

Workplace Safety and Health (Amendment) Bill

Bill No. 2/2008.

Read the first time on 15th February 2008.

A BILL

intituled

An Act to amend the Workplace Safety and Health Act (Chapter 354A of the 2007 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Workplace Safety and Health (Amendment) Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of section 4**

2. Section 4(1) of the Workplace Safety and Health Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words “section 39” in the definition of “approved code of practice” and substituting the words “section 40B”; and
- 10 (b) by inserting, immediately after the definition of “contractor”, the following definition:

“ “Council” means the Workplace Safety and Health Council established under section 39;”.

Amendment of section 8

15 3. Section 8 of the principal Act is amended —

- (a) by inserting, immediately after the words “under section 7”, the words “and every member of the Council”; and
- (b) by deleting the words “and authorised officers” in the section heading and substituting the words “, authorised officers, etc.,”.

20 **Repeal and re-enactment of Part VIII**

4. Part VIII of the principal Act is repealed and the following Part substituted therefor:

“PART VIII

WORKPLACE SAFETY AND HEALTH COUNCIL

25 **Establishment of Workplace Safety and Health Council**

39.—(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.

Powers and proceedings of Council

40.—(1) Subject to the provisions of this Act, the Council may determine its own procedure.

(2) At any meeting of the Council, 5 members thereof shall constitute a quorum.

(3) The chairman of the Council or, in his absence, the deputy chairman thereof shall preside at all meetings of the Council and, in their absence, the members present shall elect one of their number to preside.

(4) The deputy chairman of the Council may, subject to such directions as may be given by the chairman thereof, exercise all or any of the powers exercisable by the chairman of the Council under this Act.

(5) The Council may appoint, from among its own members or other persons who are not members of the Council, such number of committees as it may think fit consisting of its members or other persons, or both its members and other persons, for purposes which, in the opinion of the Council, would be better regulated and managed by means of such committees.

Functions of Council

40A. The functions of the 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;
- 5 (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;
- 10 (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;
- 15 (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;
- 20 (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 this Act.

Codes of practice

25 **40B.**—(1) For the purpose of providing practical guidance with respect to the requirements of this Act relating to safety, health and welfare at work, the Council may, from time to time, do all or any of the following:

- 30 (a) issue one or more codes of practice, which may include any code of practice issued or approved under another written law if the Council considers that code of practice suitable for this purpose;
- (b) approve as a code of practice any document prepared by any person or organisation other than the Council if the Council considers the document as a suitable document for this purpose;
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(c) amend or revoke any code of practice issued or approved under this section.

(2) The power of the Council under subsection (1)(a) or (b) to issue or approve a code of practice that is either a code of practice issued or approved under another written law or a document prepared by any person or organisation other than the Council shall include the power to issue or approve a part of such a code of practice or document.

(3) Where a code of practice is issued, approved, amended or revoked by the Council under subsection (1), the Council shall —

(a) publish a notice of the issue, approval, amendment or revocation, as the case may be, of the code of practice in such manner as will secure adequate publicity for such issue, approval, amendment or revocation;

(b) specify in the notice referred to in paragraph (a) —

(i) the date of issue, approval, amendment or revocation, as the case may be;

(ii) the class of hazards, activities or articles in respect of which the code of practice is issued, approved, amended or revoked; and

(iii) the place at and the time during which, or the Internet website where, the code of practice which is the subject of the notice may be inspected; and

(c) ensure that, so long as the code of practice remains in force, copies of that code, and of all amendments to that code, are available —

(i) for inspection by members of the public free of charge; and

(ii) for purchase by members of the public at a reasonable price.

(4) No code of practice, no amendment to an approved code of practice, and no revocation of any such approved code of practice, shall have any force or effect until the notice relating thereto is published in accordance with subsection (3).

5 (5) An approved code of practice that is also either a code of practice issued or approved under another written law or a document prepared by any person or organisation other than the Council shall consist of the contents of that code or document as that code or document existed on the date it was issued or approved as an approved code of practice under this section.

(6) If any provision of any approved code of practice is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

10 (a) shall have effect subject to the provisions of this Act; or

(b) having regard to the provisions of this Act, shall not have effect.

