



# A Guide to the Workplace Safety and Health Act

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# Foreword

This booklet is a guide to the Workplace Safety and Health Act that takes effect on 1 March 2006.

Everyone has an obligation to ensure workplace safety. Getting every worker home safely at the end of the day does not only depend on the effort of one individual, but is the result of all stakeholders working together.

In its on-going endeavour to create a safer workplace, the Government has announced key reforms to improve Singapore's occupational safety and health standards. A new framework has been developed aimed at reducing deaths at workplaces by a third in five years, and by half within a decade or sooner. The Workplace Safety and Health Act is an integral part of this new framework to ensure the wellbeing of every worker.

# Introduction

## **What is in this booklet?**

This booklet is a brief guide to the Workplace Safety and Health Act.

In it you will find:

- the main features of the Act,
- how the Act affects the various stakeholders.

## **What is the Workplace Safety and Health Act?**

The Workplace Safety and Health Act is an essential part of a new framework to cultivate good safety habits and practices in all individuals at the workplace – from top management to the last worker. It requires every person at the workplace to take reasonably practicable steps to ensure the safety and health of every workplace and worker.

## **What is the new framework for occupational safety and health?**

In March 2005, the Government announced key reforms to improve Singapore's occupational safety and health (OSH) standards. These reforms are based on the premise that accidents can only be prevented if all involved in the workplace take personal responsibility for achieving higher safety standards.

Thus, a new framework was developed aimed at reducing deaths at workplaces by a third in five years, and by half

within a decade or sooner (from 4.9 fatalities per 100,000 workers in 2004 to 2.5 by 2015).

The 3 principles of the new framework are.

- Reducing risk at source by requiring all stakeholders to eliminate or minimise the risks they create at the workplace;
- Instilling greater industry ownership of OSH standards. The focus will be shifted from complying with prescriptive requirements to making employers responsible for developing safe work procedures suited to their particular situations in order to achieve desired safety outcomes;
- Preventing accidents through higher penalties for poor safety and health management.

### What are the key changes of this new Act?

The following are the key changes introduced in the Workplace Safety and Health Act.

- It specifies liabilities for a range of persons at the workplace instead of focusing on the occupier.
- It focuses on effective management of workplace safety and health to achieve a safe outcome instead of prescribing rules.
- It stipulates greater penalties for compromising safety and health.

### When does this Act take effect?

This Act replaces the Factories Act with effect from **1 March 2006.**

# Coverage of the Act

## **To which industries and workers will the Workplace Safety and Health Act apply?**

From 1 March 2006, the Workplace Safety and Health Act will continue to cover the high-risk industries previously covered under the Factories Act, i.e. factories, shipyards and construction worksites. The list of workplaces subjected to the Act can be found in Annex A.

Eventually, this Act will be expanded to protect workers in workplaces in all sectors. However, the expansion of coverage will be carried out in phases, and the timing will be decided in consultation with industry partners.

# Definition of Terms

## What is a workplace?

A **workplace** includes any premises where people carry out work.

## What is a factory?

A **factory** is any premises in which any of the following is carried out:

- the making of any article or part of any article;
- the altering, repairing, ornamenting, finishing, cleaning or washing of any article;
- the breaking up or demolition of any article;
- the adapting for sale of any article.

Examples of factories include a manufacturing plant, a car-servicing workshop, a shipyard and a construction work-site.

**Please note:** A full listing of the premises considered to be factories is provided in Annex B of this guide.

## Who is a stakeholder?

A **stakeholder** is any person or party who is affected by the Workplace Safety and Health Act.

### What does the term 'reasonably practicable' mean?

The term 'reasonably practicable' means that the degree of risk in a particular situation can be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid the risk.

An action is considered to be **practicable** when it is capable of being done.

Whether it is also **reasonable** usually takes into account:

- the severity of any injury or harm to health that may occur;
- the degree of risk (or likelihood) of that injury or harm occurring;
- how much is known about the hazard and the ways of eliminating, reducing or controlling it;
- the availability, suitability and cost of the safeguards.

The risk and severity of injury needs to be weighed against the overall feasibility of the safeguards needed to remove the risk. The greater the risk, the more likely it is to be reasonable to go to very considerable expense and effort to reduce it.

