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Part A

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Resolution No. 13/2022

Ref. No.: M.P. 5160/00

PARLIAMENT

WHEREAS by virtue of section 2 of the *Special Loans Act*, Cap. 105 the Government is authorised from time to time to borrow from another government, any bank, corporation, company or other institution sums of money not exceeding in the aggregate BBD 2 500 000 000 on such terms as may be agreed upon between the Government and the lender of any such sum of money;

AND WHEREAS by section 3 of the said Act it is provided that any money borrowed under the authority of the Act shall be appropriated and applied to such purposes as Parliament may approve by resolution and that such money and any interest payable thereon is charged upon the general revenues and assets of Barbados;

AND WHEREAS the Government considers it necessary to borrow the sum of approximately BBD 256 600 000 from Export – Import Bank of China to finance the execution of the Scotland District Road Rehabilitation Project;

AND WHEREAS the said sum of approximately BBD 256 600 000 is borrowed on the terms and conditions contained in an Agreement, the main provisions of which are set out in the *Schedule*;

AND WHEREAS the said sum of approximately BBD 256 600 000 is within the authorised borrowing limit given to the Government under section 2 of the said Act;

BE IT RESOLVED therefore that Parliament approve the borrowing of the sum of approximately BBD 256 600 000 from Export – Import Bank of China to finance the execution of the Scotland District Road Rehabilitation Project on the terms and conditions contained in an Agreement, the main provisions of which are set out in the *Schedule*.

APPROVED by the House of Assembly this 21st day of June, Two thousand and twenty-two.

A. HOLDER
Speaker.

APPROVED by the Senate this 29th day of June, Two thousand and twenty-two.

R. FARLEY
President.

I assent
S. MASON
President of Barbados
2022-06-30.

SCHEDULE

TERMS AND CONDITIONS

Borrower:	Government of Barbados.
Lender:	Export – Import Bank of China.
Amount:	Approximately BBD 256 600 000, Renminbi 815 500 000.
Loan currency:	Renminbi.
Purpose:	To finance the execution of the Scotland District Road Rehabilitation Project.
Term:	20 years.
Grace period:	60 months from the effective date of the Agreement.
Repayment:	31 equal semi-annual instalments.
Interest rate:	2% per annum.
Disbursement period:	48 months from the effective date of the Agreement.
Commitment fee:	0.25% per annum on the undisbursed balance paid semi-annually.
Management fee:	0.25% on the aggregate amount of approximately BBD 641 530 payable in one lump sum within 30 days after the effective date of the Agreement, but no later than the first disbursement date.
Governing Law:	Laws of China



BARBADOS

PANDEMIC CONTRIBUTION LEVY ACT, 2022-10

Arrangement of Sections

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SCHEDULE

Consequential Amendments

BARBADOS

I assent
S. MASON
President of Barbados
30th June, 2022.

2022-10

An Act to make provision for the imposition of a levy to be known as the
“Pandemic Contribution Levy” and matters related thereto.

[Commencement: 8th July, 2022]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Pandemic Contribution Levy Act, 2022*.

Interpretation

2. In this Act,

“Authority” means the Barbados Revenue Authority established by section 3 of the *Barbados Revenue Authority Act, 2014* (Act 2014-1);

“benefit-in-kind” means any non-cash benefit of monetary value that an employer provides for an employee for the use or enjoyment of that employee;

“Commissioner” means the Revenue Commissioner appointed pursuant to section 7 of the *Barbados Revenue Authority Act, 2014* (Act 2014-1);

“commercial bank” means a commercial bank licensed under Part II of the *Financial Institutions Act*, Cap. 324A and a merchant bank or finance company licensed under Part III of that Act;

“company” means a company referred to in section 4(1)(a);

“employed individual” means an individual referred to in section 4(1)(b) or (c);

“emoluments” includes salary, wages, overtime remuneration, bonus, commission, retirement plan benefits and retiring allowances and any amount in respect of services and director’s fees received in Barbados;

“financial year” means the financial year of a company;

“income” includes emoluments, income from a business, office, employment, rents, dividends, supplement wages, interest and director’s remuneration or fees but does not include pension income, benefits in kind, interest on any Government of Barbados Bonds or foreign source dividends;

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- “international financial reporting standards” or “IFRS” refers to a set of international accounting standards, which state how particular types of transactions and other events should be reported in financial statements;
- “generally accepted accounting principles” or “GAAP” refers to a common set of accepted accounting principles, standards and procedures which must be followed in the preparation of financial statements of companies;
- “levy” means the Pandemic Contribution Levy;
- “life and general insurance company” means an insurance entity licensed under the *Insurance Act*, Cap. 310 as a Class 2 licensee;
- “major engaged in the sale of fuel” means a firm or a company that carries on, directly or otherwise, the business of storage, distribution and sale of liquefied petroleum gas and aviation fuel in bulk or retail;
- “net income” means pre-tax profits of a company based on income from sources within Barbados, as calculated in accordance with IFRS or GAAP;
- “officer” means a person who is authorized by the Authority to administer and enforce this Act;
- “Pandemic Contribution Levy” means the levy imposed pursuant to section 6 or section 11 as the case may be;
- “self-employed individual” means an individual referred to in section 4(1)(d);
- “supplement wages” means payments made in addition to an employee’s ordinary wages and includes overtime, commissions, bonuses, retroactive pay and back pay;
- “telecommunications company” means a company, firm or business that is regulated by the *Telecommunications Act*, Cap. 282B; and
- “Tribunal” means the Barbados Revenue Appeals Tribunal established by section 24 of the *Barbados Revenue Authority Act* (Act 2014-1).

Purpose

3. The levy is imposed for the purpose of mitigating the adverse economic effects of the spread of the Coronavirus (COVID-19).

Application of levy

4.(1) The levy applies to

- (a) a company operating in Barbados that is
 - (i) a telecommunications company;
 - (ii) a life and general insurance company;
 - (iii) a major engaged in the sale of fuel; or
 - (iv) a commercial bank

that has a net income of 5 million dollars or more, in the financial year 2020 or in the financial year 2021 or in the financial years 2020 and 2021;

(b) an individual employed in Barbados who has an income of \$6 250 or more per month for the period 1st April, 2022 to 31st March, 2023;

(c) an individual employed in Barbados who does not ordinarily have an income of \$6 250 or more per month or \$75 000 or more per annum but

- (i) in any month has an income of \$6 250 or more or for the period 1st April, 2022 to 31st March, 2023; or
- (ii) for the period 1st April, 2022 to 31st March, 2023 has an income of \$75 000 or more,

which in either instance arises because of supplemental wages or otherwise; and

(d) a self-employed individual who has an income of \$75 000 or more for the period 1st April, 2022 to 31st March, 2023.

- (2) The levy shall not apply to
- (a) an individual who has been granted a Barbados Welcome Stamp under the *Remote Employment Act, 2020* (Act 2020-23);
 - (b) a qualified person who has been granted a foreign currency permit under the *Foreign Currency Permits Act, 2018* (Act 2018-44); or
 - (c) a person who has diplomatic immunities and privileges under the *Diplomatic Immunities and Privileges Act, Cap. 18*.
- (3) The Minister may exempt a person from the application of the levy imposed under this Act.

Administration

5. The Authority shall be responsible for the administration of this Act and for the assessment, collection and recovery of the levy.

PART II

APPLICATION OF LEVY TO EMPLOYED AND SELF-EMPLOYED INDIVIDUALS

Imposition of levy on employed individuals and self-employed individuals

6. With effect from the 1st April, 2022, a levy is payable by
- (a) an individual employed in Barbados who has an income of \$6 250 or more per month for the period 1st April, 2022 to 31st March, 2023;
 - (b) an individual employed in Barbados who does not ordinarily have an income of \$6 250 or more per month or \$75 000 or more per annum but in any month has an income of \$6 250 or more or for the period 1st April, 2022 to 31st March, 2023 has an income of \$75 000 or more

which in any instance arises because of supplemental wages or otherwise; and

- (c) a self-employed individual who has an income of \$75 000 or more for the period 1st April, 2022 to 31st March, 2023.

Rate of levy applicable to employed individuals and self-employed individuals

7.(1) The rate of the levy payable by employed individuals and self-employed individuals is one per cent.

(2) A specially qualified person who has received a tax concession under section 9(5) of the *Income Tax Act*, Cap. 73 shall pay the levy on the income less the concessions granted.

Collection of levy by employers

8.(1) An employer shall deduct and withhold from the emoluments of an individual in his employ, the amount of the levy imposed pursuant to section 6(a) at the rate specified under section 7 and shall remit to the Authority the sums deducted and withheld on or before the 15th day of the following month for the previous month.

