

SUBSIDIARY LEGISLATION 424.09**WORK PLACES (HEALTH, SAFETY AND WELFARE)
REGULATIONS**

9th February, 1987

LEGAL NOTICE 52 of 1986, as amended by Legal Notices 22 and 71 of 1996; Act XXVII of 2000; and Legal Notices 44 of 2002, and 35, 36 and 121 of 2003.

ARRANGEMENT OF REGULATIONS

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Preliminary

Citation.
Amended by:
XXVII. 2000.39.

Interpretation.
Amended by:
L.N. 22 of 1996.
Cap. 424.

1. The title of these regulations is the Work Places (Health, Safety and Welfare) Regulations.

2. (1) In these regulations, unless the context otherwise requires -

"Act" means the Occupational Health and Safety Authority Act;

"Director" means the Director of Labour;

"driving belt" includes any driving strap or rope;

"employer" has the same meaning as "occupier";

"fumes" includes gas or vapour;

"machinery" includes any driving belt;

"maintained" means kept in an efficient state, in efficient working order, and in good repair;

"occupier" and "employer" mean any of the persons mentioned in the definition of "employer" in article 2 of the Act;

"officer" means an officer appointed under article 15(1) of the Act;

"plant" includes any machinery, equipment or appliance;

"premises" includes any place and also includes in particular any vehicle, vessel, tent or movable structure;

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

"Sanitary Authority" includes the Superintendent, a Principal Medical Officer, a Senior Medical Officer, a Medical Officer of Health, an Occupational Health Officer, an Occupational Hygiene Officer, a Health Inspector and any other officer of the Department of Health duly authorised in writing by the Superintendent to ensure the observance of the provisions of the regulations relating to the welfare and health as well as the prevention and control occupational diseases;

"sanitary convenience" includes urinals, water closets, earth closets, privies, ashpits and any similar convenience;

"self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others;

"Superintendent" means the Superintendent of Public Health;

"transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, couplings, clutch, driving belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

"underground room" means room which is in whole or in part situated in such manner that at least half its height, measured from the floor to the ceiling, is below the surface of the ground adjoining or nearest to the room;

"woman" means a female who has attained the age of eighteen years;

"work place" has the same meaning as is assigned to it in article 2 of the Act;

"young person" means a person who has not yet attained the age of eighteen years.

(2) In these regulations, words and expressions defined in the Act shall have the same meaning as they have in these regulations, and the provisions of these regulations shall be read and construed in conjunction with the said Act.

PART I

SAFETY

General Provisions

3. (1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subregulation (2), shall be securely fenced whether the flywheel or prime mover is situated in an engine-house or not. Prime movers.

(2) Every part of electric generators, motors and rotary convertors, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be safe to every person employed or working on the premises as it would be if securely fenced.

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

(2) Efficient devices or appliances shall be provided, maintained and clearly marked in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving belt when not in use, shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on the fast pulley.

(5) Where the Director is satisfied that owing to special circumstances the fulfilment any of the requirements of subregulations (2) to (4) is unnecessary or impracticable, he may direct that that requirement shall not apply in those circumstances.

5. (1) Every dangerous part of any machinery other than prime movers and transmission machinery, shall be securely fenced Other machinery.

unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced:

Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this regulation 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.

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

Construction and maintenance of fencing.

6. All fencing and other safeguards provided in pursuance of the foregoing provisions of this regulation 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 where any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary.

Construction and sale of machinery.
Amended by:
XXVII. 2000.39.

7. (1) In the case of any machine in a work place which is a machine intended to be driven by mechanical power -

- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger;
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as an agent of the seller or hirer, causes or procures to be sold or let on hire, for use in a work place, any machine intended to be driven by mechanical power which does not comply with the requirements of this regulation shall be guilty of an offence.

(3) Nothing in subregulation (2) shall apply to any machinery or plant which was sold or let on hire before the coming into force of these regulations.

Self-acting machines.
Amended by:
XXVII. 2000.39.

