

# WORKPLACE SAFETY AND HEALTH ACT

## (CHAPTER 354A)

### WORKPLACE SAFETY AND HEALTH (WORKPLACE SAFETY AND HEALTH COMMITTEES) REGULATIONS 2008

In exercise of the powers conferred by sections 29 and 65 of the Workplace Safety and Health Act, Mr Gan Kim Yong, Senior Minister of State, charged with the responsibility of the Minister for Manpower, hereby makes the following Regulations:

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## PART I

### PRELIMINARY

#### **Citation and commencement**

1. These Regulations may be cited as the Workplace Safety and Health (Workplace Safety and Health Committees) Regulations 2008 and shall come into operation on 1st September 2008.

#### **Definitions**

2. In these Regulations, unless the context otherwise requires —

"chairman" means the chairman of a workplace safety and health committee appointed under regulation 4(2)(b);

"member" means a member of a workplace safety and health committee and includes a chairman thereof;

"secretary" means the secretary of a workplace safety and health committee appointed under regulation 5(2) or deemed to be appointed under regulation 5(1);

"workplace safety and health committee" , in relation to a factory, means the workplace safety and health committee appointed under regulation 4(2)(a) in respect of the factory.

#### **Application**

3. 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.

## PART II

### FORMATION OF WORKPLACE SAFETY AND HEALTH COMMITTEE

#### **Appointment of workplace safety and health committee and chairman**

4.—(1) For the purposes of section 29(1) of the Act, a workplace safety and health committee shall be appointed in respect of every factory to which these Regulations apply.

(2) It shall be the duty of the occupier of such a factory to appoint, in respect of the factory —

(a) a workplace safety and health committee; and

(b) a person as a chairman of the workplace safety and health committee, being a person whom the occupier reasonably believes is competent to perform the functions and duties of its chairman.

### **Appointment of secretary**

5.—(1) Where there is a person appointed as the workplace safety and health officer of a factory, he shall be deemed to be appointed as the secretary of the workplace safety and health committee of that factory.

(2) Where no person is appointed as the workplace safety and health officer of a factory, it shall be the duty of the occupier of the factory to appoint, from among the members of the workplace safety and health committee of the factory, a person to be its secretary.

### **Composition of workplace safety and health committee**

6. 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.

## **PART III**

### **MEETINGS OF WORKPLACE SAFETY AND HEALTH COMMITTEE**

#### **Meetings**

7.—(1) 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 workplace safety and health committee of the factory meets at least once a month to discuss matters relating to the safety and health of persons at work in that factory.

(2) No person shall prevent any member from attending any meeting of his workplace safety and health committee that is held during working hours.

(3) No person shall make any deduction from the salary of any member for being absent from work for the purpose of attending any meeting of his workplace safety and health committee.

#### **Minutes of meeting**

8.—(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.

**Non-member may attend meetings**

9. A workplace safety and health committee of a factory may invite any person employed in the factory who has suffered bodily injury as a result of any accident or dangerous occurrence which took place in the factory to attend any meeting of the committee to discuss the accident or dangerous occurrence.

**Matters to be discussed at meetings**

10. At any meeting of a workplace safety and health committee of a factory, only matters relating to the safety and health of persons at work in the factory shall be discussed.

**PART IV****FUNCTIONS OF WORKPLACE SAFETY AND HEALTH COMMITTEE****General inspection of factory**

11.—(1) 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 workplace safety and health committee of the factory inspects the factory at least once a month to see if necessary measures are taken to ensure the safety and health of persons at work in the factory.

(2) Following every inspection of the factory under paragraph (1), it shall be the duty of the chairman of the workplace safety and health committee of the factory to ensure that the workplace safety and health committee —

(a) discusses the observations of the members during the inspection at its next meeting; and

(b) records in a report —

(i) its opinion in respect of the lack of any measure, or any deficient measure, taken to ensure the safety and health of persons at work in the factory; and

(ii) its recommendations on the actions to be taken in the factory to ensure the safety and health of persons at work in the factory.