(2) An employer shall deduct and withhold from the emoluments of an individual in his employ, the amount of the levy imposed pursuant to section 6(b) at the rate specified under section 7 and

- (a) shall remit the sums deducted and withheld to the Authority on or before the 15th day of the month following which the employee's income was \$6 250 or more; or
- (b) if on the 31st March, 2023 it is determined that the employee's income is \$75 000 or more for the period 1st April, 2022 to 31st March, 2023 shall pay the levy on or before the 15th April, 2023.

(3) The levy imposed on an employed individual referred to in section 6(b) by virtue of income other than emoluments and supplemental wages is due and payable by that employed individual on or before the 30th April, 2023.

(4) The obligation of the individual to file income tax returns in accordance with the *Income Tax Act*, Cap. 73 shall not be affected by subsection (1) or subsection (2).

Payment of levy by self-employed individuals

9. The levy imposed on a self-employed individual pursuant to section 6(c) is due and payable on or before the 31st March, 2023.

Pandemic Contribution Levy Returns

10.(1) An employer shall be required to prepare and submit a return to be known as a “Pandemic Contribution Levy Employer Return” to the Authority on the 15th of every month for the period May, 2022 to April, 2023 and the return shall reflect the remuneration of the employees and the sums deducted and withheld accordingly.

(2) Notwithstanding subsection (1), every employer shall be required to reconcile and file a Pandemic Contribution Employer Levy Reconciliation to the Authority on the 30th May, 2023.

(3) An employed individual and a self-employed individual shall be required to file a return to be known as a “Pandemic Contribution Levy Return” to the Authority on or before 30th April, 2023.

(4) Where an employed individual or self-employed individual fails to file a return in accordance with subsection (3), that employed individual or self-employed individual shall pay a penalty of \$1 000 to the Authority.

PART III

APPLICATION OF LEVY TO COMPANIES

Imposition of levy on companies

11. With effect from the 1st July, 2022, a levy is payable by a company in respect of the financial year ended in 2020 and the financial year ended in 2021, where the company had a net income of \$5 million or more in both of those years or in either of those years.

Rate of levy applicable to companies

12. The rate of the levy payable by a company pursuant to section 11 is 15 per cent of the net income of that company.

Payment of levy by companies

13.(1) A company shall pay to the Commissioner 4 instalments each of an amount equal to 3.75 per cent of the net income of that company to constitute the amount of the levy payable pursuant to section 11.

(2) Pursuant to subsection (1) a company shall pay the 4 instalments each of an amount equal to 3.75 per cent of the net income of that company that constitute the amount of the levy as follows:

(a) for the financial year ended 2020 on the following dates:

- (i) 15th July, 2022;
- (ii) 15th August, 2022;
- (iii) 15th September, 2022;
- (iv) 15th October, 2022; and

(b) for the financial year ended 2021 on the following dates:

- (i) 15th November, 2022;

- (ii) 15th December, 2022;
- (iii) 15th January, 2023;
- (iv) 15th February, 2023.

Pandemic Contribution Levy Companies Return

14. A company shall file, with the Authority, a return to be known as a “Pandemic Contribution Levy Company Return” on the payment dates for the period 15th July, 2022 and 15th February, 2023.

PART IV

ACCOUNTS AND RECORDS

Keeping of accounts and records

15.(1) A company, an employer or a self-employed individual, shall keep appropriate records, information and accounts so as to enable the Commissioner to determine the amount of the levy which is payable by the company, the employed individual or the self-employed individual, as the case may be, for any payment period.

(2) The records, information and accounts referred to in subsection (1) shall be in electronic form in a readable format and paper form and shall be kept and furnished when required in accordance with this Act.

(3) Where a company, an employer or a self-employed individual fails to keep adequate records, information and accounts for the purposes of this Act, the Commissioner may require that company, employer or self-employed individual to keep such records, information and accounts as the Authority determines.

(4) A company, an employer and a self-employed individual required by subsection (1) to keep records, information and accounts shall retain the records, information and accounts until the expiration of 5 years after the end of the year

to which the records, information and accounts relate or for such shorter period as the Commissioner may determine.

(5) Where a person fails to keep or furnish adequate records, information and accounts in accordance with this section, that person shall pay a penalty of \$500 to the Authority for each breach in addition to interest at the rate of one per cent calculated for each month during which any part of that amount was not paid on the largest amount of levy and penalty that was due and unpaid at any time in that month.

(6) Notwithstanding subsection (4), a company, an employer and a self-employed individual shall seek the permission of the Commissioner, in writing, to destroy any records, information and accounts required to be retained pursuant to this section.

(7) Where a company, an employer and a self-employed individual

- (a) fails to seek permission to destroy the records, information and accounts in accordance with subsection (6); or
- (b) destroys the records, information and accounts without the permission of the Commissioner or reasonable excuse

that company, employer or self-employed individual shall pay a penalty of \$500 to the Authority for each breach, in addition to interest at the rate of one per cent calculated for each month during which any part of that amount was not paid on the largest amount of levy and, the penalty that was due and unpaid at any time in that month.

Audit

16.(1) An officer may, at any reasonable time, enter any premises or place of a company, an employer or a self-employed individual where any records, information or books of account relating thereto are kept and

- (a) inspect, audit or examine the records, information and books of account of the company, the employer or the self-employed individual or any

property or process of that company, employer or self-employed individual on or any other matter that may be relevant in determining

(i) the amount of levy or any other amount payable by the company, employed individual or self-employed individual under this Act; or

(ii) the amount of a refund that is payable to the company, employed individual or self-employed individual under this Act;

(b) require a manager of the company, employer or self-employed individual to give him all reasonable assistance with his inspection, audit or examination and to answer all questions relating to his responsibility for the payment of the levy under this Act either orally or in writing.

(2) For the purposes of subsection (1), the officer may require the manager of the company, the employer or the self-employed individual to be present at the premises or place with him for the inspection, audit or examination and to answer any question relating to the obligation for the payment of the levy under this Act.

(3) Where, during the course of an audit or examination referred to in subsection (1), it appears to the officer referred to in that subsection that there has been a violation of this Act or any regulations made under this Act, the officer may seize and take away any records, information or books of account which may afford evidence of the violation.

(4) The Commissioner may, for any purpose related to the administration of this Act, by registered letter or by a demand served personally, require any person to

(a) provide any information in the form of a return or otherwise; and

(b) produce any record, information or books of account, within such time as the Commissioner specifies.

(5) A person who fails to

(a) provide any information in the form of a return or otherwise; and

- (b) produce any record, information or books of account, within such time as the Commissioner specifies

pursuant to subsection (4) shall pay a penalty of \$500 to the Authority for each breach in addition to interest at the rate of one per cent calculated for each month during which any part of that amount was not paid on the largest amount of the levy and penalty that was due and unpaid at any time in that month.

Copies of documents

17. Where any document, information or book of account has been produced, seized, inspected or examined by an officer under this Act, the officer may make copies; and a document purporting to be certified by the officer to be a copy made pursuant to this section is admissible in evidence and has the same probative value as the original document.

PART V

ASSESSMENT

Assessment

18.(1) The Commissioner may determine the assessable income in respect of the levy for the applicable payment period in respect of a company, an employed individual or a self-employed individual and shall assess the amount of the levy for that applicable payment period in respect of such a company, an employed individual or a self-employed individual.

(2) Where

- (a) a company, an employer or a self-employed individual has failed to
 - (i) file a return in accordance with this Act; or
 - (ii) pay the levy payable in accordance with this Act; or

- (b) the Commissioner is satisfied that a true account of the levy payable has not been given in a return,

the Commissioner may, after consideration of any representation or information which the company, the employer and the self-employed individual may make or supply to him, assess the levy payable by that company, employed individual or self-employed individual for the applicable payment period; and the levy for that period shall be paid on the amount assessed.

(3) In making an assessment under subsection (1) or under paragraph (b) of subsection 2, the Commissioner is not bound by the information contained in a return in respect of the company, employed individual or self-employed individual being assessed or by any other information supplied by, on behalf of, or in respect of, that company, employed individual or self-employed individual.

(4) For the purposes of this section, the assessable income of

- (a) an employed individual or a self-employed individual is his aggregate gross income derived from sources within Barbados for the period 1st April 2022 to 31st March 2023;
- (b) a company is the aggregate net income derived from sources within Barbados for the financial years ended 2020 and 2021.

Reassessments

19. Where an assessment has been made pursuant to section 18, the Commissioner may make a reassessment of the levy for the applicable period

- (a) at any time, where the company, employed individual or self-employed individual has made any misrepresentation or has failed to disclose any material fact in making the return or in supplying information required to be supplied in accordance with this Act; or
- (b) in any other case, within 5 years after the end of applicable payment period of the levy.

