WORKPLACE SAFETY AND HEALTH ORDER 2009

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Department of Labour
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Inspection and Enforcement Unit
- Reactive / Routine Inspection
- Issue of Stop Work Order and Remedial Order

Training and Promotion Unit
- Government Officials
- Private Sectors / Public
RELATED LAWS AND REGULATIONS

• Workplace Safety and Health Order 2009
  • Workplace Safety and Health General Provisions Regulations
  • Workplace Safety and Health Construction Regulations
  • Workplace Safety and Health Officers Regulations
  • Workplace Safety and Health Committees Regulations
  • Workplace Safety and Health Incident Reporting Regulations
  • Workplace Safety and Health Risk Management Regulations
  • Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulation
INTENTION OF THE WSH LAWS AND REGULATIONS

SAFETY:
Protection of people from physical injury

HEALTH:
Protecting body and mind of people from illness caused by work

WELFARE:
Basic human provision or facilities to maintain health and well-being
WORKMEN’S COMPENSATION ACT 1984

- Work-Related Injuries
- Occupational Diseases
- Manual Labour
- Private Sectors and Government
WORKPLACE SAFETY AND HEALTH ORDER 2009
APPLICATION OF ORDER

S.2 Except as otherwise expressly provided in this Order (but not the regulations), this Order shall apply to all workplaces.".
EXEMPT PERSONS AT WORK

1. Any member of:
   i. Royal Brunei Police Force,
   ii. The Prisons Department,
   iii. The Internal Security Department,
   iv. the Narcotics Control Bureau,
   v. the Royal Brunei Armed Forces,
   vi. the Royal Customs and Excise Department,
   vii. the Fire and Rescue Department,
   viii. the National Disaster Management Centre; and
   ix. An Immigration Officer appointed under section 3 of the Immigration Act (Chapter 17)

   ... while on duty

2. A crew member at work on board any ship, aircraft or any other international mode of transport which does not pose a risk to the safety and health of any person other than the crew member himself or any other crew member on board that ship, aircraft or other international mode of transport.
APPLICATION OF ORDER TO GOVERNMENT

• S.3(1) … this Order shall bind the government and shall apply to -
  
a) any workplace wholly or partly owned or occupied by the Government; and
  
b) any premises in which any building operation or any work of engineering construction is carried on by or on behalf of the Government.
  
• S.3(3) … no person shall be immune from prosecution for any offence under this Order by reason only that he is engaged to provide services to the Government.
GENERAL DUTIES OF EMPLOYER

• Providing Personal Protective Equipment

• Providing equipment for the convenience of employees

• Ensure all machineries, equipment and working environment are safe at all times

• Providing information and procedures that is necessary before carrying out any work

• Repair and maintenance of the working environment that may pose to injuries at work
SAFETY AND HEALTH ASPECTS WHILE WORKING

**FACILITIES**

- Sufficient and Suitable Lighting
- Emergency Lighting
- Adequate Ventilation

**PERSONAL PROTECTIVE EQUIPMENT**

- Provide and Maintain the appropriate PPE to any person carrying out any work
- Protection referred to as follows –
  - Eye Protection; Fall Protection; Foot Protection; Hand Protection; Head Protection; Hearing Protection; Respiratory Protection

Reg 5 & 6 WSH General Provisions Regulations

Reg 33 WSH Construction Regulations
GENERAL DUTIES OF EMPLOYEES

- To cooperate with employers in complying with the Order
- To establish a safety and health culture at the workplace
- To ensure that everyone is working in a safe and healthy condition
- To report all accidents and injuries at the workplace
- To recommend and suggest safety and health measures for the purpose of improving the workplace
WORKING WITH MACHINERY FOR USE AT WORK

• The person is competent before carrying out duties of erecting, install or modifying any machinery or equipment

• The machinery or equipment is safe and without risk to health when properly used

• The machinery is maintained in a safe condition

• Precautions (if any) to be taken for the safe use and health hazards (if any) are available to any person using the machinery
WORKPLACE SAFETY AND HEALTH MANAGEMENT ARRANGEMENTS

• S.28 (1) – “Every workplace within the prescribed class or description of workplaces shall have a workplace safety and health officer or a workplace safety and health coordinator appointed....”

• S.29 (1) – “Every workplace within the prescribed class or description of workplaces shall have a workplace safety and health committee appointed....”
ELEMENTS OF SAFETY AND HEALTH MANAGEMENT SYSTEM

- Safety policy, including the allocation and delegation of responsibility for safety
- Safe work practices
- Safety training
- Group meetings
- Incident investigation and analysis
- In-house safety rules and regulations
- Safety promotion

- System for the evaluation, selection and control of contractors
- Safety inspections
- Maintenance regime
- Risk assessment
- Control of movement and use of hazardous chemicals
- Occupational health programs
- Emergency preparedness

Second Schedule
WSH General Provisions Regulations
REPORTING OF ACCIDENTS, DANGEROUS OCCURRENCES AND OCCUPATIONAL DISEASES
NOTIFICATION TO THE COMMISSIONER