**Inspection of factory after accident or dangerous occurrence**

12.—(1) Where any accident or dangerous occurrence has taken place in any factory —

(a) it shall be the duty of the occupier of the factory to take, so far as is reasonably practicable, such measures to ensure that the workplace safety and health committee of the factory immediately carries out an inspection of the factory; and

(b) it shall be the duty of the workplace safety and health officer appointed in respect of the factory (if one has been appointed) to immediately conduct an investigation into the accident or dangerous occurrence and furnish the chairman of the workplace safety and health committee of the factory with a report of the findings of his investigation.

(2) After an inspection has been carried out in accordance with paragraph (1)(a) of a factory where an accident or a dangerous occurrence has taken place, it shall be the duty of the

chairman of the workplace safety and health committee of the factory to ensure that the workplace safety and health committee of the factory —

(a) holds a meeting to discuss the observations of the members during the inspection and the report of the workplace safety and health officer referred to in paragraph (1)(b), if any; and

(b) records in a report —

(i) its opinion in respect of the lack of any measure, or any deficient measure, taken to ensure the safety and health of persons at work in the factory so far associated with the condition of the factory and the cause of the accident or dangerous occurrence; and

(ii) its recommendations on the actions to be taken in the factory to ensure the safety and health of persons at work in the factory.

**Action to be taken on report of workplace safety and health committee**

**13.—(1)** It shall be the duty of the chairman to furnish every report of his workplace safety and health committee referred to in regulation 11(2)(b) or 12(2)(b) to the occupier of the factory.

(2) It shall be the duty of the occupier of the factory, as soon as is reasonably practicable after receiving any report furnished under paragraph (1), to do the following:

(a) discuss the recommendations of the workplace safety and health committee with the workplace safety and health officer (if one has been appointed) or the chairman;

(b) record in the report the occupier's decision; and

(c) direct any person at work in the factory to take such action as the occupier thinks necessary in the interests of the safety and health of persons at work in the factory.

(3) It shall be the duty of the occupier of the factory to keep a copy of every report furnished under paragraph (1) in the factory.

**Workplace safety and health committee to assist in organising certain activities to promote safe conduct of work in factory**

**14.** 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.

### **Guidelines to promote safe conduct of work in factory**

**15.**—(1) 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.

(2) The guidelines may, with the approval of the occupier of the factory, be amended or revoked by the workplace safety and health committee.

(3) 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.

### **Basic knowledge of members of workplace safety and health committee**

**16.** 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.

### **Powers of workplace safety and health committee**

**17.** 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 do all or any of the following:

- (a) to enter, inspect and examine the factory at any reasonable time;
- (b) to inspect and examine any machinery, equipment, plant, installation or article in the factory;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) to investigate any accident, dangerous occurrence or occupational disease that occurred within the factory.

## PART V

### MISCELLANEOUS

#### Offences

**18.** Any person who contravenes regulation 4(2), 5(2), 6, 7(1), (2) or (3), 8(1) or (2), 11(1) or (2), 12(1) or (2), 13(1), (2) or (3), 15(3) or 16 shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$10,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

#### Revocation

**19.** The Factories (Safety Committees) Regulations (Cap. 104, Rg 2) are revoked.

#### Savings and transitional provisions

**20.—(1)** Every person who, immediately before 1st September 2008, is the chairman or secretary or a member of a safety committee of a factory under the revoked Factories (Safety Committees) Regulations (Cap. 104, Rg 2) shall continue in such capacity as if he were the chairman or secretary or a member, as the case may be, of a workplace safety and health committee appointed under these Regulations in respect of that factory.

(2) These Regulations shall not affect any inspection or investigation commenced or pending before 1st September 2008, and every such inspection or investigation may be continued and everything which is or is to be done pursuant to every such inspection or investigation may be done in all respects after that date as if these Regulations had not been enacted.

**Made this 3rd day of July 2008.**

LEO YIP  
*Permanent Secretary,  
Ministry of Manpower,  
Singapore.*

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