

# **Workplace Safety and Health (Amendment) Bill**

**Bill No. 13/2011.**

*Read the first time on 10th March 2011.*

A BILL

*intituled*

An Act to amend the Workplace Safety and Health Act (Chapter 354A of the 2009 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 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Repeal and re-enactment of section 2

2. Section 2 of the Workplace Safety and Health Act (referred to in this Act as the principal Act) is repealed and the following section substituted therefor:

#### “Application of Act

10 2. Except as otherwise provided in this Act (but not the regulations), the provisions of this Act shall apply to all workplaces.”.

### Amendment of section 4

3. Section 4(1) of the principal Act is amended —

15 (a) by deleting the words “Second Schedule” in the definition of “dangerous occurrence” and substituting the words “First Schedule”;

(b) by deleting the definitions of “occupational disease” and “occupier” and substituting the following definitions:

20 ““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;

25 “occupier”, in relation to any premises or part of any premises, means —

30 (a) in the case of a factory where a certificate of registration has to be obtained in relation to the premises pursuant to any regulations — the person who is, or is required to be, the holder of the certificate;

(b) in the case of a factory where a notification has to be submitted in relation to the factory pursuant to any regulations — the person who is named in the

notification, or is required to submit a notification;  
and

(c) in the case of any other premises — the person who has charge, management or control of those premises either on his own account or as an agent of another person, whether or not he is also the owner of those premises;” and

(c) by deleting the words “Fourth Schedule” in the definition of “work of engineering construction” and substituting the words “Third Schedule”.

#### **Amendment of section 5**

**4.** Section 5 of the principal Act is amended —

(a) by deleting subsections (2) and (3) and substituting the following subsection:

“(2) Subject to this section, “factory” means any premises —

(a) within which persons are employed in any of the following processes:

(i) the handling, sorting, packing, storing, altering, repairing, construction, processing or manufacturing of any goods or product;

(ii) the handling, sorting, packing, storing, processing, manufacturing or use of any hazardous substances;

(iii) the repair, construction or manufacturing of any vessel or vehicle;

(iv) any building operation or work of engineering construction;

(v) the operation or maintenance of any facility or system related to the provision of any public utility; and

(b) which is specified in the Fourth Schedule.”; and

(b) by deleting the words “or (3)” in subsection (4).

### **New section 14A**

5. The principal Act is amended by inserting, immediately after section 14, the following section:

#### **“Additional duties of principals in relation to contractors**

5 **14A.**—(1) 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 section 5 of the Workplace Safety and Health (Amendment) Act 2011 —

10 (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.

(2) The duty imposed on every principal under subsection (1)(a) includes ascertaining that the contractor engaged by the principal and any employee of the contractor —

20 (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.

25 (3) The duty imposed on every principal under subsection (1)(b) includes ascertaining that the contractor engaged by the principal —

30 (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.

(4) In any proceedings for an offence under this section, it shall not be a defence for the principal to prove that he has taken, so far as is reasonably practicable, such measures as are necessary to ensure compliance with this section solely by providing directly or indirectly, by a term in a contract with his contractor, that the contractor has complied with or will comply with the requirements referred to in paragraph (a) or (b) of subsection (1).

(5) 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 measure for risk control.

(6) Nothing in section 14 limits the duty of a principal under this section.”.

#### **Amendment of section 15**

6. Section 15 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(3A) Any person at work who, without reasonable cause, does any negligent act which endangers the safety or health of himself or others shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 2 years or to both.”.

#### **Amendment of section 27**

7. Section 27 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) Regulations made under subsection (1) may apply to a person who is an exempt person at work specified in the Sixth Schedule.”.

#### **Amendment of section 46**

8. Section 46(1) of the principal Act is amended —

(a) by deleting the words “or a factory permit” in paragraph (a); and

(b) by deleting the words “or factory permit” in paragraph (b).