Notice of assessment

20. After making an assessment or a reassessment under section 18 or 19, the Commissioner shall deliver a notice of assessment or reassessment, as the case may be, to the company, employed individual or self-employed individual showing the amount of the proceeds for the applicable period.

Refunds

21.(1) Subject to this section, the levy is not refundable.

(2) Where the amount paid by a company, an employed individual or a self-employed individual as the levy

(a) is in excess of the amount due; or

(b) was paid in error,

the Commissioner shall refund the company, employed individual or self-employed individual the excess or the amount paid in error.

(3) A company, an employed individual or a self-employed individual may request that the excess or the amount paid in error referred to in subsection (2) be applied against any outstanding liability of that company, employed individual or self-employed individual under the following enactments:

(a) the *Income Tax Act*, Cap. 73;

(b) the *Land Tax Act*, Cap. 78A; or

(c) the *Value Added Tax Act*, Cap. 87.

(4) Refunds granted under this section are a charge on the Consolidated Fund and shall be made by the Commissioner out of the funds provided by the Accountant General for the purpose.

PART VI

OBJECTIONS, APPEALS, RECOVERY

Objections

22.(1) Subject to this section, where a company, an employed individual or a self-employed individual

- (a) having been assessed, disagrees with the assessment; or
- (b) having made an application for a refund of the levy, disagrees with the Commissioner's determination respecting the application,

that company, employed individual or self-employed individual, may object to the assessment, reassessment or determination by filing a notice of objection with the Commissioner within 21 days after the date of the notice of assessment, reassessment or notice of determination, as the case may be, or such longer period as the Commissioner allows.

(2) Except with leave of the Commissioner, a company, an employed individual or a self-employed individual may not object to an assessment unless the company, employed individual or self-employed individual has either paid the amount that was so assessed or given security, in an amount and form satisfactory to the Commissioner, for the payment thereof.

(3) A notice of objection shall be in writing and shall state the grounds for the objection.

(4) The Commissioner shall give a person who has objected to an assessment, reassessment or determination, an opportunity to support his objection by a written or oral submission to the Commissioner.

(5) The Commissioner shall, after receiving a notice of objection in respect of an assessment, a reassessment or a determination and after giving the person who objected an opportunity to support his objection,

- (a) review the assessment, reassessment or determination and either confirm it or make a reassessment or redetermination, as the case may require; and
- (b) deliver to the person who objected, a notice of confirmation, a notice of reassessment or a notice of redetermination, as the case may require.

Appeal to Tribunal

23.(1) Any person who has objected to an assessment or determination and who received a notice of confirmation or redetermination, may appeal from the decision of the Commissioner to the Barbados Revenue Appeals Tribunal, within 30 days after the day on which the notice of confirmation, reassessment or redetermination, as the case may be, was delivered to him.

(2) Where a person has filed a notice of objection under this Act and the Commissioner has not, within 12 months thereafter, delivered to the person a notice of confirmation or redetermination, the person may appeal to the Tribunal in respect of the objection.

(3) Where the Commissioner delivers to a person, a notice of confirmation or redetermination respecting an objection after the expiration of the period of 6 months referred to in subsection (2), the person may appeal to the Tribunal within 30 days after the delivery of the notice.

(4) An appeal under this section shall be instituted by filing a notice of appeal with the Tribunal together with such copies thereof as the Tribunal may require, and such notice shall, as far as possible, state the precise grounds of appeal.

(5) Where the Tribunal is satisfied that there is good reason for the failure of a person to object or appeal within the time specified in section 22 or in subsections (1), (2) or (3), the Tribunal may allow the person such further time as the Tribunal thinks fit.

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- (6) In disposing of an appeal under this section in respect of an assessment or determination, the Tribunal may
- (a) confirm or vacate the assessment or determination;
 - (b) make an order referring the assessment or determination back to the Commissioner for reassessment or redetermination in accordance with the directions of the Tribunal; or
 - (c) make such order as the Tribunal thinks fit.
- (7) Where the Tribunal has referred an assessment or determination back to the Commissioner with directions for reassessment or redetermination by him
- (a) the Commissioner shall make a reassessment or redetermination in accordance with those directions and shall deliver to the appellant a notice of reassessment or notice of redetermination, as the case may be; and
 - (b) if the appellant believes that such notice of reassessment or notice of redetermination is not in accordance with the directions of the Tribunal, he may apply to the Tribunal for an order determining the content of the notice of reassessment or notice of redetermination, as the case may be, which shall then be delivered by the Commissioner to the appellant.

Appeal to the High Court

- 24.(1)** Any party to an appeal to the Tribunal may appeal from the decision of the Tribunal to the High Court.
- (2) In disposing of an appeal under this section in respect of an assessment or determination, the High Court may
- (a) confirm or set aside the assessment or determination;
 - (b) make an order referring the assessment or determination back to the Commissioner for reassessment or redetermination in accordance with the directions of the Court; or

- (c) make such other order as it thinks fit.

Recovery of the levy

25. The levy payable under this Act and any other amount payable as penalties and interest, is a debt due to the State and recoverable as such in civil proceedings in the High Court or in the magistrate's court for District A, at the option of the State, notwithstanding that the amount involved exceeds the normal monetary limit on the jurisdiction of a magistrate's court.

Unpaid levy certificates

26.(1) An amount payable by a company, an employed individual or a self-employed individual under this Act that has remained unpaid for a period of 30 days may be certified in relation to that company, employed individual or self-employed individual by the Commissioner in a certificate called an unpaid levy certificate.

(2) An unpaid levy certificate may be filed by the Commissioner in the High Court or in the magistrate's court of District "A" and shall be registered in the court in which it is filed and after the expiry of 7 days after it is filed and registered has the same force and effect as a judgment of the court in which it is registered in favour of the State against the company, employed individual or self-employed individual named in the certificate for the amount specified in the certificate, plus

- (a) interest thereon as provided in this Act until the date of payment; and
- (b) the reasonable costs and charges attendant upon the registration of the certificate,

and all proceedings may be taken on the certificate and it may be enforced as if it was a judgment of the court in which it is registered.

(3) Where an unpaid levy certificate is filed by the Commissioner in the High Court or in the magistrate's court of District "A", the Commissioner shall deliver a copy of the unpaid levy certificate to the company, employed individual or self-employed individual.

(4) Where a judgment exists by virtue of subsection (1) or is obtained in any court against a company, an employed individual or a self-employed individual in respect of the levy owed, the Commissioner may proceed to execute and enforce that judgment and exercise all the remedies attached thereto for the satisfaction of the judgment notwithstanding any enactment or rule of law to the contrary relating to

- (a) the powers and duties of a receiver;
- (b) the effect of a winding up order under the *Companies Act*, Cap. 308; or
- (c) the effect of a receiving order under the *Bankruptcy Act*, Cap. 303.

PART VII

MISCELLANEOUS

Extension

27.(1) The Commissioner may in writing, grant, on a written application made to him by a company, an employed individual or a self-employed individual, an extension in respect of the date for

- (a) the filing of a return in accordance with this Act; and
- (b) the payment of the levy due under this Act.

(2) Notwithstanding subsection (1), the Commissioner may, in writing, grant an extension in respect of the date for

- (a) the filing of a return in accordance with this Act; and
- (b) the payment of the levy due under this Act

on the grounds of undue hardship or for any other reason where it would be just and equitable to do so.

(3) The obligation to file a return under this Act or to pay the levy imposed by this Act is not affected by subsection (1) or subsection (2).

Obstruction of officers

28. A person who threatens, assaults or obstructs any officer acting in the execution of his duty under this Act is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 3 years or to both.

Penalties and interest

29.(1) Where a company

- (a) fails to pay the levy imposed under this Act;
- (b) pays the levy after date specified by this Act; or
- (c) fails to file the relevant return in accordance with this Act

that company shall pay a penalty of \$500 to the Authority for each breach in addition to interest at the rate of one per cent calculated for each month during which any part of that amount was not paid on the largest amount of levy and penalty that was due and unpaid at any time in that month.

(2) Where an employer

- (a) fails to deduct and withhold the levy pursuant to section 8;
- (b) fails to remit to the Commissioner the levy deducted and withheld pursuant to section 8;
- (c) fails to file the relevant return in accordance with this Act

that employer shall pay a penalty of \$500 to the Authority for each breach in addition to interest at the rate of one per cent calculated for each month during which any part of that amount was not paid on the largest amount of levy and penalty that was due and unpaid at any time in that month.

