imminent danger to his life or health shall not be liable to any civil or criminal action, or any form of disciplinary proceedings.

### 13. Persons working in host employers' or self-employed persons' undertaking

- (1) Every employer or self-employed person shall, in respect of any employee from an outside undertaking who is working in his undertaking, ensure that the employer of that employee is provided with adequate information on –
- (a) the risks to that employee's safety and health arising out of, or in connection with, the conduct of his undertaking by the first-mentioned employer, or by the self-employed person; and
  - (b) the measures taken by the first-mentioned employer, or by the self-employed person, in compliance with the requirements and prohibitions imposed upon him by, or under any enactment.
- (2) Subsection (1) shall apply to a self-employed person who is working in the undertaking of an employer, or a self-employed person, as it applies to an employee from an outside undertaking who is working therein, and the reference in that subsection to the employer of any employee from an outside undertaking who is working in the undertaking of an employer, or a self-employed person and any reference in that subsection to an employee from an outside undertaking who is working in the undertaking of an employer, or a self-employed person, shall be construed accordingly.
- (3) Every employer, or every self-employed person, shall ensure that any person working in his undertaking, other than the employee of the employer, is provided with appropriate instructions and adequate information regarding any risks to that person's safety and health which arise out of the conduct by that employer or self-employed person of his undertaking.
- (4) Every employer shall –



- (a) ensure that the employer of any employees from an outside undertaking who are working in his undertaking is provided with sufficient information to enable the second-mentioned employer to identify any person nominated by the first-mentioned employer in accordance with section 12(1)(b) to implement evacuation procedures as far as those employees are concerned; and
  - (b) take all reasonable steps to ensure that any employees from an outside undertaking who are working in his undertaking receive sufficient information to enable them to identify any person nominated by him in accordance with section 12(1)(b) to implement evacuation procedures as far as they are concerned.
- (5) Subsection (4) shall apply to a self-employed person who is working in an employer's undertaking as it applies to employees from an outside undertaking who are working therein; and the reference in that subsection to the employer of any employees from an outside undertaking who are working in an employer's undertaking and the references in the said subsection to employees from an outside undertaking who are working in an employer's undertaking shall be construed accordingly.

#### 14. Duties of employees

- (1) Every employee shall, while at work –
  - (a) take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work;
  - (b) cooperate with his employer in the discharge of any duty or requirement placed upon the employer under this Act;
  - (c) wear or use any protective equipment or clothing provided by the employer in pursuance of this Act at all times when there is a risk of bodily injury against which the equipment or clothing affords protection;
  - (d) report forthwith to his employer the loss or destruction of, or defect in, the protective equipment or clothing entrusted to him;
  - (e) not smoke at the place of work, except in an area demarcated for that purpose;
  - (f) use correctly safety devices provided under this Act;
  - (g) subject to section 48, not wilfully or recklessly make inoperative any guard provided on any machinery;
  - (h) report forthwith to the employer or his representative any situation which, he has reason to believe, could present a risk to his safety and health; and

- (i) report forthwith to the employer any bodily injury sustained by him, as a result of an accident arising out of, or in connection with, his work.
- (2) Any person who wilfully or recklessly damages, interferes with or misuses anything provided in the interest of safety, health or welfare in pursuance of this Act shall commit an offence.

#### **15. Complaint to the Permanent Secretary**

- (1) An employee may file a complaint against his employer with the Permanent Secretary if he considers that his safety and health can be adversely affected as a result of a breach of, or inadequate measures taken under, this Act.
- (2) No civil or criminal action, or any form of disciplinary proceedings, shall lie against any employee as a result of a complaint made in good faith against his employer under this Act.

#### **16. Duties of self-employed persons**

Every self-employed person shall conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he or any other person who may be affected thereby is not exposed to risks to his safety or health.

#### **17. Duties of designers, manufacturers, importers and exhibitors**

- (1) Every person who designs, manufactures, imports or supplies any article for use at work shall –
  - (a) ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risk to health when used in a reasonable manner; and
  - (b) take such steps as are necessary to ensure that there will be available in connection with the use at work of the article, adequate information, by way of certificate, manual, pamphlet or otherwise, about –
    - (i) the use for which it is designed and has been tested; and
    - (ii) any conditions necessary to ensure that, when put to that use, it will be safe and without risk to health.
- (2) Every person who erects or installs any article for use at work in any premises where the article is to be used by persons at work shall 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.
- (3) The Minister may make regulations for the purposes of preventing injury to be caused to any person by the transfer or exhibition of machinery of which

dangerous or projecting parts may, in the course of such transfer or exhibition, be a source of danger to such person.

- (4) Every person who manufactures, imports or supplies any substance for use at work that presents such intrinsic health or physical hazards as may be prescribed, shall –
- (a) ensure that the packaging and labelling on containers of the substance comply with such standards as may be prescribed, including information as to –
- (i) the identity of the substance;
  - (ii) the telephone number, name and address of the supplier;
  - (iii) essential information regarding the classification of the substance assigned under a system prescribed by the Minister;
  - (iv) the hazard symbols as specified in the Seventh Schedule to the Dangerous Chemicals Control Act 2004 ;
  - (v) information on the safety precautions to be observed;
  - (vi) a statement that a material safety data sheet giving additional information is available, where appropriate; and
  - (vii) batch number allocated by the manufacturer.
- (b) provide to any person supplied with such substance by him, material safety data sheets which comply with such standard as is prescribed and which shall give, so far as is practicable, the following information in relation to the substance –
- (i) the name of the substance or preparation, including trade or common name;
  - (ii) particulars of the supplier or manufacturer;
  - (iii) the composition or such other information on ingredients;
  - (iv) the classification as prescribed by regulations;
  - (v) the hazards identification;
  - (vi) the first-aid measures;
  - (vii) the fire-fighting measures;
  - (viii) the accidental release measures;

- (ix) the handling or storage;
- (x) the exposure controls and personal protection;
- (xi) the physical and chemical properties;
- (xii) the stability and reactivity;
- (xiii) the toxicological information, including the potential routes of entry into the body;
- (xiv) the ecological information;
- (xv) the disposal considerations;
- (xvi) the transport information;
- (xvii) any statutory information;
- (xviii) the date of preparation of the material safety data sheet;
- (xix) any other information as may be prescribed.

#### **18. Posting of abstracts or notices**

- (1) Every abstract, notice or document required by this Act to be posted in any place of work shall be posted in such characters and in such position as to be conveniently read and understood by any employee.
- (2) Any person who pulls down, injures or defaces any abstract, notice or document posted in pursuance of this Act shall commit an offence.

#### **19. Keeping of documents**

- (1) Every employer shall keep at the place of work or at a place conveniently accessible to the Permanent Secretary the following documents and records –
  - (a) every certificate issued in respect of the place of work by the Permanent Secretary under this Act;
  - (b) the particulars of every accident, dangerous occurrence or occupational disease that has occurred at the place of work of which notice is required to be sent to the Director, Occupational Safety and Health under this Act;
  - (c) all reports, registers, records and particulars required to be kept under this Act.

- (2) Any document or record referred to in subsection (1) shall be well preserved and made available for inspection by the Permanent Secretary for at least 5 years after the date of the document or the date of closure of the record as the case may be.
- (3) Notwithstanding subsection (2), the Permanent Secretary may direct an employer to preserve and make available for inspection, for a period of 30 years from the date of the last entry made in respect of every employee –
  - (a) a document containing particulars of any occupational disease specified in the Fourteenth Schedule;
  - (b) a register kept under section 78(1).
- (4) An employer shall grant access to any document or record upon request made by a person who has an interest in the document or record.
- (5) An employer shall, with respect to any document or record specified in subsection (3), forward such document or record or both, to the Permanent Secretary, upon cessation of business, if such cessation occurs before the expiry of any period of 30 years from the date of the document or the date of closure of the record, as the case may be.

## 20. Duties of Safety and Health officers

A registered Safety and Health Officer employed in compliance with section 30 shall –

- (a) carry out regular occupational safety and health audits to identify risks to safety and health;
- (b) assess the need for preventive measures to safeguard the safety and health of employees and any other person not in the employment of the employer;
- (c) advise the employer in writing on practicable measures and appropriate techniques to be implemented to minimise any risk in any process in the undertaking of his employer;
- (d) design and implement appropriate training programmes to meet the requirements of this Act and any other enactment dealing with occupational safety and health, and keep proper records thereof;
- (e) review any measure, method, procedure or technique adopted to ensure occupational safety and health at intervals of not more than 2 years or at such intervals as the Permanent Secretary may direct in writing and keep proper records thereof;
- (f) recommend in writing to the employer appropriate occupational safety and health programmes, where the circumstances so justify;

- (g) develop effective communication systems on occupational safety and health between the employer and any employee;
- (h) inspect all places of work under his responsibility at least once every month and record his findings in the register provided by the employer;
- (i) exercise adequate supervision to ensure the effective implementation of arrangements made, and preventive measures taken, by the employer; and
- (j) enquire into –
  - (i) all complaints made by an employee;
  - (ii) occupational accidents and dangerous occurrences at any place of work and make a report thereon,

and recommend in writing any safety and health measures to be implemented by the employer.

## 21. Establishment of Safety and Health Committees

- (1) Every employer of 50 or more employees shall establish a Safety and Health Committee.
- (2) The Permanent Secretary may require any employer of less than 50 employees to establish a Safety and Health Committee in compliance with the provisions of this section.
- (3) The Committee shall consist of –
  - (a) a Chairperson who shall be the employer, or a senior member of the management who is responsible for safety, health and welfare of employees at the place of work;
  - (b) a Vice-Chairperson, designated by the employees in such manner as may be required by the employer;
  - (c) a secretary who shall, subject to subsections (5) and (6), be the registered Safety and Health Officer; and
  - (b) (i) 4 members, where the number of employees is 50 or more but less than 100; or
  - (ii) 8 members, where the number of employees is 100 or more, to represent equally the employer and the employees.
- (4) No person shall be a representative of the employees on the Committee unless –
  - (a) he is an employee of an employer referred to in subsection (1); and

- (b) he has been so appointed at a meeting where all the employees had been convened for the purpose of such appointment.
- (5) Where the employer employs more than one registered Safety and Health Officer, he shall designate one of them to be the secretary of the Committee.
- (6) Where the employer does not employ a registered Safety and Health Officer, he shall appoint one of his employees as the secretary of the Committee.

## 22. Functions of the Safety and Health Committee

- (1) The functions of a Safety and Health Committee shall be to –
  - (a) promote co-operation between the employer and the employees in achieving and maintaining safe and healthy working conditions;
  - (b) make proposals to the employer on matters regarding the safety, health and welfare of employees;
  - (c) seek specialist advice from any person, whether employed by the employer or not, on any matter related to safety, health and welfare of employees;
  - (d) make recommendations to the employer on training requirements and education programmes for particular employees or group of employees;
  - (e) discuss occupational accidents, dangerous occurrences and occupational diseases and make recommendations to the employer;
  - (f) do anything incidental or conducive to the performance of the functions of the committee.
- (2) The employer shall –
  - (a) provide the committee with such facilities and assistance, as are reasonably required for the purpose of carrying out its functions;
  - (b) give representatives of employees on the committee relevant information to enable them examine factors affecting safety and health.

## 23. Meetings of Safety and Health Committees

- (1) Every Safety and Health Committee meeting shall be held during normal working hours at least once every 2 months or at any earlier time at the request of any representative of the employer or the employees on that committee.
- (2) (a) Where the Safety and Health Committee holds a meeting for the purposes of subsection(1), it shall give notice thereof to the Permanent

Secretary not less than 10 days before the meeting is scheduled to be held.

- (b) The notice referred to in paragraph (a) shall –
    - (i) be in writing; and
    - (ii) state the date, time and the place of the meeting.
  - (c) The Permanent Secretary, or any person deputed by him, may attend the meeting as observer.
- (3) the quorum of a meeting of the Safety and Health Committee shall be –
- (a) four, where the number of members is 6;
  - (b) six, where the number of members is 10.
- (4) At any meeting of the Safety and Health Committee the person chairing the meeting shall have a casting vote.
- (5) A representative of employees on a Safety and Health Committee shall be entitled to reasonable time-off with pay for the purpose of exercising his functions as a member of that committee.
- (6) The employer shall forward a written record of proceedings of a Safety and Health Committee meeting signed by the Chairperson, one member of the committee representing the employees and the Secretary, to the Director, Occupational Safety and Health within 10 days of the meeting.
- (7) No civil, criminal or disciplinary action shall lie against any person in respect of anything done in good faith under this Act as a member of the Safety and Health Committee.

### PART III

#### ADMINISTRATION

#### 24. Powers of Permanent Secretary

- (1) The Permanent Secretary may, for the purposes of this Act –
  - (a) enter freely and without previous notice at any hour of the day or night any place of work in order to make such inspection, examination and investigation as may be necessary to ascertain whether the provisions of this Act are complied with, other than premises used solely for residential purposes except with the permission of the occupier thereof;
  - (b) enter freely and without previous notice by day any premises in which he has reasonable cause to believe that –



- (i) any person is employed; or
- (ii) explosive, highly flammable or hazardous materials are stored for use at any place of work,

in order to make such inspection, examination and investigation as may be necessary to ascertain whether the provisions of this Act are complied with, other than premises used solely for residential purposes except with the permission of the occupier thereof;

- (c) enter at any hour of the day or night, any medical institution, with the consent of the head of that institution, where an injured employee is admitted in order to make such investigation as may be necessary;
  - (d) enter, with the consent of the head of any undertaking, any building used as lodging accommodation for employees, in order to make such inspection or investigation as may be necessary.
- (2) Any consent requested by the Permanent Secretary under subsections 1(c) and (d) shall not be unreasonably withheld.
- (3) In the exercise of his powers under this section, the Permanent Secretary may –
- (a) require the production of any register, record, certificate, notice or document kept in pursuance of this Act, and any other book or document which it is necessary for him to see for the purposes of any examination or investigation under subsection (1)(a), (b), (c) and (d), and to inspect, examine and copy any of them;
  - (b) require any person, whom he has reasonable cause to believe to be able to give any information relevant to any inspection, examination or investigation under subsection (1)(a), (b), (c) and (d), to answer relevant questions, alone or in the presence of any other person he may allow to be present and at such place as he thinks fit, and to sign a declaration of the truth of his answers;
  - (c) require any person at a place of work to afford him such facilities and assistance with respect to any matters or things within that person's control or responsibilities as are necessary to enable him to exercise any of the powers conferred upon him by this section;
  - (d) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any inspection, examination or investigation under subsections (1)(a), (b), (c) and (d);
  - (e) take and remove samples of any article or substance found at any place of work which he has power to enter, and of the atmosphere in or in the vicinity of such a place of work, subject to the employer being notified of any sample so taken;

- (f) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to safety or health, or kept or used in contravention of any provisions of this Act, cause it to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless this is in the circumstances necessary for the purposes mentioned in subsections (1)(a), (b), (c) and (d);
  - (g) in the case of any article or substance specified in paragraph (e), take possession of it and detain it for so long as is necessary for any of the following purposes –
    - (i) to examine it and do to it anything which he has power to do under that paragraph;
    - (ii) to ensure that it is not tampered with before his examination of it is completed; and
    - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Act.
- (4) For the purposes of exercising his powers under this section, the Permanent Secretary may –
- (a) be accompanied by a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
  - (b) be accompanied by any other person and take with him any equipment or material required for any purpose for which the power of entry is being exercised.
- (5) Where the Permanent Secretary is of the opinion that the safety, health or welfare of any employee living or working at a place of work is, or is likely, to be adversely affected, or the arrangements made for the residence or employment of any employee at a place of work are inadequate, he may, by written notice served on the employer, give such directions to the employer as he thinks fit.
- (6) Where the Permanent Secretary is of the opinion that the safety, health or welfare of any employee or guest employee living in a place, other than a place of work, is or is likely to be adversely affected and the arrangements made for the residence of any such employee are inadequate, he may by written notice served on the employer, give such directions to the employer as he thinks fit.

## 25. Power to summon

- (1) The Permanent Secretary may summon in writing any person whom he has reasonable cause to believe to be able to give any information relevant to any

inspection, examination or investigation, to attend at a time and place specified and to give such information or to produce any relevant document.

