

**CONSOLIDATED TO 30 JUNE 2012**

**LAWS OF SEYCHELLES**

Dec. 54 of 1978.  
Act 3 of 1989.  
SI. 39 of 2003

**CHAPTER 151**

**OCCUPATIONAL SAFETY AND HEALTH DECREE**

*(14th December, 1978)*

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#### **PART I - PRELIMINARY**

1. This Decree may be cited as the Occupational Safety and Health Decree.

2. In this Decree unless the context otherwise requires -

"Director" means the person acting as, or discharging the functions of, Chief Executive in the Ministry, or as the case may be, the Department, responsible for the administration of the Employment Act; and

"Premises" includes any place, means of transport, work place in the open air or fixed or moveable structure on land or off-shore.

3. (1) This Decree shall apply to-

- (a) all employees including employees of the Government;

- (b) all employers including the Government;
- (c) all self-employed persons where the activities could put themselves or other person at risk; and
- (d) any other persons on whom special duties are imposed by Part II.

(2) The Minister may be order, exempt any person or category of persons from the operation of all or any provisions of the Decree and subject to such conditions as he thinks fit.

## **PART II - DUTIES**

**4.** (1) It shall be the duty of every employer to ensure, in accordance with the Decree and any other written law, the health, safety and welfare at work of all his employees.

(2) Without prejudice to subsection (1) those duties include-

- (a) the provision and maintenance of plant and systems of work that are safe and without risks to health;
- (b) arrangement for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- (c) the provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of his employees;
- (d) as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks;
- (e) the provision and maintenance of a working environment for his employees that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work,
- (f) the provision of protective equipment for his employees and training them to use such equipment.

**5.** (1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

(2) It shall be the duty of every employer to ensure that every person whom he seeks to engage as an employee has undergone, prior to engagement, a medical examination prescribed for the job category in which he is to be engaged and thereafter to ensure such periodical medical examination of the employee as may be prescribed.

(3) It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure that he and other persons, not being his employees, who may be affected thereby are not exposed to risks to their health or safety.

**6.** (1) It shall be the duty of any person having control of premises which are used as a place of work by persons not in his employment or in which there is any plant or substance provided for use by

persons not in his employment, to ensure that the premises, plant or substances are safe and without risk to health.

(2) It shall be the duty of any person having control of any premises to prevent or render harmless and inoffensive the emission from the premises of noxious or offensive gases and of smoke, grit and dust.

7. (1) It shall be the duty of any person who designs, manufactures, imports or supplies any article or substance for use at work to -

- (a) ensure that the article or substance is safe and without risk to health when properly used;
- (b) carry out any necessary testing and examination of the article or substance;
- (c) provide adequate information about the use of the article or substance to ensure that it will be safe and not a risk to health when properly used.

(2) It shall be the duty of any person who designs and manufactures any article or substance for use at work to make use of the results of research and conducted in or outside Seychelles, to carry out research to discover and eliminate or minimise any risks to safety or health caused by the article or substance when properly used.

(3) It shall be the duty of any person who erects or instals any article for use at work to ensure that the erection or installation is not unsafe or a risk to health when properly used.

8. It shall be the duty of every employee while at work-

- (a) to take reasonable care for the health, safety and well being of himself and of other persons who may be affected by his acts or omissions at work;
- (b) as regards any duty or requirement imposed on his employer or any other person by or under this Decree or any other written law, to co-operate with the employer or that other person so far as is necessary to enable that duty or requirement to be performed or complied with, and
- (c) to use, and take care of, such equipment as may be provided by his employer in accordance with the directions given by the employer.

9. (1) No person shall intentionally, or recklessly interfere with or misuse anything provided in the interest of health, safety or welfare.

(2) No employer shall levy or permit to be levied on any employee of his, any charge in respect of anything done or provided in pursuance of any specific requirement of this Decree.

### **PART III - OCCUPATIONAL SAFETY BOARD**

10. The Occupational Safety Board is hereby established to advise and assist the Minister in his functions under this Decree and to perform such other functions as may be assigned to it by this Decree or by the Minister.

11. The Board shall consist of a chairman and not less than nine members appointed by the Minister of whom equal numbers shall represent Government, employers and employees.

12. The members representing employees shall be appointed after consultation with such organisations as appear to the Minister to be representative of employees generally.

13. The members representing employers shall be appointed after consultation with such organisation as appear to the Minister to be representative of employers generally.

14. The Minister shall appoint a vice-chairman from the members and shall also appoint a secretary.

15. The chairman and other members shall hold office for periods of up to three years, as determined by the Minister, and may be reappointed.

16. A member may resign at any time, and if a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties, the Minister may declare his office vacant.

17. The quorum at a meeting of the Board shall be five which shall include the Chairman or Vice-Chairman.

18. The Board shall meet not less than once every six months and may invite persons having specialist knowledge or experience to advise it.

19. The Board may otherwise regulate its own procedure.

#### **PART IV - OFFICIALS AND HEALTH AND SAFETY REPRESENTATIVES**

20. Subject to the directions of the Minister, the Director shall be responsible for the administration of this Decree and shall perform all such functions as may be necessary for its effective implementation and enforcement.

21. For the purposes of this Decree the Minister shall appoint officers from amongst persons who in his opinion are suitably qualified to enforce the Decree.

22. Officers appointed under section 21 shall be provided with written instruments of appointment which the officers would be required to produce for inspection, if so requested, during the course of their duty.

23. An Officer appointed under section 21 may for the purpose of carrying into effect this Decree-

- (a) enter at any reasonable time (or at any time in a dangerous situation) any premises which he has reason to believe it is necessary for him to enter;
- (b) call for and obtain the assistance of a police officer if he apprehends any resistance to the exercise of his powers;
- (c) take with him any other person duly authorised by the Minister, and any equipment or materials;
- (d) make such examination and investigation as may be necessary;

- (e) take such samples, measurements and photographs and make such recordings as he may consider necessary;
- (f) require any person who he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under paragraph (d) to answer such questions as the officer thinks fit to ask and to sign a declaration of the truth of his answers provided that no such answers shall be admissible in evidence against that person or his spouse;
- (g) issue and require compliance with any improvement or prohibition notice which it may be his duty to serve under Part V;
- (h) exercise any other power which is necessary for the effective performance of his duties.

**24.** No person shall resist, hinder or obstruct the Director or officer appointed under section 21 in the exercise of his functions under this Decree.

**25.** In categories of enterprises designated by the Director as involving particular risks to safety, the employees in such categories of enterprises shall elect from amongst themselves a health and safety representative and the employer of such categories of enterprises may, in addition to a representative elected by the employees, also designate an employee as a health and safety representative.

**26.** Health and safety representatives elected or designated under section 25 shall attend without loss of earning, short courses on basic safety and health to be organised by the Government.

**27.** Health and safety representatives appointed or designated under section 25 shall monitor and report safety and health problems and needs in the enterprise to management and shall be released from their other duties for this purpose without loss of earnings.

#### **PART V - IMPROVEMENT AND PROHIBITION NOTICES**

**28.** If an officer appointed under section 21 is of the opinion that a person is contravening a statutory provision he may serve on him an improvement notice in the form set out in Part VII of the Schedule specifying the provision, giving reasons and requiring the person to remedy the contravention within a specified period which shall be not less than the appeal period under section 30(4).

**29.** (1) If an officer appointed under section 21 is of the opinion that activities involve a risk of serious personal injury, he may serve a prohibition notice on the employer or person in control.

(2) A prohibition notice shall-

- (a) be in the form set out in Part VIII of the Schedule and shall specify the activities causing the risk;
- (b) where the activities involve a contravention of any statutory provision specify the provision and the contravention; and
- (c) direct that the activities shall not continue after a specified date, unless the contravention has been ended prior to that date.

(3) If the officer appointed under section 21 is of the opinion that the risk of serious injury is imminent, he may serve a prohibition notice directing that the activities shall cease immediately, and shall not be restarted until the contravention is ended.

**30.** (1) An improvement or prohibition notice may include instructions on the method of ending any contravention.

(2) An improvement notice relating to a building shall not direct any measures which are more onerous than necessary to conform to the building regulations which would be applicable if the building was being newly erected.

(3) An officer appointed under section 21 shall consult the Chief Fire Officer before serving a notice requiring measures affecting fire escapes or other fire precautions.

(4) A person on whom an improvement notice or a prohibition notice is served may within 15 days of the receipt of the notice appeal to the Minister who may cancel, amend or affirm the notice.

(5) An appeal against an improvement notice shall suspend the execution of the notice until the appeal is finally disposed of.

(6) An appeal against a prohibition notice shall not suspend the execution of the notice unless the Minister directs otherwise.

(7) Any decision of the Minister on an appeal under subsection (4) shall be final.

**31.** (1) If an officer appointed under section 21 has reasonable cause to believe that any article or substance creates an imminent danger of serious personal injury, he may render it harmless, and shall prepare a report on his action, a copy of which shall be given to the employer or person having control of the article or substance.

(2) An officer appointed under section 21 preparing a report under subsection (1) of this section shall forward a copy thereof to the Minister who may take such further action as may be necessary to rectify the situation.

## **PART VI - OBTAINING AND DISCLOSING INFORMATION**

**32.** (1) An employer or the person in charge of any premises shall inform the Director of any accident, dangerous occurrence (Classified in Part II of the Schedule), occupational poisoning, injury or disease within such premises within 48 hours after such event or where it is not practicable to do so in the circumstances, as soon as possible after such event.

(2) The Director or any person authorised by the Director may, by written notice, require an employer, or the person in charge of such premises to furnish the Director or the person authorised, with such information as may be specified in the notice, within such time as may be so specified.

(3) Where the information referred to in subsection (1) or (2) relates to an event resulting in the death of an employee or absence of an employee from work for not less than 3 days, the information shall be in the form set out in Part 1 of the Schedule.

(4) A medical practitioner attending on or visiting a person who suffers from a disease specified in Part IV of the Schedule, or illness related to an occupation specified in Part V of the Schedule shall forthwith inform the Director thereof in the form set out in Part IV of the Schedule.

(5) An employer, a person in charge of premises or a medical practitioner shall, in giving information under subsection (2) or (3) complete the forms in Parts I and III of the Schedule and send them to the Director.

(6) Where an employee is disabled as a result of an event referred to in subsection (1) he may make an application to the medical board appointed under the Social Security Act to be examined for the purposes of that Act, and such application shall be accompanied by a recommendation of the medical practitioner who attended on that employee.

**33.** (1) No information obtained under the Decree shall be disclosed without the consent of the person by whom it was furnished, except-

- (a) to the Board or to the Director or to an officer appointed under section 21 for the purposes of the functions under this Decree;
- (b) for legal proceedings or any official investigation or inquiry under this Decree.

(2) Nothing in subsection (1) or in any other written law which restricts the disclosure of information shall prevent or penalise the disclosure by an officer appointed under section 21 to the Director or by the Director to the Board of information obtained in the discharge of functions under the Decree.

## **PART VII - REGULATIONS**

**34.** The Minister may make regulations for the better carrying out of the provisions of this Decree and, without prejudice to the generality of the foregoing such regulations may make provision for all or any of the following matters-

- (a) regulation or prohibition of-
  - (i) the manufacture, supply, or use of plant;
  - (ii) the manufacture, supply, storage or use of substances;
  - (iii) the carrying on of processes or operations;
- (b) requirements for the design, construction, guarding, siting, installation, commissioning, use, examination, repair, maintenance, alteration, adjustments, dismantling, testing or inspection of plant;
- (c) requirements for the marking of plant or components, including containers and packaging;
- (d) prohibition or regulation of the import, export or transport of plant, articles and substances;
- (e) prohibiting any activity except under licence or with other official approval;
- (f) providing for the grant, renewal, variation, amendment, transfer and revocation of licences;

- (g) requiring any person, premises or thing to be registered in specified circumstances or as a condition for the carrying on of specified activities;
- (h) requiring the appointment of persons to perform specified functions, and imposing duties or conferring powers on them;
- (i) restricting the performance of functions to persons possessing specified qualifications or experience;
- (j) regulating or prohibiting the employment in specified circumstances of all persons or a class of persons;
- (k) securing the health of persons at work or other persons, including by medical examinations and health surveys;
- (l) monitoring the atmosphere and other conditions in which persons work;
- (m) requirements for the conditions in which persons work, including the structure, condition and stability of premises, exits and entrances, cleanliness, temperature, lighting, ventilation over crowding, noise vibrations, ionising and other radiation, dust and fumes;
- (n) securing appropriate welfare facilities for persons at work including water supply, sanitary conveniences, washing and bathing facilities, ambulance and first aid arrangements, sitting and refreshment facilities;
- (o) requirements for the provision and use of protective clothing and equipment;
- (p) requirements for fire precautions;
- (q) prohibiting or imposing requirements on the emission and monitoring of gas, smoke or dust or any other substance or material;
- (r) prohibiting or imposing requirements on the emission and monitoring of noise, vibrations, or ionising or other radiations;
- (s) requirements for the instructions, training and supervision of workers;
- (t) requirements for warning and other signs;
- (u) requirements for preservation of records, plans, maps and other documents;
- (v) requirements for precautions against dangers to which work premises or persons therein may be exposed by reasons of conditions (including natural conditions) in the vicinity;
- (w) provisions for the evacuation of premises;
- (x) conferring powers to search a person for any article likely to cause a fire or explosion if there is a risk of explosion, and power to seize and dispose of any such article; and
- (y) restricting, prohibiting or requiring specified acts where an accident or similar event has taken place.

