

CHAPTER 2 ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

• Act • Subsidiary Legislation •

ACT

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CHAPTER 2 ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

An Act to provide for the notification of accidents and occupational diseases.

[2nd June, 1951.]

1. Short title

This Act may be cited as the Accidents and Occupational Diseases (Notification) Act.

2. Interpretation

In this Act—

“employer” includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the latter shall for the purposes of this Act, be deemed to continue to be the employer of the worker whilst he or she is working for that other person. In relation to a person who is a member of a registered co-operative society and engaged in work carried out by that co-operative society, the co-operative society shall, for the purposes of this Act, be deemed to be the employer notwithstanding that such person is remunerated in whole or in part by shares in the profits or gross earnings of the co-operative society; and in relation to a person plying for hire with any vehicle or vessel the use of which is obtained by that person under a contract of bailment, the person from whom the use of the vessel or vehicle is so obtained shall, for the purposes of this Act, be deemed to be the employer; and in relation to a person employed for the purposes of any game or recreation and engaged or paid through

a club, the manager or members of the managing committee of the club shall, for the purposes of this Act, be deemed to be the employer;

“Labour Commissioner” means the person performing the duties of Head of the Labour Department;

“occupational disease” means any disease mentioned in the Third Schedule;

“outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his or her own home or on other premises not under the control or management of the person who gave out the materials or articles;

“worker” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing, and includes a person who is a member of a registered co-operative society notwithstanding that such person is remunerated in whole or in part by shares in the profits or gross earnings of such co-operative society, but does not include—

- (a) an outworker;
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer’s trade, occupation or business; or
- (c) a domestic worker employed in a private house.

3. Notification of accidents

(1) Where an accident arising out of and in the course of the employment of a worker occurs and—

- (a) causes loss of life to such worker; or
- (b) disables such worker, for more than three days, from earning full wages at the work at which he or she was employed at the time of such accident, or, in the case of a worker who is a member of and employed by a registered co-operative society and who does not work for wages but is remunerated in whole or in part by shares in the profits or gross earnings of the co-operative society, disables such worker for more than three days, from performing the work at which he or she was employed at the time of such accident,

written notice of such accident, in the form, and accompanied by the particulars, set out in the First Schedule shall forthwith be sent by the employer to the Labour Commissioner.

(2) Where an accident causing disablement has been notified under this section, and, after such notification, the accident results in the death of the person disabled, notice in writing of the death shall be sent by the employer to the Labour Commissioner as soon as the fact of the death comes to the knowledge of the employer.

(3) Any employer who fails to comply with the requirements of subsection (1) or (2) shall be guilty of an offence.

(4) Where an accident to which this section applies occurs to a worker whose services are for the time being temporarily lent or let on hire to another person by the employer, such other person shall, if he or she fails to report the accident to the employer immediately, be guilty of an offence and the employer shall not be liable under the provisions of subsection (3) unless it is established that he or she knew of the accident.

4. Power to extend to dangerous occurrences provisions as to notification of accidents

If the Minister considers that, by reason of the risk of serious injury to workers, it is expedient that notice should be given in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in places where workers are employed, he or she may, by regulations made under this Act, extend the provisions of section 3 with such adaptations as may be specified in the regulations to any such class of occurrences, whether death or disablement is caused or not, and may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

5. Notification of occupational diseases and other diseases

(1) Every medical practitioner attending on or called in to visit a patient whom he or she believes to be suffering from any occupational disease contracted in the course of his or her employment as a worker shall, unless such a notice has been previously sent, forthwith send addressed to the Labour Commissioner a notice stating the name and full postal address of the patient and the disease from which, in the opinion of such medical practitioner, the patient is suffering and the name and address of the place at which, and of the employer by whom, he or she is or was last employed.

(2) If a medical practitioner fails to send any notice in accordance with the requirements of this section, he or she shall be guilty of an offence and liable, on summary conviction, to a fine of one hundred dollars.

(3) Any employer who believes or suspects, or has reasonable grounds for believing or suspecting, that a case of occupational disease has occurred among the workers employed by him or her, shall forthwith send written notice of such case, in the form, and accompanied by the particulars, set out in the Second Schedule, to the Labour Commissioner and to the district medical officer for the district within which the place of employment of such workers is situated, and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Minister may, as respects any class or description of place where workers are employed, by regulations made under this Act, apply the provisions of this section to any disease, other than an occupational disease.

