

Presentation

Occupational Safety and

Health Legislation in Guyana

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OUTLINE OF PRESENTATION

1. Introduction
2. The Occupational Safety & Health Act Cap. 99:06
3. The Joint Responsibility System
4. Arrangement of Sections Slides 6-11
5. Duties of Employers
6. Rights and Obligations of Workers Slides
7. Notification of Accidents
8. Enforcement of the Act and Penalties
9. OSH Regulations
10. Regulations: Completed & In Draft
11. Proposed Legislation

1. Introduction

The Government provides OSH services to assist employers and trade unions in improving working conditions and environment.

This is done through the **Occupational Safety and Health Department of The Ministry of Labour by providing:**

- Information & Advisory
- Supervisory & Regulatory services
- Inspections are done and accidents are investigated as part of the entire process.

This Department obtains its legal powers from the **Occupational Safety and Health Act, Chapter 99: 06 Laws of Guyana.**

2. The Occupational Safety and Health Act Chapter 99:06 Laws of Guyana

- It is the primary legislation governing workplace safety and health.
- Its purpose is to protect workers against safety health hazards in the workplace.
- It applies to every industrial establishment such as a factory, shop, office or workplace.
- 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.

3. The Joint Responsibility System

- ▶ It is based on the joint responsibility system/internal responsibility system.
- ▶ A system whereby the workplace parties work together to identify & develop solutions to address workplace S&H problems.
- ▶ The workplace parties include workers, employers and Trade Unions.
- ▶ The responsibility system is fostered through certain provisions.
 - The requirement for employers to have a written S & H policy and a program to implement the policy.
 - The requirement for Joint Workplace Safety and Health committees to be established in workplaces that employ 20 or more persons and the safety and health representatives to be appointed in workplaces that **employ** less than 20 persons and 5 or more persons.

4 . Arrangement of Sections

The Act is divided into 10 sections.

- ▶ **Part 1- Preliminary:**

- ▶ Interpretation,

- ▶ Application of the act to industrial establishment,

- ▶ Work in private residence and self-employed persons and persons engaged in home-work.

- ▶ **Part 11: Registration of industrial Establishments.**

- ▶ Register of industrial establishments, Application for registration,

Application for registration of change in particulars & Correction of register.

2. Arrangement of Sections Cont'd

▶ **Part 111 Administration:**

▶ **Governmental:**

- NACOSH, Committees, The OSH Authority, and designation of inspectors, powers of the OSH authority, Certificate of appointment of inspector and medical inspectors, powers, fees and reporting of such inspectors etc.

▶ **(b) Non Governmental.**

- Safety and health representatives,
- Joint workplace safety and health committees,
- Workers' trade committees,
- Consultation on industrial hygiene testing,

4. Arrangement of Sections Cont'd

▶ **Part 111 – Administration:**

▶ **© Provisions Applicable to Inspections-**

Representation during inspections

Request for inspections

Seizure of documents or articles

Orders by inspectors non-compliance

Notice of compliance, Copies of reports

(D) Expenses of Administration.

4. Arrangement of Sections Cont'd

▶ **Part 1V- Safety and Health**

- Safety of buildings, ways, machinery and plant.
- Prohibition of employment of children in factories.
- Construction and sale of new machinery.
- Provisions as to sanitary and other arrangements etc.

▶ **Part V-**

▶ **Duties of Employers, workers and other persons etc.**

- Duties of employers generally, Duties of supervisors, workers, occupiers, owners and suppliers.
- Duties of directors and officers of a body corporate.
- Refusal to work. Complaints regarding refusal to work.

4. Arrangement of Sections Cont'd

- ▶ **Part V1 – Hazardous chemicals , physical agents and biological agents.**
 - Hazardous materials inventory. Instruction and training etc.
- **Part V11. Notification of Accidents and Occupational Diseases.**
 - Notifications. Inquest in case of death by accident and occupational diseases.
 - Accidents, explosions etc. at industrial establishment.

4. Arrangement of Sections Cont'd

▶ **Part V111 – Regulations:**

- Power of the Minister to make Regulations
- Penalty for breach of regulations.
- **Part 1X – Offences Penalties and procedures.**
- Liability of employers, owners, directors and others.
- Special rules as to making of complaints for offences

▶ **Part X – Miscellaneous**

- Display of industrial establishment notices.
- Power of authority to require returns & General register etc.

5. Duties of Employers

- ▶ The Act lays out the duties of employers under sections 45, 46 and 47. These duties include the following:
- ▶ The provision and maintenance of a safe, sound, healthy and secure working environment as far as is reasonably practicable
- ▶ The taking of every precaution reasonable in the circumstances for the protection of the worker.
- ▶ The provision of information, instruction and supervision to a worker to protect the safety and health of the worker.

NB. There are also specific duties for workers and supervisors.

6. Rights and Obligations of Workers

- ▶ Workers have Rights and they also corresponding Obligations under this Act. They are specified as follows:
 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.

6. Rights and Obligations of Workers cont'd

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

7. Notification of Accidents

1. The Act also 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.
2. In the case of death, it is required that the accident must be reported forthwith.
3. If the accident is non-fatal it is required to be reported within four days.

8. Enforcement of the Act and Penalties

The Ministry of Labour through its Occupational Safety and Health Department has the authority to enforce the law through its OSH Officers/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.
- ▶ In the case of a body Corporate if convicted of an offence the maximum fine that may be imposed shall be \$500,000.

9. Occupational Safety and Health Regulations

- ▶ There are Regulations which were saved from the old Factories Act Chapter 95:02. The Regulations include the following:
 1. Factories Fire Escape Regulations
 2. Factories First-Aid Regulations
 3. Docks Safety Regulations
 4. Distilleries Safety Regulations
 5. Factories Safety Regulations
 6. Building Safety Regulations
 7. Factories Health and Welfare Regulations
- ▶ These Regulations will remain in place until they are repealed or replaced.

10. Occupational Safety and Health Regulations : Completed & In Draft

1. Joint Workplace Safety and Health Committee : awaiting parliamentary approval.
2. Mining Regulation: Requires both Cabinet and Parliamentary approval.

Regulations in draft:

- ▶ Chemical Safety, Safety and Health in the Manufacturing Sector – These are at the Attorney General’s Chambers.
- ▶ Noise, Safety and Health in the Forestry.
- ▶ Construction Safety : This will replace the existing Building Safety Regulations.

11. Occupational Safety and Health Legislation: Proposed

- ▶ Revision of the OSH Act
- ▶ Development of OIL and Gas Regulations
- ▶ Assistance was sought from the International Labour Organization for the above and that assistance is forthcoming.

END of PRESENTATION