• Any accident at a workplace causing:
  • 3 consecutive days of sick leave; or
  • Admitted in a hospital for at least 24 hours for observation and treatment

• Any accidents at a workplaces leading to death

• Any dangerous occurrence that occurs at a workplace

• Any persons suffering an occupational disease at a workplace

• Visitor who is injured and requires medical treatment at the hospital

Reg 3 – 6 WSH Incident Reporting Regulations
FAQ ON REPORTING

Where do you report?
First Floor, Department of Labour, Jalan Dewan Majlis, Brunei Darussalam
Tel No: 2380256 ext 2204/ 2205

How do you report?
Fill in Initial Incident Form or Notification of incidents relating to injuries or death

Is online reporting available?
Initial Incident Form can be downloaded from Department of Labour and Energy Department’s website. Completed form are to be sent via e-mail.
However, all compensation claims must be reported by employer and to be sent directly to Department of Labour.
REQUIREMENT TO KEEP RECORDS

• Every employer and every occupier of a workplace shall keep a record of every notification or report made by him under these Regulations

• Employer or occupier shall keep every record made by him for a period of 3 years from the time of the notification or report
INCIDENT INVESTIGATION AND ANALYSIS

• S.24 – “Where the Commissioner becomes aware of any accident, dangerous occurrence or occupational disease in a workplace, he may direct an inspector to investigate the circumstances of that accident, dangerous occurrence or occupational disease.”
ENFORCING AUTHORITY

• S.7 (3) The Commissioner may appoint such number of persons as inspectors and such number of other persons as authorised officers, as may be necessary to assist the Commissioner in the administration of this Order.

Enforcement authorities:

1. Department of Labour, Ministry of Home Affairs
2. Occupational Health Division, Ministry of Health
3. Public Works Department, Ministry of Development
4. Energy Department, Prime Minister's Office
CAUTIONS WHEN AT WORK
S18 (2) An employer shall not dismiss or threaten to dismiss an employee because the employee;

(a) has **assisted** (whether by giving of information or otherwise) an inspector, an authorised person or any public officer in the conduct of any inspection or investigation under this Order for a breach or an alleged breach of this Order

(b) has in good faith **sought the assistance** of, or made a report to an inspector or authorised person in relation to a safety and health matter, or proposes to do so;

(c) is performing his duties in good faith as a member of a workplace safety and health committee

S18 (5) – Any person who contravene…is guilty of an offence and liable on conviction to a **fine not exceeding $5,000, imprisonment for a term not exceeding 6 months** or both.
MATTERS THAT SHOULD BE TAKEN INTO ACCOUNT WHILE AT WORK

1. Safety Procedures
2. Emergency Preparedness
3. Signboards
4. Hygiene and Sanitation
5. Welfare
6. Electrical
7. Level of Noise
8. Equipment and Machinery
9. Chemical Substances
10. Flooring
11. Computer Station
12. Ergonomics
13. Training While At Work
EMERGENCY PREPAREDNESS

• Means of extinguishing fire shall be –
  • Provided and maintained
  • Readily accessible
  • Adequate and suitable having regard to the circumstances of each case; and
  • Tested by a competent person at such regular intervals

• Provision of first-aid boxes shall be –
  • Be properly maintained;
  • Be checked frequently to ensure that it is fully equipped and that all the items in it are useable;
  • Be clearly identified as first-aid box;
  • Be placed in a location that is well-lit and accessible
  • Be under the charge of a person appointed ...

Reg 38 WSH General Provisions Regulations & Draft WSH First Aid Regulations

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Safety Helmets
High Visibility Clothing or Vest
Foot Protection
Dust Mask
Hand Protection
Welding Mask
Hearing Protection
Breathing Apparatus
Face Shield
Safety Harness
Respirator
Safety Glasses
Respirators
Protective Clothing
ELECTRICAL SAFETY

• It shall be duty of the occupier to ensure that every electrical installation and electrical equipment in the factory –

  • Is of good construction, sound material and free from defects
  • Is used and maintained in such manner so that is safe of use
  • all reasonably practicable measures are taken to protect any person against the risks of electric shock and injuries
SAFETY DATA SHEET

• Where any hazardous substance is used, handled or stored in a factory, it shall be the duty of occupier of the factory to –

  • Obtain a safety data sheet of the substance
  • Assess the information in the safety data sheet and take precautionary measures to ensure the safe use of the substance;
  • Make available the safety data sheet to all persons at work in the factory who are liable to be exposed to the substance
INFORMATION ON HAZARDOUS SUBSTANCES

- Identity of substance
- Safety and health hazard information
- First-aid measures
- Fire fighting measures
- Accidental release measures
- Precautions to be taken for safe handling and storage
- Exposure controls and personal protection needed
- Stability and reactivity of substance
- Toxicological information
- Ecological information
- Disposal considerations
- Transport information
- Regulatory information
- Any other relevant information
FALLING HAZARDS

• To take such measures as are necessary in a worksite which a person is liable to fall more than 2 metres shall be covered or guarded by effective guard rails, barriers or other equally effective means to prevent fall.

