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S.I. 2023 No. 21

Safety and Health at Work Act

CAP. 356

SAFETY AND HEALTH AT WORK (FORMS) REGULATIONS, 2023

The Minister, in exercise of the powers conferred on him by section 108(1) (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 (Forms) Regulations, 2023*.
2. Where a steam boiler is examined, a report of that examination shall be made in Forms A and B set out in the *First Schedule*.
3. Where a steam receiver is examined, a report of that examination shall be made in Form C set out in the *First Schedule*.
4. Where an air receiver is examined, a report of that examination shall be made in Form D set out in the *First Schedule*.
5. Where chains, ropes and lifting tackles are examined, a report of that examination shall be made in Form E set out in the *First Schedule*.
6. Where a machine used in connection with lifting is examined, a report of that examination shall be made in Forms F, G and H set out in the *First Schedule*.
7. The general register shall be kept
 - (a) in an electronic form; and

- (b) in the form of a loose-leaf binder containing
 - (i) the information contained in Forms A and B set out in the *Second Schedule*; and
 - (ii) all other reports, certificates and particulars required by the Act to be kept in or attached to the register.

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 such particulars and information as he thinks fit where a certificate of exemption has been granted under paragraph (1).

(3) The Chief Labour Officer shall enter into the register referred to in paragraph (2), such particulars and information as he thinks fit where a certificate of exemption is revoked.

FIRST SCHEDULE*(Regulations 2, 3, 4, 5 and 6)*

Safety and Health at Work Act
Cap. 356

*(Regulation 2)***FORM A****REPORT OF EXAMINATION OF STEAM BOILER WHEN COLD**

Name of occupier:	
Address of (a) workplace or premises to which sections 81 and 83 of the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of a boiler used in temporary location e.g. on a building operation, work of engineering construction.	
Description and distinctive number of boiler and type: Manufacturer:	

First Schedule - (Cont'd)

Model:	
Serial #:	
Safe Working Pressure:	
Date of Construction:	
The history should be briefly given, and the examiner should state whether he has seen the last previous report.	
Date of last hydrostatic tests (if any) and pressure applied:	
Quality and source of water:	
Is the boiler in the open or otherwise exposed to the weather or to damp?	
1. Boiler (a) What parts of seams, drums or headers are covered by brickwork? (b) Date of last exposure of such parts for the purpose of examination (c) What parts (if any) other than parts covered by brickwork and mentioned above were inaccessible? (d) What examination and tests were made? (If there was any removal of brickwork, particulars should be given here).	

First Schedule - (Cont'd)

(e) Condition of boiler - External: (State any defects materially affecting the maximum permissible working pressure). - Internal:	
2. Fittings and Attachments (a) Are there proper fittings and attachments? (b) Are all fittings and attachments in satisfactory condition? (So far as ascertainable when not under pressure.)	
3. Repairs (if any) required, and period within which they should be executed and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.	
4. Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination; due allowance being made for conditions of working if unusual or exceptionally severe. Where repairs affecting the working pressure are required, state the maximum permissible working pressure: (a) before the expiration of the period specified in paragraph (3) (b) after the expiration of such period if the required repairs have not been completed (c) after the completion of the required repairs	(a)..... (b)..... (c).....

First Schedule - (Cont'd)

5. Other observations:	
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Subject to the reservation (noted above) of certain points for examination under steam pressure I certify that on _____ the boiler above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined the boiler, including its fittings and attachments, and that the above is a true report of the result.

