

1 Description of national OSH regulatory framework

1.1 Description of OSH regulatory framework

Summary/citation

The Workplace Safety and Health Act [WSH Act] is the leading OSH legislation in Singapore. The WSH Act is an act related to the safety, health and welfare of persons at work in a workplace. The Act incorporates 3 key principles from the WSH reform:–

1. Reduce risk at source;
2. Industry to take greater ownership of the OSH standards and outcomes; and
3. Higher penalties for poor safety management.

The WSH Act has four key features:

- 1) It places responsibilities on stakeholders who have it within their control to ensure safety at the workplace.
- 2) It focuses on workplace safety and health systems and outcomes, rather than merely on compliance.
- 3) It facilitates effective enforcement through the issuance of remedial orders.
- 4) It imposes higher penalties for non-compliance and risky behaviour.

A number of subsidiary legislation, in the form of regulations, of the WSH Act provide more detailed rules with regard to Singaporean OSH standards.

Furthermore, the Work Injury Compensation Act (WICA) lets employees make claims for work-related injuries or diseases without having to file a civil suit under common law. It is a low-cost and quicker alternative to common law for settling compensation claims.

Additionally, the Employment Act and its subsidiary legislation (regulations) stipulate some general rules concerning safe and health working environment in Singapore.

References

Workplace Safety and Health Act (2009 Ed.)

Work Injury Compensation Act, 2008 (Cap. 354).

Employment Act (Ch. 91).

2 Scope, coverage and exclusions

2.1 Health and safety covers physical and psychological health

Remarks / comments

The WSH Act covers both physical and psychosocial health of persons at work in Singapore according to the WSH guideline on healthcare. However, there is no legal provision which specifically addresses psychosocial hazards at workplace.

References

Workplace Safety and Health Guidelines - Healthcare 2008

2.2 Definition of worker

Summary/citation

“Employee” means any person employed by an employer to do any work under a contract of service.

Moreover, for the purposes of this Act, any reference to an employee shall include a reference to a volunteer who:

- (a) does work for another person with the knowledge or consent of that other person; and
- (b) does the work on an ongoing and regular basis for that other person, being work that is in connection with any trade, business, profession or undertaking carried on by that other person, and this Act shall apply —
 - (i) as if the volunteer were an employee of the other person;
 - (ii) as if the other person were the volunteer's employer; and
 - (iii) as if the volunteer were at work when doing work for the other person.

For the purposes of this Act, any reference to an employee shall include a reference to a person who is in a workplace for the purpose of receiving on the job training or gaining work experience, including under a rehabilitation scheme, (referred to in this subsection as person A) and this Act shall apply —

- (a) as if the person A were an employee of the person (referred to in this subsection as person B) who agreed to provide on the job training or work experience;
- (b) as if person B were that person A's employer; and
- (c) as if person A were at work when in the workplace for the purpose of receiving on the job training or gaining work experience.

Where —

- (a) an employer places an employee (referred to in this subsection as the loaned employee) at the disposal of another person to do work for that other person; and
- (b) there is no contractual relationship between the employer and that other person regarding the work to be performed by the loaned employee then, for the purposes of this Act —
 - (i) the loaned employee shall be regarded as if he were an employee of that other person (instead of his employer) while the loaned employee is at work for that other person;
 - (ii) that other person shall be regarded as if he were the employer of the loaned employee while the loaned employee is at work for that other person; and
 - (iii) the loaned employee shall be regarded as if he were at work when doing work for that other person.

Where a person carries on any work in a factory —

- (a) the occupier of the factory shall be deemed to be the employer of the person; and
- (b) the provisions of this Act shall apply as if the occupier of the factory were the employer of the person, unless the occupier of the factory proves that he is not the employer of the person.

Remarks / comments

Thus any person working under a contract of service, volunteers, trainees (including those under a rehabilitation scheme), loaned employees (workers put at the disposal of another person) are considered for the purposes of the Workplace Safety and Health Act as employees.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 6 (1))

2.2.1 Coverage of particular categories of workers

2.2.1.1 Migrant workers

Remarks / comments

Migrant workers are not excluded from the scope of application of the WSH Act as the Act does not make a distinction between a migrant worker and other workers.

References

Workplace Safety and Health Act (2009 Ed.)

2.2.1.2 Domestic workers

Remarks / comments

Domestic workers are not excluded from the application of the WSH Act.

References

Work Injury Compensation Act, 2008 (Cap. 354). (Fourth Schedule)

2.2.1.3 Home workers

Summary/citation

The WSH Act exempts domestic premises that are not being used for the purpose of conduct of any business or undertaking.

References

Workplace Safety and Health (Exemption) Order 2006 (No. S 142). (Art. 4)

2.2.1.4 Self-employed persons

Summary/citation

Self-employed workers do not fall within the definition of "workers", but they are included within the scope of the OSH main pieces of legislation. The WSH Act stipulates duties of self-employed persons with regard to workplace safety and health as follows: (1) It shall be the duty of every self-employed person (whether or not he is also a contractor or subcontractor) to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any undertaking carried on by him in the workplace.

(2) Every self-employed person shall, where required by the regulations, give to persons (not being his employees) the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their safety or health while those persons are at his workplace.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 3)

Central Provident Fund (Self-Employed Persons) Regulations (1992) (G.N. No. S 303/1992).

2.3 Definition of employer

Summary/citation

"Employer" means a person who, in the course of the person's trade, business, profession or undertaking, employs any person to do any work under a contract of service.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 6 (1))

2.4 Exclusion of branches of economic activity

2.4.1 Agriculture

2.4.2 Construction

Summary/citation

The WSH Act stipulates that the Minister of Manpower may make regulations for carrying out the purposes and provisions of the WSH Act with respect to some matters, and construction industry is one of the matters are governed by a specific regulation.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 65)

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134).

Workplace Safety and Health (Construction) Regulations 2007.

2.4.3 Services

Remarks / comments

The Act covers any premises where a person carries out work such as hotels and restaurants, unless such premises or persons are exempted under the WSH (Exemption) Order or Sixth Schedule of the Act.

References

Workplace Safety and Health Act (2009 Ed.)

2.4.4 Public sector

Summary/citation

The government is generally bound by the WSH Act except for any member of the Singapore Police Force (including the Special Constabulary), Singapore Prisons Service, Internal Security Department, Central Narcotics Bureau, Singapore Armed Forces, Singapore Civil Defence Force and the Immigration & Checkpoints Authority while on duty.

Remarks / comments

The exemption provided under the Sixth Schedule is primarily in the manner such person perform their work. The exemption is provided so as not to encumber them with the WSH requirement for safe access and egress while on duty. However, government premises such as police station still need to be made safe.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 3, 6 (1), Sixth Schedule (1))

2.4.5 Other

Summary/citation

The WSH Act exempts the following categories of workers:

1. Any member of the Singapore Police Force (including the Special Constabulary), Singapore Prisons Service, Internal Security Department, Central Narcotics Bureau, Singapore Armed Forces, Singapore Civil Defence Force and the Immigration & Checkpoints Authority while on duty.

2. A crew member at work on board of any ship, aircraft or any other international mode of transport which does not pose a risk to the safety and health of any person other than the crew member himself or any other crew member on board the ship, aircraft or other international mode of transport.

Remarks / comments

Para 1 and 2 are exemptions provided to persons at work specified under the Sixth Schedule of the WSH Act, i.e. exemptions to persons while performing their field work but this does not equate to exemption to their offices (workplace).

Certain industries such as construction, shipbuilding and ship-repairing are governed by specific regulations to the WSH Act considering the specific nature of the industries.

References

Workplace Safety and Health Act (2009 Ed.) (Sixth Schedule)

Workplace Safety and Health (Construction) Regulations 2007.

Workplace Safety and Health (Shipbuilding and Ship-Repairing) Regulations 2008 (No. S 270).

2.5 Definition of occupational accident

Summary/citation

“Accident” means any unintended event which causes bodily injury to a person, but does not include any bodily injury sustained by a person —

- (a) in the course of commuting to or from his workplace using a mode of transport provided by his employer; or
- (b) in the course of his work as a domestic worker.

An employer is liable for compensating for work-related accidents:

- (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to an employee, his employer shall be liable to pay compensation in accordance with the provisions of this Act.
- (2) An accident happening to an employee while he is, with the express or implied permission of his employer, travelling as a passenger by any means of transport to or from his place of work shall be deemed to arise out of and in the course of his employment if at the time of the accident the means of transport is being operated by or on behalf of his employer or by some other person by whom it is operated in pursuance of arrangements made with his employer and is not being operated in the ordinary course of a public transport service.
- (3) An accident happening to an employee in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue or protect persons who are, or are thought to be or possibly to be injured or imperilled, or to avert or minimise damage or loss to property.
- (4) An accident happening to an employee shall be deemed to arise out of and in the course of his employment notwithstanding that he was at the time of the accident acting in contravention of any written law or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if — the accident would have been deemed so to have arisen had such act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and such act was done for the purposes of and in connection with the employer's trade or business.
- (5) An employer shall not be liable to pay compensation in respect of — any injury to an employee resulting from an accident if it is proved that the injury to the employee is directly attributable to the employee having been at the time thereof under the influence of alcohol or a drug not prescribed by a medical practitioner; or any incapacity or death resulting from a deliberate self-injury or the deliberate aggravation of an accidental injury.
- (6) For the purposes of this Act, an accident arising in the course of an employee's employment shall be deemed, in the absence of evidence to the contrary, to have arisen out of that employment.

References

Work Injury Compensation Act, 2008 (Cap. 354). (Art. 65)

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136). (Art. 3)

2.6 Definition of occupational disease

Summary/citation

“Occupational disease” means any disease specified in the Second Schedule and any other disease that is directly attributable to any exposure to any chemical or biological agent arising out of and in the course of any employment.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 4 (1))

2.6.1 List of occupational diseases

References

Workplace Safety and Health Act (2009 Ed.) (Second Schedule)

2.6.2 Mechanism for compensating other diseases as occupational ones

Summary/citation

If an employee contracts, on or after the date of commencement of the Work Injury Compensation (Amendment) Act 2011 (referred to in this section as the appointed day), a disease which is not specified in the first column of the Second Schedule but which is directly attributable to an exposure, arising out of and in the course of his employment, to a chemical or biological agent and the incapacity or death of the employee results from that disease, compensation shall be payable as if the disease were a personal injury by accident arising out of and in the course of that employment and all the other provisions of this Act shall apply accordingly, subject to this section.