(7) Any approved code of practice shall be deemed not to be subsidiary legislation.

15 **Use of approved codes of practice in criminal proceedings**

40C.—(1) A person shall not be liable to any criminal proceedings by reason only that he has failed to observe any approved code of practice.

20 (2) In any proceedings for an offence under this Act, an approved code of practice that is relevant to any matter which it is necessary for the prosecution to prove in order to establish the commission of the offence shall be admissible in evidence in the proceedings.

(3) Without affecting any other method of proof, in any proceedings for an offence under this Act —

25 (a) the production of a document purporting to be a copy of a notice published by the Council under section 40B(3)(a) shall be taken to be such a notice until the contrary is proved; and

30 (b) the production of a code of practice, or an amendment or a revocation of a code of practice, purporting to be the subject of a notice under section 40B(3)(a) shall be taken to be the subject of that notice until the contrary is proved.

35 (4) In determining for the purpose of any provision of this Act as to whether any machinery, equipment, plant, installation or article is of good construction, sound material, adequate strength or in accordance

with the generally accepted principles of safe and sound practice, regard shall be had to any relevant Singapore Standards established and published by the Standards, Productivity and Innovation Board under section 7(2)(h) of the Standards, Productivity and Innovation Board Act (Cap. 303A) or such other standards, codes of practice or
5 guidance acceptable to the Council.”.

Amendment of section 41

5. Section 41(1) of the principal Act is amended by deleting paragraph (l) and substituting the following paragraph:

10 “(l) to require any person to produce any article which is relevant to any investigation or inquiry under this Act and, if necessary, to take into custody any such article;”.

Amendment of section 48

15 6. Section 48(3) of the principal Act is amended by deleting the words “, a partner of the partnership” and substituting the words “of individuals or bodies corporate, any partner of the partnership or any officer of the body corporate”.

Amendment of section 65

20 7. Section 65(2) of the principal Act is amended by inserting, immediately after paragraph (v), the following paragraph:

“(va) in relation to the Council, the payment of allowances to a member of the Council who is not a public servant;”.

Transitional provision

25 8. Any code of practice issued, approved or amended under section 39 of the principal Act in force immediately before the date of commencement of this Act shall be deemed to have been issued, approved or amended by the Workplace Safety and Health Council under the principal Act as amended by section 4 of this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Workplace Safety and Health Act (Cap. 354A) for the following main purposes:

- (a) to establish a Workplace Safety and Health Council (the Council) that is industry-led; and
- (b) to transfer the power of the Commissioner for Workplace Safety and Health to issue, approve, amend or revoke any code of practice to the Council.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 4(1) by amending the existing definition of “approved code of practice” and inserting a new definition of “Council”.

Clause 3 amends section 8 to deem members of the Council to be public servants.

Clause 4 repeals and re-enacts Part VIII (containing new sections 39, 40, 40A, 40B and 40C).

The new section 39 establishes the Council as an unincorporated entity and specifies its membership.

The new section 40 relates to the powers and proceedings of the Council.

The new section 40A defines the Council’s functions.

The new section 40B empowers the Council to issue, approve, amend and revoke codes of practice for the purpose of providing practical guidance on the requirements of the Act. Such codes of practice will be deemed not to be subsidiary legislation.

The new section 40C allows any relevant approved code of practice to be admissible in evidence in criminal proceedings for any offence under the Act.

Clause 5 amends section 41(1)(l) to expand the powers of an inspector to allow him to require a person to produce any article which is relevant to an investigation or inquiry under the Act.

Clause 6 amends section 48(3) to provide that a partner of a partnership or an officer of a body corporate may be guilty of an offence committed by the partnership of individuals or bodies corporate.

Clause 7 amends section 65(2) to empower the Minister to make regulations in relation to the payment of allowances to members of the Council who are not public servants.

Clause 8 sets out the transitional provision to provide that codes of practice issued, approved or amended under the repealed section 39 in force immediately before the date of commencement of the Workplace Safety and Health (Amendment) Act 2008 are deemed issued, approved or amended by the Council.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