- (3) Where a self-employed individual
- (a) fails to pay the levy imposed under this Act;
 - (b) pays the levy after date specified by this Act; or

that self-employed individual shall pay a penalty of \$500 to the Authority for each breach in addition to interest at the rate of one per cent calculated for each month during which any part of that amount was not paid on the largest amount of levy and penalty that was due and unpaid at any time in that month.

Disallowed deductions

30. No deduction is allowed under section 10 of the *Income Tax Act*, Cap. 73 for any amount that is paid or incurred under this Act.

Regulations

31. The Minister may make regulations generally for carrying out the provisions of this Act.

Amendment of the enactments in the Schedule

32. The enactments set out in the first column of the *Schedule* are amended to the extent set out in the second column opposite thereto.

Expiration

33. This Act shall cease to have effect after the 31st day of March, 2023.

SCHEDULE*(Section 32)***CONSEQUENTIAL AMENDMENTS**

Column 1	Column 2
<i>Enactment</i>	<i>Amendment</i>
1. <i>Income Tax Act</i> , Cap. 73	Section 11(1) is amended by (a) deleting the word “and” in paragraph (h); (b) deleting the full stop at the end of paragraph (i) and substituting a semi-colon; and (c) inserting immediately after paragraph (i) the following: “(j) the levy imposed by the <i>Pandemic Contribution Levy Act, 2022</i> (Act 2022-).”.
2. <i>Barbados Revenue Act</i> , 2014 (Act 2014-1)	In the <i>First Schedule</i> insert the following new paragraph after paragraph 11: “12. <i>Pandemic Contribution Levy Act</i> , 2022 (Act 2022-).”.



S.I. 2022 No. 55

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (DRINKING WATER)
REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 107(d) (i) of the *Safety and Health at Work Act*, makes the following Regulations:

1. These Regulations may be cited as the *Safety and Health at Work (Drinking Water) Regulations, 2022*.
2. Every employer shall provide and maintain an adequate supply of drinking water for every employee in the workplace at no cost to the employee.
3. Where the supply of drinking water is not from a public main, an employer shall provide for every employee, at no cost, a supply of drinking water from a vessel which shall
 - (a) maintain the water at a cool temperature;
 - (b) be fitted with a closed lid;
 - (c) be positioned on a raised platform; and
 - (d) be fitted with a tap, spout or similar device.
4. Every vessel containing a supply of drinking water for the workplace shall be collected under the supervision of a person authorised by the employer.
5. An employer shall provide a sufficient number of single use cups from which employees can drink easily at no cost to the employee.

6. An employer shall provide drainage for water that may be spilt from the vessel which supplies drinking water.

7.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register such particulars relating to a workplace or category of workplace where a certificate of exemption has been

(a) granted; or

(b) revoked.

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



S.I. 2022 No. 56

**SAFETY AND HEALTH AT WORK (GENERAL DUTIES)
REGULATIONS, 2022**

Arrangement of Regulations

1. Citation
2. Definitions
3. Duties of self-employed persons
4. Duties of certain persons as regards articles or substances for use at work
5. Additional testing not required
6. Duty of persons hired to design, manufacture, import or supply
7. Duty where article or substance purchased under agreement
8. Duty of third parties
9. Extent of duty
10. Proper use of article or substance
11. Exemptions

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (GENERAL DUTIES)
REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 108(1) (e) of the *Safety and Health at Work Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Safety and Health at Work (General Duties) Regulations, 2022*.

Definitions

2. In these Regulations,

“article” means

- (a) any plant designed for use or operation, whether exclusively or not by persons employed in any workplace;
- (b) any article designed for use as a component in any plant;

“conditional sale agreement ” means an agreement for sale of goods under which the purchase price or part of it is payable by instalments and the property in the goods is to remain in the seller notwithstanding that the buyer is to be in possession of the goods until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“credit sale agreement” means an agreement for the sale of goods, under which the purchase price or part of it is payable by instalments but which is not a conditional sale agreement;

“hire purchase agreement” means an agreement other than a conditional sale agreement under which

- (a) goods are bailed or hired in return for periodical payment by the person to whom they are bailed or hired;
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs:
 - (i) the exercise of an option to purchase by that person;
 - (ii) the doing of any other specified act by any party to the agreement;
 - (iii) the happening of any other event;

“plant” includes any machinery, equipment or appliance;

“self-employed person” means a person who does not work under a contract of service;

“substance” means any natural or artificial substance whether in solid or liquid form in the form of gas including vapour, mist, dust or fumes;

“supply” in relation to an article or substance means to make available by way of sale, lease, hire or hire-purchase, whether as principal or agent for another.

Duties of self-employed persons

3. It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and any person with whom he works or benefits from a service performed by him is not exposed to any risks to their safety or health as a result of the use of an article or substance at the workplace.

Duties of certain persons as regards articles or substances for use at work

4.(1) It shall be the duty of any person who undertakes to design or manufacture any article or substance for use at work to carry out or arrange for the carrying out of any research to discover, eliminate or minimise any risks to

the safety or health which may arise as a result of the use of that article or substance.

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

- (a) carry out or arrange for the carrying out of tests and examinations to determine so far as is reasonably practicable, that the article is designed and constructed so that it is safe and does not create a risk to the safety or health of an employee when it is properly used; and
- (b) provide adequate information about the use of the article and the conditions that should be present to ensure that, when put to use, it will be safe and does not create a risk to the safety or health of an employee.

Additional testing not required

5. Where an article or substance for use at work has been tested or examined in accordance with regulation 4, and it is reasonable for the employer or occupier to rely on the results of the tests or examinations, the employer or occupier is not required to subject the article or substance to be re-tested or re-examined.

Duty of persons hired to design, manufacture, import or supply

6. Where an employer or occupier hires a person to design, manufacture, import or supply an article or substance for use in the workplace on the basis of a written undertaking, the undertaking shall have the effect of imposing a duty on the designer, manufacturer, importer or supplier of the article or substance in accordance with paragraph (2) of regulation 4.

Duty where article or substance purchased under agreement

7.(1) Where any article for use at work or substance for use at work is supplied under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, the supplier of the article or substance and not the financier for

the purchase of the article or substance shall be subject to the duty imposed under paragraph (2) of regulation 4.

Duty of third parties

8. It shall be the duty of any person who erects, installs or implements any article or substance for use at work to ensure that the manner in which the article or substance is erected, installed or implemented is safe when properly used and does not create a risk to the safety or health of an employee.

Extent of duty

9. Any duty imposed on any person under these Regulations shall extend only to things done in the course of a trade, business or other undertaking carried on by him in the workplace and to matters within his control.

Proper use of article or substance

10. For the purposes of these Regulations, an article or substance for use at work is to be regarded as properly used where it is used in accordance with any relevant information or advice which has been made available by a person by whom it was designed, manufactured, imported or supplied.

Exemptions

11.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register of such particulars relating to a workplace or category of workplace where a certificate of exemption has been

(a) granted; or

(b) revoked.

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



BARBADOS

The Official Gazette Part A

8th July, 2022

Statutory Instrument

S.I. 2022 No. 57

Safety and Health at Work Act

CAP. 356

SAFETY AND HEALTH AT WORK (NOISE) REGULATIONS, 2022

The Minister, in exercise of the powers conferred on him by section 105(1) of the *Safety and Health at Work Act*, makes the following Regulations:

1. These Regulations may be cited as the *Safety and Health at Work (Noise) Regulations, 2022*.

2. In these Regulations,

“A-weighting” means making graded adjustments in the intensities of sound of various frequencies for the purpose of noise measurement, so that the sound pressure level measured by an instrument, more closely reflects the response of the human ear to the sound measured;

“dB” means decibel;

“dBA” means the sound level in decibels as measured on a sound level meter operating on the A-weighting network;

“daily personal noise exposure” means

- (a) the level of daily personal noise exposure as ascertained in accordance with Part I of the *First Schedule* taking into consideration the level of noise and duration of exposure covering all noise; or
- (b) the combination of two or more periods of noise exposure at different levels;

“frequency” means the rate of pressure variation expressed in cycles per second or hertz;

“health surveillance” means the assessment of the state of health of an employee as related to exposure to noise;

“hearing conservation programme” or “programme” means a program which involves the evaluation of noise in a workplace which is used to implement measures to reduce noise levels as low as reasonably practicable, prevent occupational hearing loss and provide employees with the information, training, equipment and tools necessary to conserve hearing;

“hearing protection zone ” means any area within a workplace where the use of personal hearing protection is mandatory due to exposure to noise levels at or exceeding the upper exposure action value;

“impulse or impact noise” means a sharp rise and rapid decay in sound levels and is less than one second in duration and is repeated after a delay of more than one second;