- (2) Any person summoned under subsection (1) who –
- (a) fails to attend at the time and place specified in the summons;
  - (b) refuses to answer satisfactorily any question put to him by the Permanent Secretary;
  - (c) gives any false or misleading information;
  - (d) refuses to produce a document required by the Permanent Secretary,

shall commit an offence.

## 26. Prosecution

Without prejudice to the powers of the Director of Public Prosecutions, the Permanent Secretary or any officer deputed by him, may conduct a prosecution under this Act before any Court, other than the Supreme Court, and may in relation to such prosecution, appear before a Magistrate and swear an information.

## 27. Powers of Permanent Secretary to make prohibition orders

- (1) Where, in the opinion of the Permanent Secretary, any place of work or any activity carried on therein or which are about to be carried on therein, involves a risk of serious bodily injury, he may make an order in the form and giving the particulars set out in the Second Schedule prohibiting the use of the place of work or the carrying on of the activities until the risk is removed to his satisfaction, and serve such order on the employer or his representative or the person in control of the place of work.
- (2) (a) An order made under subsection (1) shall –
- (i) take immediate effect where the Permanent Secretary is of the opinion that the risk of serious bodily injury or danger is or, as the case may be, will be imminent; or
  - (ii) have effect as from such date as is specified in the order.
- (b) Where an order made under subsection (1) is not to take immediate effect –
- (i) the order may be withdrawn at any time before the date specified therein; or
  - (ii) the period specified may be extended by the Permanent Secretary where an appeal against the order is not pending.

## 28. Advisory Council for Occupational Safety and Health

- (1) For the purpose of giving advice and assistance to the Minister in respect of matters affecting the safety, health and welfare of employees at their place of work or lodging accommodation, or any other persons whose safety, health and welfare may be affected by work activities, the Minister shall appoint an Advisory Council for Occupational Safety and Health.
- (2) The Council shall consist of –
  - (a) a Chairperson who shall be the Director, Occupational Safety and Health or his representative ;
  - (b) 8 members representing the government;
  - (c) 8 members representing employers;
  - (d) 8 members representing employees;
  - (e) 2 members having wide experience in Occupational Safety and Health;
- (3) Nine members shall constitute the quorum, of whom at least 2 shall represent employees, 2 shall represent employers and 2 shall represent government.
- (4) The members of the Council shall be appointed by the Minister for such period and on such terms and conditions as the Minister may determine.
- (5) Before appointing any member specified in subsections (2)(c) and (d), the Minister shall consult employers' organisations and trade unions as he considers appropriate.
- (6) The appointment of every member of the Council shall be published in the *Gazette*.
- (7) The Council may set up committees of its members on such specific matters as it may consider appropriate.
- (8) The Council may invite any person with relevant knowledge or experience in the appropriate field to provide assistance as it may require, but such person shall have no right to vote.
- (9) The Council shall regulate its proceedings in such manner as it thinks fit and shall meet at least once every 2 months.

## 29. Registration and deregistration of Safety and Health officers

- (1) No person shall practise as a Safety and Health Officer unless he is registered under this Act.

- (2) Any person who possesses the qualifications specified in Part I of the First Schedule and wishes to practise as a Safety and Health Officer for any employer shall –
- (a) make an application in the form set out in the Sixteenth Schedule to the Permanent Secretary;
  - (b) furnish such documents and relevant information to the Permanent Secretary as he may require; and
  - (c) pay the prescribed fee.
- (3) On receipt of an application under subsection (2), the Permanent Secretary shall, after making such enquiry as he may deem necessary –
- (a) register the Safety and Health Officer and issue a certificate of registration in respect of such employers as may be specified in the application; or
  - (b) refuse to register the applicant and specify the ground of refusal.
- (4) Where a Safety and Health Officer –
- (a) ceases to work for any of the employers specified in his certificate of registration; or
  - (b) is employed by an employer not specified in his certificate of registration,
- he shall notify the Permanent Secretary of that fact within 14 days and apply for a new certificate of registration in conformity with subsection (2).
- (5) Following an application under subsection (4), a new certificate of registration shall be issued upon surrender of the previous certificate.
- (6) The Permanent Secretary shall keep and maintain a register of Safety and Health Officers.
- (7) (a) Any person who performs the duties of a Safety and Health Officer under this Act without a certificate of registration issued by the Permanent Secretary shall commit an offence.
- (b) Any Safety and Health Officer who makes any entry in the register provided to him under section 20 by any employer, or any report, or record, which is false in any material particular, shall commit an offence.
- (8) Any Safety and Health Officer may be deregistered –
- (a) if he is found guilty of an offence under or related to this Act; or

- (b) for gross incapacity, misconduct or impropriety in the fulfilment of his functions under this Act;
- (c) for contravention of section 30(8)(a) or giving false or misleading information in a record kept under section 30(8)(b).

### 30. Employment of Safety and Health Officers

- (1) Every employer of 100 or more, but less than 500 employees, at one or more places of work shall employ a Safety and Health Officer, whether on part-time or full time employment for the purpose of assisting him and any employee and of exercising general supervision regarding compliance with the provisions of this Act and generally to promote the safe conduct of work.
- (2) An employer having 500 or more, but not more than 2000, employees at one or more places of work shall employ at least one Safety and Health Officer on full-time employment to perform solely the duties of Safety and Health Officer.
- (3) An employer shall, for every additional 2000 employees or fraction thereof, employ one additional Safety and Health Officer on full-time or part-time employment as may be directed by the Permanent Secretary.
- (4)
  - (a) No employer shall employ any of his full-time or part-time employee, other than a Safety and Health Officer, as Safety and Health Officer.
  - (b) No employer shall employ a person as Safety and Health Officer unless that person has been registered to practise as Safety and Health Officer at the employer's place of work.
- (5) The Permanent Secretary, after taking into account the nature of the process and risks present in places of work under control of an employer to whom subsections (2) and (3) apply, may exempt him in writing from compliance with the subsections.
- (6) Notwithstanding subsection (1), where the Permanent Secretary is of opinion that the safety, health or welfare of employees may be adversely affected by the nature of any work activity carried out, he may direct an employer having less than 100 employees to employ a Safety and Health Officer.
- (7) No Safety and Health Officer, employed on a part-time basis, shall be registered by the Permanent Secretary in respect of more than 4 employers of less than 500 employees each.
- (8)
  - (a) Every Safety and Health Officer employed on a part-time basis shall work for each employer not less than 8 hours per week and submit to the Permanent Secretary a programme of work in respect of every place of work where he is engaged.

- (b) The attendance of every Safety and Health Officer shall be documented by him in the record of attendances kept by every employer he works for.

### 31. Deregistration of Safety and Health Officers

- (1) There shall be established on an *ad hoc* basis for the purposes of this Act a Deregistration of Safety and Health Officers Board.
- (2) The Board shall consist of –
  - (a) a person, who is or has been a barrister of 10 years standing, as Chairperson;
  - (b) the Director, Occupational Safety and Health or his representative; and
  - (c) 3 other members who have experience in Occupational Safety, Health and Welfare of employees.
- (3) The Chairperson and the members shall be appointed by the Minister.
- (4) The Chairperson and members of the Board shall be paid such fees as may be determined by the Minister.
- (5) The Chairperson and 2 other members shall constitute a quorum.
- (6)
  - (a) Before making his decision to deregister a Safety and Health Officer or not, the Permanent Secretary shall refer the matter for inquiry by the Board.
  - (b) The Board shall conduct the inquiry referred to in paragraph (a) as expeditiously as possible and shall, after the close of the inquiry, forward to the Permanent Secretary, the evidence adduced at the inquiry and the findings of the Board.
  - (c) The Board shall complete any inquiry referred to it within 30 days of the date of referral to it.
- (7) The Board may –
  - (a) make such orders for requiring the attendance of any person and the production of any document as it thinks fit; and
  - (b) take evidence on oath, and for that purpose administer oaths.
- (8) Any person whose attendance is required under subsection (7) who –
  - (a) fails to attend at the time and place specified in the order;

- (b) refuses to answer faithfully any question put to him by the Board;
- (c) gives any false or misleading information;
- (d) refuses to produce a document required by the Board,

shall commit an offence.

- (9) Subject to this section, the Board shall regulate its proceedings in such manner as it deems fit.
- (10) Upon receipt of the evidence and findings of the Board, the Permanent Secretary shall make his decision as to whether the Safety and Health Officer should be deregistered.
- (11) In relation to a registered Safety and Health Officer, who is a public officer, and in respect of whom the Public Service Commission has deemed it fit to delegate to the Board its powers of discipline under section 89(2) of the Constitution, the Board shall forward its report to the Public Service Commission for it to impose such punishment as it may be empowered to impose.
- (12) (a) Any person, who has been de-registered may, if he so wishes, re-apply to practise as Safety and Health Officer in accordance with section 29.  
 (b) An application under paragraph (a) shall not be entertained unless a period of 6 months has elapsed from the date of de-registration.
- (13) Any person who has been de-registered shall forthwith cease to practise as a registered Safety and Health Officer and surrender his certificate of registration.

### **32. Boiler and Machinery Inspectors Board**

- (1) There shall be established a Board to be known as the Boiler and Machinery Inspectors Board.
- (2) The Board shall consist of –
  - (a) a Chairperson who is a person having wide experience in the field of boiler and machinery inspection, or in a comparable field;
  - (b) two assessors who shall be Registered Professional Engineers with at least 5 years experience in the field of machinery inspection or boiler inspection; and
  - (c) The Director, Occupational Safety and Health or his representative.
- (3) The Chairperson and the assessors shall be appointed by the Minister.



- (4) Members of the Board shall be paid such fees as may be determined by the Minister.

### 33. Registration of machinery and boiler inspectors

- (1) The Permanent Secretary shall keep a register of boiler inspectors and machinery inspectors.
- (2) (a) A Registered Professional Engineer registered with the Council of Registered Professional Engineers having 4 years practical experience and knowledge in the operation of steam boilers and steam receivers, may, on payment of the prescribed fee, apply for registration as a boiler inspector.
- (b) The Permanent Secretary shall refer an application made under paragraph (a) to the Boiler and Machine Inspectors Board for an examination under paragraph (c).
- (c) The Board shall examine the applicant on his theoretical and practical knowledge of any matter relevant to the subject of steam boilers and steam receivers.
- (d) An examination under paragraph (c) may be partly in writing and partly oral.
- (3) An application under subsection (2) shall not be entertained where the applicant has, within the past 6 months, made an application which has been rejected by the Permanent Secretary.
- (4) The Permanent Secretary shall, on receipt of the report of examination made by the Board, take his decision whether to register the applicant or not.
- (5) Notwithstanding subsections (2), (3) and (4), where an engineer, recognised by a Classification Society to practise as a boiler inspector, applies, on payment of the prescribed fee, for registration as a boiler inspector, the Permanent Secretary may register the applicant as a boiler inspector if the applicant satisfies the Permanent Secretary that he has adequate knowledge of the provisions of this Act.
- (6) Any person who—
- (a) is a Registered Professional Engineer –
- (i) registered with the Council of Registered Professional Engineers of Mauritius and who satisfies the Board that he has proper knowledge of, and at least four years practical experience of, the machinery specified in sections 51, 52, 53, 54, 59, 60 and 61; or

- (ii) already recognised by a Classification Society to practise as a machinery inspector; and
- (b) satisfies the Board that he has adequate knowledge of the provisions of this Act,

may be registered as a machinery inspector, subject to payment of the prescribed fee.

- (7) Any registration made under this section shall be notified in the *Gazette*.
- (8) The Permanent Secretary may remove from the register of boiler inspectors and machinery inspectors any person –
  - (a) found guilty of an offence under section 94(1)(h); or
  - (b) for gross incapacity, misconduct or impropriety in the practise of his profession.

## PART IV

### HEALTH AND WELFARE (GENERAL PROVISIONS)

#### 34. Structure of building

- (1) Where an employee has to work in, or in the course of his work pass through, any part of a building, such part of the building shall be of sound construction and kept in a good state of repair.
- (2) Every building used as a place of work shall be so designed as to protect employees from the weather, have a watertight roof, and be free from any significant amount of dampness as is liable to affect the safety of the building or the health of the employees.
- (3) Where any process is carried on which renders the floor of a building liable to be wet to such an extent that the wetness is capable of being removed by drainage, effective means shall be provided and maintained for draining off any liquid from that floor.

#### 35. Cleanliness

- (1) Every employer shall keep every place of work in a clean state and free from effluvia arising from any drain or sanitary convenience or any other nuisance.
- (2) Without prejudice to the generality of subsection (1), the employer shall cause –
  - (a) accumulation of dirt, refuse or trade waste to be removed daily from the floors and benches of workrooms and from the staircases and passages;

- (b) the floor of every workroom to be cleaned at least once every week; and
- (c) all inside walls and partitions and all ceilings, and all walls, sides and tops of passages and staircases to be kept clean, and unless they have a smooth impervious surface, to be properly painted or otherwise kept properly decorated.

### **36. Overcrowding**

- (1) A place of work shall not, while work is carried on therein, be so overcrowded as to cause risk of injury to the health of the employees.
- (2) Without prejudice to the generality of subsection (1) but subject to subsection (3), the number of employees at any one time in any workroom shall not be such that the space allowed for each employee is less than 11 cubic metres.
- (3) In calculating the space in any room for the purposes of subsection (2), any space above 3 metres from the floor level shall be disregarded.

### **37. Ventilation and temperature**

- (1) Effective and suitable provision shall be made for securing and maintaining the adequate ventilation of every workroom by the circulation of fresh or artificially purified air of suitable temperature and relative humidity and for rendering harmless, so far as is practicable, all impurities generated in the course of any process or work carried on in the workroom as may be injurious to health.
- (2) Effective and suitable provision shall be made for securing and maintaining a comfortable temperature inside every workroom.

### **38. Lighting**

- (1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a place of work in which persons are working or passing.
- (2) All glazed windows and skylights used for the lighting of workrooms shall, so far as is practicable, be kept clean on both the inner and outer surfaces and free from obstruction, but this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

### **39. Sanitary conveniences**

- (1) In any building where work is carried on, sufficient and suitable sanitary conveniences for the employees shall be provided.
- (2) Where persons of both sexes are or are intended to be employed, there shall be provided for each sex –

- (a) separate accommodation for the sanitary conveniences;
  - (b) separate approaches to the sanitary conveniences; and
  - (c) a notice conspicuously placed indicating the location of the sanitary conveniences.
- (3) Subsection (2) shall not apply to a workplace where only the members of the same family are employed.
- (4) Every sanitary convenience shall be sufficiently lighted and ventilated and shall not communicate with any workroom, restroom or mess except through an open or through an intervening ventilated space.
- (5) Every sanitary convenience, other than a urinal, shall be under cover, have a proper door and fastenings and be so partitioned off as to secure privacy.
- (6) Every urinal shall be so placed or so screened as not to be visible from other parts of the building where persons work or pass.
- (7) The sanitary conveniences shall be so arranged as to be conveniently accessible to the employees at all times while they are at the place of work.
- (8) Without prejudice to the generality of subsection (1) –
- (a) at least one sanitary convenience shall be provided for every 25 females;
  - (b) at least one sanitary convenience, not being a convenience suitable only as a urinal, shall be provided for every 25 males;
  - (c) where the number of males employed in a building exceeds 100 and enough urinal accommodation is also provided, it shall be sufficient if there is one sanitary convenience provided for every 25 males up to 100 and one for every 40 males above 100.
- (9) For the purposes of this section, any number of persons less than 25 or 40 shall be reckoned as 25 or 40 as the case may be.
- (10) All sanitary conveniences and urinals shall be maintained and kept clean at all times.

#### **40. Supply of drinking water**

- (1) There shall be provided and maintained at suitable points conveniently accessible to all employees an adequate supply of wholesome drinking water.

- (2) Where the supply of drinking water is not a supply of running water, it 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 at any time.
- (3) All containers or vessels containing harmful liquids which may be confused with drinking water or other beverages shall be clearly marked to indicate their contents or marked with a warning sign.

#### **41. Washing facilities**

There shall be provided and maintained for the use of the employees adequate and suitable facilities for washing which shall include a supply of clean water, soap, clean towels or other suitable means of cleaning and drying, and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

#### **42. Accommodation for clothing**

- (1) There shall be provided and maintained for the use of the employees adequate and suitable accommodation for clothing not worn during working hours.
- (2) Where the number of employees and the nature of their work so require, the Permanent Secretary may direct in writing that proper changing rooms, separate for each sex, be provided.