**35.** All such regulations may provide penalties for their contravention and shall provide for appeals against decisions taken under them.

### **PART VIII - OFFENCES**

**36.** Any person who-

- (a) without reasonable excuse fails to discharge a duty to which he is subject under sections 4,5,6,7, 8 and 32;
- (b) contravenes sections 9 or 24 or 33(1); or
- (c) fails to comply with a prohibition or improvement notice served under section 28 or 29,

is guilty of an offence.

**37.** Any person who commits an offence under section 36 shall be liable on conviction-

- (a) in the case of an employee, to a fine of R.2,500;
- (b) in the case of any other person, to a fine of R.10,000;
- (c) in the case of an offence under section 36(c), in addition to any penalty under paragraph (a) or (b), to a further fine of R.1,000 for each day the non-compliance continues after conviction, and in the case of an offence under section 36(a) or (b), in addition to any penalty under paragraph (a) or (b), to a further fine of R100 for each day the failure to discharge the duty or the contravention continues after conviction.

**38.** Where in a prosecution for an offence under this Decree the court is satisfied that the act or omission constituting the offence was occasioned by gross misconduct or neglect on the part of accused, the court may, in addition to or in lieu of any penalty under section 37, impose a term of imprisonment not exceeding 2 years.

**39.** It shall be a defence for a person charged with an offence under this Decree to prove that he exercised all due diligence to avoid the commission of the offence.

**40.** Persons convicted of an offence under this Decree may be directed by the court to remedy or comply with the act or omission constituting the offence in addition to or in lieu of the penalty for the offence.

**41.** After having given the employer or the person in control, as the case may be, an opportunity to be heard, the court may order the closing of an enterprise or the destruction or forfeiture of an article or substances if imminent danger or serious personal injury exists.

**42.** An officer authorised by the Minister may prosecute an offence under this Decree in a Magistrates' court.

**43.** Nothing in section 42 derogates from the powers of the Attorney General in respect of the prosecution of criminal offences.

### **PART IX - MISCELLANEOUS**

44. Every employer and person in control of premises covered by this Decree, shall display in a prominent place a non-legal summary of this Decree which shall be provided by the Director.

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**SCHEDULE**

**Part I**

**Section 32**

**INFORMATION REGARDING ACCIDENT OR ILLNESS AT WORK**

NAME OF EMPLOYER: .....

ADDRESS OF EMPLOYER: .....

NAME OF AFFECTED EMPLOYEE: .....

DATE OF BIRTH OF

EMPLOYEE: .....

ADDRESS OF EMPLOYEE: .....

OCCUPATION OF EMPLOYEE: .....

DATE OF ACCIDENT: .....

TIME OF ACCIDENT: .....

Description of Accident: e.g. fall from building under construction (giving height) fingers caught in ...etc.

.....  
.....

Machine Involved if any:

.....  
.....

Make, type and purpose (eg. Robinson combined woodworking machine.)

.....

Nature of Injury: (e.g. Tip of forefinger of left hand severed, broken wood-  
working machine)

.....  
.....

Monthly earnings at the date of the accident:

Rs .....

Nature and type of work being done at time of accident:

.....  
.....

Estimated Length of Absence:

.....

If fatal, the official cause of death (e.g. fractured skull, internal injuries, shock, etc.

.....  
.....  
.....  
.....

DATE: .....

.....

SIGNATURE OF EMPLOYER/PERSON

IN CHARGE OF PREMISES/

MEDICAL PRACTITIONER

**PART II**

**Section 32(1)**

**CLASSES OF DANGEROUS OCCURRENCE**

1. Bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.
2. Collapse or failure of a crane, derrick, winch, hoist, piling frame, or other appliance used in raising or lowering persons or goods or any part thereof (except breakage of chain or rope slings), or the overturning of a crane.
3. Explosion or fire causing damage to the structure of any room or place in which persons are employed, or to any machine or plant contained therein, and resulting in the complete suspension of ordinary work in the room or place or stoppage of machinery or plant for not less than 5 hours, where the explosion or fire is due to the ignition of dust, gas or vapour or the ignition of celluloid or substances composed wholly or in part of celluloid.
4. Electrical short circuit or failure of electrical machinery, plant or apparatus, attended by explosion or fire or causing structural damage thereto, and involving its stoppage or disuse for not less than 5 hours.

Explosion or fire affecting any room in which persons are employed and causing complete suspension- of ordinary work therein for not less than 24 hours.

Explosion or failure of structure of a steam boiler, or of a cast iron vulcaniser, or of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or Cases (including air) or any liquid or solid resulting from the compression of gas.

**PART III**

**Section 32(5)**

**PARTICULARS OF ACCIDENT/DANGEROUS**

**OCCURRENCE**

**NATURE OF INJURY**

Abrasions	Concussions and	... Fracture
internal injuries		
Amputation	Cuts	Multiple injuries
.... Freezing		
Asphyxia	Dislocation	Laceration
Poisoning		
Burns (heat)	Effects of	
electric current		
....	Puncture wound	
Sprains and		
Bruises and		strains
Contusions		
.... Others		

**PART OF BODY INJURED**

<b>Head &amp; Body.....</b>	<b>Upper.....</b>	<b>Body</b>	<b>Lower</b>
<b>Extremities.....</b>	<b>Extremities</b>		
.....	Scalp.....	Shoulder.....	
Back	Hips		



.... Machine..... Floors or level surface

.... Lifting..... Ladders

.... Transport equipment..... Scaffolds and stairs

or vehicle

.... Hand tools..... Stairs or steps

.... Pressure vessels..... Explosive or inflammable substances

.... Furnaces, ovens, kilns..... Poisonous substances

.... Electrical equipment..... Others

**PART IV**

**Section 32(4)**

**1. LIST OF NOTIFIABLE INDUSTRIAL DISEASES:**

- Aniline Poisoning
- Anthrax
- Arsenical Poisoning
- Asbestosis
- Barotrauma
- Beryllium Poisoning
- Byssinosis
- Cadmium Poisoning
- Carbon Bisulphate Poisoning
- Chrome Ulceration

Chronic Benzene Poisoning

Compressed Air Illness

Epitheliomatous Ulceration

(due to tar, pitch, bitumen, mineral oil or paraffin or any compound product or residue of any such substances) Industrial Dermatitis

Lead Poisoning

Liver Angiosarcoma

Manganese Poisoning

Mercurial Poisoning

Mesothelioma

Noise-Induced Deafness

occupational Asthma

occupational Allergy

occupational Malignancy

Phosphorous Poisoning

Silicosis

Toxic Anaemia

Toxic Hepatitis

Such other diseases as may be prescribed by regulations.

**2. FORM OF CONFIDENTIAL NOTICE OF PATIENT SUFFERING FROM INDUSTRIAL DISEASE**

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<b>Name of Patient</b>	<b>Age</b>	<b>Sex</b>	<b>Date of Birth</b>
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NIN

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Residential address	Present occupation
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Name and address of Employer	Diagnosis
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*If patient is deceased, state*

*date of last attendance*

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Name of Doctor

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Name and address of Hospital/Clinic

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Tel. No.	Doctor's Ref
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Date	Signature of Doctor
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## **PART V**

### **Section 32(4)**

#### **OCCUPATIONS INVOLVING SPECIAL RISKS TO HEALTH**

Any occupations involving the use or handling of, or exposure to fumes, dust, vapour or substances involved in the following enterprises or physical, chemical, or biological hazards in such enterprises

- (a) Quarries and mines
- (b) Electricity generation plants
- (c) Woodworking establishments
- (d) Canning or bottling plants
- (e) Pesticides and petroleum products
- (f) Asbestos, lead, mercury, arsenic, carbon bisulphate, benzene, chromate, organic phosphates and chlorine, bitumen, mineral oil, silica, cadmium, solvents & radio-active substance
- (g) Hazardous waste
- (h) Sewage and garbage disposal
- (i) Agricultural and livestock farms plastic and paint manufacture and handling
- (k) Printing, photography, and X-ray enterprises
- (l) Tobacco manufacture
- (m) Food handling establishments
- (n) Operators of passenger vessels for commercial purposes in the air, sea or land
- (o) Diving and compressed air operations
- (p) Exposure to excessive noise, dusts and fumes
- (q) Health care workers and occupations subject to biological hazards
- (r) Building construction
- (s) Handling of dyes
- (t) Fibre glass
- (u) Laundries and chemical laboratories
- (v) Work in the outer islands

(w) Plastic industries

**PART VI**

**Section 32(o)**

**PROCESSING REQUIRED PROVISION OF GOGGLES OR SCREENS**

Dry grinding of metals, or articles or metal, by a revolving wheel or disc cal power at which a person is employed.

Turning (external or internal) of non-ferrous metals, or of cast iron, or of ch metals or such iron, where the work is done dry, other than turning where the use of goggles or a screen would seriously interfere with or turning by means of hand tools.

Welding or cutting of metals by means of anelectrical oxy-acetylene-or similar process.

The following processes when carried on by means of hand tools or other tools:

- (a) fettling or metal castings involving the removal of metal
- (b) cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from boilers or other plant or from ships
- (c) chipping or scaling or sandblasting of boilers or ships' plates
- (d) breaking or dressing of stone, concrete or slag
- (e) the handling of wood by mechanical process.

**PART VII**

**Section 28**

**OCCUPATIONAL SAFETY AND HEALTH DECREE**

**IMPROVEMENT NOTICE**

**SECTION 28**

Name of person : .....

Address: .....

Nature of Business:.....

You are hereby given notice that the following activities, namely:

.....

which are being carried out by your establishment at .....

risk of serious personal injury and that the matters which give rise to

the risk are:

.....

.....

and that the said matters involve/will involve contravention of the following statutory provisions:

.....

I hereby direct that you remedy the said contravention within 21 days of the date hereof.

.....

.....

**Director**

**Date**

**PART VIII**

**Section 29**

**OCCUPATIONAL SAFETY AND HEALTH DECREE**

**PROHIBITION NOTICE**

**SECTION 29**

Name of person : .....

Address: .....

Nature of Business:.....

You are hereby given notice that the following activities, namely:

.....

which are being carried out by your establishment at .....

risk of serious personal injury and that the matters which give rise to  
the risk are:

.....

.....

and that the said matters involve/will involve contravention of the following statutory provisions:

.....

I hereby direct that you cease the said activities immediately and remedy the situation.

I further direct that the said activities shall not be resumed until written permission is granted by the Director for resumption.

However you may appeal to the Minister within 15 days from the date hereof

.....

.....

**Director**

**Date**

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**LAWS OF SEYCHELLES**

# OCCUPATIONAL SAFETY AND HEALTH DECREE

SI. 61 of 1991

## CHAPTER 151

### SUBSIDIARY LEGISLATION

#### Occupational Safety And Health (Construction Industry, Confined Space and Welding) Regulations

*(14th October, 1991)*

#### PART I - PRELIMINARY

1. These Regulations may be cited as the Occupational Safety and Health (Construction Industry, Confined Space and Welding) Regulations.

