

Advice on wsh legal compliance issues



The company is planning to set up a new plant/factory/shipyard/worksite in Singapore. The new plant/factory/shipyard/worksite located in Tuas. The company will be recruiting a few hundred local and foreign workers.

The new plant/factory/shipyard/worksite utilizes the following items for its production processes:

Mechanical and/or hydraulic machines

Material handling equipment such as forklifts and/or reach trucks

Lifting equipment such as overhead cranes and/or tower cranes

Pressure vessels such as boilers, air receiver, steam receivers, etc.

Laboratory facilities for testing and quality control

Warehouses or storage yards

Various types of hazardous chemicals and/or flammable substances

Task:

The task requires each candidate to submit a written report on advising on WSH legal compliance issues basing on the above situations.

Written Report:

The research project requires each candidate to derive or collect from their workplace a portfolio of evidences on the following items:

Identify the relevant and other legal requirements applicable to safety and health issues. (PC1. 1, UK1)

Identify the WSH legal and other responsibilities and liabilities of stakeholders. (PC1. 2, UK2)

Explain the WSH legal and other responsibilities and liabilities to relevant stakeholders. (PC1. 3)

Communicate with stakeholders on the implications of the WSH legal and other requirements in accordance with organizational procedures. (PC1. 5, UK4)

Gather workplace information and practices relevant for the assessment of compliance with WSH legal and other requirements. (PC2. 1, UK5)

Identify gaps between workplace practices and the applicable WSH legal and other requirements. (PC2. 2)

Recommend actions to be taken by the relevant stakeholders to comply with WSH legal and other requirements. (PC2. 3, UK7)

Advise relevant stakeholders in the application of relevant permits, licenses, approvals and other legal documents from respective government agencies. (PC2. 4, UK6, 8)

Advise stakeholders ways to assists them in maintaining compliance with applicable WSH legal and other requirements. (PC2. 5, UK9)

Identify means of getting updated on new or amended WSH legal and other requirements in a timely manner. (PC3. 1, UK10)

Interpret the new or amended WSH legal and other requirements accurately.

(PC3. 2)

Clarify with the relevant authorities on the interpretation of new or amended legal and other requirements where applicable. (PC1. 4, 3. 3 UK3, 12)

Determine the applicability of new or amended WSH legal and other requirements to stakeholders who seek advice on WSH legal requirements.

(PC3. 4)

Assess workplace compliance with the new or amended WSH legal and other requirements. (PC3. 5, UK11, 12)

Advise on necessary actions needed to comply with new or amended WSH legal and other requirements. (PC3. 6)

Identify the relevant and other legal requirements applicable to safety and health issues. (PC1. 1, UK1)

12. Clarify with the relevant authorities on the interpretation of new or amended legal and other requirements where applicable. (PC1. 4, 3. 3 UK3, 12)

Government Agencies

Acts and Legislations

Area of Application

(Eg. MOM, SCDF, NEA, etc.)

(Provide list and titles of Acts and Regulations)

(- Describe the application of each Act or Regulations.

- Also briefly explain what each of the Act and Regulations are about)

MOM

Workplace Safety And Health (Registration of Factories) Regulations 2008

Any organization/person who wants to occupy a piece of land or use any premises as a factory, falling within any of the classes of factories described in Part I or II of the First Schedule, shall apply to the Commissioner to register.

The application (accompanied by particulars, information, statements and documents) to register the premise as a factory shall be sent to the Commissioner in such form and manner as he may require. The application has to be made at least one month before the factory starts operation.

On receiving an application, the Commissioner will go through the details of application before deciding whether the premise is deemed fit to be registered as a factory. Upon successful application, the Commissioner will enter the factory in the register of factories and on successful payment of the fee specified in the Second Schedule, a certificate of registration will be issued to the applicant to certify the premise fit for operation.

MOM

WSH (General Provisions) Regulations 2006

This regulation is applicable to all factories and all owners of pressure vessels.

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This regulation describes the general safety rules and requirements which occupiers need to comply with.

For instance,

Regulation 4: Overcrowding, which require occupier to ensure that the workplace is not overcrowded so as to pose health and safety risk to the employees

Regulation 6: Lighting, which require occupier to maintain and provide sufficient and suitable lighting, whether artificial or natural, for workers to engage in operation or walking.

Regulation 10: Protection against

excessive heat or cold and harmful radiations, which require the occupier take all reasonably practicable measures to ensure that employees at are protected from excessive heat or cold and harmful radiations.

Regulation 14: Electrical installation and equipment, which require occupier to ensure that electrical installation and electrical equipment is of good made, non-faulty, well maintain and safe to use. Reasonably practicable measures have been taken by the occupier to protect against the risks of electric shock arising from or in connection with the use at work of any electrical installation or equipment in the factory.