#### **43. Seats**

- (1) Where any employee has in the course of his employment reasonable opportunity for sitting without detriment to his work, there shall be provided and maintained for his use suitable seats to enable him to take advantage of that opportunity.
- (2) Where a substantial proportion of any work can properly be done sitting, there shall be provided and maintained for each employee doing that work a seat of a design, construction and dimensions suitable for him and for the work, together with a backrest if practicable and a foot-rest on which he can readily and comfortably support his feet if he cannot do so without a footrest.

#### **44. Facilities for the taking of meals**

- (1) Subject to subsection (2), every employer shall provide and maintain adequate facilities for the taking of meals, due regard being paid to the number of employees remaining on the premises during meal intervals, and the facilities shall be away from the habitual work position and shall include tables and chairs or benches with backrests.
- (2) Every employer of more than 25 employees shall provide and maintain a mess furnished with tables and chairs or benches with backrests, sufficient for the number of employees remaining on the premises during meal intervals.

**45. Provisions for first-aid**

- (1) Every employer shall provide such equipment and facilities as are adequate and appropriate in the circumstances for enabling first-aid to be rendered to his employees if they are injured or become ill at work.
- (2) Every employer shall provide such number of suitable persons as is adequate and appropriate in the circumstances for rendering first-aid to his employees if they are injured or become ill at work.
- (3) For the purpose of this Act, the expression 'first-aid' shall mean –
  - (a) in cases where a person will need help from a medical practitioner or nurse, treatment for the purpose of preserving life and minimising the consequences of injury and illness until such help is obtained; and
  - (b) treatment of minor injuries which would otherwise receive no treatment or which do not need treatment by a medical practitioner or nurse.

**PART V****SAFETY (MACHINERY)****46. Training and supervision of young persons working at dangerous machines**

- (1) No young person shall work at any machine specified in the Third Schedule, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and–
  - (a) has received sufficient training in work at the machine; or
  - (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.
- (2) No young person shall be required to clean any part of any machine where the cleaning thereof would expose him to risk of injury from any moving part of the machine.
- (3) Every employer shall keep a record of training given to employees in pursuance of this section.

**47. Dangerous machinery**

- (1) Every dangerous part of every machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every employee or person working on the premises as it would be if securely fenced.

- (2) Where any dangerous part of any machinery cannot by reason of the nature of the operation be securely fenced, the requirements of subsection (1) shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.
- (3) Any material being worked upon, in or at a machine shall be securely fenced unless it is in such a position as to be as safe to every employee or person at the place of work as it would be if securely fenced.
- (4) Without prejudice to the generality of subsection (1), the provisions of this section shall apply to any part of machinery which is dangerous –
  - (a) by reason of the ejection of any part of the machinery or the material being worked upon; or
  - (b) by reason of its proximity to any fixed part of a structure or any fixed object.
- (5) Without prejudice to the generality of subsection (4) (b), no traversing part of any machine and no material carried thereon shall be allowed to approach within a distance of 500 millimetres of such fixed part of the structure or fixed object.
- (6) Sufficiently clear and unobstructed space shall be provided and maintained at every machine while it is in motion or use to enable the work to be carried on safely.

#### 48. Provisions as to unfenced machinery

- (1) In determining whether any part of machinery is in such a position or of such construction as to be as safe to every employee or person at the place of work as it would be if securely fenced–
  - (a) no account shall be taken of any person carrying out, while that part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be carried out while that part of machinery is in motion; and
  - (b) in the case of any part of transmission machinery used in any process with respect to which the Permanent Secretary has declared, by certificate in writing, that he is satisfied that, owing to the continuous nature of such process, the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out in the place of work, by such methods and in such circumstances and subject to such conditions as may be specified

in the certificate, any such lubrication or any mounting or shifting of belts.

- (2) The provisions of this section shall apply only where the examination, lubrication or other operation is carried out by a competent person and in compliance with such direction as may be given by the Permanent Secretary.

#### **49. Construction and maintenance of fencing**

All fencing and other safeguards shall be of substantial construction and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary.

#### **50. Chains, ropes and lifting tackles**

- (1) This section shall apply to every chain, rope or lifting tackle used for the purpose of raising, lowering or suspending persons, goods or materials.
- (2) No chain, rope or lifting tackle shall be used unless it is of substantial construction, sound material, adequate strength and free from any defect.
- (3) No chain, rope other than fibre rope and fibre rope slings, or lifting tackle shall be taken into use for the first time in any place of work unless it has been tested and examined by a competent person, and a report of such test and examination, specifying the safe working load and signed by the competent person is obtained and kept available for inspection.
- (4) Every chain, rope or lifting tackle in use shall be thoroughly examined by a competent person at least once every 12 months.
- (5) No chain, rope or lifting tackle shall be used for raising, lowering or suspending any load exceeding the safe working load specified by the manufacturer, except by a competent person for testing purposes.
- (6) Every chain, rope or lifting tackle shall bear a distinguishing mark or number sufficient to identify it.
- (7) A register containing a record of the examination under subsection (4) shall be kept by the employer in respect of all such chains, ropes or lifting tackles.

#### **51. Cranes and other lifting machines**

- (1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of every crane or other lifting machine shall –
  - (a) be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained; and



- (b) be thoroughly examined by a registered machinery inspector at least once every 12 months.
- (2) The owner of every crane or other lifting machine shall, within 28 days of the completion of the examination referred to in subsection (1), send the original report of the result of every such examination in the form set out in the Fourth Schedule to the Director, Occupational Safety and Health.
- (3) Every crane or other lifting machine shall be plainly marked with its safe working load or loads and a distinctive number or other means of identification, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto so as to be clearly visible to the driver a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load or alternatively an automatic indicator of safe working loads.
- (4) No lifting machine shall, except for the purpose of a test, be loaded beyond its safe working load as specified in subsection (3).
- (5) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be inspected at least once every week by a competent person and a report of the result of every such inspection, signed by the person carrying out the inspection, shall be made forthwith in a register provided by the employer and kept available for inspection.
- (6) No person under 18 years of age shall be employed to operate any lifting machine driven by mechanical power or to give signals to the operator of any such machine.
- (7)
  - (a) A lifting machine shall not be operated except by a person trained and competent to operate that machine but it shall be permissible for such machine to be operated by a person who is under the direct supervision of a competent person for the purpose of training or instruction.
  - (b) Signals should only be given by competent persons duly authorised by the employer to give signals.
- (8) Every crane and winch shall be provided with a readily accessible and efficient brake or other safety device which will prevent the fall of the load when suspended and by which the load can be effectively controlled while being lowered and every hand winch shall be fitted with an efficient pawl capable of sustaining the safe working load.
- (9) All rails on which a travelling crane moves and every track on which the carriage of any other lifting machine moves shall be of proper size and adequate strength

and have an even running surface, and any such rail or track shall be properly laid, adequately supported or suspended and properly maintained.

- (10) Where any person is employed or working on or near the wheel track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the operator of the crane or otherwise to ensure that the crane does not approach within 6 metres of that place.
- (11) Where any person is employed or working otherwise than specified in subsection (10) but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.

## 52. Vehicle lifts

- (1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of every vehicle lift shall be –
  - (a) of substantial construction, sound material, adequate strength and free from patent defect, and shall be properly maintained; and
  - (b) thoroughly examined by a registered machinery inspector at least once every 6 months.
- (2) The original report of the result of every such examination in the form set out in the Seventeenth Schedule shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.
- (3) Every vehicle lift shall be conspicuously marked with its maximum working load and no vehicle lift shall, except for the purpose of a test, be loaded beyond the maximum working load.
- (4) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of every vehicle lift shall be inspected at least once every week by a competent person and a report of the result of every such inspection, signed by the person carrying out the inspection, shall be made forthwith in a register provided by the employer and kept available for inspection.
- (5) No person under 18 years of age shall be employed to operate any vehicle lift.
- (6) A vehicle lift shall be operated by a competent person but it shall be permissible for such vehicle lift to be operated by another person who is under the direct supervision of a competent person for the purpose of training or instruction.
- (7) Every employer making use of a vehicle lift shall ensure that –

- (a) it is positioned in such a manner that any of its moving parts is not less than 600 millimetres from the nearest fixed structure;
- (b) appropriate measures have been taken to prevent bodily injury when the lift descends to its lowest level;
- (c) approaches to the lift does not exceed 20 degrees from the horizontal, where applicable;
- (d) every vehicle lift is provided with a readily accessible and efficient safety device to prevent the fall of the vehicle when raised;
- (e) efficient automatic devices are provided and maintained on every vehicle lift to prevent its platform from overrunning.

### 53. Hoists and lifts

- (1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.
- (2) Every hoist or lift shall be thoroughly examined by a registered machinery inspector at least once every 6 months, and an original report of the result of such examination in the form set out in the Fifth Schedule, shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.
- (3) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates so 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.
- (4) Any such gate shall be fitted with an efficient interlocking or other device so as to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.
- (5) Every hoist or lift and every enclosure shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counter-balance weight and any other moving part of the hoist or lift.
- (6) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on any hoist or lift.
- (7) The following additional requirements shall apply to hoists or lifts used for carrying persons, whether together with goods or otherwise—

- (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform from overrunning;
  - (b) every cage shall, on each side from which access is afforded to a landing, be fitted with a gate, and in connection with any such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed and will come to rest when the gate is opened;
  - (c) the maximum number of persons or amount of load that can safely be carried shall be marked conspicuously;
  - (d) where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage or failure of the ropes or chains or any of their attachments.
- (8) The owner or an employer making use of a lift shall cause a notice relating to the examination of the lift in the form set out in the Eighteenth Schedule to be affixed inside the cage or near the cage station in such a manner as not to be easily removed or tampered with by any person.

#### 54. Escalators

- (1) All parts and working gear, including the anchoring and fixing appliances, of every escalator shall –
  - (a) be of substantial construction, sound material, adequate strength and free from patent defect, and shall be properly maintained; and
  - (b) be thoroughly examined by a registered machinery inspector at least once every 6 months.
- 2) The original report of the result of every such examination in the form set out in the Nineteenth Schedule shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the examination.
- (3) Every escalator shall be provided with at least 2 readily accessible emergency stop controls.

#### 55. Steam boilers – registration and conditions of use

- (1) Where a steam boiler is installed at a place of work or is transferred from one place of work to another or from one owner to another, the installation or transfer shall be forthwith notified to the Permanent Secretary by the owner or

the new owner, as the case may be, for the purposes of registration or of a new registration, as the case may be.

- (2) The Permanent Secretary shall duly register the steam boiler, after making such investigations as he thinks fit and imposing such conditions as are appropriate and issue a number in respect of each steam boiler so registered, subject to the payment of the prescribed fee.
- (3) The owner of the steam boiler shall forthwith cause the registration number to be affixed on the steam boiler in such manner as to be conspicuous and immediately ascertainable on examination.
- (4) No person shall use or permit a steam boiler to be used at any place of work—
  - (a) unless it has been registered by the Permanent Secretary in accordance with this Act;
  - (b) in the case of any steam boiler which has been permanently transferred from one locality to another, or from one owner to another, until the transfer has been reported to the Permanent Secretary in accordance with this Act;
  - (c) unless a registered boiler inspector has in accordance with this Act authorised the use of the steam boiler for the time being;
  - (d) at a pressure higher than the maximum permissible working pressure authorised by a registered boiler inspector in respect of the steam boiler;
  - (e) where the report of any examination under this Act specifies conditions for securing the safe working of a steam boiler, except in accordance with those conditions; and
  - (f) in contravention of this Act.
- (5) An authorisation to use a steam boiler shall cease to be in force –
  - (a) on the expiry of the period for which a registered boiler inspector has authorised its use;
  - (b) where an accident occurs to the steam boiler;
  - (c) where the steam boiler, being a stationary boiler, is moved;
  - (d) where any structural alteration, addition, renewal or extensive repair is made in or to the steam boiler; or
  - (e) on the communication to the owner of the steam boiler of a decision of the Permanent Secretary to cause the boiler to be re-examined under the provisions of section 57(8).

- (6) In this section, 'accident' means an explosion of a steam boiler or of any steam pipe attached to it, or any damage to the boiler or steam pipe likely to weaken its strength so as to render it liable to explode.

## 56. Steam boilers – attachments and construction

- (1) Every part of every steam boiler shall be of good construction, sound material, adequate strength and free from patent defect and shall conform to the specifications of the Mauritius Standards Bureau, if any.
- (2) Subject to subsection (4), every steam boiler, whether separate or one of a range shall –
- (a) have attached to it the devices specified in subsection (3);
  - (b) be provided with means for attaching a test pressure gauge; and
  - (c) unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device or both where reasonably practicable.
- (3) The devices referred to in subsection (2) (a) are –
- (a) a suitable safety valve, separate from and incapable of being isolated by 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 shall be fixed directly to, or as close as practicable to the boiler;
  - (b) a suitable stop-valve connecting the boiler to the steam pipe;
  - (c) a correct steam pressure gauge connected to the steam space and easily visible, which shall indicate the pressure of steam in the boiler and have marked on the face of the gauge in a distinctive colour the maximum permissible working pressure;
  - (d) at least one water gauge of transparent material to show the water level in the boiler, and if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds 275 kilopascals fitted with an efficient guard which does not obstruct the reading of the gauge.
- (4) (a) Subsection (3) (b) shall not apply to economisers.
- (b) Subsections (2) (b) and (c) and (3) (c) and (d) shall not apply to economisers and super heaters.
- (5) A lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

**57. Steam boilers – maintenance, examination and use**

- (1) Every steam boiler and all its fittings and attachments shall be properly maintained.
- (2) No steam boiler shall be operated except by or under the constant control or supervision of a competent person.
- (3) No person shall enter or be in any steam boiler which is one of a range of two 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 such entry 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 which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.
- (4) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for any person who is required to work therein.
- (5) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a registered boiler inspector at least once every 12 months.
- (6) An examination under subsection (5) shall consist, in the first place, of an examination of the boiler when it is cold and the interior and the exterior have been suitably prepared, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure; the examination under steam pressure shall be made as soon as possible after the examination of the boiler when cold, and the registered boiler inspector shall ensure that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.
- (7) The original report of the result of every such examination, in the form set out in the Sixth Schedule, shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.
- (8) (a) Where the Permanent Secretary is not satisfied as to the thoroughness of an examination of a steam boiler by a registered boiler inspector, he may require the boiler to be re-examined by a competent person

nominated by him and the employer shall give the necessary facilities for the re-examination.

- (b) The cost of such re-examination shall be met by the employer.
- (9) Where as a result of a re-examination it appears that the report of the previous examination was inadequate or inaccurate in any material particular, the report shall be implemented as that of a boiler inspector.

## 58. Steam receivers and steam containers

- (1) Every steam receiver and every part thereof and all its fittings shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.
- (2) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any source of supply, shall be fitted with–
  - (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure of the receiver being exceeded;
  - (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the steam supply as soon as the safe working pressure is exceeded;
  - (c) a correct steam pressure gauge, which shall indicate 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 which shall be easily visible.
- (3) The safety valve and pressure gauge specified in subsection (2) shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.
- (4) For the purpose of subsection (2) other than paragraph (e) thereof, any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purpose of the said subsection, except paragraphs (d) and (e) thereof, any other set of receivers supplied with steam through a single pipe may be treated as one receiver but this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the said single pipe.



- (5) Every steam receiver and all its fittings shall be properly examined by a registered boiler inspector, so far as the construction of the receiver permits, at least once every 24 months.
- (6) The original report of the result of every such examination in the form set out in the Seventh Schedule shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.
- (7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

#### 59. Air receivers

- (1) Every air receiver and every part thereof and all its fittings shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.
- (2) Every air receiver shall—
  - (a) have marked upon it, so as to be clearly visible, the safe working pressure;
  - (b) in the case of a receiver connected with an air compressing plant, either be so constructed as to withstand with safety the maximum pressure which 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) 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) be fitted with an accurate pressure gauge indicating the pressure in the receiver and have marked on the face of the gauge in a distinctive colour the safe working pressure.
  - (e) be fitted with a suitable appliance for draining the receiver other than a vessel specified in paragraphs (b) and (d) in the definition of "air receiver";
  - (f) be provided with a suitable manhole, hand hole or other means which will allow the interior to be thoroughly cleaned; and
  - (g) where there is more than one receiver in use in the place of work, bear a distinguishing mark which shall be easily visible.
- (3) For the purpose of subsection (2), relating 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 in the case where a suitable reducing valve or other

suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

- (4) Every air receiver shall be thoroughly cleaned and examined at least once every 12 months except that in the case of a receiver of solid drawn construction if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination at least once every 24 months.
- (5) Every examination and test specified in subsection (4) shall be carried out by a registered machinery inspector and the original report of the result of every such examination and test in the form set out in the Eighth Schedule shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.