2. In these regulations-

"building operation" means the construction, installation, structural alteration, repair or maintenance of a building and includes the painting, decorating, external cleaning and demolition of a building and any preparation for the construction, installation, structural alteration, repair, maintenance, painting, decoration, external cleaning and demolition of a building;

"construction industry" includes work involving a building operation or work of engineering constructions;

"employer" means an employer to which these Regulation apply;

"ledgers" means the horizontal members of a scaffold which are secured to the uprights normally at interval of about 1.5 metres;

"put-log" means any metal tube or length of timber which is used to support a working platform and which is secured to uprights or ledgers;

"safe" includes the provision of properly constructed gangways and platforms of adequate width, protected by guards rails and toeboards and the taking of all possible steps to ensure that neither persons nor objects can accidentally fall a distance of more than 2 metres;

"scaffold" includes a working platform, gangway, ladder, step ladder or trestle together with any guard rails, toe-boards and other safeguards and other fixings;

"tying-in" means rigidly connecting a scaffold to a building or other fixed structure;

"work of engineering construction" means the construction, structural alteration or repair (including repainting and painting) or demolition of any road, airfield, sea defence or reclamation work, river work, pipeline line used for any purpose, harbour, dock, reservoir, aqueduct, sewer, sewage work, gasholder, steel or reinforced concrete structure, other than a building, and includes any civil or constructural engineering work of a similar nature and any preparation for any work mentioned in this definition.

3. (1) These Regulations shall apply for the purpose of protecting employees-

- (a) working in the construction industry and confined places;
- (b) working as welders in any work place, and

an employer employing any such employees shall comply with these Regulations.

(2) These Regulations apply in addition to the provisions of any other written law.

(3) For the purpose of the application of section 4(2) of the Decree to an employer "safe" shall include the meaning of the word "safe" under these Regulations.

## **PART II - SAFE WORKING PLACE**

**4.** An employer shall provide and maintain safe access to and egress from a working place.

**5.** (1) Where work cannot safely be done from or on the ground or from part of a building or other permanent structure or site, an employer shall provide suitable and sufficient scaffold or, where they can safely be used, ladders for the purpose of the work.

(2) A qualified and competent scaffolder shall-

- (a) personally supervise the erection of, addition of parts to, or dismantlement of, a scaffold;
- (b) inspect and approve all materials used for the scaffold;
- (c) inspect and approve the completed scaffold before its use.

(3) The erection of, addition of any parts to, or dismantlement of, a scaffold shall, whenever possible, be carried out by employees who are competent or experienced in such work.

(4) Subject to subregulation (5), a scaffold and every part thereof shall be-

- (a) of good constructions;
- (b) of suitable material;
- (c) of adequate strength for the purpose for which it is to be used or intended; and
- (d) properly maintained.

(5) A scaffold shall be inspected at least once every 7 days after it has been completed and approved as provided in subregulation (2).

(6) All the skeletal parts of a scaffold used for a building or structure of more than 10 metres high shall be of metal suitable for the purpose for which the scaffold is intended to be used.

(7) Material and parts for a scaffold shall be kept under good condition and properly maintained when not in use.

(8) Where a scaffold or any part thereof has not been completed or approved under subsection (2) or does not comply with these Regulations, access to the scaffold or the part of the scaffold shall be prevented by suitable barriers or suitable marked banners.

(9) A scaffold shall not be overloaded and any load placed in a scaffold shall be evenly distributed.

**6.** A scaffold which is fitted with wheels shall, in addition to complying with regulation 5-

- (a) be constructed with due regard to its stability and shall include, if necessary for this purpose, weights as its base and tying-in;
- (b) be used on a firm and level surface only;
- (c) have a locking device for the wheels which shall be properly secured when the scaffold is in use;
- (d) be moved only when unoccupied and then only by applying pressure at its base.

**7.** Standards or uprights of a scaffold shall be-

- (a) vertical or slightly inclined towards the building or structure in respect of which the scaffold is intended;
- (b) fixed sufficiently close together, for a three storey building they should be not more than 2.5 metres apart, so as to secure the stability of the scaffold.

**8.** Ledgers and put-logs shall be securely connected together and to uprights.

**9.** (1) A ladder which is used as an access, apart of a scaffold or a working place shall-

- (a) be properly secured to prevent it from slipping or undue swaying;
- (b) be equally and properly supported on each stilt;
- (c) project above landing or working point for a distance of at least 1.125 metres unless other adequate handhold is provided.

(2) An employee shall not be required to use a ladder as an access or working place if the landing place or working point is more than 10 metres above the ground unless intermediate landing stages are provided at distances of not more than 10 metres.

(3) An employer shall prohibit the use of a ladder-

- (a) which has been repaired by means of nails, wire or rope;
- (b) if any of its steps or rungs has been broken, lost or misplaced;
- (c) if it is painted in a manner which hides or renders it difficult to discover any cracks in it.

**10. (1)** Boatswain's chain shall-

- (a) be of good construction and free from any patent defect;
- (b) be at least one metre deep;
- (c) be of suitable material;
- (d) be supported by outriggers or other fixings of adequate strength and any chain or rope used with the chain shall be securely attached thereto and to the outriggers or other fixings;
- (e) be provided with suitable means to prevent an occupant from falling out;
- (f) be free of tools or other obstructions which might endanger an occupant;
- (g) be installed under the personal supervision of a person competent in the installation of such equipment who shall inspect it before permitting its use by other persons;
- (h) be regularly and properly maintained, in particular after it has been exposed to inclement weather.

(2) For the purposes of this regulation, "boatswain chain" includes a cage, skip or other similarly used receptacle.

**11. (1)** Subject to this regulation and regulation 18, a working platform, gangway or ladder stage from which a person is liable to fall a distance of more than two metres shall-

- (a) be closely boarded;
- (b) if intended for use as a footing only, be at least 72 cm wide;
- (c) if intended to be used to deposit material, be of such width that there remains after the deposit of such material an unencumbered area of at least 72 cm wide;
- (d) be provided with-
  - (i) guard rails to a height of at least one metre above the platform, or any elevated working place on the platform, and
  - (ii) toe-boards of at least 15 cm high, with the distance between the lowest rail and the toe-board not exceeding 75 cm;
- (e) be designed so as to prevent a person or object from falling off it;
- (f) be so constructed that the space between the edge of the platform, gangway or stage and the building or structure be as short as practicable and, in any event, not exceeding 33 cm.

(2) Subregulation (1)(b), (c) and (d) shall not apply to a trestle scaffold where a platform of at least 42 cm wide may be used without guard rails and toe-board if there is no danger of a fall therefrom of more than 3 metres;

(3) Subregulation (1)(b), (c) and (d), in so far as it relates to toe-board, shall not apply to a working platform used for work on cylindrical structures where the platform is at least 42 cm wide;

(4) Subregulation (1)(b), shall not apply to a working platform during the passage of goods and material over an open side and the guard rails and toe-boards may be removed or need not erected for the duration of such passage;

(5) Subregulation (1)(b), (c) and (d) shall not apply to a working platform, gangway or ladder stage with open joisting of at least 42 cm wide.

**12.** Subject to regulation 18, a board forming part of a working platform or gangway shall-

- (a) be at least 31 mm wide, if supported by putlogs which are not more than 1 metre apart;
- (b) be 38 mm thick if supported by putlogs which are more than 1 metre but not more than 1.5 metres apart;
- (c) be 50 mm thick if supported by put-logs which are more than 1.5 metres but not more than 2.75 metres apart;
- (d) be at least 20 cm wide or, in the case of a board which is 50 mm thick, 15 cm wide;
- (e) not project more than 1 time its thickness beyond its last support unless it is securely fastened so that it is not liable to tip-up;
- (f) not overlay another board;
- (g) not be cracked or warped.

**13.** Where a stair has an open side, it shall be provided, on the open side, throughout its length with hand rails of sufficient strength to prevent a person from falling therefrom.

**14.** An open edge or an opening in floors through which a person is liable to fall a distance of more than 2 metres shall be fully boarded and fenced at all edges.

**15.** Appropriate remedial steps shall be taken to render safe the surface of a working platform, working place, gangway or stair which has become slippery.

**16.** Where work is being done on a sloping roof-

- (a) there shall be provided at the edge of the roof, below the working surface, a working platform which is wide enough to prevent a person who slips down the roof from falling to the ground below but which otherwise complies with regulations 10 and 11,
- (b) work and movement on the roof shall be carried out by means of properly constructed crawling ladders.

**17.** No work on or near fragile materials shall be done unless proper and adequate steps have been taken to ensure that a person working on or near the material is not in danger of falling on to or through the material.

**18.** (1) Where it is impracticable to comply with regulation 11 or regulation 12, an employer shall ensure the safety of an employee by the use of safety nets or, if it is not possible to rig such nets, by providing the employee with, and requiring him to wear, safety belts.

(2) No work the nature of which would require compliance with subregulation (1) may be carried out unless the subregulation has been complied with.

**19.** (1) Where in connection with any process or any grinding, cleaning, blasting, spraying, manipulation or otherwise any material dust or fumes of such a character or of such an extent as to be likely to be injurious to the health of an employee is given off, an employer shall take all practicable measures to prevent the likelihood of such injury by providing adequate ventilation at the working place or by providing an employee with, and requiring him to wear, suitable respirators or masks.

(2) An employer shall not use or allow to be used, in an enclosed or confined space a stationary internal combustion engine, unless adequate provision is made for conducting any exhaust gases or fume from the engine into the open air or other suitable and adequate arrangements are made to prevent any injury to the health of an employee by the gases or fumes.

**20.** Where an employer is responsible for the conveyance of an employee to or from a working place by water, the employer shall take all proper measures to ensure the safe conveyance of the employee and any vessel used in this connection-

(a) shall be of suitable construction,

(b) shall, at all times, be-

(i) in good working order;

(ii) in a good state of repair,

(iii) in the charge of a competent person and generally fit for the purpose of such conveyance; and

(c) shall at no time be overloaded.

**21.** (1) Where on or adjacent to a working place there is water into which an employee may fall and drown, an employer shall, at the working place-

(a) provide and maintain in an efficient state and ready to use suitable rescue equipment, including lifebelts,

(b) ensure that at all times there is in operation prompt and efficient arrangements,

for the rescue of a worker in the event of such a fall.

(2) Where on or adjacent to a working place there is water and there is imminent risk of an employee falling down into the water from the edge of adjacent land or off a structure adjacent to or

above the water or off a floating stage or platform, the employer shall provide secure fencing near the edge of the land, structure or stage so as to prevent such fall, but where there is required movement of employees or material over an edge, the fencing may be removed for the time and to the extent necessary to allow such movement.

**22.** An employee shall not use or allow to be used a mechanically propelled vehicle unless-

- (a) it is in the charge of and driven by a person who has been properly trained to be in charge of and drive such a vehicle and that person holds a licence for the vehicle;
- (b) the vehicle is in good repair and proper working order;
- (c) the vehicle is used in a proper manner and for the purpose for which it is designed and is not loaded in a way as to interfere with its safe operation;(d) any riders on the vehicle is seated on the seats provided for this purpose.

**23.** (1) Demolition shall be carried out by employees who are trained and experienced in such work under the direct and constant supervision of a person who is competent to supervise demolition work.

(2) Demolition of a building or structure shall not start until all services, including water, sewage and electricity, supplied to the building or structure have been disconnected and the public authorities responsible for the supply of the services have issued a certificate to this effect to the person supervising the demolition.

(3) Where part of a building is being demolished or broken off and particularly where "balling" is being done, an employer shall take adequate precaution to ensure that persons not engaged in the operation are kept clear of area of possible danger.

**24.** (1) Electricity mains, switch and fuse boxes, cables and other electrical equipment supplying electricity shall be specially and adequately installed, protected and maintained to eliminate danger to employees from electric shock.

(2) An employer shall, before commencing or authorising the commencement of, or at all time during the course of an operation or work, take all practicable steps, including rendering the cable, apparatus or equipment electrically dead or erecting suitable barriers to prevent approach to the danger areas, to prevent danger to an employee from any live electric cables or any apparatus or equipment, whether under ground or overload, which is liable to be a source of danger in the course of the operation or work.

(3) An employer shall, in addition to complying with subregulations (1) and (2), comply with the Public Utilities Corporation Act and the Electricity Regulations.

**25.** An employer shall not require an employee to lift, carry or move any heavy or apparently heavy load which is likely to cause injury to the employee.

**26.** (1) An employer shall not permit loose materials, which are not required for use, and debris of any kind to be placed or left so as to restrict the passage of employees upon platforms, gangways or floors or other places on site used as a passage but shall remove and stack or store the material or debris in a safe manner and so as to leave any such passage unobstructed.