6. Inquest in case of death by accident or occupational disease

(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless the Labour Commissioner or some person authorised on his or her behalf is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the Labour Commissioner notice in writing of the time and place of holding the adjourned inquest:

Provided that the coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(2) With respect to any such inquest as aforesaid the following persons, that is to say—

- (a) the Labour Commissioner;
- (b) any relation of the person in respect of whose death the inquest is being held;
- (c) the employer in whose employment the accident or disease occurred or was contracted;
- (d) any person appointed in writing by the majority of the workers employed in the place of employment in which the deceased was employed;
- (e) any person appointed in writing by any organisation of workers or other association of persons to which the deceased at the time of his or her death belonged or to which any worker employed in the said place of employment belongs;

- (f) any association of employers of which the said employer is a member,

shall, subject to the power of the coroner to disallow any question which in his or her opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by a solicitor or agent.

(3) Where at any such inquest at which the Labour Commissioner is not present evidence is given of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the place of employment appearing to the coroner to require a remedy, the coroner shall send to the Labour Commissioner notice in writing of the neglect or defect.

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of the Coroners Act, Chapter 69.

7. Power of Minister to direct formal investigation of accidents and cases of occupational disease

(1) The Minister may, where he or she considers it expedient to do so, direct a formal investigation to be held into any accident arising out of and in the course of the employment of any worker or case of occupational disease contracted or suspected to have been contracted in the course of the employment of any worker and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect—

- (a) the Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in the investigation;
- (b) the person or persons so appointed (hereafter in this section referred to as "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of occupational disease, and for enabling the court to make the report in this section mentioned;
- (c) the court shall have for the purposes of the investigation all the powers of a magistrate's court when exercising criminal jurisdiction and, in addition, power—
 - (i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes,
 - (ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make,
 - (iii) to require the production of all books, papers, and documents which it considers relevant,
 - (iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him or her in his or her examination;
- (d) persons attending as witnesses before the court shall be allowed such detention allowances, travelling expenses and fees as would be allowed under the Magistrates' (Allowances to Witnesses) Order for the time being in force, and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to the Registrar of the Supreme Court who, on request, signed by the court, shall ascertain and certify the proper amount of such detention allowances, travelling expenses and fees;
- (e) the court shall make a report to the Minister stating the causes and circumstances of the accident or case of occupational disease and adding any observations which the court thinks right to make;

- (f) the court may require expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or in part by any person summoned before it who appears to the court to be, by reason of any act or default on his or her part or on the part of any employee or agent of his or her responsible in any degree for the occurrence of the accident or case of occupational disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Labour Commissioner in the administration of this Act;
- (g) any person who without reasonable excuse (proof whereof shall lie on him or her) either fails, after having had the detention allowances, travelling expenses and fees (if any) to which he or she is entitled tendered to him or her, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and shall, on summary conviction, be liable to a fine of five hundred dollars and to imprisonment for one month and, in the case of a failure to comply with the requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he or she shall be guilty of a further offence and shall, on summary conviction, be liable to a fine of five hundred dollars for every day on which the failure was so continued.

(2) The Minister may cause the report of the court to be made public at such time and in such manner as he or she thinks fit.

8. Penalties

(1) A person guilty of an offence against this Act or any rules made thereunder for which no special penalty is provided by this Act shall, on summary conviction, be liable to a fine of one thousand dollars and to imprisonment for three months.

(2) Where an offence against this Act or any rules made thereunder committed by a company, co-operative society or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of any director, president, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, he or she, as well as the company, co-operative society or body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

9. Power of Minister to make regulations

(1) The Minister may make regulations generally for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the preceding subsection, the Minister may by regulations made under this section amend the Third Schedule, and as thus amended, shall be deemed to have been enacted by and to form part of this Act.

10. Application of Act to Government

Without prejudice to the generality of the application of this Act, it is hereby declared that this Act shall apply in the case of accidents, occupational diseases, or diseases specified in regulations made under section 5 occurring to persons employed by or under any Ministry or Department of the Government other than members of the Police Force and in such cases the notice to be given under this Act by the employer shall be given by such person as the head of the Ministry or Department of the Government shall by written instructions direct.

11. Administration of Act

The Labour Commissioner shall be responsible for the administration of this Act.

Date:

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Signature of Employer

Third Schedule

ACCIDENT AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

Occupational Diseases
[Section 2.]

1. Anthrax.
2. Arsenical poisoning.
3. Chrome ulceration, that is to say, ulceration due to chromic acid or bichromate of potassium, sodium or ammonium or any preparation of those substances.
4. Dermatitis.
5. Epitheliomatous ulceration due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of those substances.
6. Lead poisoning.
7. Toxic jaundice, that is to say, jaundice due to tetrachlorethane or nitro or amido-derivatives or benzene or other poisonous substance.
8. Glanders.
9. Telegraphist's cramp.
10. Ulceration of the corneal surface of the eye.

CHAPTER 2
ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
