

Designers, Manufacturers, Importers and Suppliers have a duty:

- To ensure that any technology, machinery, plant, equipment or material for use in an industrial establishment is safe and without risks when properly used.

THE OCCUPATIONAL SAFETY AND HEALTH (OSH) AUTHORITY

The OSH Authority is made up of representatives from governmental, non-governmental organizations (NGOs), labour and industry who are charged with:

- Enforcement of the provisions of the OSH Act through the OSH Agency.
- Assisting and encouraging persons to further purposes related to the OSH Act.
- Facilitating and publishing research that improves occupational safety and health.
- Provision of information and advice to government, employers, employees and other organisations.

FUNCTIONS OF THE OSH AGENCY

Regulatory

To conduct site safety and health inspections and audits to ensure compliance with Occupational Safety and Health Legislation.

Investigative

Investigation of workplace accidents and complaints.

(continues on the back cover)



Preventive

To ensure that proactive measures are taken by duty holders to prevent mishaps.

Advisory

Provides advice on Safety and Health issues to all stakeholders as requested.

Informational

To promote awareness of the legislative framework for safety and health and to provide information on safety and health issues at the workplace.

The Inspector has considerable authority including:

- Entering, inspecting, taking photographs, and examining at any time, any premises to which the OSH Act applies.
- Investigating work related accidents.
- Issuing Improvement and Prohibition Notices.
- Taking for analysis, samples of any materials or air contaminants in the workplace.

Offences:

- Under the OSH Act, there are safety and health offences which are dealt with at the Industrial Court and summary offences that are dealt with by the Magistrate's Court.



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OSHA HOTLINE: 623-OSHA (6742)

www.osha.gov.tt

Copies of the OSH Act Chapter 88:08 can be purchased at the Government Printery or downloaded from the following website: www.osha.gov.tt
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A Short Guide for Employees

TO THE OCCUPATIONAL SAFETY & HEALTH ACT

Chap. 88:08



This leaflet is a brief guide to the OSH Act Chap. 88:08. It does not describe the law in detail, but it does list the key points.

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OCCUPATIONAL SAFETY & HEALTH ACT

What you should know

- Your safety, health and welfare at work are protected by law.
- Your employer has a duty to keep you informed about safety and health.
- Your employer has a legal duty to ensure, so far as is reasonably practicable, your safety, health and welfare at work.
- You have a responsibility to look after yourself and others.
- If there is a problem, discuss it with your employer, safety and health committee or safety representative.
- Safety and Health Inspectors can give advice on how to comply with the law. They also have powers to enforce it.

In general, your employer's duties include:

- Making your workplace safe and without risks to health.
- Ensuring plant and systems of work are safe and without risk to health.
- Ensuring articles, substances, machinery and equipment are moved, stored and used safely.
- Providing adequate welfare facilities.
- Giving you the information, instruction, training and supervision necessary for your safety and health.
- Providing protective clothing or equipment where necessary at no cost.

In general, your employer must:

- Assess the risks to your safety and health.
- Make arrangements for implementing the safety and health measures identified as being necessary by the risk assessment.
- If there are twenty-five or more employees:
- Record the significant findings of the risk assessment.



- Prepare a safety and health policy, that shows the organisation and arrangements for your safety and health, and bring it to your attention.
- Your employer must consult you in the preparation of the safety and health policy and on the appointment of the safety committee.
- Appoint someone competent to assist with safety and health responsibilities if requested to do so by the Chief Inspector.
- Co-operate on safety and health issues with other employers sharing the same workplace.
- Set up emergency response procedures.
- Provide adequate first-aid facilities.
- Ensure that the workplace satisfies safety, health and welfare requirements, for example, ventilation, temperature, lighting, sanitary conveniences, washing and rest facilities.
- Ensure that work equipment is suitable for its intended use, so far as safety and health is concerned and that it is properly maintained and used.
- Prevent or adequately control exposure to substances that may impair your health.
- Take precautions against danger from flammable or explosive hazards, electrical equipment, noise and vibration.
- Provide health surveillance as appropriate.
- Report certain injuries, diseases and dangerous occurrences to the Occupational Safety and Health Agency.

Risk Assessment

The Act provides for the assessment of risks to be done annually. This is to enable the employer to methodically identify and evaluate all the safety and health risks associated with the undertaking that must be managed. Such an assessment is vital to the development and implementation of the arrangements required in the Safety and Health Policy.