(2) An employer shall not permit loose boards containing projecting nails to be left in position where there is danger of a person being injured by the nails.

**27.** An employer shall adequately and suitably light every working place and approach to a working place and any place where raising or lowering operations are in progress.

**28.** Where an employee is liable to suffer injury to his eyes as a result of dust, particles of material, radiation or otherwise from any process or work, an employer shall provide the employee with, and require him to wear or use suitable goggles or effective screens.

**29.** Where in the course of work, an employee is exposed to sound which exceeds 90 decibels, an employer shall provide the employee with, and require him to wear, ear covers or like means of protection to prevent harm being caused to the ears of the employee.

**30.** An employer shall provide an employee with, and require him to wear, safety helmets, safety boots and safety clothes, whenever necessary, in order to protect himself from injuries.

**31.** An employer shall ensure that scaffold materials, tools or waste material are properly lowered and are not thrown, tipped or shot down, except through a specially constructed chute, from a height or place where they are liable to cause injury to any person below.

**32.** (1) An employer shall not require an employee to enter into or remain in a confined space in which there is reason to apprehend that the proportion of oxygen in the air is or may become so low as to involve the risk of the employee being overcome by the air unless-

- (a) the space has been and remains adequately ventilated, otherwise than by compressed air, and a competent person has certified that it is safe for the employee to enter the confined space without breathing apparatus; or
- (b) the employee is wearing breathing apparatus of a type approved for this purpose.

(2) An employer shall not require an employee to enter or remain in a confined space in which there is reason to apprehend the presence of dangerous fumes to such an extent as to involve risk of the employee being overcome by the fumes unless-

- (a) the employee is wearing breathing apparatus of a type approved for this purpose; or
- (b) a competent person has certified that the space is safe for entry without breathing apparatus for a specified period and that period has not expired and the employee has been warned of when the specified period will expire.

(3) A confined space referred to in this regulation shall not be certified safe for entry unless-

- (a) it is free from any material liable to give off dangerous fumes;
- (b) it is adequately ventilated and has a supply of air adequate for breathing;
- (c) it has been tested to ensure that there are no dangerous fumes.

(4) Where an employee is employed to work in a confined space referred to in this regulation, an employer shall provide and keep readily available -

- (a) not less than 4 sets of breathing apparatus of a type approved for the purpose;
- (b) one lamp or torch of a safety type approved for the purpose for each set of breathing apparatus;
- (c) ropes and not less than 2 belts all of which are suitable for the purpose of rescue.

(5) The apparatus, lamp, torch, ropes and belts referred to in subregulation (4) shall be thoroughly examined at such regular intervals, but not less than once a month, as may be prescribed by a competent person and the person making the examination shall each time sign a report of the examination.

(6) The report of examination referred to in subregulation (5) shall contain such particulars as may be prescribed and shall be kept available for inspection.

(7) An employer shall train a sufficient number of employees in use of the apparatus and other equipment referred to in this regulation and in the method of rescue.

**33.** (1) An employer shall not install, place or keep a cylinder containing or which has contained oxygen or an inflammable gas or vapour under pressure within 5 metres of any substantial source of heat other than the burner or blow pipe operated from the cylinder or plant.

(2) An employer shall store and handle gas cylinders in a manner designed to avoid accidental damage to any of its parts.

**34.** (1) Pipes or hoses used for the supply of oxygen or any other flammable gas or vapour to an apparatus used for cutting, welding or heating metal shall be-

- (a) of good quality;
- (b) of sound material;
- (c) securely attached to the apparatus or other connections by means of suitable clips or other equally effective appliances; and
- (d) be properly maintained.

(2) An employer shall provide efficient pressure - regulating valves for gases for use with cylinders containing oxygen or in connection with the cutting, welding or heating of metal.

(3) Subject to subregulation (4), where acetylene gas is used for cutting, welding or heating metal, an employer shall provide and maintain a properly constructed and efficient back - pressure valve and flame arrester in the acetylene pipe as near as possible to the burner or blow-pipe, between each burner or blow-pipe and the acetylene generator or cylinder or container from which the acetylene gas is supplied.

(4) Subregulation (3) shall not apply where a generator or cylinder or container referred to in subregulation (3) services only one burner or blow-pipe.

(5) An employer shall ensure that a back - pressure valve referred to in subregulation (3) is inspected each day by each person who uses the burner or blow-pipe connected to the valve.

(6) The operation valve of a burner or blow-pipe to which oxygen or any other inflammable gas or oxygen is supplied for the purpose of cutting, welding or heating metal shall be so constructed, or the operating mechanism of the burner or blow-pipe shall be so protected, that the operation valve cannot be opened accidentally.

**35.** An employer shall prohibit the application of lead paint in the form of a spray when painting the interior of a building or structure.

**36.** An employer shall prohibit the use of cartridge operated tool at work place unless-

- (a) the tool cannot fire accidentally when dropped but only when pressed hard against a working surface;
- (b) the tool is fitted with a splinter guard;
- (c) the tool is operated by a person who is trained in its use; and
- (d) the area where the tool is used is fenced off, or the employer takes other suitable precautionary measures, to prevent danger to person at the work place.

**37.** Where an employer erects or authorises the erection of a temporary structure, including from work, which is not otherwise covered by any other regulation, the structure shall be of good construction and adequate strength and stability and of material which is sound and free from patent defect.

**38.** (1) An employer shall take all practicable steps by the use of weakness of guys, stays, supports, fixing or otherwise to prevent danger to any structure person through the collapse of any part of a building or structure during any temporary state of weakness or instability of the building or structure or any part of the building or structure before the building or structure is completed.

(2) Where any work, which is likely to reduce the security or stability of any part of a building or structure, whether in the course of its construction or otherwise, is carried on, all practicable steps shall be taken by shoring or otherwise to prevent danger to any person from the collapse of the building or structure or the collapse or fall or any part of the building or structure.

**39.** An employer who, without reasonable excuse, fails to comply with any of these Regulations is guilty of an offence and liable to a fine of R.20,000.

**40.** The Minister may, where he is satisfied that compliance with all or any provisions of these Regulations is not necessary for the protection of any employee, exempt an employer or any operation, work place or equipment of an employer from all or any provisions of these Regulations.

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**Occupational Safety and Health (Miscellaneous) Regulations.**

*[16th November, 1991]*

SI. 69 of 1991

**1.** These Regulations may be cited as the Occupational Safety and Health (Miscellaneous) Regulations.

**2.** These Regulations apply to premises, other than premises to which the Occupational Safety and Health (Construction Industry, Confined Space and Welding) Regulations, apply, covered by the Decree for the purposes of ensuring the health, safety and welfare of an employee at work.

**3.** An employer shall provide and maintain safe access to and egress from a working place.

**4.** (1) An employer shall ensure that the floors, steps, stairs, passages and gangways of a workplace are of sound construction, properly maintained and kept free from obstruction and substance likely to cause an employee to slip or fall.

(2) Subject to subregulation (3), an employer shall, at a work place where an employee is liable to fall a distance of more than 2 metres, ensure the safety of the employee against such fall by fencing the place or taking other similar measures.

(3) Subregulation (2) shall not apply where the workplace, because it has sufficient secure foothold and secure handhold, provides sufficient security against a fall without the need of fencing or other similar measures.

(4) An employer shall ensure that openings in the floor at a workplace are securely fenced but, where it is impracticable to fence an opening because of the nature of the work being carried on, the employer shall display at approximately one metre from the opening adequate sign which warns of the opening.

**5.** (1) An employer shall ensure that a staircase at a workplace which is used or liable to be used by an employee is provided with-

(a) in the case of-

(i) a staircase which has two open sides; or;

(ii) a staircase which has only one open side, but on which an accident is liable to happen because of the nature of its construction, condition of the surface of its steps or other special circumstances,

proper hand-rail on both sides of the staircase;

(b) in the case of a staircase which has one open side, not being staircase with one open side referred to in paragraph (a)(ii), proper hand-rail on the open side of the staircase; and

(c) in the case of staircase which has any open side, a lower rail of a height of 15 centimetres at each open side of the staircase.

(3) An employer shall ensure that a ladder which is used at a workplace is of sound construction and properly maintained.

**6.** (1) This regulation shall have effect in respect of work which has to be carried on in a confined space in which dangerous fumes are liable to be present to such an extent as to expose a person working in the space being overcome by the fumes.

(2) For the purposes of this regulation, "confined space" includes any chamber, tank, pit, vat, pipe or flue.

(3) A confined space shall-

(a) unless there is other adequate means of egress, be provided with a manhole;

(b) be-

(i) in the case of tank wagon or other mobile plant, not less 40 cm long and 35 cm wide or, if circular, not less than 40 cm in diameter;

(ii) in any other case, 46 cm long, 40 cm wide or, if circular, not less than 46 cm in diameter.

(4) A person shall not enter or remain in a confined space in which the proportion of oxygen in the air is liable to have been reduced to such an extent as to be liable to affect the health of the person.

(5) Subject to subregulation (6), a person shall not enter or remain in a confined space for any purpose unless-

(a) he has been authorised to enter the space by a competent person;

(b) he is wearing a breathing apparatus which has been approved for this purpose; and

(c) he is wearing a belt with a rope securely attached thereto and the free end of which is held by a person who is keeping watch outside the space and is able to pull him out of the space if required.

(6) Where a confined space has been certified by a competent person as being safe to enter for a specified period without breathing apparatus, a person may, if he has been warned before entering the space of the specified period and the time it will expire, enter and remain in the space for the specified period.

(7) A competent person shall not certify a confined space under subregulation (6) unless-

(a) effective steps have been taken to prevent the ingress of dangerous fumes in the space; and

(b) any sludge or other deposit liable to give dangerous fumes have been removed from the space.

(8) Where work is being carried on in a confined space, there shall be provided and kept readily available sufficient supply of belts, ropes, suitable reviving apparatus, oxygen and breathing apparatus of a type approved by the Minister.

(9) The belts, ropes and apparatus referred to in subregulation (7) shall be properly maintained and be examined at least once a month or such other shorter interval as the Minister may require by a competent person who shall on each examination make and sign a report containing such particulars as the Minister may specify and the report shall be made available for inspection.

(10) Where work is being carried on in a confined space, an employer shall ensure that a sufficient number of employees are trained in the use of the apparatus referred to in this regulation and a method of restoring respiration.

7. A person who, without reasonable excuse, fails to comply with these Regulations is guilty of an offence and liable to a fine of R.20,000.

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**Occupational Safety and Health (Health and Welfare) Regulations**

SI. 76 of 1991  
SI. 37 of 2003

*[9th December, 1991]*

1. These Regulations may be cited as the Occupational Safety and Health (Safety, Health and Welfare) Regulations.

2. (1) These Regulations shall apply for the purpose of ensuring the health, safety and welfare of an employee at work and an employer shall comply with these Regulations.

(2) These Regulations apply in addition to the provisions of any other written law.

3. An employer shall keep any premises under his control in a clean state and free from effluvia and, in particular, shall ensure that floors and benches of work-rooms, stairways and passages are regularly cleaned and, where necessary, washed.

3A. (1) It shall be the duty of an employer -

(a) to provide and maintain in the premises under his control appropriate safety signs designed to warn his employees and other persons likely to be exposed to any risk of injury of such risk so as to prevent such injury; and

(b) to ensure that the employees are sufficiently instructed as to the meaning and importance of the safety signs.

(2) In providing safety signs an employer shall be required to follow the guidelines set out in Schedule 2 to these Regulations.

4. (1) An employer shall ensure that an employee is not exposed to risk of injury to his health as a result of over-crowding in any work-room or other premises and for this purpose shall ensure that in a work-room or other premises where there are more than one person at a time each person is allowed at least 15 cubic metres of space.

(2) In calculating the amount of space referred to in subregulation (1) there shall be excluded from the calculation any area above 3.25 metres from the floor.

5. An employer shall ensure that in any work-room or other premises where an employee is working there is maintained at all times humidity a reasonable comfort zone temperature which shall not in any event exceed 27 centigrade and a reasonable comfort zone humidity.

