

# **Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009**

## **Table of Contents**

## **Enacting Formula**

## **Part I PRELIMINARY**

### **1 Citation and commencement**

### **2 Definitions**

## **Part II APPROVAL TO ACT AS WORKPLACE SAFETY AND HEALTH AUDITOR**

### **3 Application for approval to be workplace safety and health auditor**

### **4 Requirements for approval as workplace safety and health auditor**

### **5 Certificate of approval**

### **6 Register of workplace safety and health auditors**

### **7 Workplace safety and health auditor to attend courses**

## **Part III SAFETY AND HEALTH MANAGEMENT SYSTEM**

### **8 Implementation of safety and health management system**

### **9 Workplace safety and health audit**

### **10 Internal review of safety and health management system**

### **11 Commissioner may direct occupier of workplace to appoint workplace safety and health auditor**

### **12 Duties of workplace safety and health auditor**

## **13 Powers of workplace safety and health auditor**

### **Part IV MISCELLANEOUS**

## **14 Offence**

### **FIRST SCHEDULE Fees**

### **SECOND SCHEDULE Workplaces to implement safety and health management system**

### **THIRD SCHEDULE Workplaces to appoint workplace safety and health auditors**

### **FOURTH SCHEDULE Workplaces to conduct internal review of safety and health management system**

**No. S 607**

## **WORKPLACE SAFETY AND HEALTH ACT (CHAPTER 354A)**

### **WORKPLACE SAFETY AND HEALTH (SAFETY AND HEALTH MANAGEMENT SYSTEM AND AUDITING) REGULATIONS 2009**

In exercise of the powers conferred by sections 30 and 65 of the Workplace Safety and Health Act, the Minister for Manpower hereby makes the following Regulations:

## **PART I**

### **PRELIMINARY**

#### **Citation and commencement**

**1.** These Regulations may be cited as the Workplace Safety and Health (Safety and Health Management System and Auditing) Regulations 2009 and shall come into

operation on 1st March 2010.

## **Definitions**

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

“auditing agency” means a company or firm that provides or desires to provide safety and health auditing services;

“imminent danger” means the existence of any condition or practice in a workplace which could reasonably be expected to cause death or serious bodily injury immediately to any person if works were to proceed in the workplace or if persons were to enter the workplace before the condition or practice was eliminated;

“shipyard” means any yard (including any dock, wharf, jetty, quay and the precincts thereof) where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out, and includes the waters adjacent to any such yard where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out by or on behalf of the occupier of that yard;

“worksite” means any premises where any building operation or works of engineering construction is or are being carried out by way of trade or for purposes of gain, whether or not by or on behalf of the Government or a statutory body, and includes any line or siding (not forming part of a railway) which is used in connection with the building operation or works of engineering construction.

## **PART II**

### **APPROVAL TO ACT AS WORKPLACE SAFETY AND HEALTH AUDITOR**

#### **Application for approval to be workplace safety and health auditor**

3.—(1) A person may apply to the Commissioner for his approval to act as a workplace safety and health auditor.

(2) An application under paragraph (1) shall be —

- (a) accompanied by the appropriate fee specified in the First Schedule and which shall not be refundable; and
- (b) submitted through an auditing agency of which he is a member unless the

Commissioner otherwise waives this requirement.

### **Requirements for approval as workplace safety and health auditor**

4.—(1) For the purposes of section 33(3)(a) of the Act, a person may be approved to act as a workplace safety and health auditor if he satisfies the Commissioner that he —

- (a) has successfully completed a training course to equip him to become a workplace safety and health auditor; and
- (b) has the following practical experience:
  - (i) at least 5 years of practical experience relevant to the work to be performed by a workplace safety and health auditor; or
  - (ii) at least 3 years of practical experience relevant to the work to be performed by a workplace safety and health auditor, if he is a workplace safety and health officer at the time he applies for approval to act as a workplace safety and health auditor.

(2) Notwithstanding paragraph (1), the Commissioner may approve a person to act as a workplace safety and health auditor, although the person does not have the qualifications and practical experience referred to in paragraph (1)(a) and (b), if the Commissioner is satisfied that the person has such other qualifications and practical experience as to render him competent to act as a workplace safety and health auditor.

### **Certificate of approval**

5.—(1) Upon a person being approved as a workplace safety and health auditor under this Part, the Commissioner shall —

- (a) issue him with a certificate of approval; and
- (b) record his name and relevant particulars in the register of workplace safety and health auditors.

(2) A certificate of approval shall not be transferable.

(3) Where a certificate of approval is lost, destroyed or defaced, the holder of the certificate may apply to the Commissioner for a replacement certificate, and regulation 3(2) shall apply to such application as if an application for approval under that regulation were a reference to an application for a replacement certificate.

(4) An application under paragraph (3) shall be supported by such documentary proof that the certificate of approval issued earlier has been lost, destroyed or defaced.

### **Register of workplace safety and health auditors**

6. The Commissioner shall keep an up-to-date register of all persons approved to act as workplace safety and health auditors.

### **Workplace safety and health auditor to attend courses**

7. The Commissioner may, in granting any person approval to act as a workplace safety and health auditor, impose any condition as he thinks fit, including the requirement for the person to attend such training courses which, in the opinion of the Commissioner, are relevant to the work of a workplace safety and health auditor.

## **PART III**

### **SAFETY AND HEALTH MANAGEMENT SYSTEM**

#### **Implementation of safety and health management system**

8.—(1) It shall be the duty of the occupier of every workplace specified in the Second Schedule to implement a safety and health management system for the purpose of ensuring the safety and health of persons at work in the workplace.

(2) The safety and health management system referred to in paragraph (1) shall be implemented in accordance with any relevant Singapore Standard relating to safety and health management systems or such other standards, codes of practice or guidance issued or approved by the Workplace Safety and Health Council.

#### **Workplace safety and health audit**

9.—(1) It shall be the duty of the occupier of any workplace specified in the Third Schedule to appoint a workplace safety and health auditor to audit the safety and health management system of the workplace at a frequency as specified in that Schedule.

(2) Notwithstanding paragraph (1), the Commissioner may, subject to such conditions as he may determine, direct the occupier of any workplace specified in the Third Schedule to conduct an audit of the safety and health management system of the workplace within such period as the Commissioner may require.

(3) It shall be the duty of the occupier of any workplace specified in the Third Schedule to have the workplace audited within such period as the Commissioner may direct under paragraph (2).

(4) It shall be the duty of the occupier of any workplace specified in the Third Schedule to implement, as far as is reasonably practicable, the recommendations