References

Work Injury Compensation Act, 2008 (Cap. 354). (Art. 4 (1A), Second Schedule)

3 Institutions and programmes relating to OSH administration and/or enforcement

3.1 Competent national authority for safety and health at work

Remarks / comments

The Occupational Safety and Health Division (OSHD) in the Ministry of Manpower works to promote workplace safety and health (WSH) at the national level.

References

Website of the Occupational Safety and Health Division (OSHD) of the Ministry of Manpower of Singapore

3.1.1 Objectives, roles and/or functions

Remarks / comments

The Occupational Safety and Health Division (OSHD) works closely with stakeholders to promote workplace safety and health through legislation, policies, capability building and engagement programmes. The OSHD is the WHO Collaborating Centre for Occupational Health and the ILO CIS National Centre for Singapore. The OSHD is also part of the ASEAN-OSHNET.

With the updated national strategy WSH 2018 Plus, OSHD aims to reduce the workplace fatality rate to less than 1.8 per 100,000 workers by 2018. It strives to help Singapore become a global leader in safety and health standards.

References

Website of the Occupational Safety and Health Division (OSHD) of the Ministry of Manpower of Singapore

3.1.2 Chairperson and composition

Remarks / comments

There are four departments within OSHD: OSH Policy, Information and Corporate Services Department; OSH Inspectorate; OSH Specialist Department; Work Injury Compensation Department.

References

Website of the Occupational Safety and Health Division (OSHD) of the Ministry of Manpower of Singapore

3.2 National OSH research programme or institute

Remarks / comments

The WSH Institute was first mooted as part of the WSH 2018 strategy to put Singapore's WSH performance on par with leading countries in this area. Envisioned as a key initiative to build strong WSH capabilities in Singapore, the Institute's work will help deepen stakeholders' understanding of how current and emerging work environments, work processes and workers' behaviours shape WSH, and use such knowledge to develop solutions and improve WSH practices. This is similar to what have been established in leading countries in WSH in their national drives to improve worker safety and health. Drawing from the experiences of these countries, the Ministry of Manpower has worked with WSH Council to set up the WSH Institute in Singapore.

References

Website of the WSH Institute of Singapore

3.2.1 Objectives, roles and/or functions

Remarks / comments

Singapore has made significant progress on the workplace safety and health (WSH) front in recent years. This is the result of regulatory reforms through the enactment of the WSH Act as well as greater industry ownership of WSH outcomes. To ensure such improvements are sustained, the strategies embedded in these reforms have to stay relevant as circumstances change. Monitoring of such changes and understanding how they affect WSH outcomes is crucial to ensuring the reform stays relevant. To steer this effort, the Ministry of Manpower (MOM), in partnership with the WSH Council set up the WSH Institute in 2011.

References

Website of the WSH Institute of Singapore

3.2.2 Governance board constitution and chairmanship

Remarks / comments

With effect from April 2012, WSH Institute comes under the purview of the WSH Council. The WSH Council has appointed a Governing Board to provide governance to the WSH Institute. The WSH Institute Governing Board provides leadership guidance and directives to facilitate efficient governing of the Institute. It consists of members from various industries, the labour movement, government, and institutions of higher learning. This will ensure that the Institute's work is relevant to industries, benefits workers, and is able to tap on the expertise distributed across organisations. The Institute also taps on the advice of MOM's International Advisory Panel (IAP), which represents several countries with similar but more mature set-ups. These include Germany, Korea, the United Kingdom, and the United States.

References

Website of the WSH Institute of Singapore

3.2.3 Source of funding

Remarks / comments

Currently, the WSH Institute obtains its operational budget from Ministry of Manpower.

References

Website of the WSH Institute of Singapore

3.3 National OSH programme

Remarks / comments

A national strategy until 2018 has been made public by the Ministry of Manpower. In the document is indicated that "WSH 2018 Plus sets out the plan (...) to achieve the 2018 target while laying the foundation to address emerging WSH challenges and sustain continuous improvement beyond 2018."

References

National Strategy for Workplace Safety and Health: WSH 2018 Plus

3.3.1 Consultation on the national OSH programme

4 Employers' duties and responsibilities to protect the safety and health of workers and others

4.1 Duty to ensure the health and safety of employees

Summary/citation

Articles 11 and 12 of the WSH Act stipulate the general duties of occupiers and employers to ensure the safety and health of their employees.

Duties of occupiers

11. It shall be the duty of every occupier of any workplace to take, so far as is reasonably practicable, such measures to ensure that —

(a) the workplace;

(b) all means of access to or egress from the workplace; and

(c) any machinery, equipment, plant, article or substance kept on the workplace, are safe and without risks to health to every person within those premises, whether or not the person is at work or is an employee of the occupier.

Duties of employers

12. — (1) It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of his employees at work.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 11, 12)

4.2 Duty to protect the health and safety of people other than their own employees

Summary/citation

The occupiers and employers are responsible for the safety and health of other persons (not his employees) at their workplace.

Duties of occupiers

11. It shall be the duty of every occupier of any workplace to take, so far as is reasonably practicable, such measures to ensure that —

- (a) the workplace;
- (b) all means of access to or egress from the workplace; and
- (c) any machinery, equipment, plant, article or substance kept on the workplace, are safe and without risks to health to every person within those premises, whether or not the person is at work or is an employee of the occupier.

Duties of employers

12.—(2) It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any undertaking carried on by him in the workplace.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 11, 12)

4.3 Collaboration among two or more employers at the same workplace

Summary/citation

It shall be the duty of every principal to take, so far as is reasonably practicable, such measures as are necessary to ensure that any contractor engaged by the principal on or after the date of commencement of Art. 5 of WSH Act 2011 — (a) has the necessary expertise to carry out the work for which the contractor is engaged by the principal to do; and (b) has taken adequate safety and health measures in respect of any machinery, equipment, plant, article or process used, or to be used, by the contractor or any employee employed by the contractor. This duty imposed on every principal includes ascertaining that the contractor engaged by the principal and any employee of the contractor — (a) have sufficient experience and training to carry out the work for which the contractor is engaged by the principal to do; and (b) have obtained any necessary licence, permit, certificate or any other document in order to carry out the work for which the contractor is engaged by the principal to do. T

he duty imposed on every principal also includes ascertaining that the contractor engaged by the principal — (a) has conducted a risk assessment in relation to the safety and health risks posed to any person who may be affected by the work for which the contractor is engaged by the principal to do; and (b) has informed any person who may be affected by the work for which the contractor is engaged by the principal to do of the nature of the risk involved in the work and any measure or safe work procedure which is implemented at the workplace.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 14, 14A)

4.4 Surveillance of workers' health in relation to work

Summary / Citation

It shall be the duty of the responsible person of a person employed in any hazardous occupation to ensure that the person shall be periodically examined by a designated workplace doctor.

“Responsible person”, in relation to a person employed in any hazardous occupation, means —

- (a) the employer of that person; or
- (b) the principal under whose direction that person is employed in any hazardous occupation.

References

Workplace Safety and Health (Medical Examinations) Regulations 2011 (No. S 516). (Art. 2, 5 (1))

4.4.1 Specific hazards for which surveillance is required

Summary / Citation

These Regulations shall apply to all workplaces in which persons are employed in any hazardous occupation, being any occupation involving —

- (a) the use or handling of or exposure to the liquid, fumes, dust, mist, gas or vapour of arsenic, cadmium, lead, manganese or mercury or any of their compounds;
- (b) the use or handling of or exposure to the fumes or vapour of benzene, perchloroethylene, trichloroethylene, organophosphates or vinyl chloride monomer;
- (c) the use or handling of or exposure to tar, pitch, bitumen or creosote;
- (d) the use or handling of or exposure to the dust of asbestos, raw cotton or silica;
- (e) exposure to excessive noise; or
- (f) any work in a compressed air environment.

References

Workplace Safety and Health (Medical Examinations) Regulations 2011 (No. S 516). (Art. 3)

4.5 Surveillance of the working environment and working practices

Summary / Citation

Duties of occupiers:

It shall be the duty of every occupier of any workplace to take, so far as is reasonably practicable, such measures to ensure that —

- (a) the workplace;
 - (b) all means of access to or egress from the workplace; and
 - (c) any machinery, equipment, plant, article or substance kept on the workplace,
- are safe and without risks to health to every person within those premises, whether or not the person is at work or is an employee of the occupier.

Duties of employers:

It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of his employees at work. The measures necessary to ensure the safety and health of persons at work include —(a) providing and maintaining for those persons a work environment which is safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 11, 12)

4.6 Duty to provide personal protective equipment

Summary / Citation

Under section 12 of the Act, employers has a duty to ensure the safety and health of their employees and this includes provisions of suitable PPEs. This is also emphasized in the sectorial Regulations such WSH (Shipbuilding and ship-repairing) Regulations and WSH (Construction) Regulations, as well as in other Regulations which as work specific such as WSH (Work at Heights) Regulations, WSH (Confined Spaces) Regulations, WSH (Abrasive Blasting) Regulations, WSH (Noise) Regulations etc.
(Workplace Safety and Health Act, Art. 12)

For example, in construction, it shall be the duty of —(a) the employer of any person who carries out any work in a worksite which requires any protection referred to in paragraph (2); or(b) the principal under whose direction any person carries out any work referred to in sub-paragraph (a) in a worksite, to provide and maintain, as far as is reasonably practicable, the appropriate personal protective equipment to the person.
(Workplace Safety and Health (Construction) Regulations 2007, Art. 33(1))

References

Workplace Safety and Health Act (2009 Ed.) (Art. 12)

Workplace Safety and Health (Construction) Regulations 2007. (Art. 33 (1))

4.7 Duty to ensure the usage of personal protective equipment

Summary / Citation

Employers are required to take, so far as is reasonably practicable, measures to ensure the safety and health of his employees at work and persons (not being his employees) who may be affected by his undertakings.
These measures includes ensuring adequate safety measures are taken in respect of any machinery, equipment, plant, article or process used by those persons. Where necessary, the measures includes provision of PPE such as ear plugs to persons who may be exposed to noisy equipment or processes.
(WSH Act, Art, 12)