**6.** An employer shall ensure that work-rooms or other premises where there are employees are at all times adequately ventilated and rendered free from harmful fumes, dusts and other impurities and, without prejudice to the foregoing, an employer shall, where it is necessary to protect the health of an employee or where there is a plant or process which emits harmful fumes, provide close exhaust ventilation or, where it is not practicable to do so-

- (a) ensure that the work-rooms have windows and doors which are capable of being opened and that the total areas of the windows and doors amount to 10% of the floor area of the work-rooms; or
- (b) provide the employees with effective masks.

**7.** Where an employee is exposed to vibration at his work place his employer shall-

- (a) take necessary measures in order to attenuate the vibration,
- (b) provide sound proof barriers to protect the employee against the vibrations; or
- (c) replace the equipment or tools which cause the vibration.

**8.** Where an employer carries on any process or activity which renders the floor of a working place liable to be wet to such an extent that the wet is capable of being removed by drainage, the employer shall provide and maintain an effective drainage system to ensure the removal of the wet.

**9.** (1) An employer shall provide and maintain in a clean and hygienic condition sufficient and suitable sanitary convenience for use by his employees.

(2) Where an employer employs employees of both sexes, the employer shall provide separate sanitary convenience for each sex and, in the case of sanitary convenience for women, provision shall be made in the convenience for the hygienic disposal of sanitary towels.

(3) For the purpose of subregulation (1) and subject to subregulation (2), the ratio of sanitary convenience per employees shall be 1 sanitary convenience: 4 employees.

**10.** (1) An employer shall provide and maintain in a clean and hygienic condition sufficient and suitable facilities for washing, together with towel and soap, for use by his employees.

(2) The facilities for washing shall have a supply of clean running water and be reasonably accessible to the employees.

(3) Where there is special danger of contamination to the employees, an employer shall, in addition, provide scrubbing brushes and other material for use by the employees.

(4) Where an employer employs employees of both sexes, the employer shall provide separate facility for each sex.

(5) For the purposes of subregulation (1) and subject to subregulation (4), the ratio of wash basin and washing facilities per employees shall be-

- (a) where the work which the employees are required to undertake involves the soiling of hands or feet-

- (i) 1 washbasin: 5 employees
- (ii) 1 shower: 10 employees, and
- (b) where the work which the employees are required to undertake does not involve the soiling of hands or feet-
  - (i) 1 washbasin: 10 employees, and
  - (ii) 1 shower: 20 employees.

**11.** (1) An employer shall provide and maintain at suitable and conveniently accessible points at every work place under his control or charge and adequate supply of wholesome drinking water.

(2) Where drinking water under subregulation (1) is kept in vessel for use by the employees, the employer shall ensure that the vessel and the water remains free from contamination and that the water is renewed daily.

**12.** (1) A work-room shall be properly and sufficiently lit in accordance with this regulation.

(2) A work-room shall have a general illumination of not less than 6 foot candles but where-

- (a) ordinary work, not being any work referred to in paragraphs (b) to (e), is carried out in the room, the illumination shall be not less than 15 foot candles;
- (b) moderately fine work is carried out in the room or the room is used for kitchen preparation, the illumination shall be not less than 30 foot candles;
- (c) fine work is carried out in the room, the illumination shall be not less than 70 foot candles;
- (d) very fine work is carried out in the room, the illumination shall be not less than 150 foot candles;
- (e) extremely fine work is carried out in the room, the illumination shall be not less than 300 foot candles.

(3) For the purposes of subregulation (2), the illumination shall be measured in the horizontal plane at a level of 1 metre above the floor.

(4) Lights shall be shaded in such a way as to protect the employees from direct and reflected room-shining surfaces and the lights shall be so placed as to remove shadows which might cause eye strain to the employees.

**13.** An employer shall, at a work place where toxic substances are used or produced or where there is any process during which fumes or noxious odours are emitted, provide the employees with a suitable place to eat and take their refreshments.

**14.** Where in the course of his work an employee has reasonable opportunity for sitting without detriment to his work, an employer shall provide the employee with adequate and suitable sitting facilities.

- 15.** (1) An employer shall provide-
- (a) adequate and suitable accommodation for the clothing of employees not worn during working hours; and
  - (b) a suitable place where the employees may change their clothes.
- (2) Where there are employees of both sexes, an employer shall provide separate places referred to in subregulation (1)(b) for each sex.
- 16.** An employer shall not require an employee to lift, carry or move a load so heavy as to be likely to cause injury to the employee.
- 17.** (1) An employer shall ensure that the noise level at any work place under his control or change does not exceed 90 decibels and, where it is not practicable to maintain the noise level below 90 decibels, the employer shall-
- (a) provide the employees with ear-muffs;
  - (b) carry out annual audiometric surveillance; and
  - (c) regularly rotate the employees in order to reduce the risk of the employees suffering from noise-induced deafness.
- (2) For the purpose of measuring noise level for the purposes of regulation (1) the Noise Level Metre shall be placed at a distance of not more than 1 metre from the source of the emission of the noise.
- 18.** (1) An employer shall register a work place where employees are exposed to risk of ionizing radiations with the Ministry responsible for Health and shall ensure that the employees annually undergo a radiation protection service.
- (2) An employee shall not be exposed to more than-
- (a) 30 mili siverts (3 rem/quarter) of ionizing radiation every three months; or
  - (b) 50 milli siverts (5 rem year) ionizing radiation a year.
- (3) An employee who in the course of work is exposed to ionizing radiation in an amount which exceeds 5 mili siverts (1.5 rem/year) a year or 5 mili siverts (500 rem/month) a month shall undergo annual radiation protection service and be kept under medical supervision.
- (4) An employee shall not be exposed to radio-frequency radiation of more than 250 mwatts/cm<sup>2</sup>.
- (5) An employee shall not be exposed to microwave radiation of more than 5 mwatts/cm<sup>2</sup> at any point which is 5 cm or more from the external surface of the source of the radiation.
- (6) An employer shall provide an employee who is exposed to laser or ultra-violet or infra-red radiation with eye protection.

**19.** Where in the course of his work an employee is likely to be exposed to dirty, dusty or dangerous conditions or in inclement weather conditions, an employer shall provide the employee with adequate and suitable protective clothing.

**20.** An employer shall make readily available at every premises under his control or charge a stretcher and first-aid boxes containing the matters specified in Schedule 1 and shall appoint, and ensure that there is at all time available, a person who is trained in first-aid at such premises.

**21.** Where at a work place there is any process or plant which produces fumes, dusts or other hazardous material in sufficient quantity to be dangerous to the health of employees at the work place, the Minister may in agreement with the Minister responsible for Health, require that the employees be subject to such medical supervision as he thinks fit in the circumstances and the employer of the employees shall comply with the requirement of the Minister.

**22.** An employer shall ensure that, in the event of a serious accident or illness, there is readily available reasonable means of transport for the evacuation of injured or sick employees.

**23.** An employer who, without reasonable excuse, fails to comply with any of these Regulations is guilty of an offence and liable to a fine of R.20,000.

**24.** The Minister may, where he is satisfied that compliance with all or any provisions of these Regulations is not necessary for the protection of an employee, exempt an employer from all or any provisions of these Regulations.

## SCHEDULE 1

### CONTENTS OF FIRST-AID BOXES

1. Small sterilized unmedicated dressing, for injured fingers - at least twelve.
2. Medium sized sterilized unmedicated dressing, for unjured hands and feet - at least six.
3. Large sterilized unmedicated dressing for other parts of the body - at least three.
4. Non adhesive plaster - at least twelve.
5. Micro-pore tape - one roll.
6. Adhesive plaster - one roll.
7. Cotton wool - one roll (sterilized).
8. Normal saline for washing contaminated wounds and eyes with disposal syringe (20 ml) to provide a jet for wounds or to irrigate the eye.
9. Eye pads - two.
10. Crepe bandage - two.
11. Triangular bandage - at least 6.

12. Ordinary bandage - at least 6.
13. Safety pins - packet.
14. Cetavlon antiseptic for cleaning of wounds.
15. Different sizes of wooden splints.
16. Pair of scissors.
17. Paracetamol tablets of 500 mg. - 200.
18. Iodine Tincture (2.5%) - 100 ml.
19. Gentian violet - 100 ml.
20. Blanket - at least one.

## SCHEDULE 2

### Colours and features of Safety Signs

<b>Safety signs that prohibit</b>	<b>Safety signs that warn</b>	<b>Safety signs that require action</b>	<b>Emergency signs/First-Aid signs</b>	<b>Fire-fighting signs</b>
Round in shape	Triangle in Shape:	Round in shape	Rectangular or square in shape	
Black pictogram on white background, red edging and diagonal line (the red part to take up at least 35% of the area of the sign):	Black pictogram on yellow background with black edging (the yellow part to take up at least 50% of the area of the sign)	White pictogram on a blue background (the blue part to take up at least 50% of the area of the sign)	White pictogram on a green background (the green part to take up at least 50% of the area of the sign)	
<b>Examples of prohibitions:</b>	<b>Examples of warnings:</b>	<b>Examples of required action</b>	<b>Examples:</b>	
(a) No smoking	(a) Flammable	(a) Eye	(a) First-aid	Fire Hose

(b) Smoking and naked flames forbidden	material	protection must be worn	sign  (b) First-aid post	Ladder  Fire Extinguisher
(c) No access for pedestrian	(c) Toxic material	(b) Safety helmet must be worn	(c) Stretcher	
(d) Do not extinguish with water	(d) Corrosive material	(c) Ear protection must to worn	(d) Safety Shower	
(e) Not drinkable	(e) Radioactive material	(e) Eye wash/ Emergency Telephone		
(f) Do not touch	(f) Overhead load			
(g) No access for industrial vehicles	(g) Industrial vehicles		(d) Exit signs	
(h) No access for un-authorized person	(h) General Danger	(f) Safety gloves must be worn		
	(i) Danger Electricity	(g) Safety Harness Must be worn		
	(j) Obstacles	(h) Pedestrians must use this route		
	(k) Drop			
	(l) Low temperature	(i) Safety overall must be worn.		
	(m) Harmful or irritant			

## Occupational Safety and Health (Miscellaneous) Regulations

[16th November, 1991]

SI. 69 of 1991

1. These Regulations may be cited as the Occupational Safety and Health (Miscellaneous) Regulations.

2. These Regulations apply to premises, other than premises to which the Occupational Safety and Health (Construction Industry, Confined Space and Welding) Regulations apply, covered by the Decree for the purposes of ensuring the health, safety and welfare of an employee at work.

3. An employer shall provide and maintain safe access to and egress from a work place.

4. (1) An employer shall ensure that the floors, steps, stairs, passages and gangways of a workplace are of sound construction, properly maintained and kept free from obstruction and substance likely to cause an employee to slip or fall.

(2) Subject to subregulation (3), an employer shall, at a work place where an employee is liable to fall a distance of more than 2 metres, ensure the safety of the employee against such fall by fencing the place or taking other similar measures.

(3) Subregulation (2) shall not apply where the workplace, because it has sufficient secure foothold and secure handhold, provides sufficient security against a fall without the need of fencing or other similar measures.

(4) An employer shall ensure that openings in the floor at a workplace are securely fenced but, where it is impracticable to fence an opening because of the nature of the work being carried on, the employer shall display at approximately one metre from the opening adequate sign which warns of the opening.

5. (1) An employer shall ensure that a staircase at a workplace which is used or liable to be used by an employee is provided with -

(a) in the case of -

(i) a staircase which has two open sides; or

(ii) a staircase which has only one open side, but on which an accident is liable to happen because of the nature of its construction, condition of the surface of its steps or other special circumstances,

proper hand-rail on both sides of the staircase;

(b) in the case of a staircase which has one open side, not being staircase with one open side referred to in paragraph (a)(ii), proper hand- rail on the open side of the staircase; and

(c) in the case of staircase which has any open side, a lower rail of a height of 15 centimetres at each open side of the staircase.

(3) An employer shall ensure that a ladder which is used at a workplace is of sound construction and properly maintained.

**6.** (1) This regulation shall have effect in respect of work which has to be carried on in a confined space in which dangerous fumes are liable to be present to such an extent as to expose a person working in the space being overcome by the fumes.

(2) For the purposes of this regulation, "confined space" includes any chamber, tank, pit, vat, pipe or flute.

(3) A confined space shall -

(a) unless there is other adequate means of egress, be provided with a manhole;

(b) be -

(i) in the case of tank wagon or other mobile plant, not less than 40cm long and 35 cm wide or, if circular, not less than 40 cm in diameter;

(ii) in any other case, 46 cm long 40 cm wide or, if circular, not less than 46 cm in diameter.