In general, employees' legal duties include:

- Taking reasonable care for your own safety and health and that of others who may be affected by what you do or do not do.
- Co-operating with your employer on safety and health issues.
- Correctly using work items provided by your employer including personal protective equipment, in accordance with training or instructions.
- Not interfering with or misusing anything provided for your safety, health or welfare.
- Ensuring that you are not under the influence of an intoxicant so as to endanger your own safety, health or welfare or that of any other person.

As an employee, you have the right to refuse unsafe work

- If you are exposed to imminent danger, you have a right to refuse work.
- If you think there is a risk of imminent danger in your workplace, you should first discuss it with your employer, supervisor or manager. You may also wish to discuss it with your safety and health committee or safety representative, if there is one.
- If you are concerned that your employer is exposing you to imminent danger and you have pointed this out without getting a satisfactory resolution, you should contact the Occupational Safety and Health Agency.

**Telephone contact:
623-OSHA-(6742)**



Safety matters



A Short Guide for Employers

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Occupational Safety and Health Act as it applies to the Employer and Occupier

Under the Occupational Safety and Health Act Chap 88:08, an **Employer** is defined as the person who employs persons for the purpose of carrying out any trade, business, profession, office, vocation or apprenticeship.

The **Occupier** is defined as the person who has ultimate control over the affairs of the industrial establishment.

In many industrial establishments, the occupier and the employer are one and the same. In such instances, the responsibilities of the employers will also include those of the occupiers.

Some responsibilities are assigned to both employers and occupiers.

For simplicity, some of the fundamental duties of both the employer and the occupier are listed in this brochure. The OSH Act should be consulted for further details.

THE EMPLOYER

General Duties

The employer must ensure the safety, health and welfare of all employees at work.

In his endeavours to accomplish this he must:

- Ensure safety of plant and systems of work.
- Provide arrangements for safe use, handling, storage and transport of equipment, machinery, articles and substances.
- Provide appropriate personal protective clothing and equipment, at no cost to the employee.
- Provide the necessary information, instruction, training and supervision as is necessary.
- Maintain the workplace in a safe condition and ensure the provision of safe means of access and egress.
- Provide a safe working environment with adequate welfare facilities.



In particular, the employer must do the following:

Risk Assessment

- Assess the risks to the safety and health of employees.
- Make arrangements for implementing the necessary safety & health measures identified by the assessment.
- If there are twenty-five or more employees, record the significant findings of the risk assessment. Such an assessment is vital to the development and implementation of the arrangements required in the Safety and Health Policy.



Chemicals

- Institute arrangements to ensure that all hazardous chemicals are properly labelled.
- Ensure the availability of Chemical Safety Data Sheets for all hazardous chemicals.
- Ensure arrangements for the handling, storage and disposal of hazardous chemicals.

Pregnant Women and Nursing Mothers

- Adapt working conditions for a pregnant woman to ensure that she is not exposed to conditions dangerous to the health of the unborn child.
- Where appropriate, alternative work must be assigned if available.
- For up to six months after the birth of her child, alternative work must be provided if the employee is normally required to perform work that poses danger to her health or that of her child.

Non-Employees/Visitors/Public

- Conduct his undertaking in such a manner as to ensure persons not employed are not exposed to risks to their safety and health.

Safety and Health Committee

- Where there are twenty-five or more employees, consult with employees in establishing a safety and health committee.

Appointment of Competent Person

- Appoint someone competent to assist with safety and health responsibilities if requested to do so by the Chief Inspector.

Cooperation

- Co-operate on safety and health issues with other employers sharing the same workplace.

Health Surveillance

- Provide such health surveillance as appropriate having regard to the findings of the risk assessment. The OSH Act defines health surveillance as the periodic review, for the purpose of protecting health and preventing occupational related disease, so that any adverse variations in their health that may be related to working conditions are identified as early as possible.

Medical Examination

- An Employer may require an employee or a person seeking employment to undergo a medical examination to determine fitness for work.
- The cost of such examination is to be paid by the employer.

THE OCCUPIER

An occupier must ensure the following:

Young Persons (16-18)

- A register of young persons is maintained that includes the names, dates of employments, particulars as to the certificate of fitness and the nature of work that the young person is required to undertake.
- That young persons do not operate dangerous machinery unless provided with adequate training *and* supervision.

Confined Space

- A confined space is entered only where:
there is egress from all accessible points in the confined space; all mechanical equipment is disconnected from its power source and locked out;

all pipes and other supply lines likely to create a hazard are blanked off and the confined space is tested and evaluated by a competent person.