8. (1) In any work place no traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, be allowed on its outward or inward traverse to run within a distance of forty-five centimetres from any fixed structure which is not part of the machine.

(2) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting machine and any part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

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

Teagle openings and similar doorways.

(2) The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

10. (1) In determining, for the purposes of the foregoing provisions of this Part, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced, the following paragraphs shall apply in a case where this regulation applies, that is to say:

Provisions as to unfenced machinery.

- (a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or any adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be carried out while the part of machinery is in motion; and
- (b) in the case of any part of transmission machinery used in any such process as may be specified in the regulations, being a process where owing to the continuous nature thereof, 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, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts.

(2) This regulation applies only where the examination, lubrication or other operation is carried out by such persons who have attained the age of eighteen years, and all such conditions as may be so specified are complied with.

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

Chains, ropes and lifting tackle.
Amended by:
XXVII. 2000.39.

- (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;
- (b) subject to subregulation (2), a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used;
- (c) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in paragraph (b) or marked as

mentioned in subregulation (2);

- (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as may be prescribed;
- (e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any work place for the first time in that work place unless it has been tested and thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;
- (f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the Director upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months, or, in the case of chains or slings of 2.5cm bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, except that chains and lifting tackle not in regular use need be annealed only when necessary;
- (g) a register containing the prescribed particulars shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.

(2) Subregulation (1)(b) shall not apply in relation to any lifting tackle, if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it.

(3) In this regulation "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.

Cranes and other
lifting machines.
Amended by:
XXVII. 2000.39.

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

(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination; and where the examination shows that the lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report of the examination shall within twenty-eight days of the completion of the examination send a copy of the report to the Director.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of

proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.

(4) There shall be plainly marked on every lifting machine its safe working load or loads, 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 either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subregulation (4).

(6) No lifting machine shall be taken into use in any work place for the first time in that work place unless it has been tested and all such parts and working gear of the machine as are specified in subregulation (1) have been thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.

(7) If 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 driver of the crane or otherwise to ensure that the crane does not approach within seven metres of that place.

(8) If any person is employed or working otherwise than mentioned in subregulation (7) 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.

(9) In this regulation "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

13. (1) The provisions of this regulation shall have effect where work in any work place has to be done inside any chamber, tank, vat, pit, pipe or flue of 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.

Dangerous fumes and lack of oxygen.
Amended by:
XXVII. 2000.39.

(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 not be less than 45cm. long and 40cm wide, or if circular not less than 45cm in diameter.

(3) Subject to subregulation (4), no person shall be allowed to enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he 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 responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subregulation (3) shall not apply, but no person shall be allowed to 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 subregulation (4) unless -

- (a) effective steps have been taken to prevent any ingress of dangerous fumes; and
- (b) any sludge or deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes; and
- (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration.

(6) No person shall be allowed to enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either -

- (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.

Explosive or
inflammable
substance.

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

(2) No plant, tank or vessel which contains or has contained any explosive or inflammable substances shall be subjected -

- (a) to any welding, brazing or soldering operations;
- (b) to any cutting operation which involves the application of heat; or
- (c) to 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-inflammable.

PART II

HEALTH, SAFETY AND WELFARE

Special Provisions

15. No person may, without the approval of the Superintendent, employ or suffer to be employed any woman in, or expose any woman to:

Prohibition of employment of women.
Amended by:
L.N. 71 of 1996.

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;
- (b) the manipulation, treatment or reduction of ashes containing lead, or the melting of scrap lead or zinc;
- (c) the manufacture of solder or alloys containing more than ten per cent of lead;
- (d) mixing or pasting in connection with the manufacture or repair of electric accumulators;
- (e) the cleaning of workrooms where any of the processes aforesaid are carried on; and
- (f) any process involving occupational exposure to ionising or non-ionising radiation.

PART III

PREVENTION AND CONTROL OF OCCUPATIONAL DISEASE

16. (1) No person may import or sell any chemical or material which is toxic, and no employer may use or suffer to be used any such chemical or material in any work place under his charge, without in either case the approval of the Superintendent.