(4) A person shall not enter or remain in a confined space in which the proportion of oxygen in the air is liable to have been reduced to such an extent as to be liable to affect the health of the person.

(5) Subject to subregulation (6), a person shall not enter or remain in a confined space for any purpose unless -

(a) he has been authorized to enter the space by a competent person;

(b) he is wearing a breathing apparatus which has been approved for this purpose; and

(c) he is wearing a belt with a rope securely attached thereto and the free end of which is held by a person who is keeping watch outside the space and is able to pull him out of the space if required.

(6) Where a confined space has been certified by a competent person as being safe to enter for a special period without breathing apparatus, a person may, if he has been warned before entering the space of the specified period and the time it will expire, enter and remain in the space for the specified period.

(7) A competent person shall not certify a confined space under subregulation (6) unless -

(a) effective steps have been taken to prevent the ingress of dangerous fumes in the space, and

(b) any sludges or other deposit liable to give dangerous fumes have been removed from the space;

(8) Where work is being carried on in a confined space, there shall be provided and kept readily available sufficient supply of belts, ropes, suitable reviving apparatus, oxygen and breathing apparatus of a type approved by the Minister.

(9) The belts, ropes and apparatus referred to in subregulations (7) shall be properly maintained and be examined at least once a month or such other shorter interval as the Minister may require by a competent person who shall on each examination make and sign a report containing such particulars as the Minister may specify and the report shall be made available for inspection.

(10) Where work is being carried on in a confined space, an employer shall ensure that a sufficient number of employees are trained in the use of the apparatus referred to in this regulation and a method of restoring respiration.

7. A person who, without reasonable excuse, fails to comply with these Regulations is guilty of an offence and liable to a fine of R20,000.

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## **Occupational Safety and Health (Medical Examinations) Regulations**

*[15th December, 2003]*

SI. 39 of 2003

### **ARRANGEMENT OF REGULATIONS**

1. Citation
2. Application
3. Definitions
4. Persons to be certified fit
5. Periodic medical examinations
6. Other medical examinations
7. Employers to bear cost of examinations etc.
8. Reporting results of medical examinations
9. Registers of employees in hazardous occupations
10. Suspension of work
11. Designated Occupational Health doctor may inspect place of work
12. Exemption
13. Registration of designated occupational health doctors

Schedules

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1. These Regulations may be cited as the Occupational Safety and Health (Medical Examinations) Regulations.

2. These Regulations shall apply to all persons who are employed in any occupation involving-

- (a) the use or handling of or exposure to the fumes, dust or vapour of arsenic, cadmium, lead, manganese or mercury or any of other compounds;
- (b) the use or handling of or exposure to the fumes or vapour of benzene vinyl chloride, organophosphates, any pesticides or chemicals;
- (c) the use or handling of or exposure to tar, pitch, bitumen, cresole or petroleum products;
- (d) the use or handling of or exposure to the dust of asbestos, raw cotton or silica, and printing;
- (e) exposure to excessive noise, dust, radiation or biological material;
- (f) work in a compressed air environment, or deep sea diving;
- (g) handling of food;
- (h) driving of heavy goods vehicles and public service vehicles and commercial passenger motor vehicles;
- (i) piloting of commercial aircraft or ships;
- (j) handling of or disposal of toxic or hazardous waste;
- (k) work in hospitals, clinics, and in human or animal health care.

3. In these Regulations

“designated occupational health doctor” means a medical practitioner registered as a designated occupational health doctor in accordance with regulation 13;

“hazardous occupations” means occupations specified in regulation 2;

“employer” means a person who has in his employ or intends to employ any person to work in a hazardous occupation in a worksite under a contract of employment.

4. (1) No person shall be employed in any hazardous occupation unless that person has been medically examined by a designated occupational health doctor and certified fit to work in the occupation. The medical examination shall have been carried out, in the case of a person required to work in a compressed air environment, within 3 days before such employment and in the case of a person required to work in any other hazardous occupation, not later than 3 months after he has commenced employment in that occupation.

(2) Notwithstanding subregulation (1), persons already in employment in hazardous occupations on the coming into operation of these Regulations shall, as soon as possible after that date

and without undue delay, be examined by a designated occupational health doctor to determine their fitness to continue working in those occupations.

(3) The medical examinations referred to in subregulations (1) and (2) shall consist of the examinations and investigations specified in Part 1 of the First Schedule and such other examinations or investigations as the Director may require.

**5.** Every person employed in hazardous occupations shall be periodically examined by a designated occupational health doctor. The periodic examinations shall consist of the examinations and investigations specified in Part II of the First Schedule and shall be held at the intervals therein specified.

**6.** The Director may require any person or category of persons employed in hazardous occupations to undergo a medical examination other than the examinations referred to in regulations 4 and 5.

**7.** (1) All medical examinations and investigations required under these Regulations shall be arranged by the employer and shall be at his expense.

(2) Persons employed in hazardous occupations shall submit themselves to medical examinations and investigations prescribed by these Regulations and shall be granted paid leave of absence for the purpose.

**8.** (1) The results of the medical examination of persons working in hazardous occupations shall be reported by the designated occupational health doctor to the employer of those persons in the form set out in the Second Schedule.

(2) The employer shall make available to statutory authorities for inspection the reports referred to in subsection (1) and shall keep such reports for a period of 5 years.

**9.** (1) The employer shall keep in such form and manner as may be required by the Director registers of persons who are employed in hazardous occupations.

(2) The employer shall produce the registers for inspection or retention when so required by an officer appointed under section 21 of the Occupational Safety and Health Decree.

**10.** (1) Where a designated occupational health doctor is satisfied on the results of a medical examination carried out under these Regulations that the health of a person is likely to be or has been injuriously affected by the employment in a hazardous occupation, the doctor shall report the findings to the employer of that person, in the form required under regulation 8(1).

(2) In accordance with the advice of the designated occupational health doctor in his findings referred to in subregulation (1), the person named shall be suspended from work. Such person may, within 10 days of being notified of the suspension, appeal to the Director against the suspension, and the Director shall refer the case to the Medical Board appointed under the Social Security Act for its decision.

(3) In the event of an employee being injured, maimed, or becoming ill on account of his occupation, the employer may, with the recommendation of the designated occupational health doctor apply to the Medical Board appointed under the Social Security Act for the employee to be examined for purposes of workpersons compensation.

**11.** (1) The employer or other person in charge of a place of work shall provide all facilities to the designated occupational health doctor to inspect any process or work in or on which a person examined by him is or is proposed to be employed.

(2) The employer of persons working in any hazardous occupation and the occupier of that workplace shall provide the designated occupational health doctor with all information which is relevant and within their knowledge to enable the designated occupational health doctor to carry out a proper medical examination of those persons under these Regulations.

**12.** (1) The Principal Secretary of the Ministry responsible for Employment may by certificate in writing exempt any workplace or person or class or description of premises or persons from any of these Regulations subject to such conditions as the Principal Secretary may specify in the certificate.

(2) Any certificate issued under this regulation or a legible copy thereof, showing any condition subject to which it has been granted, shall be displayed in every workplace to which the exemption applies or where persons exempted are employed in a position where it may conveniently be read by persons employed therein.

**13.** (1) A medical practitioner registered under the Medical Practitioners and Dentists Act and who has completed a course of training in occupational health approved by the Director may apply for registration as a designated occupational health doctor.

(2) The Director may in his discretion and subject to such conditions as he may impose exempt a medical practitioner from the requirements of subregulation (1).

(3) The Minister may with the concurrence of the Minister responsible for Health, appoint designated occupational health doctors for the purpose of these Regulations.

## **First Schedule**

Regulation 4(3)

### **Part 1**

#### **Medical examinations and investigations to determine fitness for employment in hazardous occupations**

##### **Nature of occupation**

##### **1. Occupations involving the**

use or handling of or exposure

to the fumes, dust or vapour of

(a) arsenic or any of its compounds:

(i) A clinical examination for signs and symptoms of arsenic poisoning, skin cancer and lung cancer.

(b) cadmium or any of its  
compounds:

- (ii) A full size chest x-ray examination
- (iii) Urine arsenic estimation.

- (i) A clinical examination for signs  
and symptoms of cadmium  
poisoning
- (ii) Blood cadmium estimation
- (iii) Urine Beta-microglobulin  
estimation

(c) lead or any of its  
compounds:

- (i) A clinical examination for signs  
and symptoms of lead poisoning
- (ii) For inorganic lead exposure, full  
blood count and blood count and  
blood lead estimation and peripheral  
blood film
- (iii) For organic lead exposure urine  
lead estimation

(d) mercury or any of its  
compounds:

- (i) A clinical examination for signs and  
symptoms or mercury poisoning
- (ii) Urine mercury estimation

(e) manganese or any of its  
compounds:

- (i) A clinical examination for signs and  
symptoms of manganese poisoning
- (ii) Urine manganese poisoning

## Estimation

- (f) organophosphates or any pesticide:
2. Occupations involving the use or handling of or exposure to the fumes, dust or vapour of-
- (a) asbestos
- (b) benzene
- (c) raw cotton
- (i) A clinical examination for signs and symptoms of organophosphate or pesticide poisoning
- (i) A clinical examination for signs and symptoms of asbestosis, lung cancer and mesothelioma
- (ii) A full size chest x-ray examination.
- (iii) Lung functions tests.
- (i) A clinical examination for signs and symptoms of benzene poisoning.
- (ii) Urine phenol estimate
- (iii) Haemoglobin estimation and full Blood count.
- (iv) Peripheral Blood film.
- (i) A clinical examination for signs and symptoms of byssinosis (cotton dust disease)
- (ii) Lung function tests (FEV and FVC) before and after 6 hours of exposure to cotton dust on the

(d) silica, cement, fibre glass

**3. Occupations involving**

exposure to excessive noise

**4. Occupations involving the use**

or handling of or exposure to  
vinyl chloride monomer

**5. Employment in a compressed**

environment or diving operations

same day

(i) A clinical examination for signs  
and symptoms of silicosis and  
tuberculosis.

(ii) A full size chest x-ray examination  
Every two years

(iii) Lung function tests and hearing  
tests.

An audiometric examination (where  
the air conduction is abnormal, to  
include bone conduction tests)

(i) A clinical examination for signs and  
symptoms of vinyl chloride effect

(ii) Liver function test including serum  
bilirubin, alkaline phosphates,  
SGOT, SGPT, and gamma  
glutamyl; transpeptidase estimate

(i) A general clinical examination to  
work in a compressed air  
environment

(ii) Height, weight and body fat  
estimation

(iii) Audiometric examination

(iv) Test in a lock

(v) Full size chest x-ray

(vi) Radiographic examination of

- Shoulder, hip and knee joints
- (vii) Stress electrocardiogram for workers who are 35 years of age and over
6. Occupations involving the handling of food
- (i) A general clinical food handling examination
- (ii) Stool tests for parasites and Salmonella culture
- (iii) Nasal swab culture for staphylococcus
7. Driving of heavy goods and public service vehicles
- (i) A general clinical examination

## PART II

### Nature of occupation

### Periodic examination

1. Occupations involving the use or handling of or exposure to the fumes, dust or vapour of-
- (a) arsenic or any of its
- (i) A clinical examination for signs and symptoms of arsenic poisoning, skin cancer and lung cancer      Once in every 12 months
- (ii) A full size chest x-ray Examination
- (iii) Urine arsenic estimation
- (b) cadmium or any of
- (i) A clinical examination for signs and symptoms      Once in every 12 months

	of cadmium poisoning	
	(ii) Blood cadmium estimation	
	(iii) Urine Beta micro globulin estimation	
(c) lead or any of its	(i) A clinical examination for signs and symptoms of lead poisoning	Once in every 6 months
	(ii) For inorganic lead exposure, haemoglobin and blood lead estimation	
	(iii) For organic lead exposure, urine lead estimation	
(d) mercury or any of its	(i) A clinical examination for signs and symptoms of mercury poisoning	Once in every 12 months
	(ii) Urine mercury Estimation	
(e) manganese or any of	(i) A clinical examination for signs and symptoms Of manganese poisoning	Once in every 12 months.
	(ii) Urine manganese estimation	
(f) organophosphates and	(i) A clinical examination	Once in every

pesticides	for signs	12 months
	and symptoms of pesticide poisoning	
	(ii) Red Blood cell acetylcholinesterase estimation	Once in every 6 months
	(iii) Liver function test & full blood count	Once in every 6 months

## 2. Occupations

involving the use or  
handling of or exposure  
to the fumes, dust or vapour of-

(a) asbestos	(i) A clinical examination for signs and symptoms of asbestosis, lung cancer and mesothelioma	Once in every 12 months
	(ii) A full size chest x-ray examination	
	(iii) Lung function tests	
(b) benzene	(i) A clinical examination for signs and symptoms of benzene poisoning	Once in every
	(ii) Urine phenol estimation	
	(iii) Haemoglobin estimation and full blood count	
	(iv) Peripheral blood film	

(c) raw cotton	<p>(i) A clinical examination for signs and symptoms of byssinosis (cotton dust disease)</p> <p>(ii) Lung function test (FEV and FVC before and after 6 hours of exposure to cotton dust on the same day</p>	Once in every 12 months
(d) silica	<p>(i) A clinical examination for signs and symptoms of silicosis and tuberculosis</p> <p>(ii) A full size chest x-ray examination</p>	Once in every 12 months.
(e) tar, pitch, bitumen or creosote	(i) A clinical examination of the skin and lungs	Once in every 12 months
<p><b>3.</b> Occupations involving exposure to excessive noise</p>	<p>(i) An audiometric examination (where the air conduction is abnormal, to include bone conduction tests)</p>	Once in every 12 months
<p><b>4.</b> Occupations involving the use or handling of or exposure to vinyl</p>	<p>(i) A clinical examination for signs and symptoms of</p>	Once in every 12 months

chloride monomer

vinyl chloride effect

(ii) Liver function tests including serum bilirubin, alkaline phosphatase, SGOT, SGPT, and gamma glutamyl transpeptidase estimations.