Signature: _____

Qualification: _____

Address: _____

Date: _____

First Schedule - (Cont'd)

(Regulation 2)



Safety and Health at Work Act
Cap. 356

FORM B

REPORT OF EXAMINATION OF STEAM BOILER
UNDER NORMAL STEAM PRESSURE

Name of occupier:	
Address of (a) workplace or premises to which sections 81 and 83 of the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of a boiler used in temporary location e.g. on a building operation, work of engineering construction.	
Description and distinctive number of boiler and type: Manufacturer: Model:	

First Schedule - (Cont'd)

Serial #:	
Date of Manufacture:	
1. Condition (External):	
2. Fittings and Attachments (a) Is the safety valve so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure specified in the last report (Form A) on the examination when cold? (b) If there is a lever safety valve, is the weight secured on the lever in the correct position? (c) Is the pressure gauge working correctly? (d) Are the water gauges in proper working order?	
3. Test (a) What is the pressure at which the safety valve operated? (b) Did low level trip operate? (c) Do steam leaks exist which may be hazardous to operators? (d) Do gas leaks escape into the building?	

First Schedule - (Cont'd)

4. Repairs (if any) required, and period within which they should be executed and any other conditions which the person making the examination thinks is necessary to specify for securing safe working.	
5. Other observations:	

I certify that on _____ that I examined the above-mentioned boiler under normal steam pressure and that the above is a true report of the result.

Signature: _____

Qualification: _____

Address: _____

Date: _____

*First Schedule - (Cont'd)**(Regulation 3)*

Safety and Health at Work Act
Cap. 356

FORM C

REPORT OF EXAMINATION OF STEAM RECEIVER

1. Name of occupier:	
2. Name and address of owner of premises:	
3. Address of premises:	
4. Description of receiver:	
5. Date of construction:	
6. Name and address of manufacturer:	
7. Date of last hydrostatic test:	
8. Brief history and state date of last report seen:	

First Schedule - (Cont'd)

9. What examinations and tests were carried out?	
10. What parts if any were inaccessible?	
11. Condition internally:	
12. Condition externally:	
13. Are safety appliances, mountings and attachments suitable, properly maintained and adjusted in accordance with sections 30(1), (2), (3), (4) and (5) of the Act?	
14. Is the pressure gauge plainly visible and marked conspicuously at the safe working pressure?	
15. State the maximum safe working pressure:	
16. Other observations affecting safe working:	

First Schedule - (Cont'd)

I certify that on _____ the steam receiver described above, including its fittings, mountings and attachments were thoroughly clean and, so far as its construction permits, made accessible for thorough examination and for such tests as were considered necessary and I thoroughly examined the receiver including its fittings and the foregoing is a true report of the results of the examination.

(If employed by a company or association, give name and address.)

Name

Address

Signature: _____

Qualification: _____

Date: _____

NOTES

- A. According to the type of receiver, facilities should be given by the occupier for such examination (internal and external) hammer testing, drilling, lifting, hydraulic testing, or other means of testing as may be necessary for the thorough examination.
- B. Where, before completing the examination the person making the examination considers that further examination is necessary in order to test the unit under normal pressure, a provisional entry "Subject to supplementary report after examination under normal pressure" may be made in regard to the matters in question provided that the thorough examination is completed within the statutory period.

*First Schedule - (Cont'd)**(Regulation 4)*

Safety and Health at Work Act
Cap. 356

FORM D

REPORT OF EXAMINATION OF AIR RECEIVER

Name of occupier:	
Address of (a) workplace or of premises to which sections 81 and 83 of the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of an air receiver used in a temporary location e.g. building operation, work of engineering construction.	
Description and distinctive number of receiver and type: Manufacturer: Model: Serial #:	

First Schedule - (Cont'd)

Date of construction (if ascertainable): The history should be briefly given and the examiner should state whether he has seen the last report.	
Date of last hydrostatic tests (if any) and pressure applied:	
1. Receiver (a) What parts (if any) were inaccessible? (b) What examinations and tests were made? (c) Condition of receiver - (i) external (ii) internal (State any defects materially affecting the maximum permissible working pressure.)	
2. Fittings (a) Are the required fittings and appliances provided in accordance with the <i>Safety and Health at Work Act</i>, Cap. 356? (b) Is the safety valve so adjusted as to prevent the receiver being worked at a pressure greater than the maximum permissible working pressure? (c) Is the pressure guage clearly visible and marked conspicuously at the safe working pressure?	

