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GOVERNMENT GAZETTE

ACTS SUPPLEMENT

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The following Act was passed by Parliament on 11th April 2011 and assented to by the President on 13th April 2011:—

REPUBLIC OF SINGAPORE

No. 18 of 2011.

I assent.

(LS)

S R NATHAN,
President.
13th April 2011.

An Act to amend the Workplace Safety and Health Act (Chapter 354A of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Workplace Safety and Health (Amendment) Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Repeal and re-enactment of section 2

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 Section 2 of the Workplace Safety and Health Act (referred to in this Act as the principal Act) is repealed and the following section substituted therefor:

“Application of Act

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

Amendment of section 4

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

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

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

““occupational disease” means any disease specified in the Second Schedule and any other disease that is directly attributable to any exposure to any chemical or biological agent arising out of and in the course of any employment;

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

(a) in the case of a factory where a certificate of registration has to be obtained in relation to the premises pursuant to any regulations — the

person who is, or is required to be, the holder of the certificate;

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

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

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

Amendment of section 5

4. Section 5 of the principal Act is amended —

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

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

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

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

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

- (iii) the repair, construction or manufacturing of any vessel or vehicle;
 - (iv) any building operation or work of engineering construction;
 - (v) the operation or maintenance of any facility or system related to the provision of any public utility; and
- (b) which is specified in the Fourth Schedule.”;
- and

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

New section 14A

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

“Additional duties of principals in relation to contractors

14A.—(1) It shall be the duty of every principal to take, so far as is reasonably practicable, such measures as are necessary to ensure that any contractor engaged by the principal on or after the date of commencement of section 5 of the Workplace Safety and Health (Amendment) Act 2011 —

- (a) has the necessary expertise to carry out the work for which the contractor is engaged by the principal to do; and
- (b) has taken adequate safety and health measures in respect of any machinery, equipment, plant, article or process used, or to be used, by the contractor or any employee employed by the contractor.

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

- (a) have sufficient experience and training to carry out the work for which the contractor is engaged by the principal to do; and

(b) have obtained any necessary licence, permit, certificate or any other document in order to carry out the work for which the contractor is engaged by the principal to do.

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

(a) has conducted a risk assessment in relation to the safety and health risks posed to any person who may be affected by the work for which the contractor is engaged by the principal to do; and

(b) has informed any person who may be affected by the work for which the contractor is engaged by the principal to do of the nature of the risk involved in the work and any measure or safe work procedure which is implemented at the workplace.

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

(5) In this section, “risk assessment” means the process of evaluating the probability and consequences of injury or illness arising from exposure to an identified hazard, and determining the appropriate measure for risk control.

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

Amendment of section 15

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

“(3A) Any person at work who, without reasonable cause, does any negligent act which endangers the safety or health of himself