#### **60. Refrigeration plants**

- (1) Every refrigeration plant capable of being entered by an employee shall –
  - (a) have all control valves situated outside the cold storage room; and
  - (b) have all doors of the cold storage room capable of being opened easily and quickly from the inside and outside.
- (2) Every refrigeration plant which has a positive displacement compressor shall be provided with–
  - (a) an automatic pressure relief device for that compressor; and
  - (b) a suitable pressure gauge to indicate the discharge pressure from such plant.
- (3) Every owner of a refrigeration plant specified in subsection (1) shall cause a registered machinery inspector to examine, test and certify at least once every 12 months the entire plant together with all its components and auxiliary parts.
- (4) The owner shall send the original report of the result of every such examination to the Director, Occupational Safety and Health in the form set out in the Twentieth Schedule within 28 days of the completion of the examination.

#### **61. Special provisions**

- (1) No steam boiler, steam receiver, air receiver, lifting machine, hoist, lift refrigeration plant, escalator or vehicle lift shall be taken into use for the first time in any place of work unless it has been examined and favourably reported on by a registered boiler inspector or registered machinery inspector, as the case may be.

- (2) An original report of the result of an examination under subsection (1) in the form set out in the appropriate Schedule, where applicable, shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.
- (3) Where a report under subsection (1) specifies conditions for securing the safe working of the equipment, that equipment shall not be used except in accordance with the conditions so specified.
- (4) Movable cranes transferred from one place to another should be examined by a registered machinery inspector before putting it into use.
- (5) The original report of the result of an examination under subsection (4) in the form set out in the Fourth Schedule shall be sent by the owner to the Director, Occupational Safety and Health within 28 days of the completion of the examination.

## 62. Duty of inspector to inform employer

It shall be the duty of any registered machinery inspector or registered boiler inspector to inform, in writing, the employer, or self-employed person, or owner as the case may be, of any equipment immediately after the completion of any examination under this Act, that such equipment is unsuitable for use if the nature of any defect is likely to adversely affect the continued safe use of that equipment.

## 63. Abrasive wheels

- (1) Every abrasive wheel shall be –
  - (a) suitable for the work for which it is used and be properly mounted;
  - (b) provided with a guard –
    - (i) of such design and construction as to contain, so far as is reasonably practicable, every part of the abrasive wheel in the event of any fracture of the wheel;
    - (ii) which encloses the whole of the abrasive wheel except such part thereof as is necessarily exposed for the purpose of any work being done at the abrasive wheel, and maintained in position whenever the abrasive wheel is in motion;
    - (iii) which is secured against accidental displacement;
  - (c) (i) marked with its maximum permissible speed in revolutions per minute where its diameter is more than 50 millimetres; and
    - (ii) operated at a speed which shall not exceed its maximum permissible speed; and

- (d) provided where necessary with suitable protection flanges of sufficient diameter.
- (2) Where at any abrasive wheel there is a rest for supporting a workpiece, the rest shall at all times while the wheel is in motion be–
    - (a) properly secured;
    - (b) adjusted so as to be as close as practicable to the exposed part of the abrasive wheel; and
    - (c) of substantial construction and properly maintained.
  - (3) No person shall mount an abrasive wheel unless he is competent to carry out such work.
  - (4) In this section “abrasive wheel” means a wheel, cylinder, disc or cone made of any material which –
    - (a) contains abrasive particles held together by mineral, metallic or organic bond whether natural or artificial; and
    - (b) is power-driven and intended for use in any grinding, cutting or similar operation.

## PART VI

### SAFETY (GENERAL PROVISIONS)

#### 64. Safe means of access and safe place of employment

- (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.
- (2) Where any person is to work at a place from which he will be liable to fall a distance more than 2 metres, then unless the place is one which affords secure foothold and, where necessary, secure handhold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, for ensuring his safety.
- (3) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall be kept free from any obstruction and from any substance likely to cause persons to slip.
- (4) For every staircase in a building, a substantial handrail shall be provided and maintained which, if the staircase has an open side, shall be on that side, and if the staircase has two open sides, shall be on both sides.

- (5) Any open side of a staircase shall also be fenced by the provision and maintenance of a lower rail or other effective means.
- (6) All openings in floors shall be effectively fenced except in so far as the nature of the work renders such fencing impracticable.
- (7) Every opening in a wall used for raising or lowering goods or materials whether by mechanical power or otherwise, shall be effectively fenced, and shall be provided with a secure handhold on each side of the opening and the fencing shall be properly maintained and shall, except when the raising or lowering of goods or materials is being carried on at the opening, be kept in position.

## 65. Storage

- (1) All goods, articles and substances shall be stored or stacked –
  - (a) in such manner as will ensure their stability and prevent any fall or collapse;
  - (b) in such manner as not to interfere with the adequate distribution of natural or artificial light, the proper operation of machines or other equipment, the unobstructed use of passageways or traffic lanes, and the efficient functioning of sprinkler systems and the use of other fire extinguishing equipment;
  - (c) on firm foundations not liable to settle and in such manner as not to overload any floor;
  - (d) in such a position and in such a manner as not to cause danger to the employees or to other persons who may be affected thereby.
- (2) No goods, articles or substances shall be stored or stacked against a wall or partition unless the wall or partition is of sufficient strength to withstand any pressure caused thereby.
- (3) All practicable steps shall be taken by covering, fencing or other means to prevent an employee from falling into any fixed vessel, sump or pit, the edge of which is less than one metre above the adjoining ground or platform and which contains a substance likely to be prejudicial to his safety or injurious to his health.
- (4) The Permanent Secretary may by order in writing exempt from the requirements of subsection (3) any class or description of vessel, sump or pit where he is satisfied that the requirements are unnecessary or inappropriate.

## 66. Ladders

- (1) Every ladder shall be of good construction, sound material, adequate strength and suitable for the purpose for which it is used and shall be properly maintained.
- (2) No ladder shall be used unless –
  - (a) it is securely fixed in a position to prevent it from slipping or falling, except that when this is impracticable a person shall be stationed at the base of the ladder to prevent it from slipping or falling;
  - (b) it stands on a firm and level footing except in the case of a suspended ladder;
  - (c) it is secured where necessary to prevent undue swaying or sagging;
  - (d) it is equally and properly supported on each stile or side;
  - (e) in the absence of adequate handhold, it extends at least one metre above the place of landing or the highest rung to be reached by the feet of the person using the ladder, or if this is impracticable, to the greatest practicable height; and
  - (f) there is sufficient space at each rung to provide adequate foothold.
- (3) Subsection (2) shall not apply to any folding step-ladder, provided that it has a level and firm footing and is used in the fully open position with any spreaders locked.

#### **67. Substances hazardous to health**

- (1) No substance prohibited under regulations made by the Minister shall be handled, stored or used in any place of work.
- (2) Every employee who may during the course of his work handle or use any substance hazardous to health shall be fully informed and instructed as to the risks associated with the substance and the necessary precautionary measures to be observed for protection against such risks.
- (3) Every employer shall ensure that the exposure of any employee to a substance hazardous to health is either prevented, or where this is not reasonably practicable, adequately controlled.
- (4) The prevention or adequate control of exposure to a substance hazardous to health, except a biological agent, shall as far as possible be secured by measures other than the provision of personal protective equipment.
- (5) Where the measures taken in accordance with subsection (4), do not prevent or provide adequate control of exposure to substances hazardous to health of employees, the employer shall in addition to taking those measures, provide the

employees with suitable and appropriate personal protective equipment and clothing that shall adequately prevent their exposure to substances hazardous to health.

- (6) Every employer who provides any control measure, personal protective equipment and clothing shall take all reasonable steps to ensure that it is effectively used or applied, as the case may be, and is properly maintained.
- (7) Where engineering controls are provided to prevent the exposure of employees to substances hazardous to health, the employer shall ensure that thorough examinations and tests of the engineering controls are carried out by a competent person –
  - (a) in the case of local exhaust ventilation plant, at least once in every period of 12 months; or
  - (b) in any other case at suitable intervals.
- (8) In the case of engineering controls, the employer shall keep a record of the examinations, tests and any repairs carried out as a result of the examination and tests.
- (9) Where in any room any substance hazardous to health which may contaminate food or drink is stored, handled or used, no employee shall be permitted to partake of food or drink in that room, and no food or drink shall be kept in or conveyed through that room at any time.

#### **68. Other chemicals**

- (1) All containers of chemicals shall be marked so as to indicate the identity of the chemicals.
- (2) Chemicals which are explosive, flammable or having oxidising properties shall in addition be labelled in a way easily understandable to workers, so as to provide essential information regarding their nature, the hazards they represent and the safety precautions to be observed.

#### **69. Precautions with regard to explosive or flammable dust, gas, vapour or substance**

- (1) Where, in connection with any process giving rise to dust, gas or vapour, there may escape dust, gas or vapour of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, gas or vapour that may escape in spite of the enclosure, and by exclusion or effective enclosure of possible source of ignition.

- (2) Where there is stored or there is present in any plant any dust, gas or vapour of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents or other equally effective appliances or measures, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion.
- (3) Where any part of a plant contains any explosive or flammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions –
  - (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into such pipe shall be effectively stopped by a stop-valve or otherwise;
  - (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 where any such fastening has been loosened or removed, no explosive or flammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or securely replaced, as the case may be.
- (4) No plant, tank or vessel which contains or has contained any explosive or flammable substance shall be subjected to–
  - (a) any welding, brazing or soldering operation;
  - (b) any cutting operation which involves the application of heat; or
  - (c) any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it, until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-flammable, and where any plant, tank or vessel has been subjected to any such operation, no explosive or flammable 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 which contains or has contained a substance which, when heated may give rise to a toxic gas, fume or vapour, shall be so heated unless all practicable steps have been taken to remove such substance.

## **70. Dangerous fumes and lack of oxygen**

- (1) The provisions of subsections (2) to (7) of this section shall have effect where work has to be done inside any vessel, tank, pit or similar confined space in



which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.

- (2) The confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval or circular in shape, and shall be not less than 450 millimetres long and 400 millimetres wide or (if circular) not less than 450 millimetres in diameter, or in the case of tank wagons and other mobile plant, not less than 400 millimetres long and 350 millimetres wide or (if circular) not less than 400 millimetres in diameter.
- (3) Subject to subsection (4), no person shall enter or remain in, and no person shall require, instruct or direct any person to enter or remain in, the confined space for any purpose unless the person entering or remaining in the confined space is wearing a suitable breathing apparatus (which shall not include a respirator) and has been authorised to enter by a competent person, and, where practicable, is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out, is holding the free end of the rope.
- (4) Where the confined space has been certified by a competent person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.
- (5) A confined space shall not be certified under subsection (4) unless –
  - (a) effective steps have been taken to prevent any ingress of dangerous fumes;
  - (b) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes in significant quantities; and
  - (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for breathing.
- (6) There shall be provided and kept readily available a sufficient supply of suitable breathing apparatus, belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus, belts and ropes shall be properly maintained and shall be thoroughly examined, at least once every 3 months by a competent person who shall make a report on every such examination, which shall be kept available for inspection.
- (7) A sufficient number of employees shall be trained and given practice in the use of the apparatus specified in subsection (6) and in a method of restoring breathing.

- (8) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless–
- (a) he is wearing a suitable breathing apparatus; or
  - (b) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.

#### **71. Corrosive substances**

- (1) Where corrosive substances are used and there is a danger of an employee being splashed with such substances, there shall be provided for use, in case of emergency, by such employee, conveniently situated and marked suitable facilities for –
- (a) drenching himself with water or any other appropriate substance; and
  - (b) flushing the eyes.
- (2) The location of the facilities specified in subsection (1) shall be made known to every employee.

#### **72. Gas plants**

- (1) All gas plants, which shall include any plant, apparatus or machine used for the manufacture or storage of gas, and any pipes or appliances used in carrying such gas to the place where it is to be used, shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.
- (2) No gas filling shall be allowed except under the direct supervision of a competent person.
- (3) No gas cylinder for corrosive gases shall be filled unless it has been examined or tested by a competent person at least once every 2 years and no gas cylinder for other gases shall be filled unless it has been examined or tested by a competent person at least once every 5 years and the result of such examination or test shall be kept available for inspection.
- (4) In this section “gas” includes any gaseous substance whether in its gaseous or liquid state.

#### **73. Electrical installations**

All electrical apparatuses and conductors, including machines, equipment and fittings, shall be sufficient in size and power for the work for which they are used, and shall be so constructed, installed, protected, worked and maintained as to prevent danger.

**74. Prevention of fire**

- (1) In every building there shall be provided and maintained, so as to be readily accessible, means of extinguishing fire, which shall be adequate and suitable having regard to the circumstances of the premises and the process, as required by the Fire Services.
- (2) In every place of work, a sufficient number of employees shall be trained in the proper use of the means of extinguishing fire specified in subsection (1).

**75. Safety provisions in case of fire**

- (1) Every building shall be provided with such means of escape in case of fire for the employees as may reasonably be required by the Fire Services in the circumstances of each case.
- (2) Notwithstanding subsection (1), there shall be provided at least two separate means of escape in different directions in case of fire from each floor of every such building, except in premises used as office, shops, factories and any other place of work where –
  - (a) the travel distance does not exceed 18 metres in the case of an office and 12 metres in other cases;
  - (b) there is a protected escape route of at least 1.1 metres wide;
  - (c) the height of the building does not exceed 9 metres; and
  - (d) the total number of persons expected to be in the building at any one time does not exceed 60.
- (3) A spiral staircase or a vertical ladder shall not be deemed to satisfy the requirements of a means of escape.
- (4) All means of escape as aforesaid shall be properly maintained and kept free from obstruction.
- (5) All doors affording means of emergency exit from a building shall, except in the case of sliding doors, be constructed to open outwards.
- (6)
  - (a) In every building the employer shall take effective steps to ensure that all employees are familiar with the means of escape and with the procedures to be followed in case of fire.
  - (b) Where a ramp may be required by the Fire Services it shall have an easy gradient and in no case shall be steeper than a ratio of 1:12, and hand rails and non-slip surfaces shall be provided on the ramp.

- (c) Notwithstanding paragraph (a), every employer shall carry out a fire drill at least once a year in all places of work requiring a fire certificate under section 76, according to an established fire and emergency plan approved by the Fire Services, and record of the drill kept.
- (7) While any person is within a building, any door which affords a means of emergency exit for such a person from the building or from any enclosure in which the building is situated, shall not be locked or fastened in such manner that it cannot be easily and immediately opened from the inside.
- (8) The contents of any room shall be so arranged or disposed that there is a free passageway for all persons in that room to a means of escape in case of fire.
- (9) 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 white pictogram of minimum size 100mm high on a board with green background.
- (10)
  - (a) In every building in which more than 60 persons are expected to be present at any time or in which highly flammable materials are stored, handled or used, there shall be provided and maintained, as may be deemed reasonable by the Fire Services, effective devices for giving warning in case of fire, which shall be clearly audible or visible throughout the building and capable of being operated without exposing any person to undue risks.
  - (b) In premises where persons with impaired vision and hearing are working, there shall be provided an effective means of giving warning in case of fire, as specified by the Fire Services.
  - (c) Any device specified in paragraphs (a) and (b) shall be tested by a competent person at least once a month to ensure their continued operation, and a record of such test shall be kept by the owner of the building.
- (11)
  - (a) An emergency lighting system shall be provided in every escape route where the Fire Services so require.
  - (b) Secondary power supply shall be provided to the emergency lighting system and fire alarm system as back up to the normal system in case of mains power failure.