First Schedule - (Cont'd)

(d) Are all fittings and appliances properly maintained and in good condition? (See Note B).	
3. Repairs (if any) required, and period within which they should be executed, and any other conditions which the person making the examination thinks are necessary to specify for securing safe working.	
4. Safe working pressure, calculated from dimensions and from the thickness and other data ascertained by the present examination due allowance being made for conditions of working if unusual or exceptionally severe. Where repairs affecting the working pressure are required, state the safe working pressure: (a) before the expiration of the period specified in paragraph (3); (b) after the expiration of such period if the required repairs have not been completed; (c) after the completion of the required repairs.	
5. Other observations:	

First Schedule - (Cont'd)

I certify that on _____ the air receiver described above was thoroughly cleaned and (so far as its constructions permits) made accessible for thorough examination and for such tests as were necessary for thorough examination and that on the said date I thoroughly examined the receiver, including its fittings, and that the above is a true report of my findings.

(If employed by the company or association give name and address.)

Name

Address

Signature: _____

Qualification: _____

Date: _____

First Schedule - (Cont'd)

NOTES

- A. According to the type of receiver, facilities should be given by the occupier for such examination (internal and external) hammer testing, drilling, lifting, hydraulic testing, or other means of testing as may be necessary for the thorough examination.
- B. Where, before furnishing replies to paragraph 2, the person making the examination considers that further examination is necessary in order to test the fittings under normal pressure, a provisional entry "Subject to supplementary report after examination under normal pressure" may be made in regard to the matters in question; provided that the thorough examination is completed within the statutory period.
- C. When the person making the examination considers that the next examination of a solid drawn receiver may be made after a period exceeding 12 months, the period within which the next examination is to be made should be specified in paragraph 5.

First Schedule - (Cont'd)

(Regulation 5)



Safety and Health at Work Act
Cap. 356

FORM E

REPORT OF EXAMINATION OF CHAINS, ROPES
AND LIFTING TACKLE

Name of occupier	
Address of	
(a) workplace or of premises to which section 80 of the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of chains, ropes or lifting tackle used in a temporary location e.g. on a building operation, work of engineering construction.	
Type and description of chain, rope or lifting tackle.	
Distinctive number of chain, rope or lifting tackle.	

First Schedule - (Cont'd)

Name and address of manufacturer:	
Date of manufacture: The history of chain, rope or lifting tackle, if not originally used in present location should be briefly given, and the examiner should state whether he has seen the last report.	
Date of last examination:	
What examination and tests were made? (Particulars should be given here).	
Condition of chain, rope or lifting tackle Do hooks have any of the following conditions: (a) cracked; (b) opened more than 15% of normal opening measured at the smallest opening; (c) twisted more than 10%.	
Test Load Safe Working Load(s): (a) Safe working load for which sling is certified?	

First Schedule - (Cont'd)

(b) Is safe working load displayed on item or otherwise displayed?	
(c) Is safe working load for use at various angles displayed on the item or otherwise displayed?	
Defects noted, alterations or repairs needed (if any) and the period within which they should be executed, before the chains, ropes or lifting tackle can be put in service.	
Other observations:	

I certify that on _____ the chains, ropes or lifting tackle mentioned above was sufficiently prepared, and so far as its construction permits made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined the chains, ropes or lifting tackle, and that the above is a true report of my findings.

Signature: _____

Qualification: _____

Address: _____

Date: _____

First Schedule - (Cont'd)

(Regulation 6)



Safety and Health at Work Act
Cap. 356

FORM F

REPORT OF EXAMINATION OF MACHINES USED
IN CONNECTION WITH LIFTING

Name of occupier:	
Address of	
(a) workplace or premises to which the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of a machine used in connection with lifting used in temporary location e.g. on a building operation, work of engineering construction.	
Type of machine used in connection with lifting and source of power:	

First Schedule - (Cont'd)

Name and address of manufacturer: Make: Model: Year of manufacture: Identification or serial #:	
The history of machine used in connection with lifting, if not originally installed in present location should be briefly given, and the examiner should state whether he has seen the last report.	
Date of last examination:	
Test (a) Is supporting structure in sound condition? (b) Do safety interlocks work? (c) Do cables have kinks or damage? (d) Does hook(s) have cracks? (e) Is safety catch on hook(s) working?	
Test Load Safe working load(s), (in case of machine used in connection with lifting more than one lifting hook) for which machine used in connection with lifting is certified.	