**Amendment of section 62**

**9.** Section 62(1) of the principal Act is amended by deleting the words “specified in the First Schedule”.

**Amendment of section 64**

5 **10.** Section 64(1) of the principal Act is amended by deleting the words “section 2(2) and”.

**Amendment of section 65**

**11.** Section 65(2) of the principal Act is amended —

- 10 (a) by deleting the words “or a factory permit in lieu of such a certificate” in paragraph (a)(v);
- (b) by deleting the words “or factory permit” in paragraph (a)(vi);
- (c) by deleting the words “factory permit” in paragraph (a)(vii) and substituting the words “certificate of registration of a factory”;
- 15 (d) by deleting the words “or a factory permit” in paragraph (a)(viii); and
- (e) by deleting the words “factory permits” in paragraph (a)(x) and substituting the words “certificates of registration of factories”.

**Amendment of Schedules**

**12.** The principal Act is amended —

- 20 (a) by deleting the First Schedule;
- (b) by renaming the existing Second Schedule as First Schedule;
- (c) by inserting, immediately after the First Schedule, the following Schedule:

## “SECOND SCHEDULE

Section 4(1)

## OCCUPATIONAL DISEASES

1. Aniline poisoning
- 5 2. Anthrax
3. Arsenical poisoning
4. Asbestosis
5. Barotrauma
6. Beryllium poisoning
- 10 7. Byssinosis
8. Cadmium poisoning
9. Carbamate poisoning
10. Compressed air illness or its sequelae, including dysbaric osteonecrosis
- 15 11. Cyanide poisoning
12. Diseases caused by ionizing radiation
13. Diseases caused by excessive heat
14. Hydrogen Sulphide poisoning
15. Lead poisoning
- 20 16. Leptospirosis
17. Liver angiosarcoma
18. Manganese poisoning
19. Mercurial poisoning
20. Mesothelioma
- 25 21. Noise-induced deafness
22. Occupational asthma
23. Occupational skin cancers
24. Occupational skin diseases
25. Organophosphate poisoning
- 30 26. Phosphorus poisoning
27. Poisoning by benzene or a homologue of benzene

28. Poisoning by carbon monoxide gas
29. Poisoning by carbon disulphide
30. Poisoning by oxides of nitrogen
31. Poisoning from halogen derivatives of hydrocarbon compounds
- 5 32. Musculoskeletal disorders of the upper limb
33. Silicosis
34. Toxic anaemia
35. Toxic hepatitis.”;

(d) by deleting the Third Schedule;

10 (e) by renaming the existing Fourth Schedule as Third Schedule; and

(f) by inserting, immediately after the Third Schedule, the following Schedule:

#### “FOURTH SCHEDULE

Section 5(2)

#### 15 WORKPLACES SPECIFIED AS FACTORIES

1. Any premises using an assembly-line manufacturing process in connection with the manufacturing, for the purposes of trade or gain, of any goods or products using mechanical power, not being a restaurant or kitchen.

20 2. Any premises used for the manufacturing, for the purposes of trade or gain, of fabricated metal products, machinery or equipment.

3. Any premises used for the manufacturing, for the purposes of trade or gain, of wood products using mechanical power.

4. Any premises used for the production of gas for commercial sale.

25 5. Any premises used for the manufacture of pharmaceutical products or its intermediates.

6. Any premises where the printing by letter press, offset, lithography, photogravure, rotogravure or other similar process, or the binding of such printed materials, is carried out.

30 7. Any premises where mechanical power is used in connection with the sorting, packing, handling or storing of articles.

8. Any premises used for the processing or manufacturing of flammable, corrosive or toxic substances, including petroleum, petroleum products, petrochemical or petrochemical products.

5 9. Any premises where the treatment, coating or electroplating of metal products involving the use of flammable, corrosive or toxic substances is carried out.

10 10. Any premises where the washing or filling of bottles, containers or vessels that contains or had contained flammable, corrosive or toxic substances is carried out, not being any premises where the filling of fuel into vehicles for their propulsion is carried out as a commercial undertaking.

