

LEGAL NOTICE NO. 60

THE FACTORIES AND OTHER PLACES OF WORK ACT,

(Cap. 514)

IN EXERCISE of the powers conferred by section 55 of the Factories and Other Places of Work Act, Cap. 514, the Minister for Labour and Human Resource Development makes the following Rules:—

THE FACTORIES AND OTHER PLACES OF WORK
(HAZARDOUS SUBSTANCES) RULES, 2007

1. These rules may be cited as the factories and other places of work (Hazardous Substances) rules, 2007.

Citation.

2. In these rules, except where the context otherwise requires—

Interpretation.

“air quality monitor” means any competent person who is authorized by the director, by a certificate in writing, to carry out monitoring and measurements of the substances in the air.

“biological monitoring” means a technique for measuring the presence of a chemical or its metabolites in tissues or excreta or for measuring pathological effects of toxin on the person.

“competent person” in relation to any duty or function, means a person who has adequate training, relevant qualifications and experience to enable him to perform that duty or function;

“designated sites” means a site designated or zoned by Local Authority for use of that purpose.

“Director” means the Director of Occupational Safety and Health Services;

or occupier.

“employer” includes owner and / or occupier.

“Engineering Controls Examiner” means any competent person who is authorized by the Director in writing, to carry out thorough examination and test of engineering control measures for the purposes of these rules.

“guidelines” means the guidelines describing the methodology for implementation of health and safety under these Rules ;

“harmful substance” means any substance whether liquid, solid or gaseous which is hazardous or potentially hazardous to human or the environment and includes objectionable odours, radio-activity, noise and temperature.

“hazardous substances” means any chemical, waste, gas, medicine, drug, plant, animal or microorganism which are likely to be injurious to human health or the environment,

“measurement” means periodic evaluation of workplaces and organizational management systems in a factory or workplace for

prevention of accidents, occupational diseases, ill-health or damage to property.

“ occupational exposure limit” (OEL) means the levels of exposure or discharge or emissions as set out in Schedule 1 to these Rules;

“worker” includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise;

“workplace” includes any land, premises, location, vessel or place at, in, upon or near where an employee is, in the course of employment.

“substance” includes any solid, liquid, vapour, gas or aerosol, or combination thereof;

Application.

3. These Rules shall apply to—

(1) Every factory, premises, places, process, operation, or work to which the provisions of the Factories and Other Places of Work Act apply.

(2) Every employer, occupier or owner, agent, self-employed person or employee.

Shared responsibilities by employers.

4. Whenever two or more employers, self-employed persons or their agents undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures without prejudice to the responsibility of each employer for the health and safety of his employees.

Exposure limits.

5. (1). Every employer shall ensure that exposure of hazardous substance does not exceed the exposure limits set out in schedule 1 to these Rules.

(2) A person who contravenes this Rule commits an offence.

(3) Where the exposure limit of a hazardous substance is not provided for in Schedule 1 to these Rules, it shall be the responsibility of a supplier or manufacturer of such substance to provide a provisional exposure limit.

(4) When two or more hazardous substances are present simultaneously in the working atmosphere and their combined effects have to be considered, Schedule 2 to these Rules shall apply.

(5) The Government Chemist or any other laboratory approved by the director shall carry sample analysis of hazardous substances and biological samples to determine exposure levels and biological exposure indices respectively.

Amendment of Schedules.

6. The Minister may, on the advice of the Director, by notice in the Gazette, amend the Schedules to—

(a) vary the exposure limit ;

(b) prohibit the use of a hazardous substance that may contaminate the working environment;

(c) specify particular measures of prevention or protection from the effects of a hazardous substance; or

(d) prescribe any other exposure limit of a hazardous substance.

7. (1) It shall be the duty of every employer to prevent his employees from being exposed to hazardous substance.

Control
measures.