First Schedule - (Cont'd)

Is safe working load displayed on machine used in connection with lifting or is there an automatic indicator of the safe working load?	
Defects noted, alterations or repairs needed (if any) and the period within which they should be executed, before the machine used in connection with lifting can be put in service.	
Other observations:	

I hereby certify that on _____ the machine used in connection with lifting mentioned above was sufficiently prepared, and so far as its construction permits made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined the machine used in connection with lifting, including its fittings, and that the above is a true report of my findings.

Signature: _____

Qualification: _____

Address: _____

Date: _____

*First Schedule - (Cont'd)**(Regulation 6)*

Safety and Health at Work Act
Cap. 356

FORM G

REPORT OF EXAMINATION OF HOIST AND LIFTS

Name of occupier:	
Address of (a) workplace or premises to which section 23(10) of the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of a hoist or lift used in temporary location e.g. on a building operation, work of engineering construction.	
Type of hoist or lift:	
Name and address of manufacturer: Make: Model:	

First Schedule - (Cont'd)

Year of manufacturer:	
Identification or serial #:	
Date of installation (if ascertainable): The history should be briefly given, and the examiner should state whether he has seen the last previous report.	
Date of last examination:	
Test Load	
Safe working load for which hoist or lift is certified:	
Is safe working load displayed on hoist or lift?	
Are all the following parts of the hoist or lift properly maintained and in good working order? If not, state what defects have been found: (a) Enclosure of hoist or lift; (b) Landing gates and cage gates; (c) Interlocks on the landing gates and cage gates; (d) Other gate fastenings; (e) Cage or platform and fittings, cage guides, buffers, interior of the hoist way or lift way;	

First Schedule - (Cont'd)

(f) Overrunning devices; (g) Suspensions ropes or chains and their attachments; (h) Safety gear, namely arrangements for preventing fall of platform or cage; (i) Brakes; (j) Worm or spur gear; (k) Communication of emergency; (l) Other electrical equipment; (m) Other parts.	
Defects noted, alterations or repairs needed (if any) and the period within which they should be executed, before the machine used in connection with lifting can be put in service.	
Other observations:	

First Schedule - (Cont'd)

I certify that on_____the hoist/lift above described was prepared, and so far as its construction permits, made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined the hoist/lift, including its fittings and that the above is a true report of the findings.

Signature: _____

Qualification: _____

Address: _____

Date: _____

*First Schedule - (Cont'd)**(Regulation 6)*

Safety and Health at Work Act
 Cap. 356

FORM H

REPORT OF EXAMINATION OF PASSENGER HOIST AND LIFTS

Name of occupier:	
Address of	
(a) workplace or premises to which sections 23(10) of the Act refer; (b) head office of occupier. Note:- Address (b) is required only in the case of a hoist or lift used in temporary location e.g. on a building operation, work of engineering construction.	
Description of passenger hoist or lift: (i.e. No. of stops, means of lifting e.g. cable driven/ hydraulic etc.)	