## 76. Fire certificate

- (1) A fire certificate issued by the Fire Services shall be required in respect of every place of work –
  - (a) where more than –

- (i) 20 persons are expected to be present at any one time; or
    - (ii) 10 persons are expected to be present at any one time elsewhere than on the ground floor;
  - (b) where explosives are used or stored and which require a licence under the Explosives Act;
  - (c) where highly flammable liquid or material is used or stored and which require a certificate of registration issued under the Inflammable Liquid and Substances Act.
- (2) (a) Where in a building the number of persons expected to be present at any one time in the premises exceeds the number specified in paragraph (1)(a), the owner shall apply for a fire certificate.
- (b) Before applying for a certificate, the owner shall comply with the requirements of the Twenty-First Schedule.
- (3) No person shall require, or permit, an employee to work in any place of work in respect of which a fire certificate is required unless such certificate is in force and the conditions attached to it are complied with.
- (4) (a) Every person who uses or proposes to use any place of work specified in subsection (2) or intends to construct a building to be used as such place of work shall –
- (i) make a written application to the Fire Services for a fire certificate; and
  - (ii) furnish to the Fire Services such drawing, plan, document or other information as the Fire Services may require.
- (b) On receipt of an application under paragraph (a) the Fire Services may, after making such enquiries as it deems necessary, issue a fire certificate on payment of a prescribed fee and subject to such conditions as it thinks fit to impose, or refuse to grant such certificate stating the reason for doing so.
- (c) Any person aggrieved by a refusal of the Fire Services to grant a certificate under paragraph (b) may, within 14 days of such refusal being communicated to him, appeal to the Court.
- (5) Every fire certificate issued in respect of any place of work or any intended place of work shall specify–
- (a) the name of the applicant;
  - (b) the address of the premises;

- (c) the intended use of the premises which the certificate covers;
  - (d) the means of escape in case of fire which are provided;
  - (e) the means (other than means of fighting fire) which are or should be provided for securing that the means of escape in case of fire can be safely and effectively used at all material times;
  - (f) the type, number and location of the means which are or should be provided (whether in the premises or elsewhere) for fighting fire;
  - (g) the type and location of the means which are or should be provided for giving warning in case of fire; and
  - (h) particulars as to any explosive or highly flammable material which may be stored or used in the premises, and may, where appropriate, do so by means of or by reference to a plan or photograph.
- (6) The conditions specified in subsection (4) (b) may include those –
- (a) for securing that the means of escape in case of fire which are provided are properly maintained and kept free from obstruction;
  - (b) for securing that the means specified in subsection (5) (e) to (g) are properly maintained;
  - (c) for securing that the means specified in subsection (5) (f) and (g) are tested and examined at regular intervals and that records are kept of such tests and examinations;
  - (d) for securing that persons at work on the premises receive appropriate instruction and training in measures to be taken in case of fire, and that records of such instruction and training are kept;
  - (e) for limiting the number of persons who may be on the premises at any one time;
  - (f) for limiting the quantity and disposition of any substance or article which may be kept on the premises at any one time; and
  - (g) in respect of other precautions to be taken in relation to risks to persons in case of fire.
- (7) The Fire Services may revoke a fire certificate where the holder thereof fails to comply with any condition imposed in the certificate.
- (8) (a) Where any occupier proposes to make any material extension or material structural alteration to the premises or to increase materially the number of persons employed in the premises or in any part

specified in the certificate or to begin to store or use explosive or highly flammable material or materially to increase the extent of such storage or use, he shall, before doing so, notify the Fire Services in writing and furnish such drawing, plan, document or other information that may be required.

- (b) Where the Fire Services is of opinion that the carrying out of a proposal specified in paragraph (a) would result in any of the matters specified in subsection (5)(d) to (h) becoming inadequate in relation to any use of the premises covered by the fire certificate, it may by notice in writing require the occupier to make such alteration within such period as may be specified in the notice.
  - (c) The occupier shall, within the period specified in the notice, carry out the alteration required to the satisfaction of the Fire Services, which may amend the certificate or issue a new one.
  - (d) Where the alteration is not carried out to the satisfaction of the Fire Services, it may, without prejudice to other proceedings being taken, revoke the certificate.
- (9) The Fire Services shall forward a copy of every fire certificate issued under this section, including the conditions attached thereto, to the Permanent Secretary and shall notify him of the revocation of a certificate or amendment thereto.
  - (10) Where a fire certificate is in force in respect of any place of work, the Fire Services may cause any part of the premises where it is situated, to be inspected at any reasonable time for the purpose of ascertaining whether there has been a change of conditions by reason of which any of the matters specified in subsection (5)(d) to (h) have become inadequate in relation to any use of the premises covered by the certificate.
  - (11) The Fire Services may, for the purpose of carrying out its duties or exercising its powers or doing anything incidental thereto under this section, enter any place of work specified in subsection (1).

## PART VII

### SAFETY AND HEALTH (SPECIAL PROVISIONS)

#### 77. Health surveillance

- (1) Every employer shall ensure that an employee who is exposed, or liable to be exposed, to a substance hazardous to health be placed under suitable health surveillance, including medical surveillance, where –
  - (a) the exposure to that substance is such that an identifiable occupational disease, as mentioned in the Fourteenth Schedule, or an adverse effect may be related to the exposure;

- (b) there is reasonable cause to believe that the disease or adverse effect may occur under his prevailing working conditions; or
  - (c) a medical practitioner has advised such surveillance.
- (2) Where an employee is exposed to a substance specified in the Ninth Schedule, the employer shall arrange for medical surveillance, free of charge, at intervals of not less than once every 6 months or at shorter intervals as the medical practitioner may advise or as the Permanent Secretary may direct.
- (3) Where a medical practitioner has certified that an employee, subject to health surveillance in accordance with this section, should not be exposed to a substance hazardous to health, the employer shall not permit that employee to be exposed to that substance, except in accordance with conditions, if any, specified by the medical practitioner.

#### **78. Record of health surveillance**

- (1) The employer shall keep a health record for every employee who is subject to health surveillance in accordance with section 77.
- (2) Medical personal data shall be kept confidential in accordance with generally accepted principles of medical ethics.
- (3) The health record mentioned in subsection (1) shall contain the following –
  - (a) surname;
  - (b) forename;
  - (c) sex;
  - (d) date of birth;
  - (e) residential address;
  - (f) date of commencement of present employment;
  - (g) a historical record of jobs involving exposure to substances requiring health surveillance in the employment;
  - (h) conclusions of all other health surveillance procedures including dates and names of persons who have carried out the health surveillance; and
  - (i) such other particulars as may be prescribed.
- (4) The conclusions referred to in subsection (3) (h) shall be expressed in terms of the employee's fitness to work but shall not contain confidential clinical data.



**79. Radiation**

- (1) Effective measures shall be taken, so far as is practicable, to restrict the extent to which employees may be exposed to radiation in the course of their employment.
- (2) No employer shall allow an employee to be exposed to radiation to a greater extent than is necessary for the purposes of his work.
- (3) All sources of radiation shall, so far as is reasonably practicable, be adequately shielded.
- (4) Every employee liable to be exposed to radiation shall be provided with appropriate instructions concerning the hazards involved and the precautions to be observed.
- (5) The employer shall do all that is practicable to prevent the inhalation or ingestion by an employee of any radioactive substance and to prevent the contamination of the body or of the clothing of an employee by any radioactive substance.
- (6) Every employer shall cause every employee exposed to radiation to be medically examined free of charge at intervals of not more than 6 months or at such intervals as a medical practitioner may advise or as the Permanent Secretary may direct in writing.

**80. Non-ionising radiation**

- (1) Where in any place of work persons are employed in any process involving exposure to ultra-violet, infra-red and any other non-ionising radiation which may constitute a danger to their health, effective means shall, so far as is reasonably practicable, be provided for the reduction of such non-ionising radiation within the place of work.
- (2) Any employee liable to be exposed to non-ionising radiation shall be provided with appropriate instructions concerning the hazards involved and the precautions to be observed.
- (3) This section and section 79 shall be without prejudice to the application of the Radiation Protection Act 2003.

**81. Reduction of noise and vibration**

Where in any place of work persons are employed in any process involving exposure to noise or vibration which may constitute a danger to their health, effective means shall be provided for the reduction of such noise or vibration within the place of work.

## 82. Personal protective equipment and clothing

- (1) Where any process carried out at a place of work is likely to cause bodily injury and such bodily injury cannot be prevented by other means, every person employed in that process and liable to such bodily injury, shall be provided with such suitable and appropriate personal protective equipment and clothing as will protect him from risk of injury.
- (2) An employer shall, in order to ensure compliance with subsection (1) -
  - (a) take account of ergonomic requirements and the state of health of the person who is required to wear the personal protective equipment;
  - (b) ensure that the personal protective equipment is capable to fit the wearer correctly;
  - (c) ensure that any risk to which a person is exposed is effectively prevented or adequately controlled.
- (3)
  - (a) Every employer shall maintain or replace when required, any personal protective equipment provided to any person at work.
  - (b) Every employer shall, where justified by the circumstances, cause any personal protective equipment to be thoroughly washed, cleaned and decontaminated before being put into use.
- (4) An employer shall provide appropriate accommodation for keeping personal protective equipment when it is not being used.

## 83. Protection of eyes in certain processes

- (1) In the case of any of the processes specified in the Tenth Schedule or any other process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, an eye protector or shield as appropriate shall be provided to protect the eyes of the employees engaged in the process.
- (2) Where, in any place of work, electric arc welding is carried on in such a manner as to involve risk of employees (other than those engaged in the welding process) being exposed to the electric arc flash, effective provision shall be made, by screening or otherwise, to prevent such exposure.
- (3) Every eye protector or shield provided under subsection (1) shall be suitable both for the work for which it is intended to be used and for the person using it and shall be for the personal and exclusive use of the person using it.

## 84. Manual handling operations

- (1) Every employer shall-
  - (a) so far as is reasonably practicable, avoid the need for his employees to undertake any manual handling operations at work which involve a risk of bodily injury;
  - (b) where it is not reasonably practicable to avoid the need for his employees to undertake any manual handling operations at work which involve a risk of bodily injury-
    - (i) take appropriate steps to reduce the risk of bodily injury to those employees arising out of their undertaking any such manual handling operations to the lowest level reasonably practicable;
    - (ii) take appropriate steps to provide any of those employees who are undertaking such manual handling operations with general indications and precise information on the weight and nature of each load to be handled; and
    - (iii) provide sufficient training in the safe techniques or methods of manual lifting and handling to any employee who is required in the normal course of his work regularly to lift, carry or move loads exceeding 18 kilograms for any employee.
- (2) In complying with subsection 1(b)(i) above, the employer shall take such measures as may be practicable in relation to the task, the load, the working environment and individual capability of an employee.
- (3) In this section –
  - (a) “manual handling operations” means any transporting or supporting of a load, including the lifting, putting down, pushing, pulling, carrying or moving thereof by hand or by bodily force;
  - (b) “load” includes any person or animal;

## **85. Notification of occupational accidents and dangerous occurrences**

- (1) Where any employee, as a result of an accident arising out of or in connection with his work, dies or suffers any of the injuries or conditions specified in the Eleventh Schedule, or where there happens a dangerous occurrence specified in the Twelfth Schedule, the employer shall –
  - (a) forthwith notify the Director, Occupational Safety and Health by the quickest practicable means; and
  - (b) within 7 days send a report thereof to the Director, Occupational Safety and Health in the form set out in the Thirteenth Schedule.

- (2) The employer shall keep a record of all accidents and dangerous occurrences required to be reported under subsection (1).

**86. Notification of occupational diseases**

- (1) Where a medical practitioner suspects or finds that any person is suffering from any occupational disease specified in the Fourteenth Schedule, he shall notify in writing the employer of that person and the Director, Occupational Safety and Health.
- (2) Upon receipt of a notification under subsection (1), the employer shall forthwith notify the Director, Occupational Safety and Health in writing of the occupational disease which has or is suspected to have occurred together with the name, address and place of work of the person concerned, and shall keep a record of such notification.

**PART VIII**

**REGISTRATION OF FACTORIES**

**87. Factory building permit**

- (1) Every person who intends to construct a factory or a building appurtenant to a factory shall, at least 30 days before commencing construction, apply in writing to the Permanent Secretary for a factory building permit and submit to the Permanent Secretary proper site and location plans together with detailed drawings showing elevation, sections and plans of each floor of the factory or building, drawn to scale, with proposed layouts of machinery intended to be placed therein, and the welfare facilities to be provided for the employees.
- (2) On receipt of an application under subsection (1), the Permanent Secretary shall, after making such enquiries as he thinks fit, by written notice—
- (a) grant the permit on payment of the prescribed fee and subject to such conditions as he thinks fit; or
- (b) refuse to grant the permit and specify the ground of his refusal.
- (3) Every person who constructs a factory or a building appurtenant to a factory without a factory building permit issued under subsection (2) shall commit an offence.

**88. Registration of factories**

- (1) No person shall operate a factory unless it is registered under this Act.
- (2) The Permanent Secretary shall keep a register of factories.

- (3) An application for the registration of a factory shall be in the form set out in the Fifteenth Schedule and shall, not less than 30 days before the operation of the factory, be submitted to the Permanent Secretary together with a layout plan of the factory and any other particulars as the Permanent Secretary may require.
- (4) Any person who wishes to renew a certificate of registration of a factory shall apply to the Permanent Secretary for the renewal not later than 30 days before the expiry of the certificate, in the form set out in the Fifteenth Schedule.
- (5) On receipt of an application under subsection (3) or (4), the Permanent Secretary shall, after making such enquiries as he thinks fit—
  - (a) register the factory and issue a certificate of registration to the applicant or renew the certificate of registration, as the case may be, on payment of the prescribed fee and subject to such conditions as he thinks fit to impose; or
  - (b) refuse to register the factory or to renew the certificate of registration and specify the ground of refusal.
- (6) Where an application for renewal of a certificate of registration is received outside the time limit specified in subsection (4), a surcharge of 50 per cent of the prescribed fee shall be payable.
- (7) A certificate of registration issued or renewed under subsection (5) shall be valid for a period not exceeding 12 months.
- (8) The employer shall cause the last issued certificate of registration to be at all times exhibited in a conspicuous place in the factory in respect of which such certificate is issued.
- (9) Any person who occupies or uses any premises as an unregistered factory shall commit an offence.

## **89. Cancellation of registration**

- (1) Where the Permanent Secretary is satisfied that a registered factory has ceased to operate or a certificate of registration has been obtained by fraud or misrepresentation, he may cancel the registration of the factory.
- (2) Where the Permanent Secretary is satisfied that there has been a contravention of any condition subject to which a certificate of registration has been issued in respect of any factory, he may, by giving to the employer not less than 30 days' notice in writing to comply with the condition, cancel the certificate where the condition is not complied with.

## **90. Right of appeal**

Any person who is aggrieved by any decision of the Permanent Secretary under section 27, 87, 88 or 89, may, within 21 days of the notification of the decision, appeal against the decision to the Court.

## 91. Meaning of factory

- (1) For the purposes of this Act, "factory" –
- (a) means any premises with machinery, on which, or within the precincts of which, persons are employed in the making, altering, repairing, cleaning, breaking up or adapting for sale of any article for the purpose of gain and over which the employer has the right of access or control; and
  - (b) includes the following premises where persons are employed to perform manual labour –
    - (i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;
    - (ii) any laundry or kitchen carried on as ancillary to another business or as an incidental to the purposes of any public institution;
    - (iii) any premises in which the construction, reconstruction or repair of aircraft, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking;
    - (iv) any premises in which printing by letter press, lithography, photogravure, film development process or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or as an incidental to another business so carried on;
    - (v) any premises in which articles are made or prepared as an incidental to the carrying on of construction works, not being premises in which such works are being carried on;
    - (vi) any premises where saline water is processed for extraction of salt;
    - (vii) any premises in which persons are employed in or in connection with the generating of electrical energy for supply by way of trade;
    - (viii) any cold storage room;

- (ix) any premises where tobacco leaf is cured or otherwise made ready for manufacture or is manufactured into tobacco in any form;
- (x) any limekiln where limestone is burnt to make lime;
- (xi) any premises where bread, biscuits or confectionery are baked and foodstuffs are prepared by way of trade for purposes of gain;
- (xii) any premises used for the storage and sale of petroleum and other flammable products;
- (xiii) premises where the slaughtering of cattle, sheep, swine, goats, horses, stags, asses or mules or any other animals is done;
- (xiv) premises used for the breeding of fowls where the number of fowls is more than 100;
- (xv) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;
- (xvi) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;
- (xvii) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on;
- (xviii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
- (xix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;
- (xx) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;
- (xxi) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain;

- (xxii) any premises used for the storage of gas in a gasholder having a storage capacity of not less than 100 metre cube.
- (2) where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.
- (3) Any premises belonging to or in the occupation of the State or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the State or any such authority shall not be excluded from the application of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain except that the State or municipal or other public authority shall not be liable to pay any fee for the registration of a factory.
- (4) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

## PART IX

### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

#### 92. Power of Court to make order

- (1) Where the Court is satisfied, on complaint by the Permanent Secretary or an officer delegated by him or an employee, that any premises which are or are intended to be used as a place of work are in such condition or are so constructed or situated that any process or work carried on therein, or intended to be carried on therein, cannot be so carried on with due regard to the safety, health and welfare of the employees, the Court may by order prohibit the use thereof for the purpose of that process or work, and in the case of premises which are intended for use as a place of work, the Court may make such an order if satisfied on complaint by the Permanent Secretary that the process or work cannot be carried on therein without contravention of this Act, and any such order may be revoked or varied on the application of the employer or owner of the premises.
- (2) Where the Court is satisfied, on complaint by the Permanent Secretary or an officer delegated by him or an employee, or otherwise that the carrying on of any process or work may involve any risk of bodily injury, the Court may by order prohibit such process or work either indefinitely or until such steps have been taken as may be specified in that order, to enable the process or work to be carried on with due regard to the safety, health and welfare of the employees, and any such order may be revoked or varied on the application of the employer or owner of the premises.