Etc.

MOM

WSH (First Aid) Regulations 2006

This regulation is applicable to all factories, laboratories, ship in harbour, premises within airport.

This regulation describe what are the general requirements of a first aid box (what are the approved items, number of first aid boxes required against the number of employees), the requirements of first aider within the workplace, the number of first aider required within the workplace against the number of workers, and the general requirements for a first aid room.

MOM

WSH (Risk Management) Regulations 2006

This regulation is applicable to all workplaces covered under the First Schedule of the Act.

This regulation specifies that risk an assessment has to be carried out at workplaces, with the RA documented and maintained. From the RA, what are the protective and control measures implemented to protect employees against the hazards and risks identified.

MOM

WSH (Incident Reporting) Regulations 2006

This regulation is applicable to all workplaces.

This regulation requires occupier to report any accident/incident that result in injuries (injuries that resulting in more than 3 days MC or hospitalization

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for 1 day) and/or deaths, any dangerous occurrence (such as toppling of scaffold, toppling of tower crane, bursting of PUB gas pipe during excavation, etc.) and any occupational diseases suffered by an employee at the workplace.

MOM

WSH (Safety and Health Management System and Auditing) Regulations 2009

This regulation is applicable to all factories.

This regulation describes:

1) The requirements to be approved as a workplace safety and health auditor. 2) The requirement of factories to undergo a third party audit (approved auditor by MOM) on the safety and health system.

MOM

WSH (Workplace Safety and Health Committees) Regulations 2008

This regulation is applicable to all factories.

This regulation requires factories to form a WSH committee (the general requirements stated), whereby meeting should be carried to discuss on the health and safety issues within the workplace. The function of WSH committee is also clearly defined under this regulation.

SCDF

Fire Safety Act Section 20: Fire Certificate

This act is applicable to owner or occupier of any public buildings such as offices, hospitals, shopping complexes, industrial buildings and private residential buildings that fall within a specified criterion.

The Fire Certificate Scheme is to ensure that fire safety systems and fire safety measures are properly maintained, in good working condition and tested in accordance with the relevant codes of practices.

SCDF

Fire Safety (Fire Emergency Plan) Regulations

This regulation is applicable to premises that are designated or fall within the class of premises designated by the Minister under Section 21(1) of the Act.

This regulation describe the requirements of a emergency response plan within the workplace, which include, designation of one or more places within or outside the premises which is capable of accommodating all the occupants of the premises and which poses the least danger to the occupants of the premises in the event of fire to be used as an assembly area; the need of a fire safety committee; up to date records relating to reviews of the Fire Emergency Plan; conduct of fire evacuation drills; fire safety programmes are kept and maintained, etc.

SCDF

Fire Safety (Petroleum and Flammable Materials) regulations: License to store or keep petroleum or flammable materials.

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This regulation is applicable to premises that require to store or keep any petroleum or flammable material or both at any premises shall be made by the person intending to store or keep the petroleum or flammable material or both.

This regulation states that no occupier shall store or keep, or cause to be stored or kept, any class of petroleum or any flammable material except:

- (a) in or on premises licensed for the storage or keeping of such petroleum or flammable material;
- (b) in such quantities and in such manner and subject to such conditions as may be prescribed in relation to such petroleum or flammable material; and
- (c) under the authority of and in accordance with the provisions of a licence from the Commissioner and every condition specified therein.

SCDF

Fire Safety (Petroleum and Flammable Materials) regulations: License to import petroleum or flammable materials.

This regulation is applicable to occupier who wants to import of any class of petroleum or any flammable material in excess of the respective quantities specified in the Second Schedule.

The regulations require the person importing such petroleum or flammable material to hold a licence from the Commissioner to import such petroleum or flammable material; and the person does not hold such a valid licence.

Singapore Police Force

Arms and Explosives (Explosive Precursors) Rules 2007: License to store explosive precursors.

This regulation is applicable to occupier who wants to store explosive precursors for operation purposes.

Singapore Police Force

Arms and Explosives (Explosive Precursors) Rules 2007: Ad hoc license to import/export explosive precursors.

This regulation is applicable to occupier who wants to import/export explosive precursors.

The regulation requires the applicant to hold a dealer's license before applying for a license to import or export arms or explosives.

NEA

Environmental Protection and Management (Hazardous Substances) (Amendment) Regulations 2009: Permission to store and use hazardous Substances.

This regulation is applicable to a person who keeps or has in possession or under his control any hazardous substances specified in the Schedule.