The cost of putting safeguards in place needs to be measured against the consequences of failing to do so. The judgement is an objective one. Whether the employer can afford to put the necessary safeguards in place is not a consideration, particularly where there is risk of serious injury, or frequent but less severe injury.

Common practice and knowledge throughout the relevant industry are sometimes taken into account when judging whether a safeguard is "reasonably practicable". Individual employers cannot claim that they do not know what to do about certain hazards if those hazards are widely known by others in the same industry, and safeguards are in place elsewhere.



Good reference guides on what safety and health measures are reasonably practicable include the following:

- Singapore Codes of Practice<sup>1</sup>
- OSH standards guidelines published by the Workplace Safety and Health Advisory Committee

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<sup>1</sup> Singapore Codes of Practice can be purchased from SPRING Singapore.

# Understanding and Meeting Your Obligations at The Workplace

## **Who has obligations to fulfil under the Workplace Safety and Health Act?**

In general, persons who have duties and responsibilities under the Act are listed below.

### **Employer**

Any person who employs another person to perform work under a contract of service.

### **Principal**

Any person who engages another person or organization to supply labour or perform work under some arrangement other than a contract of service.

### **Occupier**

In workplaces registered as a factory, the occupier is the person who is the holder of the certificate of registration or factory permit.

In all other workplaces, the occupier is the person who has control of the premises regardless of whether he is the owner of those premises.

**Contractor**

Any person engaged by another person or organization under a contract for service for the supply of labour or conduct of work at the workplace.

**Manufacturer Or Supplier**

Any person who manufactures or supplies machinery, equipment or hazardous substances used at work in the workplace.

**Erector Or Installer**

Any person who installs or erects machinery, equipment, the building itself or any item for use in the workplace.

**Worker**

Any person at work, including an employee, i.e. one employed under a contract of service, volunteer or any other person training or working under the employer such as an industrial attachment student.

**Self-Employed Person**

Any person who works but is not under a contract of service.

**What are the obligations of the various stakeholders under the Act?**

Based on the domains over which the various stakeholders have control, the Workplace Safety and Health Act aims to define areas to which they should pay attention in ensuring workplace safety. It is possible for a person to have multiple obligations. For instance, a person can be an occupier, an employer and a principal at the same time in the same workplace.

### **If You Are An Employer Or Principal**

You must, as far as reasonably practicable, protect the safety and health of your employees or workers working under your direct control and all who may be affected by their work.

This includes:

- conducting risk assessments to remove or control risks to workers at the workplace;
- maintaining safe work facilities and arrangements for the workers at work;
- ensuring safety in machinery, equipment, plant, articles, substances and work processes at the workplace;
- developing and putting into practice control measures for dealing with emergencies;
- providing workers with adequate instruction, information, training and supervision.

### **If You Are An Occupier**

You must, as far as reasonably practicable, ensure the following are safe and without risks to the health of any person within those premises, even if the person is not one of your employees.

- the workplace;
- all entrances to or exits from the workplace;
- any machinery, equipment, plant, article or substance kept on the workplace.

As an occupier, you may also be responsible for the common areas used by your employees and contractors. In particular, the following items, if they are used by persons working at your workplace, are your responsibility.

- electric generators and motors located in the common area;
- hoists and lifts, lifting gear, lifting appliances and lifting machines located in the common area;
- means of entry to or exit from the common area;
- any machinery or plant located in the common area.

### **If You Are A Manufacturer Or Supplier**

You must ensure that any machinery, equipment or substances you provide are safe for use. Hence, you are required to:

- provide proper information on the safe use of the machinery, equipment or hazardous substance;
- ensure that the machinery, equipment or hazardous substance is safe for use;
- ensure that the machinery, equipment or hazardous substance has been tested and examined so that it is safe for use.

**Please Note:** A list of the machinery, equipment and substances to which this requirement is applicable is provided in Annex C and D.

### **If You Are An Installer Or Erector Of Machinery**

You must ensure, as far as reasonably practicable, the machinery or equipment erected, installed or modified is safe and without health risks when properly used.

**Please Note:** A list of the machinery, equipment and substances to which this requirement is applicable is provided in Annex C.