Where any hazardous work is to be carried out on board any ship or the structural part of any ship under construction, it shall be the duty of — (a) in the case of a ship in a shipyard, the occupier of the shipyard; and (b) in the case of a ship in a harbour, the master, owner or agent of the ship, to establish a vessel safety co-ordination committee for that ship. While it is the duty of the employer in shipbuilding and ship-repairing industries to provide and maintain personal protective equipment, it shall be the duty of the vessel safety co-ordination committee to ensure that every person is provided with and uses the appropriate personal protective equipment for his work.
(WSH (Ship Building and Ship-Repairing) Regulations, Arts. 10, 11)

Remarks / comments

There are Regulations, such as WSH (Construction) Regulations, WSH (SSR) Regulations which specifically state the type of PPE required which are relevant under the respective Regulations.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 12)

Workplace Safety and Health (Shipbuilding and Ship-Repairing) Regulations 2008 (No. S 270). (Art. 10, 11)

4.8 Duty to provide first-aid and welfare facilities

4.8.1 Arrangements for first-aid

Summary / Citation

Every workplace shall be provided with a sufficient number of first-aid boxes. When a workplace is located in a building, each floor of the building shall be provided with a sufficient number of first-aid boxes. Where more than 25 persons are employed in a workplace, there shall be appointed in the workplace as first-aiders who shall be readily available during working hours such number of persons as complies with the ratio of one first-aider for every 100 persons employed in the workplace or part thereof. Unless otherwise permitted by the Commissioner in writing, where there are more than 500 persons at work in a workplace, there shall be provided and maintained a first-aid room of such standard as may be approved by the Commissioner. Where any person in a workplace may be exposed to toxic or corrosive substances, the occupier of the workplace shall make provision for the emergency treatment of the person if so required by the Commissioner. Where the eyes or body of any person in a workplace may come into contact with toxic or corrosive substances, the occupier of the workplace shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided and properly maintained within the work area for emergency use.

References

Workplace Safety and Health (First-Aid) Regulations 2006 (No. S 137). (Art. 3 ~ 8)

4.8.2 Sanitary installations

Summary / Citation

It shall be the duty of the occupier of a workplace —

- (a) to provide, maintain and keep clean, sufficient and suitable sanitary conveniences for the persons at work in the workplace; and
- (b) to provide and maintain sufficient and suitable lighting for these sanitary conveniences.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 8)

4.8.3 Drinking water

Summary / Citation

The occupier of the workplace is required to take all reasonably practicable measures to ensure that persons at work in the workplace are protected from excessive heat.

Remarks / comments

The measures may include providing adequate drinking water points, particularly for those who are working under hot sun such as in construction worksites.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Reg. 10)

4.8.4 Rest and eating areas

Summary / Citation

Adequate and suitable resting facilities are required to be provided to workers under certain working conditions in certain industries such as persons employed in a compressed air environment in a worksite are required to remain at the worksite for one hour or more after decompression from pressures exceeding one bar.

There exists a comprehensive set of rules governing the living conditions of foreign workers for all dormitories, regardless of size. The areas which are regulated include building and fire safety, minimum living space, and hygiene standards. These requirements apply to all forms of foreign worker accommodation.

Remarks / comments

The WSH Act imposes a broad and general requirement, i.e. requiring duty-holders to take all reasonably practicable measures to ensure the safety and health of persons at the workplace.

Therefore, if measures such as provision of drinking water, rest area, PPE, etc. are deemed necessary to ensure the safety and health of person then the respective duty-holders are required to provide it.

In essence, the requirements under the WSH Act is broad enough to cover practically every safety and health aspect. Duty-holders are to conduct risk assessment and identify all the hazards and determine the necessary measures to be taken to ensure safety and health of persons at the workplace.

The various Regulations such WSH (General Provision) Regulations, WSH (Confined Spaces) Regulations, WSH (Medical Examinations) Regulations intends to stipulates a more specific or prescriptive requirements that duty-holders must comply.

Any necessary measures that need to be taken to ensure the safety and health of persons which are not explicitly specified in any of these Regulations does not mean that duty-holders need not have to provide or implement because it is their duty to do so under the general requirement under the WSH Act in ensuring safety and health.

References

Workplace Safety and Health (Construction) Regulations 2007. (Art. 112 (1))

Foreign Employee Dormitories Act 2015 2015-03-05

5 Employers' duty to organize prevention formally along generally accepted OSH management principles and practices

5.1 Elements of an OSH management system

Reference

Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 (

5.1.1 Policy or plan specifying responsibilities and arrangements for health and safety

Summary/citation

(1) It shall be the duty of the occupier of every workplace specified in the Second Schedule to implement a safety and health management system for the purpose of ensuring the safety and health of persons at work in the workplace.

(2) The safety and health management system referred to in paragraph (1) shall be implemented in accordance with any relevant Singapore Standard relating to safety and health management systems or such other standards, codes of practice or guidance issued or approved by the Workplace Safety and Health Council.

Restrictions / obligations

SECOND SCHEDULE: WORKPLACES TO IMPLEMENT SAFETY AND HEALTH MANAGEMENT SYSTEM

1. Any premises which is a worksite.
2. Any premises which is a shipyard.
3. Any factory engaged in the manufacturing of fabricated metal products, machinery or equipment and in which 100 or more persons are employed.
4. Any factory engaged in the processing or manufacturing of petroleum, petroleum products, petrochemicals or petrochemical products.
5. Any premises where the bulk storage of toxic or flammable liquid is carried on by way of trade or for the purpose of gain and which has a storage capacity of 5,000 or more cubic metres for such toxic or flammable liquid.
6. Any factory engaged in the manufacturing of —
 - (a) fluorine, chlorine, hydrogen fluoride or carbon monoxide; and
 - (b) synthetic polymers.
7. Any factory engaged in the manufacturing of pharmaceutical products or their intermediates.
8. Any factory engaged in the manufacturing of semiconductor wafers.

References

Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 (No. S. 607). (Art. 8, Se

5.1.2 Appointment of a person for health and safety

Summary/citation

Workplace safety and health officers and co-ordinators

(1) Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health officer or a workplace safety and health co-ordinator.

(2) For the purposes of this section, the Minister may prescribe —

(a) the manner of appointment of a workplace safety and health officer and a workplace safety and health co-ordinator;

(b) the functions and duties of a workplace safety and health officer and a workplace safety and health co-ordinator; and

(c) the powers of a workplace safety and health officer and a workplace safety and health co-ordinator, being necessary

powers for the officer or co-ordinator, as the case may be, to discharge his functions and duties under this Act.

(Art. 28, Workplace Safety and Health Act)

Workplace safety and health auditors

(1) Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health auditor.

(2) The functions of a workplace safety and health auditor appointed in respect of a workplace shall be to audit, in such manner as the Commissioner may determine, all or any of the following with a view to ensuring the safety, health and welfare of persons at work in the workplace.

(a) the safety and health management system of the workplace;

(b) any risk assessment relating to the workplace or the work carried out in that workplace;

(c) any work process at the workplace; or

(d) the workplace.

(3) A workplace safety and health auditor shall have such powers as may be prescribed, being necessary powers for the auditor to discharge his functions and duties under this Act.

(4) In this section, “risk assessment” means the process of evaluating the probability and consequences of injury or illness arising from exposure to an identified hazard, and determining the appropriate measures for risk control.

(Art. 30, Workplace Safety and Health Act)

Remarks / comments

Under the WSH (Construction) Regulations, every construction worksite with a contract sum of less than \$10 million, a WSH coordinator must be appointed. Under the WSH (WSH Officers) Regulations, workplaces of within a prescribed class or description under the WSH (WSH Officers) Regulations, the occupier must appoint a WSH Officer. The prescribed class or description of workplace includes a construction worksite with a contract sum of \$10 million or more.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 28, 30)

5.1.3 Written risk assessment

Summary/citation

- (1) In every workplace, the employer, self-employed person and principal shall conduct a risk assessment in relation to the safety and health risks posed to any person who may be affected by his undertaking in the workplace.
- (2) The Commissioner may determine the manner in which the risk assessment referred to in paragraph (1) is to be conducted.

References

Workplace Safety and Health (Risk Management) Regulations 2006 (No. S 141). (Art. 3)

5.1.4 Safe operating work systems and procedures

Summary/citation

- (1) In every workplace, the employer, self-employed person and principal shall take all reasonably practicable steps to eliminate any foreseeable risk to any person who may be affected by his undertaking in the workplace.
- (2) Where it is not reasonably practicable to eliminate the risk referred to in paragraph (1), the employer, self-employed person or principal shall implement —
 - (a) such reasonably practicable measures to minimise the risk; and
 - (b) such safe work procedures to control the risk.

References

Workplace Safety and Health (Risk Management) Regulations 2006 (No. S 141). (Art. 4 (1), (2))

5.1.5 Training and information on risks

Summary/citation

- (1) In every workplace, the employer, self-employed person and principal shall take all reasonably practicable steps to ensure that any person in the workplace who may be exposed to a risk to his safety and health is informed of —
 - (a) the nature of the risk involved; and
 - (b) any measure or safe work procedure implemented under regulation 4(2).
- (2) The employer, self-employed person and principal shall comply with paragraph (1) whenever any risk assessment referred to in regulation 3(1) is revised, or where any measure or safe work procedure implemented under regulation 4(2) is changed.

It shall be the duty of every employer and principal to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of his employees at work. The measures necessary to ensure the safety and health of persons at work include ensuring that those persons at work have adequate instruction, information, training and supervision as is necessary for them to perform their work.

Safety and health training courses:

- (1) The Minister may, by order published in the Gazette, require such prescribed class or description of persons to attend such training courses as are specified in the order.
- (2) The employer of any person required to attend any training course under subsection (1) shall ensure that the person completes or has completed such safety and health training course before allowing that person to perform any work for which the training is required.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 12 (3) (e), 14 (4) (e), 31 (1, 2))

Workplace Safety and Health (Risk Management) Regulations 2006 (No. S 141). (Art. 6)

5.1.6 Review or assessment of the results of preventive measures

Summary/citation

It shall be the duty of the occupier of any worksite with a contract sum of less than \$30 million to conduct an internal review of the safety and health management system of the workplace at least once every 6 months; and for any shipyard in which less than 200 persons are employed, at least once every 12 months.

In every workplace, the employer, self-employed person and principal shall review and, if necessary, revise the risk assessment at least once every 3 years.