“lower exposure action value” means the lower of the two levels of daily or weekly personal noise exposure or of peak sound pressure set out in the *Second Schedule* which, if reached or exceeded, requires specified action to be taken to reduce the risk;

“noise” means any audible sound;

“ototoxicity” means the pharmacological adverse reaction affecting the inner ear or auditory nerve characterised by cochlear or vestibular dysfunction;

“ototoxic substance” means a substance which can harm the inner ear or auditory nerve resulting in cochlear or vestibular dysfunction;

“peak sound pressure” means the maximum sound pressure to which an employee is exposed, ascertained in accordance with Part II of the *First Schedule*;

“qualified person” includes

- (a) an audiologist or speech therapist registered under section 6 of the *Paramedical Professions Act*, Cap. 372C;

- (b) a medical practitioner registered under section 9 of the *Medical Profession Act, 2011* (Act 2011-1) who is trained to conduct auditory examinations;
- (c) a nurse registered under the *Nurses Act*, Cap. 372 who is trained to conduct auditory examinations; or
- (d) a person authorised by the Chief Labour Officer;

“upper exposure action value” means the higher of the 2 levels of daily or weekly personal noise exposure or of peak sound pressure set out in regulation 4 which, if reached or exceeded, requires specified action to be taken to reduce the risk;

“weekly personal noise exposure” means the level of weekly personal noise exposure as ascertained in accordance with Part II of the *First Schedule* taking into consideration the level of the noise and the duration of exposure covering all noise.

3.(1) Where an employer carries out work which is liable to expose an employee to noise

- (a) at or above a lower exposure action value;
- (b) at or above an upper exposure action value; or
- (c) at or above an exposure limit value

set out in the *Second Schedule*, the employer shall assess the risk of noise, from any work process, activity or equipment, to the health and safety of the employee.

(2) An assessment of the risk of noise referred to in paragraph (1) shall be conducted by

- (a) observing the specific working practices of the employee;

- (b) referring to relevant information on the probable levels of noise corresponding to the work process, activity or equipment used in the particular working conditions of the employee;
- (c) measuring the level of noise to which an employee is likely to be exposed; and
- (d) examining
 - (i) the level, type and duration of an employee's exposure to noise, including any exposure to peak sound pressure;
 - (ii) the effects of exposure to noise on an employee or a group of employees whose health is at particular risk from such exposure;
 - (iii) the effects on the health and safety of employees resulting from the interaction between noise and the use of ototoxic substances at work, or between noise and vibration;
 - (iv) the indirect effects on the health and safety of employees resulting from the interaction between noise and audible warning signals or other sounds that need to be audible in order to reduce the risk at work;
 - (v) the information provided by the manufacturers of work equipment;
 - (vi) the availability of alternative equipment designed to reduce the emission of noise;
 - (vii) any extension of exposure to noise at the workplace beyond normal working hours, including exposure in rest facilities supervised by the employer;
 - (viii) appropriate information obtained following health surveillance, including, where possible, published information; and
 - (ix) the availability of personal hearing protectors with adequate attenuation characteristics.

(3) An assessment of the risk of noise conducted in accordance with paragraph (2) shall be reviewed regularly.

(4) Where the risk assessment referred to in paragraphs (2) and (3) has been reviewed and

- (a) there is reason to suspect that the risk assessment is no longer valid; or
- (b) there has been a significant change in the work to which the assessment relates

the risk assessment shall be amended to reflect the changes.

(5) An employer shall record

- (a) the significant findings of the risk assessment as soon as is practicable after the risk assessment is made or changed; and
- (b) the measures which have been taken and will be taken to meet the requirements of regulations 4 and 5.

4. Where a risk assessment shows that an employee is exposed to a noise level that exceeds the upper exposure action value set out in the *Second Schedule*, the employer shall reduce the noise level to below the upper exposure action value by implementing engineering controls or administrative measures which include,

- (a) utilizing alternative work methods;
- (b) providing work equipment that emits the least possible noise, having regard to the nature of the work;
- (c) adjusting the design and layout of the workplace and position of work stations;
- (d) providing information and training for employees relating to the correct use of work equipment;
- (e) implementing maintenance programmes for work equipment, the workplace and workplace systems;

- (f) limiting an employee's duration and intensity of exposure to noise; and
- (g) organizing work schedules and rest periods.

5.(1) Notwithstanding regulation 4, where the implementation of engineering controls or administrative measures does not reduce the noise level to below the upper exposure action value, an employer shall provide personal hearing protectors for all employees who are exposed to the noise level above the upper exposure action value which is appropriate for the activity; and all employees shall wear the personal hearing protectors provided by the employer.

(2) Where the wearing of personal hearing protectors fails to reduce the noise level in the workplace to below the daily or weekly exposure limit set out in the *Second Schedule*, the employer shall reduce the period during which the employee is exposed to noise, so that the noise exposure period and noise level are in accordance with the *Third Schedule*.

(3) Where the noise level exceeds the lower exposure action value but does not exceed the upper exposure action value set out in the *Second Schedule*, the employer shall provide employees who are exposed, with

- (a) information, instruction and training on the effects of noise; and
- (b) personal hearing protection which is appropriate for the work activity.

(4) Where there is an area in the workplace that an employee is likely to be exposed to noise at or above an upper exposure action value, the employer shall

- (a) designate that area as a hearing protection zone;
- (b) demarcate that area, identify it by means of a sign and mandate that hearing protection is to be worn; and
- (c) restrict access to persons who are authorised to enter the hearing protection zone

and shall ensure so far as is reasonably practicable that no employee enters that area unless that employee is wearing personal hearing protectors.

6.(1) Where an employer carries out work which is liable to expose an employee to noise which exceeds the upper exposure action value set out in the *Second Schedule*, the employer shall establish a programme to be known as the hearing conservation programme to monitor the hearing of employees who are exposed.

(2) Under the programme an employer shall arrange for the conduct of auditory surveys on his employees

- (a) prior to their employment; and
- (b) at regular intervals during their employment.

(3) Where an auditory survey reveals that an employee has suffered damage to his hearing as a result of exposure to noise which exceeds the upper exposure action value, the employer shall implement measures to reduce the level of noise.

(4) All employees who work in an area where the noise level exceeds the upper action value level set out in the *Second Schedule* shall be examined 3 months after the date of employment and re-examined at least once in every 12 month period by

- (a) an audiologist or speech therapist registered under section 6 of the *Paramedical Professions Act*, Cap. 372C;
- (b) a medical practitioner registered under section 9 of the *Medical Profession Act, 2011* (Act 2011-1) and who is trained to conduct auditory examinations;
- (c) a nurse registered under the *Nurses Act*, Cap. 372 and who is trained to conduct auditory examinations; or
- (d) a person authorised by the Chief Labour Officer,

and a record of the examination shall be submitted to the employer.

(5) The auditory examination referred to paragraph (4) shall include the determination of auditory thresholds for pure tones of 500, 1000, 2000, 3000, 4000, 6000 and 8000 cycles per second.

7.(1) An employer shall keep the records of all risk assessments, auditory surveys, examinations and any other assessment relating to the noise level to which employees are exposed in the workplace for a period of 20 years and shall make those records available for inspection by the Chief Labour Officer.

(2) An employer shall provide copies of any records of assessments relating to the noise level in the workplace to the Chief Labour Officer where the Chief Labour Officer so requests.

(3) An employer shall allow an employee or a person authorised by the employee to inspect the individual records of risk assessments, auditory surveys and examinations or any other assessment relating to the level of noise to which that employee is exposed to in the workplace.

8.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register of such particulars relating to a workplace or category of workplace where a certificate of exemption has been

(a) granted; or

(b) revoked.

FIRST SCHEDULE

(Regulation 2)

Part I

Daily personal noise exposure levels

1. The daily personal noise exposure level, $L_{EP,d}$ is expressed in decibels and is ascertained using the formula:

$$L_{EP,d} = L_{Aeq,T_e} + 10 \log_{10} \left(\frac{T_e}{T_0} \right)$$

where -

T_e is the duration of the employee working day, in seconds;

T_0 is 28,800 seconds (8 hours); and

L_{Aeq,T_e} is the equivalent continuous A-weighted sound pressure level, in decibels, that represents the sound the employee is exposed to during the working day.

2. Where the work is such that the daily exposure consists of two or more periods with different sound levels, the daily personal noise exposure level ($L_{EP,d}$) for the combination of periods is ascertained using the formula:

$$L_{EP,d} = 10 \log_{10} \left[\frac{1}{T_0} \sum_{i=1}^{i=n} \left(T_i 10^{0.1(L_{Aeq,T})_i} \right) \right]$$

where -

n is the number of individual periods in the working day;

T_i is the duration of period i ;

First Schedule - (Cont'd)

$(L_{Aeq,T})_i$ is the equivalent continuous A-weighted sound pressure level that represents the sound that an employee is exposed to during period i ; and

$\sum_{i=1}^{i=n} T_i$ is equal to T_e , the duration of the person's working day, in seconds.