- (3) On an application for the revocation or variation of an order under subsection (1) or (2), the Permanent Secretary or an officer delegated by him shall be entitled to be heard if the order was made on a complaint by him.

**93. Officer not to reveal trade secrets**

No officer shall, otherwise than in the performance of his duties, reveal any manufacturing or commercial secret which may at any time come to his knowledge in the course of his duties.

**94. Offences**

- (1) Any person who—
- (a) intentionally delays or obstructs the Permanent Secretary in the exercise of his powers or duties under this Act;
  - (b) prevents or attempts to prevent any other person from appearing before the Permanent Secretary or from answering any question to which the Permanent Secretary may require an answer;
  - (c) knowingly or recklessly makes a false statement –
    - (i) in purported compliance with a requirement to furnish any information imposed by or under this Act; or
    - (ii) for the purpose of obtaining the issue to himself or another person of a document under this Act;
  - (d) intentionally makes a false entry in any register, book, notice or other document required to be kept, served or given under this Act, or, with intent to deceive, makes use of any such entry which he knows to be false;
  - (e) with intent to deceive, forges or uses a document issued or authorised to be issued under this Act or makes or has in his possession a document so closely resembling any such document as to be calculated to deceive;
  - (f) falsely pretends to be an officer;
  - (g) obstructs any person in the exercise of his powers or duties under this Act;
  - (h) is required to make an examination of a steam boiler, a steam receiver or a machinery fails to make a thorough examination, or makes a report which is false, deficient or misleading in a material particular;
  - (i) contravenes –

- (i) an order made by the Court;
  - (ii) a condition of a permit or certificate issued under this Act;
  - (iii) a condition of an authority issued or approval given under this Act;
  - (iv) a requirement or prohibition imposed by a prohibition order;
  - (v) a requirement imposed or a specification, order or direction given by the Permanent Secretary under this Act; and
  - (vi) any other provision of this Act, shall commit an offence.
- (2) An employer who levies, or permits to be levied on any employee any charge in respect of anything done or provided under this Act, shall commit an offence.
- (3) Any person who commits an offence shall be liable –
- (a) in respect of an offence committed by him as an employee, to a fine not exceeding 5,000 rupees; and
  - (b) in any other case, to a fine not exceeding 75,000 rupees and to imprisonment for a term not exceeding one year.
- (4) (a) The Court may, on the conviction of any person, where it thinks appropriate, in addition to inflicting a fine, make an order directing that person to comply with this Act within such time as may be fixed in the order.
- (b) Where after the expiry of the time as originally specified or enlarged by subsequent order, the order is not complied with, that person shall be liable to a fine not exceeding 100 rupees for each day on which the non-compliance continues.
- (5) Without prejudice to the provisions of any other enactment, no prosecution shall be entered before the Court against an employee for any offence under this Act, except by the Director of Public Prosecutions or a person deputed by him.
- (6) Nothing in this Act shall authorise criminal proceedings to be instituted against the State.

#### **95. Parts of buildings, plants, or equipment let off**

- (1) Where a part of a building is let off as a place of work, or a plant or equipment is leased, the owner of the building or plant, or equipment, as the case may be,

shall be responsible for any contravention of section 34, 35, 38, 39, 40, 64, 73 or 75, only in so far as these provisions relate to matters within his control.

- (2) Where sanitary conveniences, washing facilities, facilities for the taking of meals or mess are used in common by several tenants, the owner of the building shall be responsible for their cleanliness and maintenance.

**96. Special provisions as to evidence**

- (1) Subject to subsection (2), where a person is found in a place of work at any time at which work is going on or the machinery is in motion, he shall, unless the contrary is proved, be deemed for the purposes of this Act to have been employed in the place of work.
- (2) Subsection (1) shall not apply to a place of work in which the only persons employed therein are members of the same family.
- (3) Where any entry is required by this Act to be made in a register by the employer or on his behalf, the register shall be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act has not been made, shall be admissible as evidence that provision has not been observed.
- (4) No answer given by a person in pursuance of a requirement imposed under section 23(3)(b) shall be admissible in evidence against that person or the spouse of that person in any proceedings under this Act.
- (5) For the purposes of this Act, the expression "members of the same family" shall mean the occupier's –
  - (a) spouse;
  - (b) child;
  - (c) father or mother;
  - (d) brother or sister; or
  - (e) any other relative;

where such person is wholly or partially maintained by, and dwells in the house of the occupier.

- (6) In any proceedings for an offence under any provision of this Act consisting of a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use practicable means or to take practicable steps 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 or step than was in fact used or taken to satisfy the duty or requirement, as the case may be.

**97. Power of Court to modify agreements**

Where by reason of an agreement between the owner and the occupier of the premises, the whole or any part of which has been let off as a place of work, the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or in order to conform with any standard of requirement imposed by or under this Act, he may apply to the Court which, after hearing the parties and any witnesses whom they desire to call, may make such order setting aside or modifying the terms of the agreement or apportioning expenses of the alterations as it considers just and equitable in the circumstances of the case.

**98. Power to direct formal investigation**

- (1) The Minister may, where he considers it expedient to do so, direct a formal investigation to be held into any accident or dangerous occurrence at any place of work.
- (2) The Minister may appoint such competent person to carry out the investigation, and on such terms and conditions as he may determine.
- (3) Every person appointed under subsection (2) shall have for the purposes of the investigation all the powers of the Permanent Secretary under section 24.

**PART X**

**MISCELLANEOUS**

**99. Publications**

In any proceedings under this Act, any document, booklet or other publication purporting to be published by or under the authority of any organisation, institute or association whose standards have been prescribed under section 4 shall, unless the contrary is proved, be deemed to have been published by the said organisation, institute or association and the matters appearing on or in such document, booklet or publication shall be admissible in evidence.

**100. Regulations**

- (1) The Minister may make such regulations as he thinks fit for the purposes of this Act and any such regulations may provide for the issue of permits and the taking of fees.

- (2) The Minister may by regulations amend any Schedule to this Act.
- (3) Where it appears to the Minister –
- (a) that in any place of work –
    - (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or
    - (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of bodily injury to persons employed in that process; or
    - (iii) young persons are or are about to be employed in work which may cause bodily injury; or
  - (b) that there may be risk of bodily injury to persons employed in any place of work –
    - (i) from any substance or material or plant brought to the place of work to be used or handled therein; or
    - (ii) from any change in the conditions of work or other conditions in the place of work,
- he may make regulations requiring such reasonable arrangements to be made for the medical supervision, including first-aid treatment and medical treatment of a preventive character and medical examinations of the persons, or any class of the persons, employed in that place of work or class or description of places of work as may be specified in the regulations.
- (4) Where the Minister is satisfied that the provisions of section 47 cannot be complied with, he may, by regulations, exempt certain classes of machinery or any part of such machinery, from the provisions of that section.
- (5) The Minister may make regulations for the purposes of regulating lodging accommodation and other facilities provided by an employer, whether or not as a term of his contract of employment with his employees, and whether or not the employees are citizens or residents of Mauritius, or are guest employees.

#### 101. Protection of officers

No civil or criminal action shall lie against any officer or any other person in respect of anything done or ordered to be done in good faith under this Act.

**102. Exemption**

The State shall be exempt from payment of any fee, charge or levy in respect of any application, issue of a certificate, permit or other authorisation under this Act.

**103. Repeal**

The Occupational Safety and Welfare Act is repealed.

**104. Consequential amendments**

- (1) The First Schedule to the Industrial Court Act is amended by deleting the words "Occupational Safety and Welfare Act 1988" and replacing them by the words "Occupational Safety and Health Act 2005".
- (2) The Occupational Safety and Welfare (First-Aid) Regulations 1989 are amended in regulation 2, in the definition of "first-aider", by deleting the words "Permanent Secretary" and replacing them by the words "Mauritius Qualifications Authority".

**105. Transitional provisions**

- (1) Notwithstanding section 10, every employer shall, within 30 days of the coming into operation of this Act, make a risk assessment in accordance with that section, in respect of his undertaking.
- (2) Section 17(3) shall apply to any manufacturer, importer or supplier of substances referred to in that subsection after 3 months of the coming into operation of this Act.
- (3) Any application, complaint, inspection, investigation made or initiated under the repealed enactment, and pending at the date of coming into operation of this Act, shall be deemed to have been made or initiated under this Act and action shall be taken thereon in accordance with the provisions of this Act, subject to such additional requirements of this Act being complied with.
- (4) The Advisory Council for Occupational Safety, Health and Welfare appointed under the repealed enactment shall, notwithstanding the appointment of the Advisory Council for Occupational Safety, Health and Welfare under section 28, continue in existence for a period not exceeding 6 months as if this Act has not been enacted only for the purpose of completing any matter referred to it by the Minister for the purposes of advice and assistance.
- (5) (a) Every person who, on the date of the coming into operation of this Act, holds or obtains within one year of that date, any of the qualifications specified in Part II of the First Schedule may apply for registration under this Act, notwithstanding the fact that he does not possess the qualifications specified in Part 1 of the First Schedule as required under section 29 (2).

- (b) Every person who, on the coming into operation of this Act, was registered as a Safety and Health Officer under the Occupational Safety, Health and Welfare (Fees and Registration) Regulation, 1989 may continue to practise as a Safety and Health Officer without being registered under this Act for a period of 12 months from the coming into operation of this Act.
  - (c) Notwithstanding section 30 (4) (a) and paragraph (b), every employee who was also registered as a part-time Safety and Health Officer for his employer may continue to act as such, without being registered under this Act for the period of 24 months from the coming into operation of this Act, following which shall opt to occupy one of his two positions.
  - (d) No employee who exercises an option to practise as shop shall start his practice unless he is registered, under section 29, as a Safety and Health Officer.
- (6) Any boiler inspector or machinery inspector registered under the repealed enactment shall be deemed to have been registered under this Act.
  - (7) Any employer whose place of work does not comply with the provisions of section 35 shall, at latest 12 months after the coming into operation of this Act, make suitable arrangements for compliance with that section.
  - (8) Any fire certificate and any factory building permit issued under the repealed enactment shall be deemed to have been issued under this Act.
  - (9) (a) Every proceeding commenced under the repealed enactment and wholly or partly heard may be continued and completed as if the repealed enactment were still in operation.
  - (b) Every appeal that had been commenced under the repealed enactment and not finally determined shall be dealt with as if this Act had not come into operation.
  - (10) Where this Act does not make provision for the necessary transition from the repealed enactment to this Act, the Minister may make regulations for such transition.

## 106. Commencement

- (1) Subject to subsection (2), this Act shall come into operation on a day to be fixed by Proclamation.
- (2) Different dates may be fixed for the coming into operation of different sections.

Passed by the National Assembly on the thirteenth day of September two hundred and five.

B. Dwarka  
Deputy Clerk of the National Assembly



**FIRST SCHEDULE**

*(section 29 & 105)*

**REGISTERED SAFETY AND HEALTH OFFICER****MINIMUM QUALIFICATIONS****PART I**

Diploma in Occupational Health and Safety of the University of Mauritius or its equivalence certified by the Tertiary Education Commission

**PART II****Australia**

Certificate in Safety Management of the Royal Melbourne Institute of Technology.

Certificate of the National Safety Council of Australia

**Canada**

Certificate of the Industrial Accident Prevention Association

Certificate of the British Columbia Safety Council.

**France**

Certificat d'Etudes Spéciales de Médecine du Travail

Diplome de l'Institut National de Sécurité

**Mauritius**

Diploma in Occupational Health and Safety of the University of Mauritius

**New Zealand**

Certificate of the National Safety Association of New Zealand.

**South Africa**

Diploma in Occupational Health and Safety of the National College of Industrial Hygiene, now known as the Environment Science Services Consultant (Pty) Ltd, supervised by the Board of Examiners of Australia

Diploma in Industrial Hygiene of the National College of Industrial Hygiene, now known as the Environment Science Services Consultant (Pty) Ltd, supervised by the Board of Examiners of Australia.

### **Switzerland**

Diplome de la Société Suisse des Contremaîtres de Sécurité

### **United Kingdom**

Corporate Membership Diploma of the Institution of Industrial Safety Officers

Certificate in Occupational Safety and Health of the University of Aston in Birmingham.

Diploma or Certificate in Safety Management of the British Safety Council

Corporate Membership Diploma of the Institution of Occupational Safety and Health of Great Britain

Master of Science in Occupational Hygiene of the University of Newcastle upon Tyne.

International Diploma in Health and Safety Management of the British Safety Council

International Diploma in Safety Management of the British Safety Council

Diploma in Occupational Health and Safety Management of the Nottingham Trent University.

Bachelor of Science in Occupational Hygiene of the Polytechnic of the South Bank, London

Bachelor of Science in Occupational Hygiene of the South Bank University, London

Associateship of the Faculty of Occupational Medicine of the Royal College of Physicians, London.

### **United States of America**

Licence of the Board of Certified Safety Professionals of the Americas

Advanced Safety Certificate of the National Safety Council.

SECOND SCHEDULE

(section 27)

PROHIBITION ORDER

To.....

I .....of.....Tel.No.....

hereby give you notice that I am of the opinion that the following activities, namely:-

.....

.....  
which are being carried on by you/about to be carried on by you/under your control  
at.....

involve/or will involve a risk of serious bodily injury.

I am further of the opinion that the said matters involve contraventions of the following statutory provisions:-

.....

.....

.....because.....

.....

and I hereby direct that the said activities shall be prohibited on/after

.....

unless the said matters have been remedied to the satisfaction of the undersigned.

Date: .....

.....

Permanent Secretary

## THIRD SCHEDULE

*(section 46)*

Blow moulding machines.  
Brick and tile presses.  
Calenders.  
Carding machines in use in the wool textile trades.  
Corner staying machines.  
Dough brakes.  
Dough mixers.  
Garment presses.  
Gill boxes in use in the wool textile trades.  
Guillotine machines.  
Hydro-extractors.  
Injection moulding machines.  
Lifting machines.  
Loose knife punching machines.  
Machines used for opening or teasing in upholstery or bedding works.  
Meat mincing machines.  
Milling machines in use in the metal trades.  
Pie and tart making machines.  
Platen printing machines.  
Power presses, including hydraulic and pneumatic presses.  
Rubber mixing rolls used in rubber processing.  
Semi-automatic wood turning lathes.  
Softening and stripping machines used in fibre processing.  
Steam boilers.  
Washing machines.  
Wire stitching machines.  
Woodworking machines.  
Worm pressure extruding machines.

## FOURTH SCHEDULE

*(sections 51 and 61)*

### REPORT OF EXAMINATION OF A CRANE OR LIFTING MACHINE

1.	Name and address of owner	
2.	Address of place of work	
3.	Description, make and number or mark of the crane or lifting machine	
4.	Date of construction	
5.	Details of test or examination	
6.	Safe working load or loads as the case may be	
7.	Particulars of any defect found which affects the safety of the crane or lifting machine	
8.	Repairs (if any) required immediately	
9.	Repairs (if any) required within a specified time (which must be stated) for the continued safe use of the crane or lifting machine	
10.	Other observations	

I certify that on..... the crane or lifting machine described above was made accessible for test and/or thorough examination, and that on the said date I tested and/or thoroughly examined this crane or lifting machine, and that the above is a true report of the result of my test and/or examination.