References

Workplace Safety and Health (Risk Management) Regulations 2006 (No. S 141). (Art. 7)

Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 (No. S. 607). (Art. 10, F

5.1.7 Consultation with workers in health and safety**Summary/citation**

The occupier of the factory is to form a WSH committee which members must be representatives from both the management and workers. At all times the number of representative from the workers side must not be less than representatives from the management side.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008.

5.2 Obligation to implement a specific OSH management system or standard**Summary/citation**

The safety and health management system shall be implemented in accordance with any relevant Singapore Standard relating to safety and health management systems or such other standards, codes of practice or guidance issued or approved by the Workplace Safety and Health Council.

References

Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 (No. S. 607). (Art. 8 (2))

6 Employers' duty to ensure availability of expertise and competence in health and safety**6.1 OSH competence****6.1.1 Requirement to access expert advice and/or support in health and safety****Summary / Citation**

Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health auditor. The functions of a workplace safety and health auditor appointed in respect of a workplace shall be to audit, in such manner as the Commissioner may determine, all or any of the following with a view to ensuring the safety, health and welfare of persons at work in the workplace:

- (a) the safety and health management system of the workplace;
- (b) any risk assessment relating to the workplace or the work carried out in that workplace;
- (c) any work process at the workplace; or
- (d) the workplace.

It shall be the duty of the occupier of any workplace specified in the Third Schedule to appoint a workplace safety and health auditor to audit the safety and health management system of the workplace at a frequency as specified in that Schedule.

Restrictions / obligations**WORKPLACES TO APPOINT WORKPLACE SAFETY AND HEALTH AUDITORS**

Classes or description of workplaces - Frequency of audit

1. Any worksite with a contract sum of \$30 million or more - At least once every 6 months
2. Any shipyard in which 200 or more persons are employed - At least once every 12 months
3. Any factory engaged in the manufacturing of fabricated metal products, machinery or equipment and in which 100 or more persons are employed - At least once every 12 months
4. Any factory engaged in the processing or manufacturing of petroleum, petroleum products, petrochemicals or petrochemical products - At least once every 24 months
5. Any premises where the bulk storage of toxic or flammable liquid is carried on by way of trade or for the purpose of gain and which has a storage capacity of 5,000 or more cubic metres for such toxic or flammable liquid - At least once every 24 months
6. Any factory engaged in the manufacturing of (a) fluorine, chlorine, hydrogen fluoride or carbon monoxide; or (b) synthetic polymers - At least once every 24 months
7. Any factory engaged in the manufacturing of pharmaceutical products or their intermediates - At least once every 24 months
8. Any factory engaged in the manufacturing of semiconductor wafers - At least once every 24 months.

Remarks / comments

Apart from WSH Auditors, WSH Officers are to give advice to the occupiers on safety and health matters under the WSH (WSH Officers) Regulations.

WSH Officers are also required to make recommendations to occupiers on the reasonably practicable measures that need to be taken to eliminate or control the hazards at the workplace.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 30 (1, 2))

Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 (No. S. 607). (Art. 9 (1),

Workplace Safety and Health (Workplace Safety and Health Officers) Regulations 2007 (No. S 373).

6.1.1.1 Qualifications of experts or professional services**Summary / Citation**

(1) A person may be approved to act as a workplace safety and health auditor if he satisfies the Commissioner that he —

(a) has successfully completed a training course to equip him to become a workplace safety and health auditor; and

(b) has the following practical experience:

(i) at least 5 years of practical experience relevant to the work to be performed by a workplace safety and health auditor; or

(ii) at least 3 years of practical experience relevant to the work to be performed by a workplace safety and health auditor, if he is a workplace safety and health officer at the time he applies for approval to act as a workplace safety and health auditor.

(2) Notwithstanding paragraph (1), the Commissioner may approve a person to act as a workplace safety and health auditor, although the person does not have the qualifications and practical experience referred to in paragraph (1)(a) and (b), if the Commissioner is satisfied that the person has such other qualifications and practical experience as to render him competent to act as a workplace safety and health auditor.

Remarks / comments

A person may be approved to act as a workplace safety and health officer if he satisfies the Commissioner that —

(a) he has —

(i) successfully completed a training course to equip him to become a workplace safety and health officer; and
(ii) at least 2 years' practical experience relevant to the work to be performed by a workplace safety and health officer; or

(b) although not having the qualifications and practical experience in paragraph (a), he nevertheless has had such other qualifications and practical experience as to render him, in the Commissioner's opinion, competent to act as a workplace safety and health officer.

(Workplace Safety and Health (Workplace Safety and Health Officers) Regulations 2007 (No. S 373), Reg 3)

References

Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 (No. S. 607). (Art. 4)

Workplace Safety and Health (Workplace Safety and Health Officers) Regulations 2007 (No. S 373). (Reg 3)

6.2 Appointment of an OSH practitioner

Summary/citation

Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health officer or a workplace safety and health co-ordinator.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 28 (1))

6.2.1 Workforce size threshold for the appointment of OSH practitioners

Summary/citation

The occupier of a workplace within the prescribed class or description of workplaces specified below shall have appointed in writing in respect thereof a workplace safety and health officer:

1. Shipyards in which any ship, tanker and other vessels are constructed, reconstructed, repaired, refitted, finished or broken up.
2. Factories used for processing petroleum or petroleum products.
3. Factories in which building operations or works of engineering construction of a contract sum of \$10 million or more are carried out.
4. Any other factories in which 100 or more persons are employed, except those which are used for manufacturing garments.

References

Workplace Safety and Health (Workplace Safety and Health Officers) Regulations 2007 (No. S 373). (Art. 8, Second Schedule)

7 Workers' rights and duties

7.1 Duty to take reasonable steps to protect their own safety and health

Summary / Citation

It shall be the duty of every person at work to use in such manner so as to provide the protection intended, any suitable appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use alone or for use by him in common with others) for securing his safety, health and welfare while at work.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 15 (1) (a))

7.2 Duty to take reasonable steps to protect the safety and health of others

Summary / Citation

No person at work shall wilfully or recklessly interfere with or misuse any appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use alone or for use by him in common with others) pursuant to any requirement under this Act for securing the safety, health or welfare of persons (including himself) at work.

Any person at work who, without reasonable cause, wilfully or recklessly does any act which endangers the safety or health of himself or others shall be guilty of an offence.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 15(2)(3))

7.3 Supervisors' duty to take reasonable steps to protect the safety and health of others

Remarks / comments

While there is no duty imposed on supervisor specifically to take steps to protect safety and health of others under the WSH Act, there are some specific duties imposed under the Regulations, such as scaffold's supervisor under the WSH (Scaffolds) Regulations, lifting supervisor under the WSH (Operation of Cranes) Regulations.

References

Workplace Safety and Health (Operation of Cranes) Regulations 2011 (No. S 515).

Workplace Safety and Health (Scaffolds) Regulations 2011 (No. S 518).

7.4 Senior officers' duty to take reasonable steps to protect the safety and health of others

7.5 Self-employed persons' duty to take reasonable steps to protect their own and other people's health and safety

Summary / Citation

(1) It shall be the duty of every self-employed person (whether or not he is also a contractor or subcontractor) to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any undertaking carried on by him in the workplace.

(2) Every self-employed person shall, where required by the regulations, give to persons (not being his employees) the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their safety or health while those persons are at his workplace.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 13)

7.6 Duty to comply with OSH-related requirements

Summary / Citation

It shall be the duty of every person at work to co-operate with his employer or principal and any other person to such extent as will enable his employer, principal or the other person, as the case may be, to comply with the provisions of the WSH Act.

References

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136). (Art. 15 (1) (b))

7.7 Right to enquire about risks and preventive measures

Summary / Citation

While there is no explicit provision giving rights to workers to inquire about the risks and preventives measures at their workplace; the following requirements ensure that processes are in place for such communication.

For example, employers have explicit duties to ensure that their workers received adequate information to enable them to perform their work.

In addition, under Article 6 of the WSH (Risk Management) Regulations, employers are required to ensure that any person in the workplace who may be exposed to any risk to their safety or health, be informed of the risks involved as well as the measures and safe work procedures implemented to address such risks.

Moreover, under the WSH (WSH Committees) Regulations, prescribed class of workplaces are required to form a WSH Committee in respect of their workplace. It is mandatory that there is a sufficient number of workers' representatives in the Committee. Members of the committee will discuss safety and health issues of their workplaces, carry out group inspections of the workplace as well as investigate into accidents.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 12 (3) (e))

Workplace Safety and Health (Risk Management) Regulations 2006 (No. S 141). (Art. 6)

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008.

7.8 Right to remove themselves from a dangerous situation

Summary / Citation

An employee may terminate his contract of service with his employer without notice where he or his dependant is immediately threatened by danger to the person by violence or disease such as the employee did not by his contract of service undertake to run.

References

Employment Act (Ch. 91). (Art. 15)

7.9 Right to be reassigned to non-hazard work

Summary / Citation

There is no explicit provision giving rights to workers to request to be re-assigned to a less hazardous work under the WSH Act.

However, any worker who is or is to be employed in hazardous occupations such as those which requires them to handle certain chemical or be exposed to noisy environment, the employer is required to send such worker for pre-employment and periodic medical examinations under the WSH (Medical Examinations) Regulations.

If the medical doctor finds that the worker's health is likely to be affected if he were to carry out or continue to carry out the hazardous occupation, the medical doctor must inform the affected worker of his medical condition and whether the worker be suspended from such work or permanently be assigned to other work. For such situation, the employer must re-assign the worker to other works in consideration of his condition.

References

Workplace Safety and Health (Medical Examinations) Regulations 2011 (No. S 516).