5. Employment in a compressed air environment

(i) A general clinical examination for signs and symptoms of compressed air illness and fitness for work in a compressed air environment

(a) Not less than once in every 3 months for working pressure not exceeding one bar

(b) Not less than once in every 4 weeks for working pressures exceeding two bar.

(c) Not more than 3 days prior to re-employment in a compressed air

environment

(i) after a worker has not been employed in a compressed air environment for more than 14 consecutive days:

(ii) after the worker has suffered from a cold, chest infection, sore throat or headache;

(iii) after a worker has suffered from any illness or injury necessitating absence from work for more than 3 consecutive days.

(ii) Full size chest x-ray

Once in every 12 months

	(iii) Radiographic examination of shoulder, hip and knee joints	Once in every 12 months
	(iv) Stress electrocardiogram	Not less than once in every 12 months for workers who are 35 years of age and over.
<b>6. Occupations involving the handling of food</b>	(i) Full clinical examination	Once in every 2 years
	(ii) Stool and nasal cultures	Once in every 6 months
<b>7. Driving of hazardous vehicles</b>	(i) Full clinical examination	Once in every three years
	(ii) Blood sugar and ECG	Once in every three years after reaching age 40 years
<b>8. Health Care Workers</b>	(i) Full clinical examination	Once in every three years
	(ii) Hepatitis B. Antigen	
	(iii) Blood Sugar and ECG	
<b>9. Piloting of commercial aircraft and ships</b>	(i) A general clinical examination full chest X-ray, blood test, electrocardiogram,	Once in every 6 months

audiometric examination,  
spiro metric test

**SECOND SCHEDULE**

Regulation 8(1)

**MEDICAL-IN-CONFIDENCE**

**MINISTRY OF HEALTH**

**OCCUPATIONAL HEALTH FITNESS CERTIFICATE**

(As required in Section 5 (2) of the Occupational Safety and Health Decree, 1978, and Section 4 of the Food Act – General Hygiene Regulations, 1992).

To: The Personnel Manager

.....

RE \_\_\_\_\_ d.o.b ...../...../20.....

The above named was medically examined on

.....

Disposal: G ..... FIT/UNFIT as

.....

Comments:

.....  
.....  
.....  
.....  
.....  
.....

The next medical examination is due in

.....  
For Food-Handlers, stool and nasal swab culture tests must be done once in every six months until the next medical examination, for this certification to be valid.

For Pesticide-Handlers, blood tests must be done once in every six months for validation of this certificate.

Signature ..... Name .....

Date/Time .....

Designation .....

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Section 26

**Occupational Safety and Health (Safety Officers) Regulations, 2012**

SI. 6 of 2012

*[12th March 2012]*

1. These Regulations may be cited as the Occupational Safety and Health (Safety Officers) Regulations, 2012.

2. In these Regulations —

“Director” means the Chief Executive of the Ministry or Department responsible for the administration of the Occupational Safety and Health Decree;

“safety officer” means a person employed by an enterprise with more than 50 workers to deal with safety and health matters;

“safety representative” means an employee elected or designated under section 26 of the Decree;

3. (1) Every employer to whom these Regulations apply shall inform the Director in writing the name of each Safety Officer or Safety Representative appointed, elected or designated in respect of the employer's premises.

(2) The Director shall keep a register of all Safety Officers and Safety Representatives.

(3) These Regulations shall apply to

(a) enterprises that employ 50 or more persons; and

(b) premises designated by the Director for the purpose of section 26 of the Decree;

4. A Safety Officer shall, as far as practicable, work under the supervision of a person who has effective control over the work that is carried on within the enterprise by the persons employed therein.

5. Every employer shall provide the Safety Officer with such facilities, equipment and information as are necessary to enable the Safety Officer to promote the safe conduct of work within the enterprise.

**6.** (1) Every Safety Officer shall in every month prepare and submit to the employer or person in charge of the workplace a report in such form as the Director may require.

(2) The report referred to in paragraph (1) shall contain the following particulars —

- (a) any action to be taken by the occupier or the owner of the workplace under the Decree or any regulations made thereunder;
- (b) methods of establishing and maintaining safe and healthy working conditions in the workplace;
- (c) the number of accidents and dangerous occurrences which took place within the workplace including the number of persons injured but not incapacitated either temporarily or permanently from working;
- (d) any measures taken or to be taken by the employer to ensure the safety and health of persons affected;
- (e) any machinery, plant, equipment, appliance or process or any description of manual labour used in the factory which is likely to cause risk of bodily injury to any person employed in the workplace;
- (f) any machinery, plant, equipment appliance or protective clothing required for the purpose of minimising any risk;
- (g) a report on any investigation conducted by the Safety Officer into any dangerous occurrence or accident which took place within the workplace or any industrial diseases contracted in the workplace;
- (h) any comment on the functions of the safety committee established at the workplace under section 26 of the Decree.
- (i) any campaign, competition, training course or contest held among employees in order to develop and maintain their interest in establishing safe and health working conditions;
- (j) recommendation of any alteration to be made to the structure or layout of a worksite in the interest of the health and safety of employees;
- (k) any proposal for co-operation between the management and other person for implementing the provisions of the Decree;
- (l) confidential safety ratings of all supervisors; and
- (m) any matter arising from the previous report.

**7.** (1) The employer to whom a report is submitted under regulation 6 shall, not later than 3 weeks after the receipt of the report, discuss the report with the Safety Officer and require any other person employed in the enterprise to take such action as the employer thinks fit.

(2) The employer shall countersign the report, which shall be kept available for inspection by an authorised officer under section 20 of the Decree for at least 10 years.

(3) An authorised officer may at any time require an employer to furnish him with any such report and the employer shall forthwith comply as per subsection (1).

**8.** A Safety Officer shall —

- (a) advise the occupier, manager or other person in charge of the enterprise on the measures to be taken in the interests of the safety and health of the persons employed therein;

- (b) with the approval of the occupier, manager or other person implement such measures as specified in subparagraph (a);
- (c) inspect the workplace personally or direct any assistant to inspect it on his behalf to determine whether there is any machinery, plant, equipment, appliance or process or any description of manual labour used in the enterprise which is likely to cause risk of injury to any person working or employed therein;
- (d) discuss the findings of his inspection with the person who is in charge of the machinery, plant, equipment, process, appliance or manual labour, and report the findings to the employer;
- (e) assist the person investigating any accident which took place within the premises arising from the use of machinery, plant, equipment, process, appliance or manual labour, and check the investigator's report and the action taken to remove the cause or causes of the accident;
- (f) investigate every fatal accident and dangerous occurrence which took place within the enterprise and any industrial disease contracted in the enterprise;
- (g) organise campaigns, training courses, competitions, contests and other activities designed to develop and maintain the interest of persons employed in the factory in the premises in establishing safe and healthy working conditions;
- (h) advise the employer on any repair or alteration to be made to the worksite or any extension thereof and any new machinery, plant, equipment or appliance to be installed or used in the premises;
- (i) co-operate with any health personnel engaged to look after the health of the persons employed in the premises on all matters affecting the safety and health of those persons;
- (j) take part in any inspection of the workplace carried out by any statutory authority or by the management for the purpose of assessing the efficacy of any measure taken in the interest of health and safety;
- (k) keep a copy of all safety and health reports and the Decree and all regulations made thereunder;
- (l) report to the employer or any other person in charge of the premises on the work done or to be done by any person or group of persons employed therein for the purpose of implementing the provisions of the Decree;
- (m) any health and safety duties to be assigned by the employer of the director.

**9.** For purposes of sections 26 and 5 (2) of the Decree, the following categories of premises are, irrespective of the number of employees in the premises for the time being, considered as involving particular risks to safety and health —

- (a) construction sites and quarries;
- (b) electricity generation plants;
- (c) woodworking establishments;
- (d) pesticide handling premises;
- (e) fisheries, agricultural and livestock;
- (f) food handling premises;

- (g) bottling and canning plants;
- (h) plastic manufacturing premises;
- (i) paint manufacturing and handling premises;
- (j) printing, photography and x-ray establishments;
- (k) bitumen and tar manufacturing premises;
- (l) tobacco manufacturing premises;
- (m) activities involving exposure to excessive noise, dust and fumes;
- (n) operators of public transport by air, sea or land;
- (o) fibre glass;
- (p) diving centre; and
- (q) ship yard.

**10.** The Director may direct an employer to appoint or designate a Safety Officer if the plant, process or substances to be used warrant such appointment, regardless of the number of persons employed.

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Section 34

SI. 7 of 2012

**Occupational Safety and Health (Dock Work) Regulations, 2012**

*[12th March 2012]*

**PART I - GENERAL**

**1.** These Regulations may be cited as the Occupational Safety and Health (Dock Work) Regulations, 2012 and shall come into operation 90 days after the date of publication in the Gazette.

**2.** These Regulations shall apply to —

- (a) all persons engaged in or affected by the processes in any port or dock and the master and crew of any vessel registered in Seychelles wherever the vessel may be or any other vessel while in a port or place in or within the territorial waters of Seychelles;
- (b) the government and government employees except members of the defence forces and the crew of any ship of war.

**3.** In these Regulations —

“competent person” means a person so designated by the Minister;

“dock” means any wharf, jetty, pier or landing stage and includes any warehouse thereon;

“dock work” means loading or unloading of any ship and includes the fuelling and provisioning of a ship, the mooring of a ship, the storing, inspecting, checking the movement of goods, passengers or vehicles, and embarking or attendance at a dock for any such purpose;

“lifting machinery” means any winch pulley block or grin wheel and any hoist, crane, sheer legs, derrick boom, derrick and mast bends goose neck, eye bow and all other permanent derrick, masts and docks used;

“lifting gear” means hook, shackle, swivel, plate clamp, rope sling or slings and any eyebolt not included in lifting machinery;

“processes” means the unloading, loading, moving or handling of any vessel and the goods or materials contained therein;

“vessel” means any merchant ship, tanker, tug, schooner, barge or other water borne container whether propelled by diesel oil, petrol, sail or otherwise but does not include a vessel under 18ft (5.4 metres) in length engaged solely in fishing;

“work place” means any place at which any person at any time works.

4. It shall be the duty of —
- (a) the person having the general management and control of a dock to comply with Part III of these Regulations;
  - (b) the owner or master or officer in charge of a vessel to comply with Part IV of these Regulations and with Part V in so far as it relates to machinery and plant aboard the vessel;
  - (c) the owner of machinery or plant used in the processes to comply with Part V of these Regulations;
  - (d) every person who by himself, his agent or employees carries on the processes and all such agents and employees to comply with Part VI of the Regulations so far as it is within their capacity to do so;
  - (e) every employer to ensure that Parts III, IV and V of these Regulations are complied with in so far as his or its own employees may be affected thereby.