Importation of toxic chemicals or materials.

(2) In granting such approval as referred to in subregulation (1), the Superintendent may impose any conditions as he may deem fit in the interest of public health.

17. (1) It shall be the duty of the employer in so far as is reasonably practicable or possible, or when so directed by the Sanitary Authority, to substitute a harmful substance, process or technique at a place of work by a less harmful substance, process or technique.

Substitution of harmful substances.

(2) Without prejudice to the generality of subregulation (1), the following rules shall apply:

- (a) sandstone grinding wheels shall be substituted by carbonrundum grinding wheels;
- (b) benzene, unless authorised by the Superintendent, shall be substituted by a less toxic solvent;
- (c) paints, varnishes, mastics, glues, adhesives and inks shall not contain benzene;
- (d) white lead and sulphate of lead and products containing these pigments or other lead compounds shall not be used in the internal paintings of buildings or of articles in buildings, if the dry film of the resulting paint will contain more than 2500 parts per

one million parts of metallic lead;

- (e) white or yellow phosphorus shall not be used in the manufacture of matches;
- (f) sand in sand-blasting shall be substituted by steel-shot or grit;
- (g) polychlorinated biphenyls shall not be used or added to any oil, fluid or material.

Testing of air in the working environment.

18. (1) It shall be the duty of the employer to make arrangements when so considered necessary by the Sanitary Authority and to the satisfaction of the said Authority, so that the atmosphere of work-rooms in which potentially dangerous or obnoxious substances are manufactured, handled or used, is tested periodically.

(2) Such tests are to be carried out at sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases, fibres, mists or vapours are not present in quantities which, in the opinion of the Sanitary Authority, are liable to injure health, and to ensure that an atmosphere which is fit for respiration is maintained.

(3) Work in, or entry into any place where there is reason to suspect that the atmosphere is toxic, poisonous, asphyxiating or otherwise dangerous to health, shall not be carried out until the atmosphere is suitably tested and found free from any danger to health.

(4) The employer shall likewise ensure periodical testing of the working environment where a potential hazard exists for heat, noise and other physical agents.

(5) All tests referred to in this regulation shall be conducted by trained personnel and, where possible, supervised by qualified personnel who possess experience in occupational health or hygiene.

Storage of chemicals.

19. (1) It shall be the duty of the employer to ensure that provisions are made for the storage under safe conditions of substances dangerous to health.

(2) Without prejudice to the generality of this regulation such provisions should include the use of receptacles adequate to the storage of the dangerous substance, the safe storage of receptacles, their proper labelling with a danger symbol, their proper handling and where necessary an indication of the nature of the risk, the name of the substance or an indication to identify it and, as far as practicable, the essential instructions giving details of the first aid that should be administered if the substance should cause bodily harm or injury.

(3) Where any risk from gases exists, cylinders containing such gases should be stored in well ventilated places as far as possible from the place of work.

20. It shall be the duty of the employer to inform forthwith the Superintendent of the occurrence in any of his employees of any occupational disease or incidence as are required to be notified by a medical practitioner under the Health Care Professions Act.

Notification of occupational diseases.

Cap. 464.

PART IV

GENERAL DUTIES

21. (1) It shall be the duty of any person who designs, manufactures, imports or supplies any article for use at work -

Duties of manufacturers, etc., as regards articles and substances for use at work.

(a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to health when properly used; and

(b) to take such steps as are necessary to secure that there shall be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any condition necessary to ensure that, when put to that use, it will be safe and without risks to health.

(2) It shall be the duty of any person who manufactures, imports or supplies any substance for use at work -

(a) to ensure, so far as is reasonably practicable, that the substance is safe and without risks to health when properly used; and

(b) to take such steps as are necessary to ensure that there will be available in connection with the use of the substance at work, adequate information about the results of any relevant tests which have been carried out on or in connection with the substance and about any condition necessary to ensure that it will be safe and without risks to health when properly used.

(3) For the purposes of this regulation an article or substance shall not be regarded as properly used if it is used without regard to any relevant information or advice relating to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.