**If You Are An Employed Worker**

- You must adhere to safe working procedures and principles introduced at the workplace.
- You should not endanger yourself or others working around you through unsafe behaviour.
- You should not tamper with any safety device or undertake any wilful or reckless acts.
- You should also always correctly use any personal protective equipment provided at work.

**If You Are A Self-Employed Person**

As a self-employed person, you are still required to take measures, as far as reasonably practicable, to ensure the safety and health of others such as members of the public.

Everyone has an obligation to ensure workplace safety. Getting every worker home safely at the end of the day does not only depend on the effort of one individual, but is the result of all stakeholders working together.

# The Enforcement Framework of the Workplace Safety And Health Act

## **Who is in charge of administering the Workplace Safety and Health Act?**

The Commissioner for Workplace Safety and Health, assisted by Deputy Commissioners and appointed inspectors, ensures that workplaces comply with safety and health regulations.

## **What are some of the enforcement measures to ensure compliance with the Act?**

The following are some measures that may be used to ensure compliance.

### **Workplace Inspections**

Inspectors are empowered to enter, inspect and examine any workplace at any time to ensure workplace safety. In order to do so, an inspector may:

- inspect, examine and make copies of any workplace documents;
- take samples of any material or substance found in, or being discharged from, any workplace for the purpose of analysis or test;
- take photographs or video recordings to record the conditions and the processes carried out in the workplace;

- take into custody any article in the workplace which is required for the purpose of an investigation or inquiry under the Act.

### **Investigations Into A Workplace Accident Or Incident**

The Commissioner may order an investigation into any workplace accident or incident. In the course of investigations, the inspector may inspect the accident scene and workplace. The inspector may also interview and record statements of persons about the accident or incident. These persons are bound to state the truth and assist in the investigations.

### **Suspension Of Certificates**

When necessary, the Commissioner may suspend any certificate. Examples of certificates issued under the Act include Certificates of Factory Registration and certificates issued to authorised examiners.

### **Remedial Orders And Stop Work Orders**

The Commissioner may issue a Remedial Order to require an employer or occupier or any other person to remove any workplace risk or to comply with a safe work practice whether or not there is any immediate danger. This will be the primary tool that the Commissioner will use to require employers to improve their management of safety and health and the quality of risk assessment.

The Commissioner may issue a Stop Work Order to require the specified work to cease until measures have been taken to ensure that the work can be carried out safely. A Stop Work Order will be used in instances where severe lapses in safety and health conditions may cause immediate danger to the workers.

Failure to comply with either a Remedial Order or Stop Work Order is considered an offence.



**Composition Fines**

Composition fines are offered for offences at the Commissioner's discretion. Offences may be compounded to a sum not more than half the maximum fine prescribed for the offence or \$5,000, whichever is lower. Prosecution action may be taken if payment is not received within a specified period.

**Prosecution**

The Commissioner may prosecute any offender for violation under the Act. If you are charged with an offence under the Act, it is your duty to show to the courts that:

- you complied with the Act and/or its relevant subsidiary legislation;
- or you complied with the relevant approved code of practice or guidelines;
- or you took reasonable precautions and exercised due diligence where there was no specific legislation or guidelines;
- or the offence was due to causes beyond your control, i.e. it was not reasonably practicable to prevent the contravention or accident.

# Liabilities and Penalties

## What are the penalties for failing to comply with the Workplace Safety and Health Act?

The Workplace Safety and Health Act states a general maximum penalty for offences. The penalties are shown in the tables below.

### **General Penalties For Offences For Which No Penalty Is Prescribed Under The Act**

Category of offender	Maximum fine	Maximum imprisonment	Conditions
Individual persons	\$200,000	2 years	Either or both
Corporate body	\$500,000		
Workers For failure to use personal protective equipment or misuse of any safety appliance.	a) 1 <sup>st</sup> conviction - \$1,000 b) 2 <sup>nd</sup> or subsequent conviction - \$2,000		
Repeat offenders For a 2 <sup>nd</sup> or subsequent conviction for the same offences that causes the death of another person. a. Individual b. Corporate body	\$400,000 \$1 million	2 years	Either or both