## **PART II - EXEMPTIONS**

5. The Minister may by Order, which the Minister may at any time revoke, and subject to any condition which the Minister thinks fit to impose, exempt from any of these Regulations any person, plant, vessel or dock if the Minister is satisfied that the safety of the employees will not be jeopardised.

## **PART III - DOCKS**

6. The planning and execution of any dock work shall be done —
- (a) in a manner that secures the safety and health of persons engaged in such work;
  - (b) keeping a record of the plan and execution for future guidance; and
  - (c) ensuring that such records shall include matters such as access problems, type of plant needed, personal protective equipment required and any hazard likely to exist.
7. (1) All edges, breaks, dangerous corners, footways over bridges, caissons and docks gates which are in general use, shall be provided with hand-rails, or other secure protection to a height of at least 2 feet 6 inches (75 cms) which protection shall be properly maintained.
- (2) The protection required by this Regulation shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or vessel, or for repairing any fencing. If removed it shall be restored forthwith at the end of that period.
- (3) All surfaces used for vehicular traffic or for stacking of goods, containers or materials shall be suitable for the purpose and properly maintained.
- (4) Where goods, containers or materials are stacked or unstacked, the work shall be done in a safe and orderly manner having regard to other persons or vehicles using the area.
8. (1) There shall be provided and maintained for the use of workers at work, personal protective equipment in all the circumstances adequate and suitable for the work being done.

(2) Adequate and suitable provision for the rescue of persons in danger of drowning shall be made and maintained and shall include —

- (a) a supply of life saving appliances shall be kept in readiness;
- (b) means at or near the surface of the water at not more than 50 feet (16.6m) intervals along the dockside to enable a person in the water to support himself or escape from the water, and may include chains and ladders.

(3) There shall be available at work places first aid supplies.

**9.** (1) All workplaces and any dangerous parts of the regular road or way over a dock forming the approach to any such place from the nearest highway shall be efficiently lighted with particular attention being paid to night time lighting.

(2) Any part of the dock premises which is being used for dock work at night shall be suitably and adequately lighted and maintained so as to enable safe movement and working and to render any safety and health signs visible.

#### **PART IV - VESSELS**

**10.** (1) There shall be, except as indicated below, safe access to any vessel, which wherever possible shall consist of the ship's accommodation ladder or a gangway not less than 22 inches (55cm) wide, properly secured and fenced on both sides throughout to clear a height of 2 feet 9 inches (82.5 cm) by means of upper and lower rails, taut ropes or chains. In the case of the ship's accommodation ladder such fencing shall be necessary on the open side only provided that the ship's side gives effective protection on the other side. Where provision of these safeguards is not possible, there shall be a ladder of good construction and material and adequate length, which shall be properly secured to prevent slipping. Where necessary to ensure safety, a net shall be rigged beneath the lower end of the accommodation ladder or other access.

(2) If a vessel is alongside any other vessel and persons employed have to pass from one to the other, safe means of access shall be provided for their use unless the conditions are such that it is possible to pass from one to the other without undue risk, without the aid of any special appliance.

If one of such vessels is a sailing barge, flat keel, lighter or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

**11.** (1) If the depth from the level of the deck to the bottom of the hold exceeds five feet (1.5m) there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

(2) Save as hereinafter provided, such access shall be afforded by ladder cleats or cups on the coaming, and shall not be deemed to be safe unless—

- (a) the ladder in the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches;
- (b) the ladders provide a foothold of a depth including any space behind the ladder of not less than 6 inches (15 cm) for a width of 10 inches (25 cm) and a firm handhold;
- (c) the cleats or cups provided on coamings —
  - (i) provide a foothold of a depth including any space behind the cleats or cups of not less than 6 inches (15 cm) for width of 10 inches (25 cm) and a firm handhold;
  - (ii) are so constructed as to prevent a person's foot slipping off the side;

- (iii) are placed vertically one above the other and in the same line as the ladders to which they give access;
- (d) the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder a foothold of a depth including any space behind the ladder of not less than 6 inches (15 cm) for a width of 10 inches (25 cm) and a firm handhold;
- (e) there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;
- (f) the ladder is recessed under the deck not more than is reasonably necessary to keep the ladder clear of the hatchway:

Provided that such access may be afforded —

- (i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of paragraph (c);
- (ii) by ladders or steps, separate from any hatchway, or sloping from deck to deck, if such ladders or steps comply with the requirements of paragraphs (b), (d) and (e).

(3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

**12.** When the processes are being carried on —

- (a) the place in the hold and on the decks where work is being carried on;
- (b) the means of access provided in pursuance of regulations 10 and 11;
- (c) all parts of the vessel to which persons employed may be required to proceed in the course of their employment, shall be efficiently lighted with due regard being paid to the safety of the vessel and cargo, of all persons employed and of the navigation of other vessels.

**13.** (1) All longitudinal and transverse beams and thwart ship beams used for hatch covering shall have gear for lifting on and off without it being necessary for any person to go upon them to adjust such gear.

(2) All hatch coverings of longitudinal and transverse beams and thwart ship beams shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein:

Provided that this subregulation shall not apply in a case where all the hatch coverings, etc. of a ship are interchangeable or, in respect of marking of position, where all hatch coverings etc. of a hatch are interchangeable.

(3) All hatch coverings and all fore and longitudinal and transverse used for hatch coverings shall be maintained in good condition and shall be properly secured.

(4) Adequate hand grips shall be provided on all hatch coverings having regard to their size and weight, unless the construction of the hatches or the hatch covering is of a character rendering the provision of hand grips unnecessary.

(5) Where the working space around a hatch is less than two feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all longitudinal and transverse beams used for hatch covering and all hatch coverings.

(6) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

(7) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon.

(8) The beams of any hatch in use for the processes shall, if not removed be adequately secured to prevent their displacement.

(9) A person shall not go upon the fore and aft beams or thwart ship beams for the purpose of adjusting the gear for lifting them on and off, nor shall any person authorise or order another to do so.

#### **PART V - LIFTING MACHINERY AND GEAR**

**14.** (1) All lifting machinery and lifting gear shall have been tested and examined by a competent person in the manner set out in the schedule before being taken into use.

(2) All lifting machinery , gear and shore equipments shall be inspected once in every twelve months, and the employer shall ensure that the equipments are thoroughly examined once at least in every two years.

(3) For the purpose of this Regulation, “examination” means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined, and if necessary for the purpose, parts of the machines and gear shall be dismantled.

(4) All lifting gear together with all ropes and slings shall be inspected by a competent person immediately before each occasion when they are used in any process.

(5) A record book for maintenance carried out on lifting machinery, gear and shore equipment shall be kept.

**15.** (1) A lifting machinery shall not be used unless it has been tested and marked upon it the safe working load.

(2) In the case of cranes with a derricking jib there shall be provided an indicator showing the safe working load at various elevations of the jib. The indicator may be in the form of a machinery device fitted to the jib showing the angle and the corresponding safe working load or a device showing the angle only together with a card in the crane driver's possession which shows the safe working load at that angle.

**16.** (1) A rope or lifting gear shall not be used in hoisting or lowering unless —

(a) it is of suitable quality and free from patent defect and;

(b) in the case of wire rope, it has been examined and tested by a competent person in the manner set out in schedule.

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every three months provided that after any wire has broken in such rope it shall be inspected once at least in every month.

(3) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds ten percent of the total number of wires or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) A thimble or loop splice made in any wire rope shall have at least three tucks with one half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope provided that this regulation shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this regulation.

**17.** (1) Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under the conditions under which it may be used, and —

- (a) as regards chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of material attached securely thereto;
- (b) as regards wire rope slings, such means shall consist of either the means specified in paragraph (a) above or a notice or notices, so exhibited as to be easily read by any person concerned stating the safe working loads for the various sizes of wire rope slings used; and
- (c) chains and wire ropes shall not be shortened by tying knots in them, and suitable packing shall be provided to prevent the links and wire coming into contact with sharp edges of loads hard material.

**18.** (1) A lifting machine, chain or other lifting appliance shall not be loaded beyond the safe working load except that a crane may be loaded beyond the safe working load in exceptional cases up to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person, if on each occasion —

- (a) the written permission of the owner or his agent has been obtained;
- (b) a record of the overload is kept, provided that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purpose of this regulation to be half the actual load.

(2) A load shall not be left suspended from a crane winch or other machine unless there is a competent person actually in charge of the machinery while the load is so left.

**19.** Cranes and winches shall be provided with such control as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered and in particular, the lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

**20.** The driver's platform on every crane driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by a ladder —

- (a) the ladder shall extend to a distance of 3 feet 6 inches (1 metre) above the platform, or some other suitable handhold shall be provided;
- (b) the landing place on the platform shall be maintained free from obstruction;
- (c) in case where the ladder exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the floor of the ladder.

**21.** (1) All lifting machinery shall be of good construction, of sound material, free from patent defect and of adequate strength for the purpose for which it is being used.

(2) Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

**22.** (1) If any hatch of a hold accessible to any person employed and exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material, or for trimming and the roaming are less than two feet six inches in height, such hatch shall either be fenced to a height of three feet or be securely covered:

Provided that this requirement shall not apply to vessels not exceeding 200 tons net registered tonnage which have only one hatchway or to any vessel during meal times or other short interruptions of work during the period of employment.

(2) A cargo shall not be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch covering has been placed across:

Provided that this regulation shall not apply to any process of unloading the whole of which will be completed within a period of half an hour.

**23.** When the working space in a hold is confined to the square of the hatch, hook shall not be made fast in the hands of fastenings of bales of cotton, wool, cork, gunny bags of other similar goods nor shall can hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

**24.** When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to a distance of two feet of such deck.

**25.** Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out unaided, reasonable measures to guard against accident shall be taken by shoring or otherwise.

**26.** When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed and where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall.

**27.** When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessel used for this purpose shall be properly equipped for safe navigation and maintained in good condition.

**28.** A person shall not, unless duly authorised or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, and hatch covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these regulations to be provided. If removed, such things shall be stored at the end of the period during which their removal was necessary by the person last engaged in the work that necessitated such removal.

**29.** Every person employed shall use the means of access provided in accordance with Regulations 6, 10, and 11 and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

**30.** Where goods are placed on a dock —

- (a) a clear passage leading to the means of access to the ship required by regulation 10 shall be maintained on the dock;
- (b) if any space is left along the dock, it shall be at least 3 feet (1 meter) wide and clear of all and appliances in use.

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## SCHEDULE

Regulation 14(1)

Regulations 18(1) and 19 and 20(a)

- (a) Every winch with the whole of the gear accessory thereto (including derricks, goose necks, eyeplates, eyebolt or other attachment) shall be tested with a proof load which shall exceed the safe working load as follows —

<b>Safe working load</b>	<b>Proof load</b>
Up to 20 tons	25 percent in excess
20-50 tons	5 tons in excess
Over 50 tons	10 percent in excess

The proof loading shall be applied either (i) by hoisting movable weights or (ii) by means of a spring hydraulic balance or similar appliance with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions.

In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

- (b) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load as follows —

<b>Safe working load</b>	<b>Proof load</b>
Up to 200 tons	25 percent in excess
20 - 50 tons	5 tons excess
Over 50 tons	10 percent in excess

The said proof shall be hoisted and swung as far as possible in both directions. In the case of a jib-crane if the jib has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radius of the jib. In the case of hydraulic cranes or hoists, where owing to the limitation of pressure it is impossible to hoist a load of 25 percent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

- (c) Every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table —

<b>Article of gear</b>	<b>Proof load</b>
Chain ..... )	
Ring ..... )	
Hook ..... )	
Shackle ..... )	Twice the safe working load
Swival ..... )	
Pulley Blocks )	
Single sheave Block )	
Multiple sheave Block )	Four time the safe
with safe working load up	working load
to and including 20 tons	

Multiple sheave block )  
with safe working load over ) 20 tons in excess of the  
20 tons up to and including ) safe working load  
40 tons

Multiple Sheave Block  
with safe ) One and a half times the  
working load

- (d) After being tested as aforesaid, all machines with the whole of the gear accessory thereto and all those gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part has been injured or permanently deformed by the test.
- (e) In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one fifth of the breaking load of the sample tested.

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