Signature of registered machinery inspector: .....

Name: .....

Address: .....

Tel No.: .....

Date: .....

## FIFTH SCHEDULE

(section 53)

### REPORT OF EXAMINATION OF A HOIST OR LIFT

1.	Name and address of owner	
2.	Address of place of work	
3.	Description, make of the hoist or lift	
4.	Date of construction	
5.	Name of person or company maintaining and servicing the hoist or lift	
6.	Maximum working load and in the case of a lift intended for carrying persons, or maximum number of persons and load which may safely be carried	
7.	Particulars of any defect found which affects the safety of the hoist or lift	
8.	Repairs (if any) required immediately	
9.	Repairs (if any) required within a specified time(which must be stated) for the continued safe use of the hoist or lift	
10.	Condition of the safety devices required by Section 53(7)	
11.	Other observations	

I certify that on ..... the hoist or lift described above was made accessible for examination, and that on the said date I thoroughly examined the hoist or lift and that the above is a true report of the result of my observation.

Signature of registered machinery inspector: .....

Name: .....

Address: .....

Tel No.: .....

Date: .....

## SIXTH SCHEDULE

(section 57)

## REPORT OF EXAMINATION OF A STEAM BOILER WHEN COLD AND WHEN UNDER STEAM PRESSURE

1.	Name and address of owner	
2.	Address of place of work	
3.	(a) Description, type, and make of boiler (b) Registration number of boiler	
4.	Date of construction	
5.	Date of last hydraulic test (if any) and pressure applied	
6.	Has the last previous report of examination been seen by the examiner?	
7.	Quality and source of feed water	
8.	Is the boiler in the open or otherwise exposed to the weather?	
<b>Part A: Examination of Boiler when Cold</b>		
9.	Date of examination	
10.	Boiler (a) What parts of seams, drums or headers are covered by brickwork? (b) Date of last exposure of such parts for the purpose of examination (c) What parts (if any) other than parts covered by brickwork and mentioned above were inaccessible? (d) What examination and tests were made? (if there was any removal of brickwork, particulars should be given here) (e) Condition of boiler – State any defects materially affecting the maximum permissible working pressure. } External Internal	
11.	Fittings and attachments (a) Are there proper fittings and attachments? (b) Are all fittings and attachments in satisfactory condition (so far as ascertainable when not under pressure)?	
12.	Repairs (if any) required, and period within which they should be carried out, and any other	

	conditions which the person making the examination thinks it necessary to specify for securing safe working	
13.	Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination; due allowance being made for conditions or working if unusual or exceptionally severe	
14.	Where repairs affecting the working pressure are required, state the maximum permissible working pressure: (a) Before the expiry of the period specified in 12 (b) After the expiration of such period if the required repairs have not been completed (c) After the completion of the required repairs	
15.	Other observations	
<b>Part B: Examination of Boiler under Steam Pressure</b>		
16.	Date of examination	
17.	Fittings and attachments (a) Is the safety valve so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure specified in the last report of examination when cold? (b) If a lever safety valve, is the weight secured on the lever in the correct position? (c) Is the pressure gauge working correctly? (d) Is the water gauge in proper working order?	
18.	Repairs (if any) required, and period within which they should be carried out and any other conditions which the person making the examination thinks it necessary to specify for securing safe working	
19.	Other observations	

I certify that on..... the boiler above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination, and that on the said date/s, I thoroughly examined this boiler, including its fittings and attachments and that the above is a true report of the result.



I authorise the use of the above described boiler from.....  
to .....

Signature of registered boiler inspector: .....

Name: .....

Address: .....

Tel No.: .....

Date: .....

## SEVENTH SCHEDULE

(section 58)

## REPORT OF THOROUGH EXAMINATION OF A STEAM RECEIVER

1.	Name and address of owner	
2.	Address of place of work	
3.	Description and make of steam receiver	
4.	(a) Date of construction. (b) Was the last previous report of examination seen by the examiner?	
5.	Receiver (a) (i) What parts (if any) were inaccessible? (ii) What examination and tests were made?  (b) (i) Date of last hydraulic test? (ii) Pressure applied?  (c) Condition of receiver? (i) external (ii) internal	
6.	Fittings (a) Are the required fittings and appliances provided in accordance with the legal provisions? (b) Are all fittings and appliances properly maintained and in good condition?	
7.	Repairs (if any) required and period within which they should be carried out and any other condition which the examiner thinks it necessary to specify for securing safe working	
8.	Safe working pressure calculated from dimensions and from thickness and other data ascertained by the present examination (due allowance being made for the conditions of working if unusual or exceptionally severe) Where repairs affecting the safe working pressure are required, state the safe working pressure:— (a) before the expiry of period specified in 7 above (b) after the expiry of such period if the required repairs have not been	

	completed (c) after the completion of the required repairs	
9.	Other observations	

I certify that on..... I thoroughly examined the steam receiver described above including its fittings and that the above is a true report of my examination.

Signature of registered boiler inspector:.....

Name: .....

Address: .....

Tel No.: .....

Date: .....

## EIGHTH SCHEDULE

(section 59)

## REPORT OF EXAMINATION OF AN AIR RECEIVER

## Part I

1.	Name and address of owner	
2.	Address of place of work	
3.	(a) Date of construction (if ascertainable). (b) Brief history of air receiver (c) Has examiner seen the previous report.	
4.	Description and distinguishing mark of receiver and type	
5.	Fittings (a) Are the required fittings and appliances provided in accordance with section 59? (b) Are all fittings and appliances properly maintained and in good condition?	
6.	Repairs (if any) required and period within which they should be carried out and any other condition which the examiner thinks it necessary to specify for securing safe working	
7.	Safe working pressure calculated from dimensions and from thickness and other data ascertained by the present examination (due allowance being made for the conditions of working if unusual or exceptionally severe) Where repairs affecting the safe working pressure are required, state the safe working pressure:- (a) before the expiry of period specified in 6 above; (b) after the expiry of such period if the required repairs have not been completed; and (c) after the completion of the required repairs.	

**Part II**

<b>(Applicable to an air receiver which is not of solid drawn construction)</b>		
8.	Condition of receiver: (State cleanliness of receiver and any defects materially affecting the safe working pressure ) External: Internal :	
9.	Results of examination under normal pressure	
10.	Other observations	

**Part III**

<b>(Applicable to an air receiver of solid drawn construction which cannot be examined internally)</b>		
11.	Date of last previous hydraulic test and pressure applied	
12.	Receiver: (a) Hydraulic test pressure applied; (b) Result of hydraulic test; and (c) External condition (including cleanliness)	
13.	Other observations	

I certify that on.....

- \* (i) the air receiver described in Parts I and II above, was made accessible for thorough examination and on the said date I thoroughly examined this receiver, including its fittings
- \* (ii) I examined the air receiver described in Parts I and III above, including its fittings and tested it hydraulically and the above is a true report of the results of my examination.

Signature of registered machinery inspector:.....  
 Name: .....  
 Address: .....  
 Tel No. :.....

Date: .....

Note

\* Delete whichever is not applicable.

**NINTH SCHEDULE***(sections 2 and 77)***LIST OF SUBSTANCES HAZARDOUS TO HEALTH**

Alpha-naphthylamine (other than alpha-naphthylamine containing, as a by-product of a chemical reaction, more than one percent of beta-naphthylamine), and their salts

Ortho-tolidine and its salts

Dianisidine and its salts

Dichlorobenzidine and its salts

Acrylonitrile

Arsenic and compounds

Asbestos

Auramine

Benzene including benzol

Beryllium dust or fume

Cadmium and compounds

Carbon disulphide

Carbon tetrachloride

Chloroform

Chromic acid

Coal soots, coal tar, pitch and coal tar fumes

Disulphur dichloride

Hard wood dusts

Isopropyl alcohol

Lead (when used in the process of manufacture of electric accumulators, the breaking up or sorting of dried plates from electric accumulators, or any other processes where lead may be present in such quantity and under such conditions as may be harmful to health).

Leather dust (arising during preparation and finishing of boots and shoe manufacture)

Magenta

Mercury and compounds

Methyl bromide

4,4 - Methylene bis - (2 - Chloroaniline)

Mustard gas (3,  $\beta$ -dichlorodiethyl sulphide)

Nickel and compounds

Nitro or amino derivatives of phenol and of benzene or its homologues

Paradichlorobenzene

Platinum salts

Rubber process dust and rubber fumes

Sodium or potassium chromate

Sodium or potassium dichromate

Trichloroethylene

Used engine oils

Vinyl chloride monomer (VCM)

White phosphorous

Any substance which when absorbed may cause methaemoglobinaemia, and in particular, any compound to which one or more (-NO<sub>2</sub>) or amino (-NH<sub>2</sub>) groups is directly attached to a benzoid or aromatic ring system.

## TENTH SCHEDULE

*(section 83)*

### PROCESSES IN WHICH EYE PROTECTORS OR SHIELDS SHOULD BE PROVIDED TO THE EMPLOYEES

1. The blasting or erosion of concrete by means of shot or other abrasive materials propelled by compressed air.
2. The cleaning of buildings or structures by means of shot or other abrasive materials propelled by compressed air.
3. Cleaning by means of high-pressure water jets.
4. The striking or removing of nails by means of a hammer or other hand tool or by means of a power driven portable tool.
5. Any work carried out with a hand-held cartridge operated tool, including the operation of loading and unloading live cartridges into such a tool, and the handling of such a tool for the purpose of maintenance, repair or examination when the tool is loaded with a live cartridge.
6. The chipping of metal, and the chipping, knocking out, cutting out or cutting off of cold rivets, bolts, nuts, lugs, pins, collars, or similar articles from any structure or plant, or from part of any structure or plant, by means of a hammer, chisel, punch, or similar hand tool, or by means of a power driven portable tool.
7. The chipping or scurfing of paint, scale, slag, rust or other corrosion from the surface of metal and other hard materials by means of a hand tool or by means of a power driven portable tool or by applying articles of metal or such materials to a power driven tool.
8. The use of a high-speed metal cutting saw or an abrasive cutting-off wheel or disc, which in either case is power driven.
9. The pouring or skimming of molten metal in foundries.
10. The handling in open vessels or manipulation of acids, alkalis, corrosive materials, whether liquid or solid, and other substances which are similarly injurious to the eyes, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from drops splashed or particles thrown off.
11. The driving in or on of bolts, pins, collars or similar articles to any structure or plant or to part of any structure or plant by means of a hammer, chisel, punch or similar hand tool or by means of a power portable tool, where in any of the foregoing cases there is



a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.

12. Injection by pressure of liquids or solutions into buildings or structures or parts thereof where in the course of any such work there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from any such liquids or solutions.
13. The breaking up of metal by means of a hammer, whether power driven or not, or by means of a tup, where in either of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
14. The breaking, cutting, cutting into, dressing, carving or drilling by means of a power driven portable tool or by means of a hammer, chisel, pick or similar hand tool other than a trowel, of any of the following, that is to say –
  - (a) glass, hard plastics, concrete, fired clay, plaster, slag or stone (whether natural or artificial);
  - (b) materials similar to any of the foregoing;
  - (c) articles consisting wholly or partly of any of the foregoing;
  - (d) stonework, brickwork or blockwork;
  - (e) bricks, tiles or blocks (except blocks made of wood);

where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.

15. The use of compressed air for removing swarf, dust, dirt or other particles, where in the course of any such work there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
16. Work at a furnace containing molten metal, and the pouring or skimming of molten metal in places other than foundries, where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from molten metal.
17. Processes in foundries where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from hot sand thrown off.
18. The operation of coiling wire, and operations connected therewith, where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from particles or fragments thrown off or from flying ends of wire.

19. The cutting of wire or metal strapping under tension, where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from flying ends of wire or flying ends of metal strapping.
20. Work in the manufacture of glass and in the processing of glass and the handling of cullet, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles of fragments thrown off.
21. Any process involving the use of an exposed electric arc or an exposed stream of arc plasma.
22. The welding of metals by means of apparatus to which oxygen or any flammable gas or vapour is supplied under pressure.
23. The cutting, boring, cleaning, surface conditioning, or spraying of material by means of apparatus (not being apparatus mechanically driven by compressed air) to which air, oxygen or any flammable gas or vapour is supplied under pressure excluding any such process elsewhere specified, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off or from intense light or other radiation.
24. Any process involving the use of an instrument which produces light amplification by the stimulated emission of radiation, being a process in which there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the process from radiation.
25. Truing or dressing of an abrasive wheel where in either of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
26. Work with drop hammers, power hammers, horizontal forging machines, and forging presses, other than hydraulic presses, used in any case for the manufacture of forgings.
27. The dry grinding of materials or articles by applying them by hand to a wheel, disc or band which in any such case is power driven or by means of a power driven portable tool, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
28. The fettling of metal castings, involving the removal of metal, including runners, gates and risers, and the removal of any other material during the course of such fettling, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.

29. The machining of metals, including any dry grinding process not elsewhere specified, where there is a reasonably foreseeable risk of injury to the eyes of a person engaged in any such work from particles or fragments thrown off.
30. The welding of metals by an electric resistance process or a submerged electric arc, where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from particles or fragments thrown off.

**ELEVENTH SCHEDULE***(section 85)***LIST OF INJURIES REQUIRING IMMEDIATE NOTIFICATION**

1. Fracture of the skull, spine or pelvis.
2. Fracture of any bone–
  - (i) in the arm or wrist, but not a bone in the hand; or
  - (ii) in the leg or ankle, but not a bone in the foot.
3. Amputation of–
  - (i) a hand or foot; or
  - (ii) a finger, thumb or toe, or any part thereof if the joint or bone is completely severed.
4. The loss of sight of an eye, a penetrating injury to an eye, or a chemical or hot metal burn to an eye.
5. Either injury (including burns) requiring immediate medical treatment, or loss of consciousness, resulting in either case from an electric shock from any electrical circuit or equipment, whether or not due to direct contact.
6. Loss of consciousness resulting from lack of oxygen.
7. Decompression sickness.
8. Either acute illness requiring medical treatment, or loss of consciousness, resulting in either case from the absorption of any substance by inhalation, ingestion or through the skin.
9. Acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a pathogen or infected material.
10. Any other injury which results in the person injured being admitted into hospital for more than 24 hours.

## TWELFTH SCHEDULE

*(sections 6 and 85)*

### LIST OF DANGEROUS OCCURRENCES

1. The collapse of, the overturning of, or the failure of any load bearing part of—
  - (a) any lift, hoist, crane, derrick or mobile powered access platform, but not any winch, teagle, pulley block, gin wheel, transporter or runway;
  - (b) any excavator; or
  - (c) any pile driving frame or rig having an overall height, when operating, of more than 7 metres.
2. Explosion, collapse or bursting of any closed vessel, including a boiler or boiler tube, in which the internal pressure was above or below atmospheric pressure, which might have been liable to cause the death of, or injury to any person, or which resulted in the stoppage of the plant involved for more than 24 hours.
3. Electrical short circuit or overload attended by fire or explosion which resulted in the stoppage of the plant involved for more than 24 hours and which, taking into account the circumstances of the occurrence, might have been liable to cause the death of, or injury to any person.
4. An explosion or fire occurring in any plant or place which resulted in the stoppage of that plant or suspension of normal work in that place for more than 24 hours, where such explosion or fire was due to the ignition of process materials, their by-products (including waste) or finished products.
5. The sudden, uncontrolled release of 500 kilogrammes or more of highly flammable liquid, flammable gas or flammable liquid above its boiling point from any system or plant or pipe-line.
6. A collapse or partial collapse of any scaffold which is more than 5 metres high which results in a substantial part of the scaffold falling or overturning; and where the scaffold is slung or suspended, a collapse or part collapse of the suspension arrangements (including any outrigger) which causes a working platform or cradle to fall more than 5 metres.
7. Any unintended collapse or partial collapse of—
  - (a) any building or structure under construction, reconstruction, alteration or demolition, or of any false-work, involving a fall of more than 5 tonnes of materials; or

- (b) any floor or wall of any building being used as a place of work, not being a building under construction, reconstruction, alteration or demolition.
8. Either of the following incidents in relation to a pipeline–
- (a) the bursting, explosion or collapse of a pipe-line or any part thereof; or
  - (b) the unintentional ignition of anything in a pipe-line, or of anything which immediately before it was ignited was in a pipe-line.
9. Any incident in which plant or equipment either comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts, or causes an electrical discharge from such an electric line by coming into close proximity to it, unless in either case the incident was intentional.

