



Safety and Health at Work and the OSH Laws

Presented by : Gweneth King

Occupational Safety and Health Consultant



Overview of the Presentation

1. Introduction
2. Responsibilities for OSH : Employers , Workers , Supervisors, Trade Unions & Government.
3. Background: OSH ACT
4. Joint Responsibility System for Safety and Health
5. Interpretation of Relevant Terms
6. **Key Aspects of the OSH Act:**
Registration of Industrial Establishments, OSH Authority, Powers of the Inspectorate, NACOSH, Notification of accidents & Occupational Diseases, Duties of employers, Duties of Supervisors and Duties of Workers.
7. **Enforcement of the OSH Act and Penalties**
8. **Other Legislation**
9. **What's Next?**

Introduction

- Occupational Safety and Health (OSH) is concerned with work and the environment in which work is being done.
- The concern for Safety and Health at work is now a feature of modern day societies evolving from factories safety to S & H in all workplaces.
- Workers are exposed to a variety of hazards in the workplace and given technological development the exposure levels are greater.
- Workers can become injured or sick as a result of their exposure
- It is within this context that the need exists for concerted and organized efforts to effectively address the problems/issues.

Responsibilities for OSH

- ▶ We are all responsible for Occupational Safety and Health.
 - Employers, Workers, Supervisors, Managers
 - Trade Unions
 - Government
- ▶ A safe and healthy environment is in the interest of both employers and workers and they are in the best position to identify safety and health problems and develop solutions quickly.
- ▶ Hence the need for a collaborative and co-operative approach.



Responsibilities for OSH Employers & Supervisors

Employers

- The prime responsibility for safety and health at work rests with the employer. Therefore employers are responsible for ensuring that the persons they employ work under safe and healthy conditions.

Supervisors

- Have a key role to play in OSH in the workplace. Many accidents at work could be avoided if supervisors understood and accepted their responsibilities for OSH.



Responsibilities for OSH Workers & Trade Unions

➤ **Workers**

Have rights and they also have obligations.

- They have a right to work in a safe and health working environment.
- They have a right to comply with all safety and health instructions in the workplace.

➤ **Trade Unions**

- Have an important role to play
- They represent the interest of workers to the employer & should be vibrant and agitate for better working conditions.
- Include OSH in training programmes offered to their membership.

Responsibilities for OSH

Government

- The Government of Guyana through the Occupational Safety and Health Department of the Ministry of Labour has responsibility for OSH. Its objective is to “Improve working conditions and environment with the emphasis on prevention rather than cure.
- The services of the OSH Department which include Information, Advisory, Supervisory & Regulatory services, extend to all workplaces in the formal and informal economy throughout Guyana.
- Inspections are done, accidents and complaints are investigated as part of the entire process.
- The Department obtains its legal powers from the Occupational Safety and Health Act. Chapter 99:06 Laws of Guyana.



Background: Occupational Safety and Health Act Chapter 99:06 Laws of Guyana

- The OSH Act was passed in the Parliament of Guyana in 1997 and was brought into force in 1999.
- It is the primary legislation governing workplace safety and health.
- It is an Act to provide for the registration and regulation of industrial establishments in Guyana.
- Its purpose is the protection of workers against Safety and Health hazards in the workplace.
- It applies to every industrial establishment such as factory, shop, office or workplace.



Background: The Occupational Safety and Health Act Chapter 99:06 Laws of Guyana cont'd

- It sets out the rights and duties of all parties in the workplace.
- It establishes procedures for addressing workplace hazards.
- It provides for enforcement of the law where compliance cannot be achieved voluntarily.
- The Ministry of Labour has the authority to enforce the law through its inspectors who have powers to inspect, investigate and order compliance with the Act & Regulations made thereunder.
- .



Background: The Occupational Safety and Health Act Chapter 99:06 Laws of Guyana cont'd

- ▶ The Act gives the Minister broad powers to make regulations setting out in detail how some provisions should be executed.
- ▶ Employers and workers are obligated to know and comply with the legislation.
- ▶ There are penalties for non-compliance with the legislation.
- ▶ The Act is based on the joint responsibility system/internal responsibility system. A system where the workplace parties work together to identify & develop solutions to workplace S&H problems

The Joint Responsibility System

The responsibility system is fostered through certain provisions.

- The requirement for employers to have a written Safety & Health policy and a programme to implement the policy.
- The requirement for Joint Safety and Health committees to be established in workplaces that employ 20 or more persons.
- The requirement for the appointment of Safety and Health Representatives in workplaces that employ less than 20 persons and 5 or more persons.



The Joint Responsibility System Cont'd & The Rights of Workers

- The specification of workers' rights such as:
 1. The right to know about potential hazards in the workplace.
 2. The right to participate in the process of identifying and resolving safety and health concerns in the workplace.
 3. The right to refuse work that is believed to be dangerous to their safety and health.
 4. The right to be free from reprisals when acting in compliance with the Act or regulations.



The Joint Responsibility System Cont'd

- The imposition of general and specific responsibilities on employers, supervisors and workers.
- The placing of responsibility on officers and directors of Corporations to ensure the organizations comply with the Act and regulations.

Interpretation of relevant terms

- “Bodily Injury” includes injury to health.
- “Child” means a person under the age of fifteen.
- “Committee” means a joint workplace safety and health committee established under section 23.
- “Employer” any person who employs one or more workers
- “Safety and Health Representative” means a safety and health representative selected under section 22.
- “Worker” any employed person and an apprentice
- “Young person” means a person who has ceased to be a child and has not attained the age of 18 years



Key Aspects of the OSH Act: Registration of Industrial Establishments.