- In any confined space in which exists, or is likely to exist, a hazardous gas, vapour, dust or fume, or an oxygen content less than eighteen per cent or more than twenty-three per cent, arrangements are made to ensure that another worker with appropriate rescue equipment is stationed outside the confined space and suitable arrangements have been made to remove the worker from the confined space in an emergency. Such a confined space must also be purged and ventilated and in the event that this is not possible, then suitable breathing apparatus must be used by the employee entering the confined space.

Safeguarding of Machinery

- All transmission machinery must be securely fenced, unless safe by position or construction.
- Other dangerous parts of machines must be securely fenced or provided with a device that automatically protects the operator from coming into contact with that part.

Removal of dust and fumes

- Where dust or fumes are produced, measures must be taken to protect employees from inhalation.
- Where practicable, exhaust appliances must be provided as close to the point of origin of the dust or fumes as possible.

Ventilation

- Ensure adequate ventilation by fresh air in industrial establishments not ventilated by a functioning air-conditioning system.

Emergency Response

- Set up an Emergency Plan in writing based on the risks assessments that were done.
- Provide adequate first-aid facilities.

Fire

- Ensure certification of establishment by the Fire Authority as prescribed in Section 26 (2) of the OSH Act.



Cleanliness

- The industrial establishment is maintained in a clean state.

Lighting

- The provision of lighting that is suitable and sufficient in areas where employees are working or passing.

Welfare

- Provision and maintenance of sufficient supply of drinking water, washing facilities, sanitary conveniences, restrooms, lunch rooms and accommodation for clothing.

Overcrowding

- The industrial establishment is not overcrowded as to cause risk of injury to employees.
- For employees at factories, 11 ½ cubic metres of space to be provided per person in accordance with Section 35 (2) of the Act.

Construction and Maintenance of Fencing

- All fencing or other safeguards are of sound construction and constantly maintained and kept in position when the parts required to be fenced are in motion.

THE EMPLOYER AND THE OCCUPIER

Both the employer and the occupier must ensure the following:

Policy

- If there are twenty-five or more employees, prepare a safety and health policy, specifying the organisation (i) and arrangements (ii) for carrying out that policy.
- I. The organisation shows the safety and health responsibilities of individuals or groups of individuals within the establishment.



- II. The arrangements will specify what the employer needs to do to give effect to the commitment made in the policy statement.

Noise

- That adequate steps are taken to prevent hearing impairment caused by noise from occurring to persons in or in the vicinity of the establishment.

Vibration

- That adequate steps are taken to prevent hearing impairment caused by noise and disease caused by vibration from occurring to persons in or in the vicinity of the establishment.

Notification of Accidents

- Where an accident that causes death or critical injury occurs in an industrial establishment, the occupier, or in the course of employment the employer, must immediately inform the Chief Inspector.
- Where an accident occurs that makes an employee unable to perform his/her normal function or causes the employee to receive medical attention, the accident must be reported to the Chief Inspector within four (4) days

Notification of Occupational Disease

- When advised that an employee is suffering from an occupational disease as listed in Schedule 1 of the OSH Act, the employer must give notice in writing to the Chief Inspector within four (4) days

Notification of Dangerous Occurrence

- Where an incident which may be prejudicial to the safety or health of the public, or which has the potential of causing critical injury, including fire, explosion or the release of toxic substances, occurs in an industrial establishment, the occupier shall inform the Chief Inspector of the incident forthwith by telephone, facsimile or e-mail and shall send a written notice of the incident to the Chief Inspector within forty-eight hours of his learning of the incident

Preservation of Accident Scene

- There are arrangements to preserve an accident site where accidents occurred that caused critical injury or death.

Records

- Every register or record kept in pursuance of this Act shall be preserved and kept available for inspection for at least five years after the date of the last entry in the register or record, or for such other period as may be prescribed for any class or description of register or record, except in the case of a health record, the record shall be kept for at least twenty-five years.

Penalties

- Under the Act, there are Safety and Health Offences and Summary Offences. For safety and health offences, the Industrial Court can impose fines up to twenty-thousand dollars or in the event of critical injury, occupational disease, or death, one hundred thousand dollars or of an amount equivalent to three years pay of that person, whichever is greater.
- For summary offences for which no penalty is expressly provided, the Magistrate's Court may impose a fine of twenty thousand dollars and imprisonment for one year and if the offence for which a person was convicted is continued after the conviction, then there is a fine of ten thousand dollars for each day on which the offence continues.



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