First Schedule - (Cont'd)

Name and address of manufacturer: Make: Model: Year of manufacture: Identification or serial #:	
Date of installation (if ascertainable): The history should be briefly given, and the examiner should state whether he has seen the last previous report.	
Date of last examination:	
Test Load Safe working load for which hoist or lift is certified: Is safe working load displayed on hoist or lift?	
Are all the following parts of the hoist or lift properly maintained and in good working order? If not, state what defects have been found: (a) Enclosure of hoist or lift; (b) Landing gates and cage gates; (c) Interlocks on the landing gates and cage gates;	

First Schedule - (Cont'd)

(d) Other gate fastenings; (e) Cage or platform and fittings, cage guides, buffers, interior of the hoist way of lift way; (f) Overrunning devices; (g) Suspensions ropes or chains and their attachments; (h) Safety gear, namely arrangements for preventing fall of platform or cage; (i) Brakes; (j) Worm or spur gear; (k) Communication of emergency; (l) Other electrical equipment; (m) Other parts.	
Defects noted, alterations or repairs needed (if any) and the period within which they should be executed, before the machine used in connection with lifting can be put in service.	
Other observations:	

First Schedule - (Concl'd)

I certify that on_____the hoist/lift above described was prepared, and so far as its construction permits made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined the hoist/lift, including its fittings and that the above is a true report of the findings.

Signature: _____

Qualification: _____

Address: _____

Date: _____

SECOND SCHEDULE*(Regulation 7)*

Safety and Health at Work Act
Cap. 356

*(Regulation 7)***FORM A****PARTICULARS RESPECTING ACCIDENTS**

1. Name of employer: _____

2. Address of workplace or place where accident happened: _____

3. Nature of industry, occupation or business: _____

4. Branch or department and exactly where accident happened: _____

Second Schedule - (Cont'd)

5. Injured person's:

(a) Surname: _____

(b) Other names: _____

(c) Address: _____

(d) Gender: _____

(e) Age on last birthday: _____

(f) Precise occupation: _____
(Avoid the term "Labourer" where possible.)

6. Date and hour of accident or dangerous occurrence: _____

7. Hour at which injured person started work on day of accident: _____

8. Cause or nature of accident or dangerous occurrence: _____

If caused by machinery,

(a) give name of machine and part causing accident: _____

(b) state whether machine was moved by mechanical power at the time of the accident: _____

Second Schedule - (Cont'd)

9. Nature, location and extent of injuries: _____

10. If accident was not fatal, state whether injured person was disabled for more than 3 days from earning full wages at the work at which he was employed at the time of the accident: _____
11. Number of days lost/expected to be lost by injured person: _____

Date

Signature of Employer

*Second Schedule - (Cont'd)**(Regulation 7)**Safety and Health at Work Act*
Cap. 356

FORM B

PARTICULARS RESPECTING OCCUPATIONAL DISEASE

Works

1. Name of employer: _____
2. Address of place of employment: _____

3. Address of office: _____

(If work or the place of employment is only temporary.)
4. Nature of industry, occupation or business: _____

5. Nature of occupational disease: _____

6. (a) Surname: _____
(b) Other names: _____

Second Schedule - (Concl'd)

Persons affected

7. Address (permanent): _____

8. Temporary address (if any): _____

9. Gender, and age last birthday: _____
10. Precise occupation: _____
(Avoid the term "Labourer" where possible.)

Date

Signature of Employer

Made by the Minister this 21st day of April, 2023.

C. JORDAN

Minister responsible for Labour



S.I. 2023 No. 22

**SAFETY AND HEALTH AT WORK (REFUSAL OF DANGEROUS
TASKS) REGULATIONS, 2023**

Arrangement of Regulations

1. Citation
2. Definitions
3. Application
4. Exception
5. Employee to report refusal
6. Investigation of refusal
7. Employee who refuses task not to be punished
8. Report to Chief Labour Officer
9. Investigation by Chief Labour Officer
10. Complaints to be made to Chief Labour Officer

Safety and Health at Work Act

CAP. 356

SAFETY AND HEALTH AT WORK (REFUSAL OF DANGEROUS TASKS) REGULATIONS, 2023

The Minister, in exercise of the powers conferred on him by regulation 108(1)(h) 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 (Refusal of Dangerous Tasks) Regulations, 2023*.