7.9.1 Right to withdraw with compensation when workers are not reassigned to non-hazard work

8 Consultation, collaboration and co-operation with workers and their representatives

8.1 National OSH committee, commission, council or similar body

Summary / Citation

There shall be Workplace Safety and Health Council consisting of a chairman; a deputy chairman; and at least 10 but not more than 18 other members.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 39 (1))

Website of the Workplace Safety and Health Council of Singapore

8.1.1 Objectives, roles and/or functions

Summary / Citation

The functions of the WSH Council shall be —

- (a) to develop or facilitate the development of acceptable practices relating to safety, health and welfare at work;
- (b) to promote the adoption of acceptable practices relating to safety, health and welfare at work;
- (c) to devise, organise and implement programmes and other activities for or related to providing support, assistance or advice to any person or organisation in preserving, improving and promoting safety, health and welfare at work;
- (d) to facilitate and promote the development and upgrading of competencies, skills and expertise of the workforce relating to safety, health and welfare at work;
- (e) to research into any matter relating to safety, health and welfare at work;
- (f) to grant prizes and scholarships, and to establish and subsidise lectureships in universities and other educational institutions in subjects relating to safety, health and welfare at work;
- (g) to provide practical guidance with respect to the requirements of this Act relating to safety, health and welfare at work; and
- (h) to do all the things that it is authorised or required to do under the WSH Act.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 40A)

8.1.2 Constitution and chairmanship modalities

Summary / Citation

(1) There shall be a Workplace Safety and Health Council consisting of the following members, each of whom shall be appointed by the Minister in accordance with this section:

- (a) a chairman;
- (b) a deputy chairman; and
- (c) at least 10 but not more than 18 other members.

(2) The chairman, the deputy chairman and every member of the Council shall be appointed for a term not exceeding 3 years and shall be eligible for reappointment.

(3) The Minister may, at any time, revoke the appointment of the chairman, the deputy chairman or any member of the Council.

(4) If any member of the Council dies, resigns or is removed from office, the Minister may appoint any person to fill the vacancy and the person so appointed shall hold office for the remainder of the term for which the vacating member was appointed.

(5) The powers of the Council shall not be affected by any vacancy in the membership thereof.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 39)

8.2 Employers' duty to consult workers on risks**Summary / Citation**

Under the WSH (WSH Committees) Regulations, the occupier of factories in which 50 or more persons are employed, are required to form a WSH committee. The committee must be represented from the management and employees. The number of employee representatives must not be less than that of the management.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008.

8.3 Workers' right to select their representatives for health and safety matters**Summary / Citation**

It shall be the duty of the occupier of a factory to ensure that-

- (a) the workplace safety and health committee of the factory consists of members who are representatives of persons at work in the factory and of the management of the factory; and
- (b) at all times, the number of members who are representatives of the persons at work in the factory is not less than those who are representatives of the management of the factory.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Reg 6)

8.3.1 Workforce size conditions for workers' representation in health and safety**Summary / Citation**

There shall be a workplace safety and health committee in every factory in which 50 or more persons are ordinarily at work, excluding persons who carry out any work which is of a temporary nature and is not ordinarily carried out in the factory.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Reg 3)

8.3.2 Conditions of eligibility to represent workers in health and safety

8.4 OSH representatives' functions, rights and powers

8.4.1 Right to inspect the workplace

Summary / Citation

The workplace safety and health committee of a factory shall, for the purposes of discharging its functions and duties under the Act, have the power to:

- enter, inspect and examine the factory at any reasonable time;
- to inspect and examine any machinery, equipment, plant, installation or article in the factory;
- to make such examination and inquiry of the factory and of any person at work in that factory as may be necessary to execute its duties;
- to assess the levels of noise, illumination, heat or harmful or hazardous substances in the factory and the exposure levels of persons at work therein;
- to investigate any accident, dangerous occurrence or occupational disease that occurred within the factory.

Remarks / comments

The workplace safety and health committee of the factory consists of members who are representatives of persons at work in the factory and of the management of the factory.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Reg 17 (a)(b)(d)(e)(f))

8.4.2 Right to access OSH information

Summary / Citation

The workplace safety and health committee of a factory shall, for the purposes of discharging its functions and duties under the Act, have the power to:

- to require the production of factory records, certificates, notices and documents kept or required to be kept under the Act, including any other relevant document, and to inspect and examine any of them;

Remarks / comments

The workplace safety and health committee of the factory consists of members who are representatives of persons at work in the factory and of the management of the factory.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Reg 17(c))

8.4.3 Right to be present at interviews

8.4.4 Right to receive professional assistance from OSH experts

Summary / Citation

It shall be the duty of the occupier of a factory to take, so far as is reasonably practicable, such measures to ensure that the members of the workplace safety and health committee have a basic understanding and knowledge of the functions of a workplace safety and health committee under the Act.

Remarks / comments

The workplace safety and health committee of the factory consists of members who are representatives of persons at work in the factory and of the management of the factory.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Reg 16)

8.4.5 Right to accompany inspectors

- 8.4.6 Right to use facilities
- 8.4.7 Right to have time off work with pay to perform duties
- 8.4.8 Right to issue remedial notices
- 8.4.9 Right to resolve OSH issues in consultation with employers
- 8.4.10 Right to direct that dangerous work cease

8.5 Right of workers' representatives from outside the undertaking to address OSH issues at the workplace

- 8.5.1 Right to enter the workplace
- 8.5.2 Right to investigate suspected non-compliance with OSH legislation
- 8.5.3 Right to consult with workers
- 8.5.4 Right to advise workers
- 8.5.5 Right to initiate enforcement action

8.6 Joint OSH Committee

Summary / Citation

Every workplace within the prescribed class or description of workplaces shall have appointed in respect thereof a workplace safety and health committee.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 29 (1))

- 8.6.1 Participation of workers' representatives in joint OSH committee

Summary / Citation

Every workplace safety and health committee of a workplace shall comprise representatives of employees of the workplace as well as employers.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 29 (2))

- 8.6.2 Conditions for establishing a joint OSH committee

Summary / Citation

These Regulations shall apply in relation to every factory in which 50 or more persons are ordinarily at work, excluding persons who carry out any work which is of a temporary nature and is not ordinarily carried out in the factory.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Art. 3)

- 8.6.3 Objectives, roles and/or functions of joint OSH committees

Summary / Citation

The functions of a workplace safety and health committee appointed in respect of a workplace shall be —

- (a) to keep under review circumstances in the workplace which affect or may affect the safety or health of persons in the workplace;
 - (b) to promote co-operation between management and employees in achieving and maintaining safe and healthy working conditions;
 - (c) to carry out from time to time inspections of the scene of any accident or dangerous occurrence in the interests of the safety and health of the employees;
 - (d) to exercise such other functions and duties as may be prescribed or conferred on the committee under this Act; and
 - (e) such other functions as may be prescribed.
- (WSH Act, Art. 29(3))

The workplace safety and health committee of a factory may assist in organising any contest, competition or other activity for the purpose of promoting the safe conduct of work in the factory.
(WSH (WSH Committee) Regulations, Art. 14)

The workplace safety and health committee of a factory shall, with the approval of the occupier of the factory, issue a set of guidelines to promote the safety and health of persons at work in the factory.
The guidelines may, with the approval of the occupier of the factory, be amended or revoked by the workplace safety and health committee.
It shall be the duty of the occupier of the factory to publish a copy of the guidelines, and all amendments made to the guidelines, in such manner as will secure adequate publicity at the factory for the guidelines.
(WSH (WSH Committee) Regulations, Art. 15)

References

Workplace Safety and Health Act (2009 Ed.) (Art. 29 (3))

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Reg 14, 15)

8.6.4 Keeping record of the work of joint OSH committees

Summary / Citation

- (1) It shall be the duty of the secretary of the workplace safety and health committee of a factory to furnish a copy of the minutes of every meeting of the workplace safety and health committee of the factory to every member thereof and to the occupier of the factory.
- (2) It shall be the duty of the occupier of a factory to —
 - (a) keep a copy of such minutes in the factory for inspection by any inspector; and
 - (b) furnish a copy of such minutes to the Commissioner at any time when required by the Commissioner.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Art. 8)

8.6.5 Sharing the minutes of joint OSH committees meetings

Summary / Citation

It shall be the duty of the occupier of a factory to furnish a copy of such minutes to the Commissioner at any time when required by the Commissioner.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Art. 8 (2) (b))

8.7 Mandatory training for members of joint OSH committee(s)

Summary / Citation

It shall be the duty of the occupier of a factory to take, so far as is reasonably practicable, such measures to ensure that the members of the workplace safety and health committee have a basic understanding and knowledge of the functions and duties of a workplace safety and health committee under the Act.

References

Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008. (Art. 16)

8.8 Protection against reprisals

Summary / Citation

An employer shall not dismiss or threaten to dismiss an employee because the employee is performing his duties in good faith as a member of a workplace safety and health committee.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 18 (2) (c))

8.9 Immunity from civil and criminal liability for exercising OSH related rights and duties

Summary / Citation

Section 61 of the WSH Act provides protection from personal liabilities to the Commissioner, Deputy Commissioner, inspector and authorized examiner for any damage done in the course of carrying out test and examination done in good faith on any item specified in section 61(2).

Protection from personal liability is also provided to Commissioner and Deputy Commissioner for anything done or omitted in course of performing their duties in good faith under section 21 (issue of stop-work-order or remedial order)

References

Workplace Safety and Health Act (2009 Ed.) (Art. 61)

9 Specific hazards or risks

9.1 Biological hazards

Summary / Citation

(1) Where any person at work in any workplace carries out any process, operation or work involving exposure to any infectious agents or biohazardous material which may constitute a risk to his health, it shall be the duty of the employer of that person to take effective measures to protect that person from their harmful effects.

(2) In this regulation, "biohazardous material" includes —

- (a) any substance which contains toxins;
- (b) any biological waste;
- (c) any culture medium;
- (d) any contaminated blood, urine or faeces;
- (e) any infected tissue or organ; and
- (f) any infected animal.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 3)

9.2 Chemical hazards

9.2.1 Handling, storage, labelling and use

Summary / Citation

All hazardous substances in a workplace shall be kept, stored, used, handled or disposed of in such a manner as not to pose a risk to the health and safety of any person at work in the workplace.

Also, container of hazardous substances to be affixed with one or more warning labels that conform with —

- (a) any Singapore Standard relating to the classification and labelling of hazardous substances; or
- (b) such other standards, codes of practice or guidance relating to the classification and labelling of hazardous substances as is issued or approved by the Council.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 41, 42)

9.2.2 Duty of manufacturers, suppliers and importers of chemicals in relation to the safety and health of users

Summary / Citation

It shall be the duty of any person who manufactures or supplies any machinery, equipment or hazardous substance for use at work to ensure, so far as is reasonably practicable —

- (a) that the following information about the safe use of the machinery, equipment or hazardous substance is available to any person to whom the machinery, equipment or hazardous substance is supplied for use at work:
 - (i) the precautions (if any) to be taken for the proper use and maintenance of the machinery, equipment or hazardous substance;
 - (ii) the health hazards (if any) associated with the machinery, equipment or hazardous substance; and
 - (iii) the information relating to and the results of any examinations or tests of the machinery, equipment or hazardous substance under paragraph (c) that are relevant to its safe use;
- (b) that the machinery, equipment or hazardous substance is safe, and without risk to health, when properly used;
- (c) that the machinery, equipment or hazardous substance is examined and tested so as to comply with the obligation imposed by paragraph (b).