**Failure To Comply With Remedial  
Order Or Stop Work Order**

Category of offender	Maximum fine	Maximum imprisonment	Conditions
Person who fails to comply with a Remedial Order	\$50,000	12 months	Either or both
If offence is continued after conviction	Additional fine of \$5,000 for each day the offence continues		
Person who fails to comply with a Stop Work Order	\$500,000	12 months	Either or both
If the offence is continued after conviction	\$20,000 for each day the offence continues		

# Subsidiary Legislations

## Under the Workplace Safety and Health Act

**Is there any other legislation under the Workplace Safety and Health Act to which I may need to refer?**

Listed below are some of the new subsidiary legislation that have been made to enhance understanding or specify requirements under the Act.

- The Workplace Safety and Health (General Provisions) Regulations
- The Workplace Safety and Health (Incident Reporting) Regulations
- The Workplace Safety and Health (Registration of Factories) Regulations
- The Workplace Safety and Health (First-Aid) Regulations
- The Workplace Safety and Health (Risk Management) Regulations
- The Workplace Safety and Health (Exemption) Order
- The Workplace Safety and Health (Composition of Offences) Regulations

Over the next 2-3 years, all other subsidiary legislations made under the Factories Act will be reviewed and updated to be in line with the Workplace Safety and Health Act.

# OSH

## Standards Consultation and Training

### **Where can I get assistance in order to discharge my duties under the Act?**

A number of safety and health professionals have been approved or accredited to assist with ensuring workplace safety. They include workplace safety and health officers, workplace safety and health auditors, authorised examiners and accredited training providers.

Requirements on the engagement of safety and health officers and auditors are stipulated in the subsidiary legislation.

The full list of approved or accredited personnel and organizations is available on the Ministry of Manpower website at [www.mom.gov.sg](http://www.mom.gov.sg).

# Transition Period

## **What is the status of appointed persons and documentation issued or approved under the Factories Act?**

Any person appointed, and any documents, certificates or permits issued or approved under the Factories Act will continue to be valid (until its expiry) under the Workplace Safety and Health Act during the transition between the two pieces of legislation.

Examples of such persons or documents include:

- safety officers,
- safety auditors,
- authorized boiler inspectors,
- approved persons,
- designated factory doctors,
- certificates of factory registration,
- safety committees and inspection reports.

Subsidiary legislation made under the Factories Act will also remain in force.

## Further Information

**For more information, please contact us at:**

Email : MOM\_OSHD@mom.gov.sg  
Telephone : +65 64385122  
Fax : +65 63171261  
Website : <http://www.mom.gov.sg/oshd>

You may also obtain the latest occupational safety and health information by subscribing to the OSH Alert at the following website:

<http://oshalert.mom.gov.sg>

Copies of the new Act and other subsidiary legislations can be purchased from:

SNP Corporation (Legal) Ltd  
Legal Publications Retail Outlet  
1 Kim Seng Promenade #18-01/06  
Great World City East Tower  
Singapore 237994  
Tel: +65 68269691  
Website: <http://www.snpcorp.com/webshop>

**To report any unsafe workplaces or practices**

Hotline : +65 63171111  
Website : <http://www.mom.gov.sg/oshd>  
Mailing Address : Occupational Safety and Health Division  
Ministry of Manpower  
18 Havelock Road #03-02  
Singapore 059764

# Annex A

## **Workplaces Subject To The Workplace Safety And Health Act**

- a. Any premises which is a factory.
- b. Any premises within an airport where any checking, inspecting, cleaning, loading, unloading or refueling of an aircraft is carried out by persons other than the crew of aircraft.
- c. Any ship in a harbour where the following is carried out:
  - scaling, scurving, or cleaning of boilers, including combustion chambers or smoke boxes, in the ship;
  - cleaning of any tanks, bilges or holds in the ship;
  - construction, reconstruction, repair, fitting, furnishing or breaking up.
- d. Any dock, wharf or quay where loading, unloading or bunkering of a ship is carried out by persons other than the crew of the ship.
- e. Any premises delineated as a railway area under the Rapid Transit Systems Act (Cap. 263A) and where any inspection, testing or maintenance of any railway is carried out.
- f. Any premises, other than domestic premises, in which a steam boiler, steam receiver or air receiver is used.
- g. Any laboratory or other premises where the testing, examination or analysis of any article is carried out.