Part II**Weekly personal noise exposure levels**

1. The weekly personal noise exposure, $L_{EP,w}$, for a nominal week of five working days, is expressed in decibels and is ascertained using the formula:

$$L_{EP,w} = 10 \log_{10} \left[\frac{1}{5} \sum_{i=1}^{i=m} 10^{0.1(L_{EP,d})_i} \right]$$

where -

m is the number of working days on which an employee is exposed to noise during a week; and $(L_{EP,d})_i$ is the $L_{EP,d}$ for working day i .

Peak sound pressure level

2. Peak sound pressure level (L_{Cpeak}), is expressed in decibels and is ascertained using the formula:

$$L_{Cpeak} = 20 \log_{10} \left[\frac{P_{Cpeak}}{P_0} \right]$$

where -

(a) P_{Cpeak} is the maximum value of the C-weighted sound pressure, in Pascals (Pa), to which an employee is exposed during the working day; and

(b) $P_0 = 20 \mu\text{Pa}$.

SECOND SCHEDULE

*(Regulations 2, 3,4,5 and 6)***Exposure limit values and action values**

- (a)* the lower exposure action values are
 - (i) a daily or weekly personal noise exposure of 80 dB (A-weighted); and
 - (ii) a peak sound level pressure of 135 dB (C-weighted);
- (b)* the upper exposure action values are
 - (i) a daily or weekly personal noise exposure of 85 dB (A-weighted); and
 - (ii) a peak sound pressure of 137 dB (C-weighted); and
- (c)* the exposure limit value
 - (i) a daily or weekly personal noise exposure of 87 dB (A-weighted); and
 - (ii) a peak sound pressure of 140 dB (C-weighted).

THIRD SCHEDULE

*(Regulation 5)***Permissible Noise Exposures**

Maximum duration per day	Sound level (dBA)
8 hours	85
6 hours 21 minutes	86
5 hours 2 minutes	87
4 hours	88
3 hours 11 minutes	89
2 hours 31 minutes	90
2 hours	91
1 hour 35 minutes	92
1 hour 16 minutes	93
1 hour	94
48 minutes	95
38 minutes	96
30 minutes	97
24 minutes	98
19 minutes	99
15 minutes	100
12 minutes	101
9 minutes	102
7.5 minutes	103
6 minutes	104
5 minutes	105
4 minutes	106
3 minutes	107
2.5 minutes	108
2 minutes	109
1.5 minutes	110
1 minute	111

Third Schedule - (Concl'd)

Maximum duration per day	Sound level (dBA)
56 seconds	112
45 seconds	113
35 seconds	114
30 seconds	115 or more

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



BARBADOS

The Official Gazette Part A

8th July, 2022

Statutory Instrument

S.I. 2022 No. 58

**SAFETY AND HEALTH AT WORK (PERSONAL PROTECTIVE
EQUIPMENT) REGULATIONS, 2022**

Arrangement of Regulations

1. Citation
2. Definitions
3. Provision of personal protective equipment
4. Risk assessment of hazards
5. Types of personal protective equipment
6. Personal use
7. Employees to be trained
8. Duty of employees
9. Maintenance and replacement
10. Exemption

SCHEDULE

Safety and Health at Work Act

CAP. 356

SAFETY AND HEALTH AT WORK (PERSONAL PROTECTIVE EQUIPMENT) REGULATIONS, 2022

The Minister, in exercise of the powers conferred on him by section 107(d) (vii) of the *Safety and Health at Work Act* makes the following Regulations:

Citation

1. These Regulations may be cited as the *Safety and Health at Work (Personal Protective Equipment) Regulations, 2022*.

Definitions

2. In these Regulations,

“hazard” includes any thing that has the potential to cause physical or mental harm but is not limited to the hazards set out in the *Schedule*;

“personal protective equipment” means any device or appliance designed to be worn or held by an employee for protection against one or more health and safety hazards that may exist in the workplace.

Provision of personal protective equipment

3.(1) Where an employer is unable to control the risks to the health and safety of an employee by

- (a) eliminating the risk;
- (b) substituting the risk with another that is less hazardous;
- (c) implementing engineering controls; or
- (d) implementing a safe system of work,

the employer shall provide personal protective equipment that meets international standards to protect the employee from the risks to which the employee is exposed in the workplace.

(2) There shall be no cost to an employee for the provision of personal protective equipment referred to in paragraph (1).

Risk assessment of hazards

4.(1) In order for an employer to determine the type of personal protective equipment that an employee requires, the employer shall conduct an assessment of the hazards that exist in the workplace.

(2) The assessment referred to in paragraph (1) shall consist of the following:

- (a) an analysis of the risks that are present which cannot be avoided by other means;
- (b) an analysis of the characteristics which personal protective equipment must have in order to be effective against the risks referred to in subparagraph (a), taking into account any risks which the equipment itself may create; and
- (c) a comparison of the characteristics of the personal protective equipment available with the characteristics referred to in subparagraph (b).

Types of personal protective equipment

5. Subject to regulation 3, an employer shall provide the personal protective equipment set out in the second column of the *Schedule* to an employee to protect him from the hazards set out in the first column of the *Schedule*.

Personal use

6.(1) Where personal protective equipment has been provided to an employee under regulation 3, that personal protective equipment shall be confined to the personal use of that employee.

(2) Notwithstanding paragraph (1), where it is necessary for an item of personal protective equipment to be worn by more than one employee, the employer shall ensure that such use does not create health or hygiene problems for any employee who uses that equipment.

Employees to be trained

7.(1) No employee who has been provided with personal protective equipment in accordance with regulation 3 shall use that equipment until the employer has provided information, instruction and training in the proper wearing and use of the equipment which shall include the following:

- (a) the risks against which the equipment seeks to eliminate or reduce;
- (b) the manner in which the equipment is to be used and its limitations;
- (c) the manner in which the equipment is to be worn; and
- (d) the manner in which the equipment is to be maintained and stored.

(2) The information, instruction and training referred to in paragraph (1) shall correspond to the level of risk to which the employee is exposed and the complexity and performance of the personal protective equipment to be utilised.

Duty of employees

8.(1) An employee who has been provided with personal protective equipment in accordance with regulation 3 shall

- (a) visually examine the equipment before each use;
- (b) use the equipment provided whenever it is required to be used or worn and in the manner in which it is to be used or worn;
- (c) where applicable, store the equipment after use in an area designated by the employer, unless the employee takes the equipment home; and
- (d) take reasonable care of the equipment that is provided to him and shall not carry out any maintenance unless trained and authorized by the employer.

(2) Where an employee

- (a) discovers a defect in the personal protective equipment; or
- (b) damages the personal protective equipment

which has been provided, the employee shall immediately report the defect or damage to the employer.

Maintenance and replacement

9.(1) An employer who provides personal protective equipment in accordance with regulation 3 shall maintain that equipment at all times in good working order and in a satisfactory hygienic condition by means of any necessary storage, repair or replacement.

(2) In determining the necessary storage, repair or replacement required to keep any equipment in good working order, an employer shall follow the instructions issued by the supplier and manufacturer of that personal protective equipment.

Exemption

10.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register such particulars relating to a workplace or category of workplace where a certificate of exemption has been

- (a) granted; or
- (b) revoked.

SCHEDULE

(Regulation 5)

Hazard	Types of Personal Protective Equipment
1. Where there is a risk of head injury from: <i>(a)</i> impact; <i>(b)</i> falling or flying objects; or <i>(c)</i> electrical contact.	Helmet.
2. Where any plant or equipment presents a reasonably foreseeable risk of injury to the eyes or face from physical, chemical or non-ionising radiation agents.	Eye protection or face shield.
3. Where any plant or equipment presents a reasonably foreseeable risk of injury to the eyes or face from physical, chemical or non-ionising radiation agents and the employee requires the use of corrective lens in spectacles.	(1) Spectacles with protective lenses which provide optical correction; or (2) Eye protection or face shield that can be worn over corrective spectacles without disturbing the adjustment of spectacles.
4. Where there is exposure to or likely to be such exposure to gas, dust, fumes, organic matter, biological agents or other impurities and is likely to be injurious or offensive.	Respiratory protective equipment.
5. Where there is a risk of injury to fingers, hands, toes and feet or other parts of the body (due to hazards).	Appropriate personal protective equipment.
6. Where there is a risk of noise, ultrasound, heat, cold, pressure, ionising radiation, laser, microwave or other physical hazards.	Appropriate personal protective equipment.
7. Where there is exposure to rain.	Appropriate rain gear.