Definitions

2. In these Regulations,
“imminent danger” means a situation where conditions or practices in a workplace present a danger which could reasonably be expected to cause immediate serious physical harm, a serious health hazard, an occupational disease or death;
“incapacity” means inability or lack of sufficient strength or power;
“occupational disease” has the meaning assigned to it in section 2 of the *Accidents and Occupational Diseases (Notification) Act*, Cap. 338;
“serious health hazard” means a potential source of significant danger to the health of an employee which may cause life threatening, irreversible or long-term impacts but is not limited to an occupational disease;
“serious physical harm” means severe damage to a part of the body, whether or not reversible, to the extent that incapacity could result;

“sufficient evidence” means any condition that a reasonable person would consider likely to pose a real danger of death or serious physical harm to a person.

Application

3. An employee may refuse to carry out a task assigned to him in the course of his employment, if he reasonably believes that there is sufficient evidence to indicate that there is an imminent danger to his health and safety.

Exception

4.(1) Notwithstanding regulation 3, an employee who reasonably believes that there is sufficient evidence to indicate that there is an imminent danger to his health and safety, may not refuse to carry out a task where

- (a) he is a member of the Fire Service, Police Service, Prison Service or other correctional institution;
- (b) the refusal directly endangers the safety or health of another person;
- (c) the nature of the work involves inherent dangers and all reasonably practicable measures have been taken to reduce the risks of those dangers;
- (d) the nature of the work involves the operation of
 - (i) an ambulance service;
 - (ii) a hospital, clinic or health centre;
 - (iii) a nursing home or children’s home;
 - (iv) a nursery or other child care facility; or
 - (v) a facility for persons with a disability.

(2) An employee, to whom paragraph (a), (b) or (c) applies, who reasonably believes that there is sufficient evidence to indicate that there is an imminent

danger to his health and safety, may refuse to carry out a task where that danger is not inherent to the employee's work or is not a normal condition of work.

Employee to report refusal

5. An employee who refuses or intends to refuse to carry out a task because of imminent danger to his health and safety shall immediately report the circumstances of the refusal or the intention to refuse with reasons to the employer or the person authorised to act on the behalf of the employer.

Investigation of refusal

6.(1) Where an employee makes a report in accordance with regulation 5, the following persons shall conduct an investigation immediately after receiving the report:

- (a) the employer or the person authorised to act on the behalf of the employer;
- (b) the employees' representative appointed to the Health and Safety Committee; and
- (c) the safety delegate where there is no Health and Safety Committee.

(2) During or pending an investigation conducted in accordance with paragraph (1),

- (a) the employee who refuses to carry out a task because of imminent danger to his health and safety shall
 - (i) attend work;
 - (ii) receive his full wages or salary and any additional benefits;
 - (iii) if possible, carry out the task under alternative conditions within the workplace until
 - (A) the investigation is completed; or

- (B) the employee is reassigned by the employer to carry out an alternative task; and
 - (iv) carry out any reasonable directions given by the employer where it is impractical for the employer to reassign reasonable alternative work; and
 - (b) an employee who assists in the investigation shall be paid his full wages or salary and any other benefit.
- (3) Unless the investigation requires, no employee shall be assigned to carry out the task that was refused or any other task in the area of the workplace that is the subject of an investigation.
- (4) Following an investigation
- (a) the employer or the person authorised to act on the behalf of the employer;
 - (b) the employees' representative appointed to the Health and Safety Committee; or
 - (c) the safety delegate, where there is no Health and Safety Committee,
- shall prepare a written report setting out the findings of the investigation and where necessary, the measures that are to be implemented to remove the imminent danger reported in accordance with regulation 5.
- (5) Where the investigation finds that there is sufficient evidence of imminent danger to the health and safety of an employee or another person, and the report recommends the measures that are to be implemented to remove that danger, the employer shall implement the recommendations where it is reasonably practicable to do so.

(6) Where the investigation finds that there is not sufficient evidence of imminent danger to the health and safety of an employee or another person, the employer may

- (a) reassign the employee who refused to carry out the task to which he was assigned; or
- (b) assign another employee to carry out the task in the area and under the conditions that caused the previous employee to refuse to carry out the task.