# Annex B

## Premises Considered To Be Factories

The following premises within which persons are employed are considered to be factories.

### Heavy Industries

- a. Any yard, including any dock, wharf, jetty, quay and the area within its boundaries, where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out. This includes the waters next to any such yard where similar shipbuilding activities are carried out by the occupier of that yard or by others on his behalf.
- b. Any premises where the construction, reconstruction or repair of locomotives, aircraft, vehicles or other plant used for transport is carried on as a part of a transport undertaking or other industrial or commercial undertaking. These premises are not used for the purpose of housing locomotives, aircraft or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out.
- c. Any premises where building operations or any work of engineering construction are carried on.

### Light Industries

- a. Any premises in which the business of hooking, plaiting, lapping, making up or packing of yarn or cloth is carried out.

- b. Any premises where the making, adaptation or repair of dresses, scenery or props is carried on as part of the production of films, tapes or discs for public broadcast or screening or to the presentation of theatrical performances for trade or gain. These premises are not a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made.
- c. Any premises where the business of making or mending nets is carried on as part of the fishing industry.
- d. Any premises where the production of cinematograph films is carried on for trade or gain. These premises are not a stage or a dressing-room of any actor connected with the production of any cinematograph film.
- e. Any premises where the printing by letter press, offset, lithography, photogravure, rotogravure, or other similar process, or the binding of such printed materials is carried on for trade or gain or as part of another business.

### **Ancillary Industries**

- a. Any premises where the sorting of articles is carried on before the actual work is carried out in any other factory whether that other factory is situated within or outside Singapore.
- b. Any premises where the washing or filling of bottles or containers or packing of articles is carried on in connection with the work of any other factory, whether that other factory is situated within or outside Singapore.
- c. Any laundry as a part of another business or in connection with any public institution.
- d. Any premises where articles are made or prepared as part of any building operations or any works of engineering construction.

**Storage facilities**

- a. Any premises which are used for the storage of gas, including liquefied gas, in a container having a storage capacity of not less than 140 cubic metres.
- b. Any premises which are used for the bulk storage of toxic or flammable liquid in a container, excluding liquefied gas, that is not an underground container and that has a storage capacity of not less than 5,000 cubic metres.

**Utilities**

- a. Any premises where work is carried out for generating electrical energy or in connection with the supply of electrical energy for trade or gain.
- b. Any premises where mechanical power is used for supplying water or in connection with a water supply.
- c. Any sewage works where mechanical power is used and any pumping station used in connection with these works;

**General**

- a. Any premises where mechanical power is used in connection with the making or repair of any article as part of any business carried on for trade or gain.
- b. Any premises where mechanical power is used in connection with the sorting, packing, handling or storing of articles for trade, gain or as part of another business.

## Annex C

### **Machinery and Equipment That Manufacturers And Suppliers Have Duties To Ensure Are Safe For Use**

- a. Bar-benders
- b. Equipment or piping intended for operation under pressure, including all statutory pressure vessels
- c. Equipment or piping intended to contain corrosive, toxic or flammable substances
- d. Equipment used for abrasive blasting, including any accessory, apparatus or fitting necessary to enable its use and operation
- e. Explosive powered tools
- f. Forklifts
- g. Lifting equipment
- h. Materials or components used for the construction of support structures
- i. Power presses
- j. Scaffolds and any materials or components used to erect them
- k. Welding equipment, including any accessory, apparatus or fitting necessary to enable its use

## Annex D

### **Substances That Manufacturers And Suppliers Have Duties to Ensure Are Safe For Use**

- a. Carcinogens
- b. Corrosive substances
- c. Explosives
- d. Flammable substances
- e. Gases under pressure
- f. Irritants
- g. Mutagens
- h. Organic peroxides
- i. Oxidising substances
- j. Pyrophoric substances
- k. Self-heating substances
- l. Self-reactive substances
- m. Sensitizers
- n. Substances hazardous to aquatic environment.
- o. Substances which in contact with water, emit flammable gases
- p. Teratogens
- q. Toxic substances