

No. S 36

**WORKPLACE SAFETY AND HEALTH ORDER, 2009
(S 44/2009)**

**WORKPLACE SAFETY AND HEALTH (WORKPLACE SAFETY AND HEALTH OFFICERS)
REGULATIONS, 2014**

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WORKPLACE SAFETY AND HEALTH ORDER, 2009

(S 44/2009)

**WORKPLACE SAFETY AND HEALTH (WORKPLACE SAFETY AND HEALTH OFFICERS)
REGULATIONS, 2014**

In exercise of the powers conferred by sections 28 and 64 of the Workplace Safety and Health Order, 2009, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Workplace Safety and Health (Workplace Safety and Health Officers) Regulations, 2014 and shall commence on the same date as the Workplace Safety and Health Order, 2009.

Application for approval to be workplace safety and health officer.

2. (1) A person may apply to the Commissioner for his approval to act as a workplace safety and health officer.

(2) An application under sub-regulation (1) shall be accompanied by the appropriate fee specified in the First Schedule and such fee shall not be refundable.

Requirements for approval as workplace safety and health officer.

3. For the purposes of section 33(2)(a), a person may be approved to act a workplace safety and health officer if he satisfies the Commissioner that —

(a) he has —

- (i) successfully completed a training course to equip him to become a workplace safety and health officer; and;
- (ii) at least 2 years' practical experience relevant to the work to be performed by a workplace safety and health officer; or

(b) although not having the qualifications and practical experience in paragraph (a), he nevertheless has had such other qualifications and practical experience as to render him, in the Commissioner's opinion, competent to act as a workplace safety and health officer.

Certificate of approval.

4. (1) A certificate of approval for a person to act as a workplace safety and health officer shall, unless the approval for the person to so act is earlier cancelled, be valid for a period of 2 years from the date of approval or for such shorter period as the Commissioner may specify in the certificate of approval.

(2) A certificate of approval issued shall not be transferable.

(3) Where a certificate of approval is lost, destroyed or defaced, the holder of the certificate may apply to the Commissioner for a replacement certificate on payment of the appropriate fee specified in the First Schedule.

(4) An application under sub-regulation (3) to the Commissioner shall be supported by such documentary proof that the certificate of approval issued earlier has been lost, destroyed or defaced.

Renewal of approval.

5. (1) An application by a person for the renewal of the Commissioner's approval of the person to act as a workplace safety and health officer shall be made in such form and manner as the Commissioner may determine, and shall be accompanied by the appropriate fee specified in the First Schedule.

(2) Any renewal fee paid under sub-regulation (1) shall not be refundable.

(3) On receiving an application for the renewal of approval under sub-regulation (1), the Commissioner may –

(a) renew the approval to act as a workplace safety and health officer for a period of 2 years; or

(b) refuse the renewal application if the Commissioner is satisfied that the applicant is no longer a fit and proper person to act as a workplace safety and health officer.

Register of workplace safety and health officers.

6. The Commissioner shall keep an up-to-date register of all persons approved to act as workplace safety and health officers.

Workplace safety and health officer to attend courses.

7. (1) The Commissioner may, in granting any person approval to act as a workplace safety and health officer, impose as a condition the requirement for the person to attend such training courses which, in the opinion of the Commissioner, are relevant to the work of a workplace safety and health officer.

(2) Where a workplace safety and health officer fails to comply with sub-regulation (1), the Commissioner may —

(a) cancel the approval of the person as a workplace safety and health officer; or

(b) refuse the renewal application of a person as a workplace safety and health officer.

Workplaces requiring workplace safety and health officers.

8. (1) Every workplace within the prescribed class or description of workplaces specified in the Second Schedule shall have appointed in writing in respect thereof a workplace safety and health officer.

(2) A workplace safety and health officer referred to in sub-regulation (1) shall be appointed by the occupier of a workplace.

(3) Any occupier of a workplace who contravenes sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

Duties of workplace safety and health officer.

9. (1) The duties of a workplace safety and health officer appointed in respect of a workplace shall be —

(a) to assist the occupier of the workplace or other person in charge of the workplace to identify and assess any foreseeable risk arising from the workplace or work processes therein;

(b) to recommend to the occupier of the workplace or other person in charge of the workplace reasonably practicable measures to eliminate any foreseeable risk to any person who is at work in that workplace or may be affected by the occupier's undertaking in the workplace;

(c) where it is not reasonably practicable to eliminate the risk referred to in paragraph (b), to recommend to the occupier of the workplace or other person in charge of the workplace —

(i) such reasonably practicable measures to minimise the risk; and

(ii) such safe work procedures to control the risk; and

(d) to assist the occupier of the workplace or other person in charge of the workplace to implement the measure or safe work procedure referred to in paragraph *(b)* or *(c)*, as the case may be.

(2) Any workplace safety and health officer who, without reasonable excuse, contravenes sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent offence, to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

Powers of workplace safety and health officer.

10. The workplace safety and health officer shall, for the purposes of discharging his duties under regulation 9, have the power to do any or all of the following –

(a) to enter, inspect and examine at any reasonable time the workplace;

(b) to inspect and examine any machinery, equipment, plant, installation or article in the workplace;

(c) to require the production of workplace records, certificates, notices and documents kept or required to be kept under the Order, including any other relevant document, and to inspect and examine any of them;

(d) to make such examination and inquiry of the workplace and of any person at work at that workplace as may be necessary to execute his duties;

(e) to assess the levels of noise, illumination, heat or harmful or hazardous substances in the workplace and the exposure levels of persons at work therein;

(f) to investigate any accident, dangerous occurrence or occupational disease that occurred within the workplace.

FIRST SCHEDULE (regulations 2(2), 4(3) and 5(1))

FEEES

- | | |
|---|--------------------------------------|
| 1. An application for approval to act as a workplace safety and health officer | \$110 |
| 2. An application to renew any approval to act as a workplace safety and health officer | \$60 |
| 3. To replace a certificate of approval | \$10 per certificate to be replaced. |

SECOND SCHEDULE (regulation 8(1))

WORKPLACES TO APPOINT WORKPLACE SAFETY AND HEALTH OFFICER

1. Shipyards in which any ship, tanker and other vessels are constructed, reconstructed, repaired, refitted, finished or broken up.
2. Factories used for processing petroleum or petroleum products.
3. Factories in which building operations or works of engineering construction of a contract sum of \$10 million or more are carried out.
4. Any other factories in which 100 or more persons are employed, except those which are used for manufacturing garments.

Made this 30th. day of Jamadilakhir, 1435 Hijriah corresponding to the 30th. day of April 2014.

**PEHIN UDANA KHATIB DATO PADUKA SERI SETIA
USTAZ HAJI AWANG BADARUDDIN BIN
PENGARAH DATO PADUKA HAJI OTHMAN
Minister of Home Affairs,
Brunei Darussalam.**