• Worksite includes:
  • Every open side
  • Opening into or through
LADDERS

• Ensure that the ladder is:
  • good construction;
  • sound material;
  • adequate strength for the purpose for which it is used;
  • stable;
  • level and firm;

• Provided with intermediate landing place so that the vertical distance between any 2 successive landing shall not exceed 9 metres, following:
  • Suitable guard rails to prevent falls
  • Safety cage or other practicable measures shall be provided for any work with vertical distance of more that 3 metres

Reg 43

WSH Construction Regulations
ERGONOMICS AT WORK
RISK MANAGEMENT

• Practicable measures may include:
  • Substitution;
  • Engineering control
  • Administrative control
  • Provision and use of suitable personal protective equipment
• In every workplace, the employer, self employed person and principal shall ensure that any person in the workplace who may be exposed to a risk to his safety and health is informed of—

• The nature of the risk involved
• Any measure of safe work procedure implemented
In every workplace, the employer self employed person and person shall –

- Review and if necessary, revise the risk assessment at least once every 3 years;
- Review and revise risk assessment on the occurrence of any bodily injury to any person as a result of exposure to a hazard in the workplace; or
- Review where there is a significant change in work practices or procedures
STORAGE OF GOODS

• All goods shall be stored, stacked or placed in such manner as not to interfere with –
  • The adequate distribution of natural or artificial light
  • The proper operation of any machinery or other equipment
  • The unobstructed use of passageways or traffic lanes
  • The efficient functioning of sprinkler systems or the use of other fire-fighting equipment

• Any goods shall not be placed against wall unless the wall or partition is of sufficient strength to withstand pressure

• For loads suspended, the roof shall be of sufficient strength to carry the loads
To ensure that the material or equipment is not, stored, stacked, placed so close to any opening edge of a floor, scaffold, platform or structure as to endanger persons below the opening or edge.
HAZARDS ARISING FROM PROTRUDING OBJECTS

• It shall be the duty of occupier of a worksite to ensure that:-

a) All passageways, stairs, platforms and other means of access or places of work in the worksite are kept free of things that could cause tripping; and

b) Any sharp projection which is present in any passageways, stairs, platforms and other means of access or places of work in the worksite is removed or otherwise made safe.
FAILURE TO COMPLY WITH WORKPLACE SAFETY AND HEALTH ORDER 2009
CONTRAVENTION OF THE ORDER

S21 (3) REMEDIAL ORDER

(i) to remedy any danger so as to enable the work or process in the workplace to be carried on with due regard to the safety, health and welfare of the persons at work;

S21 (4) STOP WORK ORDER

(a) direct the person served with the order to immediately cease to carry on any work or process —
   (i) indefinitely; or
   (ii) until such measures as are required by the Commissioner have been taken, to the satisfaction of the Commissioner, to remedy any danger so as to enable the work or process in the workplace to be carried on with due regard to the safety, health and welfare of the persons at work; …

wshd/dkt/06/2015
## S49 - General penalties

<table>
<thead>
<tr>
<th>Category of Offender</th>
<th>Maximum fine</th>
<th>Maximum jail-term</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual persons</td>
<td>$200, 000</td>
<td>2 years</td>
<td>Either or both</td>
</tr>
<tr>
<td>(Continuing offence)</td>
<td>Not exceeding $2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>every day since</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>conviction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corporate body</td>
<td>$10,000, 000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Continuing offence)</td>
<td>Not exceeding $5000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>every day since</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>conviction</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## S.21 (6) (7) - Offences relating to Remedial Order and Stop Work Order

<table>
<thead>
<tr>
<th>Category of Offender</th>
<th>Maximum fine</th>
<th>Maximum jail-term</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failing to comply with Remedial Order</td>
<td>$50,000</td>
<td></td>
<td>Either or both</td>
</tr>
<tr>
<td>(Continuing offence)</td>
<td></td>
<td>12 months</td>
<td></td>
</tr>
<tr>
<td>Failing to comply with Stop Work Order</td>
<td>$500,000</td>
<td></td>
<td>Either or both</td>
</tr>
<tr>
<td>(Continuing offence)</td>
<td></td>
<td>12 months</td>
<td></td>
</tr>
</tbody>
</table>
## S.50 & S.55 Offence for Repeat Offenders

<table>
<thead>
<tr>
<th>Category of Offender</th>
<th>Maximum fine</th>
<th>Maximum jail-term</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repeat Offenders: subsequent conviction of the same offence that previously caused death</td>
<td></td>
<td>-</td>
<td>Either or both</td>
</tr>
<tr>
<td>1. Individual</td>
<td>$400,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2. Corporate body</td>
<td>$20,000,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Compounding of Offences</td>
<td>Not exceeding one-half of the amount of the maximum fine is prescribed for the offence or a sum of $5,000 whichever is the lower</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
THANK YOU

Workplace Safety and Health Division
Department of Labour
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