## THIRTEENTH SCHEDULE

*(section 85)*

### REPORT OF ACCIDENT OR DANGEROUS OCCURRENCE

1. Name and address of employer : .....
  
2. Place of work and site of accident or dangerous occurrence\*:  
.....
  
3. Nature of business: .....
  
4. Date and time of accident or dangerous occurrence\*: .....
  
5. Name and address of injured person: .....  
.....
  
6. (a) Sex..... (b) Age.....  
(c) Occupation .....
  
7. Kind of work being performed at time of accident or dangerous occurrence\*:  
.....
  
8. Particulars of injury (whether fatal): .....
  
9. Cause and particulars of the accident or dangerous occurrence\*: .....  
.....
  
10. Reasons for the accident or dangerous occurrence\*:  
.....
  
11. Names of witnesses, if any: .....  
.....  
.....
  
12. Any further particulars: .....  
.....

.....  
I certify that to the best of my knowledge that the information given above is correct.

Date.....

Name:.....

Status.....

Signature.....

Note: \* Delete whichever is not applicable.



## FOURTEENTH SCHEDULE

(sections 2, 19, 77 and 86)

### LIST OF NOTIFIABLE OCCUPATIONAL DISEASES

1. **Diseases caused by agents**
- 1.1 Diseases caused by Chemical agents
- 1.1.1 Diseases caused by beryllium or its toxic compounds
- 1.1.2 Diseases caused by cadmium or its toxic compounds
- 1.1.3 Diseases caused by phosphorus or its toxic compounds
- 1.1.4 Diseases caused by chromium or its toxic compounds
- 1.1.5 Diseases caused by manganese or its toxic compounds
- 1.1.6 Diseases caused by arsenic or its toxic compounds
- 1.1.7 Diseases caused by mercury or its toxic compounds
- 1.1.8 Diseases caused by lead or its toxic compounds
- 1.1.9 Diseases caused by fluorine or its toxic compounds
- 1.1.10 Diseases caused by carbon disulphide
- 1.1.11 Diseases caused by toxic halogen derivatives of aliphatic or aromatic hydrocarbons
- 1.1.12 Diseases caused by benzene or its homologues
- 1.1.13 Diseases caused by toxic nitro-and amino-derivatives of benzene or its homologues
- 1.1.14 Diseases caused by nitroglycerine or other nitric acid esters
- 1.1.15 Diseases caused by alcohols, glycols or ketones
- 1.1.16 Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulphide
- 1.1.17 Diseases caused by acrylonitrile
- 1.1.18 Diseases caused by oxides of nitrogen
- 1.1.19 Diseases caused by vanadium or its toxic compounds
- 1.1.20 Diseases caused by antimony or its toxic compounds
- 1.1.21 Diseases caused by hexane
- 1.1.22 Diseases of the teeth due to mineral acids
- 1.1.23 Diseases due to pharmaceutical agents
- 1.1.24 Diseases due to thallium or its compounds
- 1.1.25 Diseases due to osmium or its compounds
- 1.1.26 Diseases due to selenium or its compounds
- 1.1.27 Diseases due to copper or its compounds
- 1.1.28 Diseases due to tin or its compounds
- 1.1.29 Diseases due to zinc or its compounds
- 1.1.30 Diseases due to methyl bromide
- 1.1.31 Diseases caused by irritants: benzoquinone and other corneal irritants
- 1.1.32 Diseases due to organic isocyanates
- 1.1.33 Diseases due to boron or its compounds
- 1.1.34 Diseases due to ozone, phosgene

- 1.1.35 Diseases caused by any other chemical agents not mentioned in the preceding items 1.1.1 to 1.1.34, where a link between the exposure of the worker to these chemical agents and the diseases suffered is established.
- 1.2 Diseases caused by physical agents
  - 1.2.1 Hearing impairment caused by noise
  - 1.2.2 Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves)
  - 1.2.3 Diseases caused by work in compressed air
  - 1.2.4 Diseases caused by ionising radiation
  - 1.2.5 Diseases caused by heat radiation
  - 1.2.6 Diseases caused by ultra violet radiation
  - 1.2.7 Diseases caused by extreme temperature (e.g sunstroke, frostbite)
  - 1.2.8 Diseases caused by any other physical agents not mentioned in the preceding items 1.2.1 to 1.2.7 where a direct link between the exposure of a worker to these physical agents and the diseases suffered is established.
- 1.3 Biological agents
  - 1.3.1 Infections or parasitic diseases contracted in an occupation where there is a particular risk of contamination.
- 2. Diseases by target organ systems**
  - 2.1 Occupational respiratory diseases
    - 2.1.1 Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthracosilicosis, asbestosis) and silicotuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death
    - 2.1.2 Bronchopulmonary diseases caused by hard metal dust
    - 2.1.3 Bronchopulmonary diseases caused by cotton flax, hemp or sisal dust (byssinosis) and other fibres
    - 2.1.4 Occupational asthma caused by the recognised sensitising agents or irritants inherent to the work process
    - 2.1.5 Extrinsic allergic alveolitis caused by the inhalation of organic dusts
    - 2.1.6 Siderosis
    - 2.1.7 Chronic obstructive pulmonary diseases
    - 2.1.8 Diseases of lung, due to aluminium
    - 2.1.9 Upper airways disorders caused by recognised sensitising agents or irritants inherent to the work process
    - 2.1.10 Bagassosis
    - 2.1.11 Any other respiratory disease not mentioned in the preceding items 2.1.1 to 2.1.10, caused by an agent where a direct link between the exposure of a worker to this agent and the disease suffered is established
  - 2.2 Occupational skin diseases
    - 2.2.1 Skin diseases caused by physical, chemical or biological agents not included under other items
    - 2.2.2 Occupational vitiligo
  - 2.3 Occupational musculo-skeletal disorders

- 2.3.1 Musculo-skeletal diseases caused by specific work activities or work environment where particular risk factors are present. Examples of such activities or environment include-
- (a) rapid or repetitive
  - (b) forceful exertion
  - (c) excessive mechanical force concentration
  - (d) Awkward or neutral position
  - (e) vibration
- (local or environmental cold may potentiate risks)

### 3. **Occupational Cancer**

- 3.1 Cancer caused by the following agents
- 3.1.1 Asbestos
  - 3.1.2 Benzidine and salts
  - 3.1.3 Bis chloro methyl ether (BCME)
  - 3.1.4 Chromium and chromium compounds
  - 3.1.5 Coal tars and coal tar pitches; soot
  - 3.1.6 Betanaphtylamine
  - 3.1.7 Vinyl chloride monomer
  - 3.1.8 Benzene or its toxic homologues
  - 3.1.9 Toxic nitro-and amino-derivatives of benzene or its homologues
  - 3.1.10 Ionising Radiation
  - 3.1.11 Tar, pitch, bitumen, mineral oil, anthracene, or its compounds, products or residues of these substances
  - 3.1.12 Coke oven emissions
  - 3.1.13 Compound of nickel
  - 3.1.14 Dust from wood
  - 3.1.15 Cancer of the nasal cavity or associated air sinuses
  - 3.1.16 Cancer of the urinary tract
  - 3.1.17 Cancer caused by any other agents not mentioned in the preceding items 3.1.1 to 3.1.16, where a direct link between the exposure of a worker to this agent and the cancer suffered is established.

### 4. **Other conditions**

- 4.1 Miners' nystagmus
- 4.2 Heat Cataract
- 4.3 Decompression sickness
- 4.4 Toxic anemia
- 4.5 Toxic jaundice

## FIFTEENTH SCHEDULE

*(section 88)*

### APPLICATION FOR THE REGISTRATION OF A FACTORY

I..... on behalf of..... hereby apply for registration/renewal of certificate of registration to operate a factory as from..... and particularised as hereunder:

1. (a) Name of employer.....
- (b) Address of employer..... Tel. No.....
- (c) Registered office or principal place of business of company, societe or corporate body.....
2. Address of the factory.....
3. Nature of the process or manufacture carried or intended to be carried on at the factory.....
4. Number of employees:  
 Male..... Female.....  
 Young persons: (Male)... (Female).....  
 Total.....
5. State number and particulars of welfare facilities:-
  - (a) Sanitary conveniences for:  
 male employees.....  
 female employees.....
  - (b) Washing facilities .....
  - (c) Mess or facilities for the taking of meals .....
  - (d) Accommodation for clothing or changing room:.....
6. (a) Total power used or generated by machinery installed in the factory .....

- (b) Responsible person in general charge of all machinery:
  - (i) Name.....
  - (ii) Address.....
  - (iii) Qualifications.....

7. This paragraph applies to every employer of 100 or more employees or as directed by the Permanent Secretary–

- (a) (i) Name of person responsible for safety, health and welfare at the place of work .....
- (ii) Position held .....
- (b) (i) Name of registered safety and health officer .....
- (ii) Private address .....

8. List any machinery or equipment which are used or intended to be used in the factory:–

	Number in use
(a) Steam Boiler	.....
(b) Steam Receiver	.....
(c) Air receiver	.....
(d) Hoist and Lift	.....
(e) Crane and other lifting machine	.....
(f) Woodworking machine	.....
(g) Refrigeration plant	.....
(h) Vehicle Lift	.....
(i) Escalator	.....
(j) Other machines	.....

9. State whether substances hazardous to health, corrosive or flammable substances are used, manufactured or likely to be formed in the course of any process.....

If yes, give the names and quantities of these substances

.....  
 .....

10. State whether the factory building is new .....

Signature of applicant: .....

Name: .....

Status: .....

Date: .....

FOR OFFICE USE ONLY

I

The application is-

\*(a) approved with conditions for period.....to.....

\*(b) approved without conditions for period ..... to .....

\*(c) Not approved.

Date: .....:.....

for Director, Occupational Safety and Health

\*Delete whichever is not applicable.

II

III

Rs cs

Registration Fee: .....  
 (already paid)

Surcharge (50%): .....

TOTAL: .....

Factory Building Permit Fee: Rs.....

Receipt No.:.....

Certificate No.:.....

Date of issue:.....

File No.: .....

Receipt No.: .....

Certificate No.:.....

Date of issue: .....

Date of expiry: .....

.....  
Signature of Issuing Officer for Director, Occupational Safety and Health

Date: ..... Date: :.....

**SIXTEENTH SCHEDULE**

(section 29)

**APPLICATION FORM FOR REGISTRATION TO PRACTISE AS A SAFETY AND HEALTH OFFICER**

1. Full name (Surname in block letters) : .....
2. Date of birth: .....
- 3 (a) Private address: .....
- (b) Tel No.: .....
4. Relevant qualifications held: .....  
 .....  
 (Photostat copy of qualification to be annexed and original to be produced)
- 5 (a) Are you involved in any kind of work activity for financial gain of any nature other than that of a Safety and Health Officer?  
 .....
- (b) If yes, please state nature of work activity and name (s) and address(es) of employer (s):  
 (i) .....  
 (ii) .....
- (c) Number of working hours which I may devote to my activities as a Safety and Health Officer per week:  
 .....  
 (Details to be provided)
6. Name(s) of employer(s), address(es) of place(s) of work and number of persons employed where I am actually employed as a Safety and Health Officer.

Name(s) of employer(s)	Address(es) of place(s) of work	Number of employees
(1) .....	.....	.....
(2) .....	.....	.....
(3) .....	.....	.....
(4) .....	.....	.....



- Note:** (i) Any further details may be annexed
- (ii) Plan of work to be annexed, (if required).
- (iii) Documentary evidence of employment as Safety and Health Officer to be annexed.

7. I hereby apply for registration to practise as a Safety and Health Officer at the place(s) of work mentioned in paragraph 6 above.

8. I am aware that any person who knowingly or recklessly makes a false statement in purported compliance with a requirement to furnish any information imposed by or under the Occupational Safety and Welfare Act 2005 shall commit an offence.

Date : ..... Signature :.....

**For Office use only**

(1) The application is recommended/not recommended for registration

.....

.....

(2) The application is -

(a) approved/ not approved for registration to practise for the following employer(s):

Name of employer(s)	File (s) No. (s)
.....	.....
.....	.....
.....	.....
.....	.....

Entries made at folio ..... in the register of Safety and Health Officer.

Registration fee paid : Rs ..... Receipt Number .....

Name of Officer : .....  
 for Permanent Secretary

### SEVENTEENTH SCHEDULE

(section 52)

#### REPORT OF EXAMINATION OF A VEHICLE LIFT

1.	Name and address of owner	
2.	Address of place of work or building	
3.	Description, make and number of vehicle lift	
4.	Date of construction	
5.	Name of person or company maintaining and servicing the vehicle lift	
6.	(i) Date of last test (ii) Details of (a) tests (b) examinations	
7.	Maximum working load	
8.	Particulars of any defect found which affect the safety of the vehicle lift	
9.	Repairs (if any) required immediately	
10.	Repairs (if any) required within a specified time (which must be stated) for the continued safe use of the vehicle lift	
11.	Condition of the safety devices required by section 52	
12.	Other observations	

I certify that on .....the vehicle lift described above was made available for test and/or thorough examination, and that on the said date I tested and/or thoroughly examined this vehicle lift, and the above is a true report of my test and/or examination.

Signature of registered machinery inspector: .....

Name: .....

Address: .....

Telephone No.: .....

Date: .....

**EIGHTEENTH SCHEDULE***(section 53)*

Description and make of lift : .....

This lift was examined by a registered machinery inspector on ..... *(date)*,

in accordance with section 53 of the Occupational Safety and Welfare Act, 2005. The  
next examination is due on ..... *(date)*.

Date: ..... Signature of owner: .....

## NINETEENTH SCHEDULE

(section 54)

### REPORT OF EXAMINATION OF AN ESCALATOR

1.	Name and address of owner	
2.	Address of place of work or building	
3.	Description and make of the escalator	
4.	Date of construction	
5.	Name of person or company maintaining and servicing the escalator	
6.	Particulars of any defect found which affects the safety of the escalator	
7.	Repairs (if any) required immediately	
8.	Repairs (if any) required within a specified time (which must be stated) for the continued safe use of the escalator	
9.	Other observations	

I certify that on .....the escalator described above was made available for thorough examination, and that on the said date I tested and/or thoroughly examined the escalator, and the above is a true report of my examination.

Signature of registered machinery inspector: .....

Name: .....

Address: .....

Telephone No.: .....

Date: .....

## TWENTIETH SCHEDULE

(section 60)

### REPORT OF EXAMINATION OF A REFRIGERATION PLANT

1.	Name and address of owner	
2.	Address of place of work	
3.	Description, make and model of the plant	
4.	Date of construction	
5.	Condition of the safety devices required by section 60	
6.	Are the fittings required by section 60 for positive displacement compressor provided?	
7.	Repairs (if any) required for the continued safe use of the refrigeration plant	
8.	Is the plant together with all its components and auxiliary parts properly maintained and in good condition	
9.	Other observations	

I certify that on .....the refrigeration plant described above was made available for test and/or thorough examination, and that on the said date I tested and/or thoroughly examined the plant, and the above is a true report of my examination.

Signature of registered machinery inspector: .....

Name: .....

Address: .....

Telephone No.: .....

Date: .....

## TWENTY-FIRST SCHEDULE

*(section 76)*

The responsibility to provide and maintain the fire safety measures shall be in accordance to this Schedule

	<b>Safety measures</b>	<b>Responsibility</b>
1.	Structural fire safety requirements/alteration	Owner
2.	Means for protecting means of escape	Owner
3.	Provision of emergency lighting in means of escape	Owner
4.	Maintenance/cleanliness of escape route	Owner
5.	Provision and maintenance of fire extinguishers	Owner
6.	Installation of hydrant/rising mains/hose reels	Owner
7.	Fixed installation (sprinklers, drenches, carbon dioxide, inergen) in normal condition	Owner
8.	Fixed installation (sprinklers, drenches, carbon dioxide, inergen) in specific condition	Owner
9.	Provision and installation of fire detectors, call points, sounders, control panels	Owner
10.	Maintenance of fire alarm systems	Owner