PART V

NOTIFICATION OF ACCIDENTS

22. (1) For the purposes of these regulations any accident arising out of or in connection with work which results either -

Notification of accidents.

(a) in the death of one major injury to any person; or

(b) in the case of an employee at work, in that employee being incapacitated for work for more than three consecutive days, excluding those days on which he is not expected to report for work;

shall be a notifiable accident and as such shall be reported to the Director.

(2) (a) Where the notifiable accident results in the death or a major injury to a person, the employer shall -

- (i) notify forthwith the Director or his representative by the quickest practicable means; and
 - (ii) within seven days from the date of the accident send written notice of the accident to the Director; and
- (b) where the notifiable accident falls under subregulation (1)(b), the employer shall inform the Director in writing or by other suitable means, within seven days from the date of the accident.
- (3) In this regulation "major injury" means -
- (i) fracture of the skull, spine or pelvis;
 - (ii) fracture of any bone other than the wrist or ankle;
 - (iii) amputation of a hand or foot;
 - (iv) the loss of sight of an eye; or
 - (v) any other injury which results in the person injured being detained in hospital for more than twenty-four hours other than for observation.

PART VI

NOTICES AND REGISTERS

General registers.
Amended by:
XXVII. 2000.39.

23. There shall be kept in every work place or in such place outside the work place as may be approved by the Director and Superintendent a register, called the general register, and there shall be entered in or attached to that register:

- (a) the prescribed particulars as to every case of industrial accident and industrial disease occurring at the work place of which notice is required to be sent to the Director and the Superintendent; and
- (b) all reports and particulars requested by any other provision of these regulations; and
- (c) such matters as may be prescribed.

Preservation of
registers and
records.

24. The general register and every other register or record kept in pursuance of these regulations shall be preserved and shall be kept available for inspection by any officer for two years after the date of the last entry in the register or record.

PART VII

ENFORCEMENT

Powers of officers.
Substituted by:
L.N. 22 of 1996.

25. (1) Every employer shall give to officers all reasonable facilities and all such information they may require for the purpose of ascertaining whether the provisions of the Act and the regulations operative by virtue of the Act are being complied with.

(2) For the purpose of carrying into effect any of these regulations an officer may exercise the powers set out below:

- (a) to take with him a member of the Police force to ensure the execution of his duty;

- (b) to take measurements, photographs or recordings as he considers necessary for the purpose of any examination or investigation;
- (c) to take samples of any article or substance found in the workplace or within its curtilage or outside in its vicinity for the purposes of the Act and ensure that they are available for use as evidence in any proceedings taken by virtue of the provisions of the Act;
- (d) to inspect any book or document in possession of the employer the keeping of which is prescribed by the act or by any regulations made thereunder or any other book or document held by the employer and inspection of which is required for the investigation of issues relating to health and safety at that place of work; and
- (e) for the purposes of a prosecution for any offence under the Act, to disclose to the court such results or information he receives or collects during the course of his investigations.

(3) No person shall molest or disturb officers in the performance of their duties or provide them with misleading information or break or tamper with any seal or with any monitoring equipment installed, put up or left by them in a place of work or on a worker in the case of personal monitoring equipment.

26. Every officer shall be furnished by the Director with a certificate of appointment, and shall, if so required when exercising or seeking to exercise any power conferred on him by any provisions of these regulations, produce this certificate or a duly authenticated copy thereof.

Appointment of officers.

PART VIII

OFFENCES AND PENALTIES

27. In any proceedings for an offence under these regulations 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 the best practicable means to do something, it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.

Onus of proof.

28. (1) In the event of a contravention by any person of any of these regulations which expressly imposes any duty upon him, that person shall be guilty of an offence and the owner or the person in whose name the work place is carried on, as the case may be, shall not be guilty of an offence unless it is proved that he failed to take all reasonable steps to prevent the contravention.

Offences.
Amended by:
XXVII. 2000.39.

(2) Where an offence under these regulations is committed by a body or other association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or association, or

was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.
