SUBSIDIARY LEGISLATION 646.03

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, 35, 36 and 121 of 2003, and 293 of 2016 and Act XXXIII of 2024.

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Preliminary

Citation.
Amended by: XXVII. 2000.39.

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

Interpretation.
Amended by: L.N. 22 of 1996 L.N. 293 of 2016; XXXIIII.2024. First Schedule.
Cap. 646.

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

"Act" means the Health and Safety at Work Act;

"Director" means the Director of Labour;

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

"fumes" includes gas or vapour;

"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;

"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;

"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. (*Revoked by Legal Notice 293 of 2016*). Prime movers.

4. (*Revoked by Legal Notice 293 of 2016*). Transmission machinery.

5. (*Revoked by Legal Notice 293 of 2016*). Other machinery.

6. (*Revoked by Legal Notice 293 of 2016*). Construction and maintenance of fencing.

7. (*Revoked by Legal Notice 293 of 2016*). Construction and sale of machinery. *Amended by: XXVII. 2000.39.*

8. (*Revoked by Legal Notice 293 of 2016*). Self-acting machines. *Amended by: XXVII. 2000.39.*

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. (*Revoked by Legal Notice 293 of 2016*). Provisions as to unfenced machinery.

11. (*Revoked by Legal Notice 293 of 2016*). Chains, ropes and lifting tackle. *Amended by: XXVII. 2000.39.*

12. (*Revoked by Legal Notice 293 of 2016*). Cranes and other lifting machines. *Amended by: XXVII. 2000.39.*

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

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

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

(*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

Importation of toxic chemicals or materials.

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.

(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.

Substitution of harmful substances.

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.

(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.

Notification of occupational diseases.

Cap. 464.

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.

PART IV

GENERAL DUTIES

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

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

Notification of accidents.

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

(*a*) in the death of or a 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-fours 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.

Appointment of officers.

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.

PART VIII

OFFENCES AND PENALTIES

Onus of proof.

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.

Offences.
Amended by: XXVII. 2000.39.

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.

(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.