Restrictions / obligations

- (2) The duties imposed on any person specified in subsection (1) shall —
 - (a) apply only if the machinery, equipment or hazardous substance is manufactured or supplied in the course of trade, business, profession or undertaking carried on by the person, whether for profit or not;
 - (b) apply whether or not the machinery, equipment or hazardous substance is exclusively manufactured or supplied for use by persons at work; and
 - (c) extend to the supply of the machinery, equipment or hazardous substance by way of sale, transfer, lease or hire and whether as principal or agent, and to the supply of the machinery, equipment or hazardous substance to a person for the purpose of supply to others.
- (3) The duties imposed on any person specified in subsection (1) shall not apply to a person by reason only that the person supplies the machinery or equipment under a hire-purchase agreement, conditional sale agreement or credit-sale agreement to another (referred to in this section as the customer) in the course of a business of financing the acquisition of the machinery or equipment by the customer from others.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 16)

9.2.3 Pesticides

Summary / Citation

Organophosphate poisoning is listed as one of the occupational diseases that are recognized by the WSH Act, and one of the causes of such poisoning is exposure to pesticides.

References

Workplace Safety and Health Act (2009 Ed.) (Second Schedule)

9.3 Ergonomic hazards

Summary / Citation

The general duties of employer under section 12 to ensure the safety and health of their employees is broad and covers ergonomic.

The WSH (Risk Management) Regulations requires employers to carry out risk assessment in respect to their undertaking and it is explicitly stated that it includes ergonomics hazards (see definition 'hazard' in the WSH (Risk Management) Regulations).

Musculoskeletal disorder of the upper limb is covered on the list of occupational diseases under the WSH Act and WICA. An employer may pay compensation to an employee who contracted Musculoskeletal disorders of the upper limb if said employee was, during the course of work, exposed to occupational risk factors such as repetitive motion, forceful exertion, awkward postures or vibration affecting the upper limbs.

Restrictions / obligations

The compensation, if any, is limited to injuries or diseases received at work arising out of and in the course of the relevant appointment.

References

Workplace Safety and Health Act (2009 Ed.) (Second Schedule)

Work Injury Compensation Act, 2008 (Cap. 354). (Second Schedule)

Workplace Safety and Health (Risk Management) Regulations 2006 (No. S 141).

9.4 Physical hazards

9.4.1 Ionising radiation

Summary / Citation

It shall be the duty of the occupier of a workplace to take all reasonably practicable measures to ensure that persons at work in the workplace are protected from excessive heat or cold and harmful radiations. The specifics of how ionising radiation shall be controlled are stipulated in detail in the Radiation Protection (Ionising Radiation) Regulations and it includes provisions regarding licences, general requirements (e.g. age requirement and conditions for engaging in radiation work), control of radiation exposure, medical and radiological supervision, labelling and storage of radioactive materials, transport and usage of radioactive materials, and some miscellaneous provisions.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 10)

RADIATION PROTECTION (IONISING RADIATION) REGULATIONS 2000-01-24

Radiation Protection (Amendment) Act 2014 (Act 20 of 2014).

9.4.2 Vibration and noise

Summary / Citation

In any workplace where persons are at work in any process or operation which involves exposure to vibration which may constitute a risk to their health, it shall be the duty of the occupier of the workplace to provide, so far as is reasonably practicable, effective means to reduce the vibration.

References

Workplace Safety and Health (Noise) Regulations 2011 (No. S 424).

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 9)

9.4.3 Working at height**Summary / Citation**

The Workplace Safety and Health (Work at Heights) Regulations stipulate provisions with regard to the prevention of falls and minimization of injuries in the case of falls. It shall be the duty of responsible person (the employer, the principal, or sometimes the occupier) to prevent (through training, inspection, supervision, and fall prevention plan) accidents and injuries of workers working at heights. Furthermore, it also stipulates provisions related to permit-to-work system for hazardous work at height, industrial rope access system and other miscellaneous matters.

References

Workplace Safety and Health (Work at Heights) Regulations 2013 (No. S. 223).

9.4.4 Working in confined spaces**Summary / Citation**

Where a fixed and stationary confined space is sited in a factory, it shall be the duty of the occupier of the factory to make a record of the description and location of the confined space; and inform persons who are liable to be exposed to the hazards of the confined space, of the existence and hazards of the confined space. Access to and egress from confined space, opening of entrance cover of confined space, lighting and ventilation in confined space need to be regulated and entry into confined space needs to be controlled.

References

Workplace Safety and Health (Confined Spaces) Regulations 2009 (No. S462).

9.4.5 Risks arising from poor maintenance of workplace facilities**Summary / Citation**

It shall be the duty of the occupier of a workplace to ensure that every workroom of the workplace is provided with adequate ventilation. Where gases, vapours or other impurities are generated in the course of any process or work carried out in a workplace which may be injurious to health, it shall be the duty of the occupier of the workplace to provide effective and suitable ventilation — (a) for securing and maintaining the circulation of fresh air in the workplace; and (b) to render harmless, so far as is reasonably practicable, all such gases, vapours or other impurities.

In any workplace where any process is carried on which renders the floor liable to be wet, it shall be the duty of the occupier of the workplace to provide and maintain, so far as is reasonably practicable, effective means for draining off the wet.

Restrictions / obligations

The provision regarding ventilation shall not apply to any workplace where it is impracticable to make provision for adequate ventilation and where suitable air-supplied breathing apparatus is provided to persons at work in the workplace.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 5, 7)

9.4.6 Exposure to extreme temperatures

Summary / Citation

It shall be the duty of the occupier of a workplace to take all reasonably practicable measures to ensure that persons at work in the workplace are protected from excessive heat or cold and harmful radiations.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 10)

9.4.7 Fire risks

Summary / Citation

The occupier of a workplace has a duty to take all reasonably practicable steps in a workplace to prevent fire and provide such means of escape in case of fire for the persons at work.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 37, 38)

9.4.8 Tobacco

Summary / Citation

Smoking is prohibited in or around the explosive magazine or storage enclosure in a worksite in some industries, for example, in construction.

References

Workplace Safety and Health (Construction) Regulations 2007. (Art. 117)

9.4.9 Asbestos

Summary / Citation

The Workplace Safety and Health (Asbestos) Regulations set out rules and standards with regard to ascertaining presence of asbestos or asbestos-containing materials at workplace; general provisions for work involving asbestos such as training, usage of personal protective equipment, storage and disposal of asbestos waste and contaminated matter; asbestos-removal work and approved asbestos-removal contractor.

References

Workplace Safety and Health (Asbestos) Regulations 2014 (No. S. 337).

9.4.10 Risks related to nanotechnology

Remarks / comments

The WSH Act requires stakeholders to ensure the safety and health of every person in their workplace. The scope is broad and includes nanotechnology. However, the measures that need to be taken has to factor in how much is known on the risk and the reasonably practicable measures that can be taken at current time.

9.4.11 Contraction of HIV in the workplace

9.5 Psychosocial hazards

9.5.1 Psychosocial risks

Remarks / comments

The WSH Act covers both physical and psychosocial health of persons at work in Singapore according to the WSH guideline on healthcare. However, there is no legal provision which specifically addresses psychosocial hazards at workplace.

References

Workplace Safety and Health Guidelines - Healthcare 2008

9.5.2 Occupational violence

Summary / Citation

An employee may terminate his contract of service with his employer without notice where he or his dependant is immediately threatened by danger to the person by violence or disease such as the employee did not by his contract of service undertake to run.

The Protection from Harassment Act 2014 stipulates that no person shall by any means — (a) use any threatening, abusive or insulting words or behaviour; or (b) make any threatening, abusive or insulting communication, which is heard, seen or otherwise perceived by any person likely to be caused harassment, alarm or distress.

References

Employment Act (Ch. 91). (Art. 15)

Protection from Harassment Act 2014 (Act 17 of 2014) .

9.6 Other hazardous substances

Summary / Citation

Where any process or work carried on in any workplace is likely to produce or give off any toxic dust, fumes, gas, vapour, mist, fibre or other contaminants, all reasonably practicable measures shall be taken to —

- (a) prevent their accumulation in the workplace; and
- (b) protect persons at work in the workplace against exposure to the toxic dust, fumes, gas, vapour, mist, fibre or other contaminants through inhalation, ingestion or skin contact.

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Art. 39)

9.7 Machineries

9.7.1 Risks related to machinery and tools

Summary / Citation

The WSH Act stipulates the WSH obligations to be fulfilled as well as the responsibilities of every person at work with regard to the safe use of machinery. The WSH (General Provisions) Regulations include provisions for protecting workers and employed persons when using machines. Under the law, it is the duty of the occupier of a workplace to ensure that every dangerous part of any machine in the workplace is securely fenced unless it is placed in a safe position; made safe by construction; or other effective means when the dangerous part is in motion or in use. The law also requires lock-out tag-out (LOTO) procedures to be established and implemented during machine inspection, cleaning, repair and maintenance. This is because a machine, if inadvertently activated or energised, is liable to cause bodily injury to any person at work. Machines may generate noise in workplaces. To protect persons at work from being exposed to excessive noise, the WSH (Noise) Regulations require the occupier of the workplace and the responsible person to implement measures to reduce or control the noise emitted from any machines.

References

Workplace Safety and Health Act (2009 Ed.)

Workplace Safety and Health (Noise) Regulations 2011 (No. S 424).

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134).

Workplace Safety and Health Guidelines on Safe Use of Machinery 2014-11

9.7.2 Duty of designers and/or manufacturers of machineries in relation to the occupational safety and health of operators of machineries

Summary / Citation

It shall be the duty of any person who manufactures or supplies any machinery, equipment or hazardous substance for use at work to ensure, so far as is reasonably practicable — (b) that the machinery, equipment or hazardous substance is safe, and without risk to health, when properly used; (c) that the machinery, equipment or hazardous substance is examined and tested so as to comply with the obligation imposed by paragraph (b).