(2) Where it is not reasonably practical to prevent the exposure, it shall be the duty of every employer to control the exposure of employees from hazardous substances by—

(a) limiting the amount of hazardous substances used which may contaminate the working environment;

(b) limiting the number of employees who will be exposed or may be exposed;

(c) using a substitute for the hazardous substance;

(d) limiting the period during which an employee will be exposed or may be exposed;

(e) introducing engineering control measures for the control of exposure, which may include the following:

(i) process separation, automation or enclosure;

(ii) installation of local extraction ventilation systems to processes, equipment and tools for the control of emission of an air borne hazardous substances;

(iii) use of wet methods;

(iv) separate workplaces for different processes;

(f) introducing appropriate work procedures which an employee must follow where materials are used or processes are carried out which could give rise to exposure of an employee and that procedures shall include written instructions to ensure:

(i) that a hazardous substance is safely handled, used and disposed of;

(ii) that process machinery, installations, equipment, tools and local extraction and general ventilation systems are safely used and maintained;

(iii) that machinery and workplaces are kept clean; and

(iv) that early procedures are in place for corrective action.

(3) A person who contravenes this Rule commits an offence.

8. (1). Where it is not reasonably practical to ensure that the exposure of an employee is adequately controlled as contemplated in Rules 7, the employer shall—

Personal
protective
equipment.

(a) in the case of an air borne hazardous substances, provide the

employee with suitable respiratory protective equipment and protective clothing; and

(b) in case of hazardous substances which can be absorbed through the skin, provide the employee with suitable impermeable protective equipment.

(2) Where respiratory protective equipment is provided, the employer shall ensure—

(a) that the relevant equipment is capable of controlling the exposure to below the occupational exposure limit for the relevant hazardous substances

(b) that the relevant equipment is correctly selected and properly used;

(c) that information, instructions, training and supervision which is necessary with regard to the use of the equipment is known to the employees; and

(d) that the equipment is kept in good condition and efficient working order.

(3) Every employer shall—

(a) issue unused personal protective equipment to an employee, unless the relevant protective equipment is decontaminated and sterilized;

(b) provide separate containers or storage facility for personal protective equipment; and

(c) ensure that all personal protective equipment not in use is stored only in the place provided.

(4) Every employer shall ensure that all contaminated personal protective equipment is cleaned and handled in accordance with the following procedures—

(a) where the equipment is cleaned on the premises of the employer, care shall be taken to prevent contamination during handling, transportation and cleaning;

(b) where the equipment is sent out the premises to a contractor for cleaning purposes—

(i) the equipment shall be packed in impermeable containers;

(ii) the containers shall be tightly sealed and have clear indication thereon that the contents thereof are contaminated; and

(iii) the relevant contractor shall be fully informed of the requirements of these rules and the precautions to be taken for the handling of the contaminated equipment.

(5) Subject to the provisions of sub rule 4 (b), an employer shall ensure that no person removes dirty or contaminated personal protective equipment from the premises; Provided that where

contaminated personal protective equipment has to be disposed of, it shall be treated as waste .

(6) Every employer shall, , provide employees using personal protective equipment with—

- (a) adequate washing facilities which are readily accessible and located in a an area where the facilities will not become contaminated, in order to enable the employees to meet a standard of hygiene consistent with the adequate control of exposure, and to avoid the spread of hazardous substances
- (b) two separate lockers separately labeled “Protective clothing” and “Personal clothing”, and ensure that the clothing is kept separately in the appropriate locker ; and
- (c) (c) separate “clean” and “dirty” changing rooms if the employer uses or processes hazardous substances to the extent that the hazardous substances could endanger the health of employees.

(7) A person who contravenes this Rule commits an offence.

9. Every employer shall ensure—

(1) That all control equipment and facilities provided are maintained in good working order; and

(2) That thorough examinations and tests of engineering control measures are carried out at intervals not exceeding 24 months by an engineering controls examiner and a report issued.

(3) A person who contravenes this Rule commits an offence.

10. An engineering controls examiner shall submit a signed report to the Director within thirty days following such examination and test.

11. (1) Every employer shall ensure that any processes involving a significant risk of exposure to carcinogenic, radioactive, mutagenic or teratogenic substances shall be performed within an enclosed system so as to prevent any exposure of the workers to the substance.

(2) Where any of the processes may involve use of carcinogenic, radioactive, mutagenic or teratogenic substances, every employer shall ensure that such processes are automated or are conducted by use of remote controlled systems.

(3) Every employer shall issue a permit to work certificate to any person carrying out maintenance and service of an enclosed system.

(4) A person who contravenes this Rule commits an offence.

12. (1) Every manufacturer or agent of hazardous substances shall supply information on the characteristics of such substances as regards to the health effects of the substances. on human health.

Maintenance and testing of engineering controls.

Submission of report.

Protection against radioactive and carcinogenic substances.

Material Safety Data Sheet.