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



BARBADOS

S.I. 2022 No. 59

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (SANITARY CONVENIENCES)
REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 106(1) (a) of the *Safety and Health at Work Act*, makes the following Regulations:

1. These Regulations may be cited as the *Safety and Health at Work (Sanitary Conveniences) Regulations, 2022*.
2. In these Regulations,
“sanitary convenience” includes urinals, water closets, latrines and other lavatories and such other conveniences as are necessary for the personal hygiene of an employee.
- 3.(1) An employer shall provide suitable sanitary conveniences for employees having regard to the number and gender of persons employed as set out in the *Schedule*.
- (2) An employer shall include in the number of sanitary conveniences provided for in paragraph (1), sanitary conveniences for persons with disabilities which satisfy the requirements of the Barbados National Building Code published by the Barbados National Standards Institution.
- 4.(1) Every sanitary convenience shall
 - (a) be under cover, partitioned and have a proper door and fastenings so as to secure privacy; and

- (b) be fitted with
 - (i) a washbasin, toilet paper, liquid or foam soap on the inside of the sanitary convenience; and
 - (ii) a trash can in close proximity to the sanitary convenience.
- (2) An employer shall provide toilet paper and liquid or foam soap referred to in paragraph (1))(b) at no cost to the employee.
- 5. An employer may provide hands-free sanitary conveniences for the use of employees which may include:
 - (a) soap dispensers;
 - (b) hand dryers;
 - (c) faucets;
 - (d) trash cans.
- 6. Every sanitary convenience including the walls, partitions and doors shall be kept clean.
- 7. Where the workplace is located outdoors or is temporary in nature, these Regulations shall apply with the necessary modifications.
- 8. The type of sanitary conveniences used in the workplace and the method by which effluent is disposed of shall be governed by the *Health Services (Building) Regulations, 1969* (S.I. 1969 No. 233).
- 9.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register such particulars relating to a workplace or category of workplace where a certificate of exemption has been

(a) granted; or

(b) revoked.

SCHEDULE

*(Regulation 3)***1. For females:**

Number of persons	Number of water closets	Number of washbasins
1-5	1	1
6-25	2	2
26-50	3	3
51-75	4	4
76-100	5	5
Over 100	1 additional water closet and washbasin for every additional 25 females or part thereof.	

*Schedule - (Concl'd)***2. For males:**

Number of persons	Number of water closets	Number of washbasins	Number of urinals
1-15	1	1	1
16-30	2	2	1
31-45	2	2	2
46-60	3	3	2
61-75	3	3	3
76-90	4	4	3
91-100	4	4	4
Over 100	1 additional water closet, urinal and washbasin for every additional 50 males or part thereof.		

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



BARBADOS

S.I. 2022 No. 60

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (WASHING FACILITIES)
REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 107(d) (ii) of the *Safety and Health at Work Act*, makes the following Regulations:

1. These Regulations may be cited as the *Safety and Health at Work (Washing Facilities) Regulations, 2022*.
2. In these Regulations,
“soap” means a cleaning agent that is capable of removing contaminants from the body.
3. These Regulations apply to facilities for washing which are to be used by employees after work activity.
4. An employer shall provide and maintain adequate and suitable washing facilities for personal washing by employees which shall be
 - (a) placed in the immediate vicinity on the outside of a sanitary convenience; and
 - (b) supplied with
 - (i) clean running water;
 - (ii) soap, other than bar soap; and
 - (iii) clean towels or a suitable means of drying.

5.(1) The washing facilities referred to in paragraph (4) shall be in a clean room that is easily accessible, sufficiently ventilated and lit and shall include one or more of the following fittings:

- (a) a wash trough with water taps or jets placed at intervals of not less than 60 centimetres;
- (b) a washbasin with a water tap;
- (c) a standpipe with a water tap;
- (d) a circular wash trough of fountain type; or
- (e) a shower.

(2) The washing facilities referred to in paragraph (1) shall not be used by employees for washing after using a sanitary convenience or after a meal.

(3) Where the washing facility referred to in paragraph (1), is a water trough or water basin, the trough or basin shall be fitted with a waste pipe and have a smooth surface which allows water to flow through.

(4) The floor or ground under or in the immediate vicinity around every wash trough, washbasin, standpipe or shower

- (a) shall have a smooth, non-slip surface which allows the water to flow through; and
- (b) shall be fitted with adequate drainage.

6.(1) An employer shall provide one tap and shower for every 10 employees.

(2) Notwithstanding paragraphs (1) and (5) where the nature of the work involves employees coming into contact with or handling hazardous or noxious substances, an employer shall provide at least one tap and shower for every 5 employees.

(3) Where a workplace has employed or intends to employ persons who are male and female, the employer shall provide separate shower washing facilities which shall

- (a) clearly indicate the male facilities and the female facilities either in pictures or in words or both; and
- (b) be enclosed or screened so that the interiors are not visible from any place where persons of the other gender work or pass.

(4) Notwithstanding paragraph (3), the Chief Labour Officer may, at the request of the employer and having considered the nature of the workplace, approve common shower facilities for male and female employees.

(5) For the purposes of this regulation, every fraction of 10 is to be considered as 10.

7.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register such particulars relating to a workplace or category of workplace where a certificate of exemption has been

- (a) granted; or
- (b) revoked.

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



BARBADOS

The Official Gazette Part A

8th July, 2022

Statutory Instrument

S.I. 2022 No. 61

**SAFETY AND HEALTH AT WORK (WORKSTATION)
REGULATIONS, 2022**

Arrangement of Regulations

1. Citation
2. Definitions
3. Application
4. Analysis of workstation
5. Workstation
6. Employees to be trained
7. Assessment of eye health
8. Breaks to be mandatory
9. Retention of records
10. Exemptions

SCHEDULE

Minimum Standards for all Workstations

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (WORKSTATION)
REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 108(1) (a) of the *Safety and Health at Work Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Safety and Health at Work (Workstation) Regulations, 2022*.

Definitions

2. In these Regulations,

“display screen equipment” means any alphanumeric or graphic screen regardless of the display process involved;

“risk assessment” means a systematic examination of the workstation

- (a) to identify the hazards and assess the risks;
- (b) to implement corrective measures; and
- (c) to record the findings of the examination and corrective measures implemented;

“workstation” means an assembly comprising

- (a) display screen equipment which may be provided with software determining the interface between the equipment and its operator, a keyboard or any other input device;
- (b) any optional accessories to the display screen equipment;

- (c) any external memory device, telephone, modem, printer, document holder, work chair, work desk, work surface, foot rest or other item peripheral to the display screen equipment; and
- (d) the immediate work environment around the display screen equipment.

Application

3.(1) These Regulations shall apply to employees who are assigned to a workstation and are required to use display screen equipment during their normal duties for more than

- (a) 30 hours per week; or
 - (b) 6 hours per day.
- (2) These Regulations shall not apply in relation to
- (a) drivers' cabs or control cabs for vehicles or machinery;
 - (b) computer systems on board a means of transport;
 - (c) computer systems mainly intended for public use;
 - (d) portable display screen equipment in use at a workstation for less than
 - (i) 30 hours per week; or
 - (ii) 6 hours per day; or
 - (e) calculators and any equipment having a small data or measurement display required for direct use of the equipment.

Analysis of workstation

4.(1) An employer shall conduct an analysis of every workstation which is used in the workplace to assess the risks to the health and safety of an employee who may be assigned to work from a workstation.

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- (2) The assessment referred to in paragraph (1) shall relate to the health and safety risks to an employee's
- (a) eye health;
 - (b) physical health; and
 - (c) mental health.
- (3) Where an assessment conducted in accordance with paragraph (1) identifies that there is a risk to the health and safety of an employee, the employer shall implement controls or administrative measures to eliminate that risk.
- (4) An assessment of the risks conducted in accordance with paragraph (1) shall be reviewed by the employer annually.
- (5) Notwithstanding paragraph (4), an assessment of the risks conducted in accordance with paragraph (1) shall be reviewed by the employer where
- (a) the employer has
 - (i) introduced significant new work equipment;
 - (ii) changed the equipment or technology; or
 - (iii) transferred an employee to a new workstation;
 - (b) the employee requests a review; or
 - (c) the employee has suffered an injury or illness that may affect his ability to work at the workstation.
- (6) Where the risk assessment has been reviewed in accordance with paragraph (4) or (5) and there is reason to suspect that the risk assessment is no longer valid because
- (a) there has been a significant change in the workstation or work process to which the assessment relates; or
 - (b) an adverse incident or accident has occurred at the workstation,

the workstation shall be reassessed and the risk assessment shall be amended to reflect any changes that were made to the workstation.

