

2022-04-21

### **OBJECTS AND REASONS**

This Bill would amend the *Safety and Health at Work Act*, Cap. 356 to make provision for

- (a) the certificate issued by the Chief Fire Officer, relating to a fire escape, to be displayed in the workplace and maintained in the general register;
- (b) the making of regulations respecting the right to refuse to carry out tasks where there is imminent danger to the health and safety of an employee;
- (c) the making of regulations respecting forms and fees; and
- (d) related matters.

*Arrangement of Sections*

1. Short title
2. Amendment of section 33 of Cap. 356
3. Amendment of section 34 of Cap. 356
4. Amendment of section 35 of Cap. 356
5. Amendment of section 36 of Cap. 356
6. Amendment of section 63 of Cap. 356
7. Amendment of section 65 of Cap. 356
8. Amendment of section 79 of Cap. 356
9. Amendment of section 93 of Cap. 356
10. Amendment of section 108 of Cap. 356
11. Amendment of section 109 of Cap. 356
12. Amendment of section 110 of Cap. 356
13. Amendment of section 111 of Cap. 356
14. Insertion of new section 136A into Cap. 356

## **BARBADOS**

A Bill entitled

An Act to amend the *Safety and Health at Work Act*, Cap. 356 to make better provision for the issue of certificates by the Chief Fire Officer and to extend the power to make regulations.

ENACTED by the Parliament of Barbados as follows:

**Short title**

**1.** This Act may be cited as the *Safety and Health at Work (Amendment) Act, 2022*.

**Amendment of section 33 of Cap. 356**

**2.** *Section 33 of the Safety and Health at Work Act, Cap. 356, in this Act referred to as the principal Act, is amended*

(a) *in paragraph (c) of subsection (6), by deleting the word “inflammable” and substituting the word “flammable”;*

(b) *by deleting subsection (7) and substituting the following:*

“(7) Where a certificate of the Chief Fire Officer is issued in accordance with subsection (5),

(a) an original copy shall be displayed in a conspicuous place at the workplace for the benefit of employees and persons who visit the premises in connection with work;

(b) one duplicate copy shall be lodged on the general register; and

(c) one duplicate copy shall be forwarded by the Chief Fire Officer to the Chief Labour Officer.”.

**Amendment of section 34 of Cap. 356**

**3.** *Section 34 of the principal Act is amended in subparagraph (iii) of paragraph (a) by deleting the word “inflammable” and substituting the word “flammable”.*

**Amendment of section 35 of Cap. 356**

**4.** *Section 35 of the principal Act is amended in paragraph (c) of subsection (3) by deleting the word “inflammable” and substituting the word “flammable”.*

**Amendment of section 36 of Cap. 356**

**5.** *Section 36 of the principal Act is amended in subsection (1) by deleting paragraph (d) and substituting the following:*

“(d) the length of time within which he is required to comply with any requirement made under section 33, 35 or 37; or”.

**Amendment of section 63 of Cap. 356**

**6.** *Section 63 of the principal Act is amended in subsection (9) by deleting the words “section 85” and substituting the words “section 86”.*

**Amendment of section 65 of Cap. 356**

**7.** *Section 65 of the principal Act is amended by deleting subsection (6) and substituting the following:*

“(6) Notwithstanding subsections (3) and (4), where less than 10 persons or such other number as the Chief Labour Officer may determine are employed, or the only persons employed are members of the same family, the Chief Labour Officer may permit the operation of a workplace with such modifications to the requirements of this section as he deems proper.”.

**Amendment of section 79 of Cap. 356**

**8.** *Section 79 of the principal Act is amended in subsection (4) by deleting the words “section 32” and substituting the words “section 33”.*

**Amendment of section 93 of Cap. 356**

**9.** *Section 93 of the principal Act is amended by deleting subsection (2) and substituting the following:*

“(2) The occupier referred to in subsection (1) shall keep in the general register the following information:

- (a) a copy of all accident reports sent to the Chief Labour Officer;
- (b) a copy of the certificate of the Chief Fire Officer relating to means of escape in case of fire;
- (c) a certificate of examination of an air receiver;
- (d) a certificate of examination of a boiler;
- (e) a certificate of examination of hoists and lifts;
- (f) a certificate in respect of any other examination required under this Act;
- (g) a certificate of exemption in respect of a workplace or category of workplace;
- (h) any other report and particulars required by any other provision of this Act to be entered into or attached to the general register;
- (i) any reports regarding the safety and health conditions in the workplace; and
- (j) any other matter as may be prescribed.”.

**Amendment of section 108 of Cap. 356**

- 10.**        *Section 108 of the principal Act is amended in subsection (1) by*
- (a) *inserting immediately after paragraph (g) the following new paragraphs:*
- “(h) respecting the right to refuse to carry out tasks where there is imminent danger to the health and safety of an employee;
- (i) prescribing the forms to be used for the purposes of this Act;
- (j) prescribing the fees to be paid for services provided under this Act;”;
- and
- (b) *renumbering paragraph (h) as paragraph (k).*

**Amendment of section 109 of Cap. 356**

- 11.**        *Section 109 of the principal Act is amended*
- (a) *in subsection (1) by inserting the words “or employer” immediately after the word “occupier”;*
- (b) *in subsection (3) by inserting the words “, employer” immediately after the word “occupier” wherever it appears; and*
- (c) *in subsection (4) by inserting the words “or employer” immediately after the word “occupier”.*

**Amendment of section 110 of Cap. 356**

- 12.**        *Section 110 of the principal Act is amended by deleting the words “owner or occupier” wherever they appear and substituting the words “occupier, employer or owner”.*

**Amendment of section 111 of Cap. 356**

**13.        *Section 111 of the principal Act is amended***

*(a) in subsection (1) by inserting the words “, employer” immediately after the word “occupier”; and*

*(b) by deleting subsection (2) and substituting the following:*

“(2) Where an extension is allowed under subsection (1), the occupier, employer or owner is not liable in respect of any continuation of the contravention during the extended time, but if, after the expiration of the time as originally specified or as extended, the order is not complied with, the occupier, employer or owner, as the case maybe, is liable to a fine of \$100 for each day on which the non-compliance continues after the date on which the conviction was first obtained.”.

**Insertion of new section 136A into Cap. 356**

**14.        *The principal Act is amended by inserting the following new section immediately after section 136:***

**“Act binds State**

**136A.        This Act shall bind the State.”.**



Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2022.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2022.

**President**