References

Workplace Safety and Health Act (2009 Ed.) (Art. 16 (1))

9.7.3 Duty of designers, manufacturers, importers or suppliers of machineries to provide machineries information

Summary / Citation

It shall be the duty of any person who manufactures or supplies any machinery, equipment or hazardous substance for use at work to ensure, so far as is reasonably practicable — (a) that the following information about the safe use of the machinery, equipment or hazardous substance is available to any person to whom the machinery, equipment or hazardous substance is supplied for use at work:

- (i) the precautions (if any) to be taken for the proper use and maintenance of the machinery, equipment or hazardous substance;
- (ii) the health hazards (if any) associated with the machinery, equipment or hazardous substance; and
- (iii) the information relating to and the results of any examinations or tests of the machinery, equipment or hazardous substance under paragraph (c) that are relevant to its safe use.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 16 (1) (a))

9.7.4 Duty to purchase machineries from authorised/certificated suppliers or only if approved/certificated

9.7.5 Maintenance of machinery and equipment

Summary / Citation

Where any machinery moved by mechanical power is used in any workplace, then notwithstanding anything in this Act, it shall be the duty of the owner of the machinery to ensure —

- (a) so far as is reasonably practicable, that the machinery is maintained in a safe condition; and
- (b) that the precautions (if any) to be taken for the safe use of the machinery and the health hazards (if any) associated with the machinery are available to any person using the machinery.

(Art. 17(4))

In addition, under section 11 and 12 of the WSH Act, occupiers and employers have a general duty to ensure that every machinery, equipment, plant, article and substance are safe and without risk to every person within the premises. In ensuring that these are complied with, it follows that adequate maintenance regime need to be in place to ensure these machinery, equipment etc remain safe for use. These machinery, equipment etc are not restricted only to those specified in the Fifth Schedule.

(Arts. 11, 12)

References

Workplace Safety and Health Act (2009 Ed.) (Art. 11, 12, 17 (4))

9.7.5.1 List of equipment where applicable

Remarks / comments

The general requirement to ensure safety of every machinery, equipment, etc. under section 11 and 12 is broad and includes any machinery.

References

Workplace Safety and Health Act (2009 Ed.) (Arts. 11, 12)

9.8 Provisions to protect workers in specific condition of vulnerability

9.8.1 Protection of pregnancy at work

Summary / Citation

No female workman who is pregnant shall be employed to work during the night or part thereof unless she has for this purpose consented in writing and is not certified unfit by a medical officer or a registered medical practitioner.

References

Employment (Female Workmen) Regulations 1988 (No. S 101 of 1988). (Art. 3 (1))

9.8.2 Protection of lactating women at work

9.8.3 Limits to women's access to specific occupations, undertakings or shifts

Summary / Citation

No female workman who is pregnant shall be employed to work during the night or part thereof unless she has for this purpose consented in writing and is not certified unfit by a medical officer or a registered medical practitioner.

References

Employment (Female Workmen) Regulations 1988 (No. S 101 of 1988). (Art. 3 (1))

9.8.4 Limits to workers' access to specific occupations, undertakings or shifts by reason of age

Summary / Citation

No child below the age of 13 years shall be employed in any occupation. Furthermore, this Regulation put restrictions and limitations on the occupation, working hours, working environment and shifts for children and young persons.

(Employment (Children and Young Persons) Regulations)

It shall be the duty of the employer of any person who uses or is to use any suspended scaffold in a workplace; or the principal under whose direction any person uses or is to use any suspended scaffold in a workplace, to take, so far as is reasonably practicable, such measures as are necessary to ensure that no person below the age of 18 years operates a climber, winch, powered device or mechanism used for raising or lowering a suspended scaffold.

(WSH (Scaffolds) Regulations, Reg 48)

The fencing or other effective means which are used to render machinery safe may be removed to such extent as is necessary in certain cases provided in the Regulations and only by workers who have attained the age of 20 years.

(WSH (General Provisions) Regulations, Reg 13)

No person below the age of 18 years shall be at work:

(a) operating any lifting machine driven by mechanical power; or

(b) giving signals to the operator of any lifting machine.

(WSH (General Provisions) Regulations, Reg 21(13))

References

Workplace Safety and Health (General Provisions) Regulations 2006 (No. S 134). (Regs 13, 21(13))

Employment (Children and Young Persons) Regulations 1976. No. S 3.

Workplace Safety and Health (Scaffolds) Regulations 2011 (No. S 518). (Reg 48)

10 Recording, notification and investigation of accidents/incidents and diseases

10.1 Duty to record and/or investigate the causes of work accidents, near misses incidents and cases of occupational diseases

Reference

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136).

10.1.1 Work-related accidents

Summary / Citation

Duty to notify and report accident leading to death:

- (1) Where any accident at a workplace occurs which leads to the death of any employee, the employer of that employee shall, as soon as is reasonably practicable, notify the Commissioner of the accident.
 - (2) Where any accident at a workplace occurs which leads to the death of any person who is not at work or of any self-employed person, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the accident.
 - (3) The employer or occupier, as the case may be, shall thereafter, but not later than 10 days after the accident, submit a report to the Commissioner.
- (Art. 4)

Duty to report accident leading to injury:

- (1) Where an employee meets with an accident at a workplace, the employer of that employee shall submit a report to the Commissioner of the accident —
 - (a) in the case where the employee is granted more than 3 days of sick leave (consecutive or otherwise) by a registered medical practitioner on account of that accident, not later than 10 days after the 3rd day of the sick leave; and
 - (b) in the case where the employee is admitted in a hospital for at least 24 hours for observation or treatment on account of that accident, not later than 10 days after the date of the accident.
 - (2) Where an employee meets with an accident at a workplace which is reported under paragraph (1), and subsequently dies as a result of the injury, the employer of that employee shall, as soon as is reasonably practicable, notify the Commissioner of the death.
 - (3) Where any person who is not at work or any self-employed person meets with an accident at a workplace which requires him to be taken to a hospital for treatment in respect of that injury, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the accident.
- (Art. 6)

Every employer and every occupier of a workplace shall keep a record of every notification or report made by him under these Regulations.

(Art. 8)

References

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136). (Art. 4, 6, 8)

10.1.2 Near miss incidents

Summary / Citation

- (1) Where any dangerous occurrence occurs at a workplace, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the occurrence.
 - (2) The occupier shall thereafter, but not later than 10 days after the occurrence, submit a report to the Commissioner.
- (Art. 5)

Every employer and every occupier of a workplace shall keep a record of every notification or report made by him under these Regulations.

(Art. 8)

References

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136). (Art. 5, 8)

10.1.3 Occupational diseases

Summary / Citation

(1) Where an employee suffers an occupational disease specified in the Second Schedule to the WSH Act at a workplace, and the employer of that employee receives a written statement prepared by a registered medical practitioner diagnosing the occupational disease, the employer shall, not later than 10 days after receipt of the written diagnosis, submit a report to the Commissioner.

(2) Any registered medical practitioner who diagnoses any employee with an occupational disease specified in the Second Schedule to the WSH Act shall, not later than 10 days after the diagnosis, submit a report to the Commissioner.

(Art. 7)

Every employer and every occupier of a workplace shall keep a record of every notification or report made by him under these Regulations.

(Art. 8)

References

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136). (Art. 7)

10.2 Employers' duty to notify OSH authorities of work related death and/or injuries to health

Summary / Citation

The Minister may by regulations require an employer, an occupier, a registered medical practitioner or any other person to notify or to submit a report to the Commissioner in the event of an accident, a dangerous occurrence or an occupational disease in a prescribed workplace.

(WSH Act, 27(1))

Occupiers and employers are required to notify and report such dangerous occurrences and accidents leading to injury or fatalities.

Notification and Reporting of Deaths and Dangerous Occurrences

Where any accident at a workplace occurs which leads to the death of any employee, the employer of that employee shall, as soon as is reasonably practicable, notify the Commissioner of the accident.

Where any accident at a workplace occurs which leads to the death of any person who is not at work or of any self-employed person, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the accident.

The employer or occupier, as the case may be, shall thereafter, but not later than 10 days after the accident, submit a report to the Commissioner.

(WSH (Incident Reporting) Regulations, 4)

Where any dangerous occurrence occurs at a workplace, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the occurrence.

The occupier shall thereafter, but not later than 10 days after the occurrence, submit a report to the Commissioner.

(WSH (Incident Reporting) Regulations, 5)

Reporting of Injuries

Where an employee meets with an accident at a workplace, the employer of that employee shall submit a report to the Commissioner of the accident —

- (a) in the case where the employee is granted more than 3 days of sick leave (consecutive or otherwise) by a registered medical practitioner on account of that accident, not later than 10 days after the 3rd day of the sick leave; and
- (b) in the case where the employee is admitted in a hospital for at least 24 hours for observation or treatment on account of that accident, not later than 10 days after the date of the accident.

Where an employee meets with an accident at a workplace which is reported under paragraph 1, and subsequently dies as a result of the injury, the employer of that employee shall, as soon as is reasonably practicable, notify the Commissioner of the death.

Where any person who is not at work or any self-employed person meets with an accident at a workplace which requires him to be taken to a hospital for treatment in respect of that injury, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the accident.

(WSH (Incident Reporting) Regulations, 6)

Reporting of Occupational Diseases

Where an employee suffers an occupational disease specified in the Second Schedule to the Act at a workplace, and the employer of that employee receives a written statement prepared by a registered medical practitioner diagnosing the occupational disease, the employer shall, not later than 10 days after receipt of the written diagnosis, submit a report to the Commissioner.

Any registered medical practitioner who diagnoses any employee with an occupational disease specified in the Second Schedule to the Act shall, not later than 10 days after the diagnosis, submit a report to the Commissioner.