15 11. Any premises used for the storage of gas (including liquefied gas) in a container having a storage capacity of not less than 140 cubic metres, not being any premises where the gas is stored for filling of fuel into vehicles for their propulsion as a commercial undertaking.

12. Any premises used for the bulk storage of toxic or flammable liquid (excluding liquefied gas) in a container, not being an underground container, that has a storage capacity of not less than 5,000 cubic metres.

20 13. Any yard (including any dock, wharf, jetty, quay and the precincts thereof) where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out, including the waters adjacent to any such yard where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out by or on behalf of the occupier of that yard.

25 14. Any premises where the construction, reconstruction or repair of locomotives, aircraft, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, not being any premises used for the purpose of housing locomotives, aircraft or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out.

30 15. Any premises where building operations or any work of engineering construction are carried out.

35 16. Any premises where articles are made or prepared incidentally to the carrying on of any building operations or any work of engineering construction, not being premises in which such operations or work are being carried out.

17. Any premises where work is carried out for or in connection with the generating of electrical energy for supply by way of trade or for purposes of gain.

40 18. Any premises where mechanical power is used for the purposes of or in connection with a water supply.

19. Any sewage works where mechanical power is used and any pumping station used in connection therewith.”.

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## EXPLANATORY STATEMENT

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

- (a) to expand the scope of the Act to cover all workplaces;
- (b) to amend the definitions of certain words used in the Act;
- (c) to create new duties on principals and persons at work; and
- (d) to make certain technical amendments to the Act.

Clause 1 relates to the short title and commencement.

Clause 2 repeals and re-enacts section 2 by expanding the scope of the Act to cover all workplaces. The provisions of the Act will now apply to all workplaces instead of certain classes or descriptions of workplaces which were previously specified in the First Schedule (which is deleted by clause 12).

Clause 3 amends the definitions of “occupational disease” and “occupier” which are defined in section 4. “Occupational disease” is now expanded to cover not only any disease specified in the new Second Schedule, but also to any other disease that can be directly attributed to any exposure to any chemical or biological agent arising out of and in the course of employment.

Clause 4 amends section 5 by amending the definition of a “factory”. In order to satisfy the definition of a “factory”, the premises must satisfy certain criteria (as set out in new subsection (2)(a)) and must also be specified in the new Fourth Schedule.

Clause 5 inserts a new section 14A. The new section imposes 2 new duties on principals. First, every principal must take, so far as is reasonably practicable, such measures as are necessary to ensure that any contractor engaged by the principal has the necessary expertise to carry out the work for which the contractor is engaged by the principal to do. This duty includes ascertaining that the contractor and any employee of the contractor have the necessary experience, training and qualifications.

The second duty imposed by the new section 14A is that the principal has to take, so far as is reasonably practicable, such measures as are necessary to ensure that any contractor engaged by the principal 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 includes ascertaining that the contractor has conducted a risk assessment and has informed any person who may be affected by his work of the nature of the risk involved in the work and any measure or safe work procedure which is implemented in the workplace.

Clause 6 amends section 15 by inserting a new subsection (3A). The new subsection makes it an offence for any person at work who, without reasonable cause, does any negligent act which endangers the safety or health of himself or others.

Clause 7 makes a consequential amendment to section 27(2) because of the deletion of the First Schedule.

Clause 8 makes a consequential amendment to section 46(1) because a factory permit is now obsolete.

Clause 9 makes a consequential amendment to section 62(1) because of the deletion of the First Schedule.

Clause 10 makes a consequential amendment to section 64(1) because of the deletion of section 2(2).

Clause 11 makes a consequential amendment to section 65(2) because a factory permit is now obsolete.

Clause 12 deletes the First and Third Schedules, renames the Second and Fourth Schedules, and inserts new Second and Fourth Schedules.

## EXPENDITURE OF PUBLIC MONEY

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

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