- Every person who is the owner or employer of an Industrial Establishment is required to have that establishment registered with the Ministry of Labour in keeping with Section 7 of the OSH Act.
- - within 30 days of its commencement of operations,
 - within thirty days after the anniversary of every certificate of registration, continuing registration or renewal.
- An application is required to be made in keeping with the provisions of Section 7 of the OSH Act to facilitate the registration process.

Key Aspects of the OSH Act: OSH Authority and Powers of the Authority and an Inspector

- Section 12 (1) of the OSH Act makes provision for the establishment of an OSH Authority which comprises Officers and designated Inspectors.
- .In the absence of an established authority , The Chief Occupational Safety and Health Officer comprises the Authority.
- Section 13 of the Act gives the Authority and all designated inspectors wide ranging powers which include the following:
 - The power to enter , inspect and examine any industrial establishment and every part thereof at any hour of the day or night once he has reasonable cause to believe that persons are employed therein.



Key Aspects of the OSH Act: Powers of the Inspectorate

- Inspectors can also enter, inspect and examine by day if there is reasonable cause to believe that an industrial establishment exists.
- Inspectors can enter, any ship, or vessel in any dock, or harbor at any wharf, quay or stelling and conduct inspections as they may deem fit.
- Require the production of registers , certificates, notices and documents etc. in keeping with the Act and to inspect ,examine and copy them.
- To require in writing that any equipment, machinery or device not be used pending testing.
- In keeping with Section 30 (1) An Inspector can also order orally or in writing a contravener of the act to comply with the provisions of the Act.



Key Aspects of the OSH Act: NACOSH

- Section 10 (1) of the OSH ACT, provides for the establishment of an Advisory Council on OSH.
- This Council is appointed by the Minister of Labour.
- The functions of the Council include advising the Minister on OSH matters arising out of the operations of this Act which may be brought to its attention inclusive of the formulation of a national policy on OSH.
- Making recommendations to the Minister relating to programmes of the authority.
- Promote public awareness on OSH.



Key Aspects of the OSH Act: Employers Duties

- **Duties of Employers, workers and other persons etc.**
- Sections 45 (1), 46(1) and (2), 47, 48 to 58 address the following:
 - Duties of employer at a construction site.
 - Duties of employers generally, Duties of supervisors, workers, occupiers, owners.
 - Duties of suppliers.
 - Duties of directors and officers of a body corporate.
 - Refusal to work. Complaints regarding refusal to work.
 - No discipline , dismissal etc. by employer.



Key Aspects of the OSH Act: Employers Duties

Employers have a general duty to provide and maintain a safe, sound, healthy and secure working environment as far as is reasonably practicable. They are required to :

- Have a written policy on safety and health at work.
- Provide and maintain safe and healthy workplaces by the use of safe systems and methods of work.
- Instruct employees on procedures, policies and precautions that ought to be taken to prevent occupational injuries and illnesses.
- Provide personal protective equipment/clothing for workers when necessary or required.
- Establish Joint Safety and Health Committees/Representative in the workplace
- Implement safety and health recommendations



Key Aspects of the OSH Act: Supervisors Duties

- They need to know and understand the application of safe systems and methods of work and commit to the processes.
- They need to know what safety devices and PPE are to be used on the job.
- They also need to know what to do in the case of an accident



Key Aspects of the OSH Act: Workers Duties

- While workers have rights they also have corresponding obligations:
- Follow the Safety rules/ instructions of the workplace
- Wear the Personal Protective equipment, devices and clothing that the employer requires to be worn and take care of them.
- Report to the employer any hazard he or she is aware of
- Operate machines in a safe manner and not remove safeguards.
- Not to engage in any prank , contest, feat of strength , unnecessary running or rough and boisterous conduct in the workplace.



Key Aspects of the OSH Act: Notification of accidents & Occupational Diseases

- The Act requires the employer to notify the Authority in writing of any accident arising out of and in the course of employment of any worker that causes loss of life or disables such worker for more than one day from earning wages full wages at the work which he was employed to do.
- In the case of death, it is required that the accident must be reported forthwith.
- If the accident is non-fatal it is required to be reported within four days.
- In the case of Occupational Diseases a qualified medical practitioner who attends to a patient /worker is responsible for this submission.

8. Enforcement of the OSH Act and Penalties

The Ministry of Labour through its Occupational Safety and Health Department has the authority to enforce the law through its inspectors who have powers to inspect, investigate and order compliance with the Act & regulations

- There are penalties for breaches of the Act. They range from \$10,000 to \$50,000. In some instances to imprisonment for a term of no more than 12 months.
- A body corporate can be fined as much as five hundred thousand dollars (\$500,000.) if convicted of an offence as listed under this act.
- The word “prescribed” appears in many sections of the act. This means that a regulation must exist in order to put into effect the requirements of the specific section whether it relates to a procedure, substance or duty.

Other Legislation

- Steam Boiler Regulation Act Chapter 95:04
- HIV/AIDS Regulation
- Regulations saved under the OSH Act when it replaced the Factories Act of 1947.
 - Docks Safety, Building Safety , Factories (First Aid),
 - (Health and Welfare), Examining Surgeons, Woodworking,
 - Machinery, Safety and Building Safety.



What's Next?

- ▶ Where do we go from here?
- ▶ Revision of the OSH Act
- ▶ Finalize existing draft Regulations.
- ▶ Develop Regulations for the Oil and Gas Sector.

THE END

THANK YOU FOR LISTENING