Employee who refuses task not to be punished

7. No employer or person acting on behalf of an employer shall

- (a) dismiss or threaten to dismiss;
- (b) discipline, suspend or threaten to discipline or suspend;
- (c) impose any penalty on;
- (d) intimidate or coerce; or
- (e) victimize,

an employee who refuses to carry out a task because he reasonably believes that there is an imminent danger to his health and safety.

Report to Chief Labour Officer

8. Where following the investigation the employer implements the measures contained in the report submitted in accordance with paragraph (5) of regulation 6 to remove the imminent danger to the health and safety of the employee, and that employee reasonably believes that there is sufficient evidence that the imminent danger continues, the employee may continue to refuse to carry out the task and a report shall be made to the Chief Labour Officer by

- (a) the employee;

- (b) the employee through the trade union representing the workers at the workplace; or
- (c) an employee who has reason to believe that there is sufficient evidence of imminent danger to the employee assigned to the task.

Investigation by Chief Labour Officer

9.(1) The Chief Labour Officer shall commence an investigation into the circumstances of an employee's continued refusal within 48 hours of receiving a report that the employee believes that there is a continuation of imminent danger to their health and safety.

(2) During or pending an investigation conducted by the Chief Labour Officer, the employee who continues to refuse to carry out a task because of imminent danger to his health and safety shall

- (a) attend work;
- (b) receive his full wages or salary and any additional benefits; and
- (c) carry out reasonable alternative work as assigned by the employer; or
- (d) carry out any reasonable directions given by the employer where it is impractical for the employer to reassign reasonable alternative work.

(3) Unless the investigation requires, no employee shall be assigned to carry out the task that was refused or any other task in the area of the workplace that is the subject of an investigation.

(4) During an investigation, the Chief Labour Officer shall provide preliminary guidance and issue directions to the employer to address the circumstances which caused the employee to refuse to carry out a task.

(5) Following an investigation in accordance with paragraph (1), the Chief Labour Officer shall, within 15 days, prepare and submit a written report to the employer setting out the findings of the investigation, and where necessary, the measures that are to be implemented to remove the imminent danger reported in accordance with regulation 8.

(6) The report of the Chief Labour Officer shall be binding on all parties.

Complaints to be made to Chief Labour Officer

10.(1) Where there are reasonable grounds to believe that

- (a) an employer;
- (b) an employee; or
- (c) a trade union representing the employees at the workplace,

has acted recklessly or in bad faith with respect to an employee's refusal to work under regulations 5 or 8, the employer, employee or trade union representing the employees at the workplace, as the case may be, may file a complaint with the Chief Labour Officer as soon as is practicable, but not later than 14 days after the event to which the complaint relates, for determination.

(2) Where an employee has reasonable grounds to believe that any provision of these Regulations has been contravened to his detriment, the employee may file a complaint with the Chief Labour Officer as soon as is practicable, but not later than 14 days after the event to which the complaint relates, for determination.

(3) The Chief Labour Officer shall determine the complaints made under paragraphs (1) and (2) not later than 15 days after receiving the complaint, and may make such order as he considers appropriate.

Made by the Minister this 21st day of April, 2023.

C. JORDAN

Minister responsible for Labour



BARBADOS

The Official Gazette Part A

24th April, 2023

Statutory Instrument

S.I. 2023 No. 23

Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (ACCIDENT REPORT)(FEES)
ORDER, 2023**

The Minister, in exercise of the powers conferred on him by section 101(4) of the *Safety and Health at Work Act*, makes the following Order:

1. This Order may be cited as the *Safety and Health at Work (Accident Report)(Fees) Order, 2023*.
2. The fee payable for the disclosure of a report resulting from an investigation of an accident in a workplace shall be \$50.

Made by the Minister this 21st day of April, 2023.

C. JORDAN

Minister responsible for Labour