(WSH (Incident Reporting) Regulations, 7)

References

Workplace Safety and Health Act (2009 Ed.) (Art. 27 (1))

Workplace Safety and Health (Incident Reporting) Regulations 2006 (No. S 136). (Regs 4-7)

11 OSH inspection and enforcement of OSH legislation

11.1 Appointment of OSH inspectors

Summary / Citation

The Workplace Safety and Health Commissioner may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon him by the WSH Act (except the power of delegation conferred by this subsection) to any Deputy Commissioner, inspector or authorised officer, subject to such conditions or limitations as the Commissioner may specify.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 7 (4))

11.2 OSH inspectors' powers

11.2.1 Power to enter workplaces

Summary / Citation

- (1) An inspector shall, for the purposes of the execution of the WSH Act, have power to do all or any of the following:
- (a) to enter, inspect and examine at any time any workplace;
 - (b) to enter, inspect and examine at all reasonable times any place which he has reasonable cause to believe to be —
 - (i) a workplace; or
 - (ii) a place of which a workplace forms a part.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 41 (1))

11.2.2 Power to inspect and carry out any examination, test or enquiry

Summary / Citation

An inspector shall, for the purposes of the execution of the WSH Act, have power to do all or any of the following:

- (c) to inspect and examine any machinery, equipment, plant, installation or article in any place referred to in paragraphs (a) and (b);
- (d) to require the production of workplace records, certificates, notices and documents kept or required to be kept under this Act, and to inspect, examine and make a copy of any of them;
- (e) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as regards any workplace and any person at work;
- (f) to require any person whom he finds in a workplace to give such particulars of the employer and the occupier of the workplace as are within his knowledge;
- (g) in the case of an inspector who is a registered medical practitioner, to carry out on any person who is or had been working in a workplace such medical examinations as may be necessary for the purposes of his duties under this Act;
- (h) to take samples of any material or substance found in a workplace or being discharged from any workplace for the purpose of analysis or test;
- (i) to assess the levels of noise, illumination, heat or harmful or hazardous substances in any workplace and the exposure levels of persons at work therein;
- (j) to require any hospital, medical clinic or mortuary to provide any information (including the medical records) of any person who is or had been working in a workplace who is injured in an accident in a workplace or who is suspected of suffering from an occupational disease contracted from a workplace and is receiving treatment at the hospital or medical clinic;
- (k) to take such photographs or video recording as he thinks necessary to record the conditions in a workplace and the processes carried on therein which may be dangerous to the safety or health of the persons at work therein;
- (l) to require any person to produce any article which is relevant to an investigation or inquiry under this Act and, if necessary, to take into custody any such article;
- (m) to require any person whom he finds in the workplace to produce evidence of the person's identity.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 41 (1) (c) ~ (m))

11.2.3 Power to investigate

Summary / Citation

An inspector may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of any accident or dangerous occurrence or occupational disease occurring in the workplace, or with respect to any matter under this Act, and to reduce to writing any statement made by the person so examined; and
- (b) require by order in writing the attendance before himself of any person, being within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under the WSH Act and that person shall attend as so required.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 43 (1))

11.2.4 Duty to provide advice on OSH

11.3 OSH inspectors' enforcement powers

11.3.1 Power to issue orders or notices

Summary / Citation

(1) This section shall apply if the Commissioner is satisfied that —

- (a) any workplace is in such condition, or is so located, or any part of the machinery, equipment, plant or article in the workplace is so used, that any work or process carried on in the workplace cannot be carried on with due regard to the safety, health and welfare of persons at work;
- (b) any person has contravened any duty imposed by this Act; or
- (c) any person has done any act, or has refrained from doing any act which, in the opinion of the Commissioner, poses or is likely to pose a risk to the safety, health and welfare of persons at work.

(2) Where this section applies, the Commissioner may serve a remedial order or a stop-work order in respect of a workplace on —

- (a) any person who is in control of the workplace, or the work or process carried out in the workplace;
- (b) any person whose duty under this Act is to ensure the safety, health and welfare of any person at work in the workplace; or
- (c) any per

son who poses or is likely to pose a risk to the safety, health and welfare of any person at work in the workplace.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 21)

11.3.2 Power to impose financial penalties

Summary / Citation

In administering the Act, the Commissioner may take legal action against any duty-holders who breached the Act or its subsidiary legislation.

Remarks / comments

However, depending on the case the Commissioner, in lieu of prosecution, may compound the offence instead.

References

Workplace Safety and Health Act (2009 Ed.)

11.3.3 Power to revoke or suspend licenses or authorisations

Summary / Citation

The Commissioner may suspend, for such period not exceeding 12 months as the Commissioner may specify, or cancel, the certificate of approval issued to an approved asbestos -removal contractor if the Commissioner is satisfied that the approved asbestos removal contractor has obtained the certificate of approval by means of fraud, false representation or the concealment of any material fact? has contravened, or is reasonably suspected to have contravened, any provision in Part II, III or IV? or has breached any condition imposed by the Commissioner under regulation 19(1) or (3).

(WSH (Asbestos) Regulations, 21)

The Commissioner may suspend for such period as he may determine or cancel the registration under regulation 12 of any person as a designated workplace doctor if the Commissioner is satisfied that the person — had obtained or procured his approval by fraud or misrepresentation; has breached any term or condition subject to which the approval was granted; or is no longer a fit and proper person to act as a designated workplace doctor; or the Commissioner considers it in the public interest to do so.

(WSH (Medical Examinations) Regulations, 15)

The Commissioner may suspend or cancel the certificate of approval of any approved scaffold contractor if the Commissioner is satisfied that the approved scaffold contractor has obtained the certificate of approval by means of fraud, false representation or the concealment of any material fact; or is contravening or has contravened any condition of the certificate of approval.

(WSH (Scaffolds) Regulations, 60)

The Commissioner may suspend or cancel the registration of any registered crane operator if the Commissioner is satisfied that the registered crane operator has obtained his registration under these Regulations by means of fraud, false representation or the concealment of any material fact; has been certified by a registered medical practitioner to be unfit to operate a mobile crane or a tower crane; or has failed to comply with any of the duties set out in these Regulations.

(WSH (Operation of Cranes) Regulations, 13)

The Commissioner may suspend or cancel the certificate of approval issued to any approved crane contractor if the Commissioner is satisfied that the approved crane contractor has obtained the certificate of approval under these Regulations by means of fraud, false representation or the concealment of any material fact; or is contravening or has contravened any condition subject to which the certificate was issued.

(WSH (Operation of Cranes) Regulations, 21)

The Commissioner may suspend or cancel the approval of a person as an authorised person if

(a) the Commissioner is satisfied that the person (i) had obtained or procured his approval by fraud or misrepresentation;

(ii) has breached any term or condition subject to which the approval was granted; or

(iii) is no longer a fit and proper person to act as a relevant authorised person; or

(b) the Commissioner considers that it is in the public interest to do so.

(WSH (Operation of Cranes) Regulations, 35)

If any registered factory becomes unfit for occupation or use as a factory by reason of

(a) any change in the type of the work for which the factory is registered;
(b) any structural change to the premises of the registered factory or any change in the layout of the premises; or
(c) any fact or circumstance not present when the factory was registered, the Commissioner may, by notice in writing, direct the occupier of the registered factory to comply with such requirements as may be specified in the notice.

(2) Where the occupier of the registered factory to whom any notice under paragraph (1) is given fails to comply with the notice, the Commissioner may —

(a) suspend the certificate of registration of the factory for such period as he thinks fit; or
(b) revoke the certificate of registration of the factory.

(3) Where the Commissioner is satisfied that there has been a contravention of any condition of a certificate of registration, he may —

(a) suspend the certificate of registration of the factory for such period as he thinks fit; or
(b) revoke the certificate of registration of the factory.

(3A) The Commissioner may —

(a) on the application of the occupier of a registered factory; or
(b) on being satisfied that the occupier of a registered factory has ceased to occupy the factory, revoke the certificate of registration of the factory.

(WSH (Registration of Factories) Regulations, 9)

References

Workplace Safety and Health Act (2009 Ed.) (Art. 35)

Workplace Safety and Health (Asbestos) Regulations 2014 (No. S. 337). (Reg 21)

Workplace Safety and Health (Medical Examinations) Regulations 2011 (No. S 516). (Reg 15)

Workplace Safety and Health (Operation of Cranes) Regulations 2011 (No. S 515). (Reg 13, 24)

Workplace Safety and Health (Scaffolds) Regulations 2011 (No. S 518). (Reg 60)

Workplace Safety and Health (Registration of Factories) Regulations 2008. (Reg 9)

11.3.4 Power to require the cessation of dangerous work

Summary / Citation

Commissioner may issue stop-work-order or remedial order.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 21)

11.3.5 Power to initiate prosecutions

11.3.6 Power to conduct prosecutions

11.3.7 Other enforcement powers

11.4 Application of sanctions by courts

Reference

Workplace Safety and Health Act (2009 Ed.)

11.4.1 Financial penalties for legal persons

Summary / Citation

Any person guilty of an offence under this Act (but not including the regulations) for which no penalty is expressly provided by this Act shall be liable on conviction —

(b) in the case of a body corporate, to a fine not exceeding \$500,000,

and, if the contravention in respect of which he was so convicted continues after the conviction, he shall (subject to section 52) be guilty of a further offence and shall be liable to a fine —

(ii) in the case of a body corporate, not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 50 (b) (ii))

11.4.2 Financial penalties for natural persons

Summary / Citation

Any person guilty of an offence under this Act (but not including the regulations) for which no penalty is expressly provided by this Act shall be liable on conviction —

(a) in the case of a natural person, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both;

and, if the contravention in respect of which he was so convicted continues after the conviction, he shall (subject to section 52) be guilty of a further offence and shall be liable to a fine —

(i) in the case of a natural person, not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 50 (a) (i))

11.4.3 Non-financial sanctions

Summary / Citation

(1) Where any person is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him to take, within the time specified in the order (or within such further time as the court may allow), such steps as may be so specified for remedying the matters in respect of which the contravention occurred.

(2) Subject to subsection (3), where an order is made under subsection (1), the convicted person shall not be liable under this Act in respect of the continuation of the contravention during the time specified in the order or allowed by the court to remedy the matters in respect of which the contravention occurred.

(3) If, after the expiration of the time specified in the order or allowed by the court under subsection (1) following a conviction of an offence, the order is not complied with, the person referred to in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day during which the non-compliance continues after the date of conviction for that first-mentioned offence.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 52)

11.4.4 Criminal liability

Remarks / comments

An offence under the WSH Act (or its subsidiary legislation) is a criminal offence.

References

Workplace Safety and Health Act (2009 Ed.)

11.4.5 Terms of imprisonment for natural persons**Summary / Citation**

Any person guilty of an offence under this Act (but not including the regulations) for which no penalty is expressly provided by this Act shall be liable on conviction — (a) in the case of a natural person, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

References

Workplace Safety and Health Act (2009 Ed.) (Art. 50 (a))