Workstation

- 5.(1) A workstation shall be constructed in a manner so that
- (a) it may be adjusted to physically accommodate any employee who is assigned to work from a workstation;
 - (b) any employee who is assigned to a workstation has sufficient room to accommodate a change in their position or a variation in their movement while carrying out a task in the course of their employment;
 - (c) it is free from glare and reflection; and
 - (d) where necessary, there is appropriate task lighting which allows the employee to adjust its position and intensity.
- (2) The *Schedule* shall set out the minimum requirements for all workstations.

Employees to be trained

6. An employer shall provide an employee who has been assigned to a workstation with the information, instruction and training in the proper use of the workstation in relation to
- (a) the correct use of the display screen equipment;
 - (b) seating posture;
 - (c) seating adjustment prior to the commencement of work or after the workstation has been substantially modified; and
 - (d) the adjustment of furnishings and tools associated with the workstation.

Assessment of eye health

7.(1) A person who is to be employed for the first time to use a workstation shall inform the employer whether he is required to wear prescription eye glasses or contact lenses to improve his vision.

(2) Where an employer is informed in accordance with paragraph (1) that prescription eye glasses or contact lenses are required to improve the vision of a prospective employee, the employer shall advise the prospective employee that prior to assuming employment at the workstation, the prospective employee shall be examined by a medical practitioner, registered under section 9 of the *Medical Profession Act, 2011* (Act 2011-1) and who is trained to conduct vision examinations, to determine whether the prescription eye glasses or contact lenses are fit for the workstation.

(3) An employer shall advise an employee who experiences recurring visual problems while assigned to a workstation, whether or not he indicated at the commencement of the employment that he is required to wear prescription eye glasses or contact lenses, to be examined by a medical practitioner, registered under section 9 of the *Medical Profession Act, 2011* (Act 2011-1) and who is trained to conduct vision examination to monitor the recurring problems that the employee may experience.

(4) An employee who

- (a) is to be assigned; or
- (b) has been assigned

to a workstation may request to have a vision examination by a medical practitioner, registered under section 9 of the *Medical Profession Act, 2011* (Act 2011-1) and who is trained to conduct vision examinations to determine whether the general vision of the employee is fit for the workstation.

- (5) Where an employee has made a request in accordance with paragraph (4), the employer shall facilitate the eye examination requested
- (a) in the case of an employee who is to be assigned to a workstation, prior to commencing work at the workstation; and
 - (b) in the case of an employee who is assigned to a workstation, as soon as is practicable after the request is made.
- (6) The employer shall be responsible for the cost of a vision examination requested by the employee under paragraph (4).

Breaks to be mandatory

- 8.(1)** Where the work of an employee requires the use of display screen equipment for one hour continuously, the employer shall grant to an employee a break from working at the display screen equipment for a minimum period of 5 minutes.
- (2) An employee shall take a break from working at display screen equipment in accordance with paragraph (1).
- (3) Where an employee takes a break in accordance with paragraph (2), the employer may assign the employee to complete an alternative task not involving the use of display screen equipment.
- (4) An employee shall not take a break in accordance with paragraph (2) so that it coincides with the beginning or end of the work day.
- (5) Where because of the nature of a work process paragraph (1) or (2) is impractical and cannot be implemented the employer shall develop alternative arrangements in accordance with section 103 of the Act.

Retention of records

- 9.(1)** An employer shall keep the records of all risk assessments and all examinations and assessments relating to the health of an employee for a period

of 6 years and shall make those records available for inspection by the Chief Labour Officer.

(2) An employer shall provide copies of any records of examinations and assessments relating to the health of an employee to the Chief Labour Officer where the Chief Labour Officer so requests.

(3) An employer shall allow an employee or a person authorised by the employee to inspect the individual records of risk assessments or examinations and assessments relating to the health of that employee.

(4) All records retained under paragraph (1) shall be destroyed by the employer on the expiration of the 6 year period without undue delay.

Exemptions

10.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register such particulars relating to a workplace or category of workplace where a certificate of exemption has been

(a) granted; or

(b) revoked.

SCHEDULE

*(Regulation 5)**Minimum Standards for all Workstations*

Workstation Component	Standard
1. Display screen equipment	The following standards shall apply to display screen equipment: (a) the characters on the screen shall be well defined, clearly formed of adequate size and with adequate spacing between the characters and lines; (b) the image on the screen shall be stable, with no flickering or other forms of instability; (c) the screen shall be free of reflective glare and reflection liable to cause discomfort to the user; (d) the brightness or the contrast between the characters and the background shall be easily adjustable by the employee.
2. Keyboard	The following standards shall apply to a keyboard: (a) the keyboard shall be tiltable if it is separate from the screen; (b) the space in front of the keyboard shall be sufficient to provide support for the hands and arms of the employee; (c) the keyboard shall have a matte non-reflective surface; (d) the symbols on the keyboard shall be adequately contrasted and legible from the intended working position.

Schedule - (Cont'd)

Workstation Component	Standard
3. Work surface or work desk	The following standards shall apply to a work surface or work desk: (a) the work surface or work desk shall have a sufficiently large, low, reflectance surface which allows for a flexible arrangement of the screen, keyboard, document and related equipment; (b) a document holder shall be provided if the nature of work is such that it involves typing from documents; (c) where a document holder has been provided it shall be stable, adjustable and positioned so as to minimise the need for uncomfortable eye and head movements.
4. Work chair	The following standards shall apply to a work chair: (a) the work chair shall be stable and allow the employee to have easy freedom of movement and a comfortable position; (b) the seat shall be adjustable in height; (c) the seat back shall be adjustable in both height and tilt; (d) the work chair shall adequately support the back and thighs of the user; (e) the material from which the work chair is made shall not cause the user to slide from the work chair; (f) where a work chair has armrests, they shall be padded and maintained in good condition and not restrict the hand movement of the employee; (g) a suitable footrest shall be made available where necessary.

Schedule - (Concl'd)

Workstation Component	Standard
5. Footrest	A footrest shall measure between 15 cm and 20 cm in height.
6. Lighting	The following standards shall apply to lighting: (a) ambient lighting levels shall be adjustable where the nature of the task requires it; (b) where there is a source of natural light there shall be adjustable window coverings for employees who operate display screen equipment.

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour



S.I. 2022 No. 62

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (FUEL STATIONS)(MEDICAL
SUPERVISION) REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 106(2)(d)(i) of the *Safety and Health at Work Act*, makes the following Regulations:

1. These Regulations may be cited as the *Safety and Health at Work (Fuel Stations)(Medical Supervision) Regulations, 2022*.
2. In these Regulations,
“Airport” means the Grantley Adams International Airport;
“fuel station” means any premises where fuel of all types is distributed for use in road vehicles and includes the air side of the Airport.
3. These Regulations shall apply to all employees of a fuel station.
- 4.(1) An employer shall make arrangements for employees at a fuel station to be examined annually by a medical practitioner who is registered under section 9 of the *Medical Profession Act* (Act 2011-1) to assess whether in the course of employment any employee has contracted and is suffering from a disease, set out in the *Schedule*.
(2) A medical examination shall include, but not be limited to, an examination of the following:
 - (a) blood;
 - (b) liver function; and

(c) urine.

(3) The employer shall be responsible for the cost of any examination performed pursuant to subsection (1).

5. Where a medical practitioner determines, based on an examination conducted in accordance with subsection (2), that an employee is found to be suffering from a disease listed in the *Schedule*, the *Accidents and Occupational Diseases (Notification) Act*, Cap. 338 shall apply.

SCHEDULE*(Regulation 4 and 5)**List of diseases*

Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives

Diseases caused by benzene or its toxic homologues

Diseases caused by toxic nitro-and-amino-derivatives of benzene or its homologues

Diseases caused by carbon disulfide

Diseases caused by arsenic or its toxic compounds

Diseases caused by beryllium or its toxic compounds

Diseases caused by cadmium or its toxic compounds

Diseases caused by chromium or its toxic compounds

Diseases caused by lead or its toxic compounds

Diseases caused by manganese or its toxic compounds

Diseases caused by mercury or its toxic compounds

Diseases caused by phosphorous or its toxic compounds

Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons

Occupational asthma caused by sensitizing agents or irritants both recognized in this regard and inherent in the work process

Skin diseases caused by fuels

Any other disease where a direct link to the course of employment is established scientifically.

Made by the Minister this 5th day of July, 2022.

C. JORDAN

Minister responsible for Labour