The regulation specifies that the person shall be authorized to store and use hazardous substances under a permit or a license granted under section 22

of the Act to deal in hazardous substances under his possession. The person issued with the permit shall keep a record of the quantity of such substances and stored in a container based on the purpose or purposes stated in the permit. The container is designed, constructed and maintained in accordance with the code of practice and clearly labeled with restricted access to authorized personnel only.

HSA

Poisons Act, Chapter 234: Poisons Licence

This regulation is applicable to a person who import, possess for sale, sell or offer for sale any poisons.

Form A Poisons Licence is issued under the Poisons Act to allow the licensee to import, store and sell poisons by way of wholesale at the premises stated in the licence.

The licensee for Form A Poisons Licence must be working full time for the company and be given the responsibilities and accountabilities for all poisons transactions.

PUB

Sewerage and Drainage (Trade Effluent) Regulations

This regulation is applicable to factories.

This regulation specifies the discharge limit and contents requirement of trade effluent that is coming out from the factories operation. The

requirement of treating the trade effluent (installation of a treatment plant) before discharging the effluent and installing such sampling test points, inspection chambers, measuring devices, and recording and other apparatuses for monitoring.

Identify the WSH legal and other responsibilities and liabilities of stakeholders. (PC1. 2, UK2)

Explain the WSH legal and other responsibilities and liabilities to relevant stakeholders. (PC1. 3)

Stakeholder (Organization Job position)

Legal Responsibilities / Company's Job Description

Liabilities

Penalties / Offences

List and identify at least FOUR stakeholders in the company eg. Principal (WSH Manager); Subcontractor (ABC Construction Pte Ltd); Rigger (Tan Ah Seng); etc

Describe and elaborate each stakeholder legal responsibilities as well as those set by the company in their job description.

Elaborate the liabilities, penalties, and offences of each stakeholder as stipulated for the legislations)

Occupier

(Site Director under the name Avnetis Pharma Mfg Pte Ltd)

Legal responsibilities:

It shall be the duty of every occupier of any workplace to take, so far as is reasonably practicable, such measures to ensure that

- a) the workplace;
- b) all means of access to or egress from the workplace; and
- c) any machinery, equipment, plant, article or substance kept on the workplace, are safe and without risks to health to every person within those premises, whether or not the person is at work or is an employee of the occupier.

Company main HSE responsibilities:

The Site Director has overall responsibility for the effective implementation of the HSE Policy.

In compliance with the law, the Site Director shall:

1. Ensure the workplace's entrances and exits and any equipment, machinery, plant, article or substances are accessible, safe and risk-free.
2. Ensure the safety and health of his employees and personnel who may be indirectly affected in the workplace.

WSH (General Provision) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

WSH (Registration of Factories) Regulations

Fine not exceeding \$3, 000

WSH (Incident Reporting) Regulations

1st offence: Fine of not exceeding \$5, 000

2nd and subsequent offences: Fine of not exceeding \$10, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Risk Management) Regulations

1st offence: Fine of not exceeding \$10, 000

2nd and subsequent offences: Fine of not exceeding \$20, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Workplace Safety and Health Committees) Regulations

First offence: Fine of not exceeding \$10, 000

Second or subsequent offence: \$20, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Confined Spaces) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

WSH (Workplace Safety and Health Officers) Regulations

First offence: \$10, 000

Continuing offence: a further fine not exceeding \$1, 000 for every day or part thereof during which the offence continues after conviction.

Factories (Noise) Regulations

Fines not exceeding \$5, 000

Fire Safety Act

Fines not exceeding \$5, 000

Fire Safety (Building Fire Safety) Regulations

Fine not exceeding \$10, 000 or to imprisonment for a term not exceeding 6 months or both

Environmental Protection and Management (Hazardous Substances) (Amendment) Regulations

Fine not exceeding \$30, 000

or to imprisonment for a term not exceeding 2 years or both

Continuing offence: a further fine not exceeding \$1, 000 for everyday or part thereof during which the offence continues after conviction.

Environmental Public Health Act

Fine not exceeding \$10, 000 and in the case of a continuing offence, the sum of \$500 for every day or part thereof during which the offence continues after conviction

Employers

(HODs)

1) It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of his employees at work.

2) It shall be the duty of every employer to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of persons (not being his employees) who may be affected by any undertaking carried on by him in the workplace.

3) For the purposes of subsection (1), the measures necessary to ensure the safety and health of persons at work include -

a) providing and maintaining for those persons a work environment which is safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work;

b) ensuring that adequate safety measures are taken in respect of any machinery, equipment, plant, article or process used by those persons;

c) ensuring that those persons are not exposed to hazards arising out of the arrangement, disposal, manipulation, organization, processing, storage, transport, working or use of things -

i) in their workplace; or

ii) near their workplace and under the control of the employer;

d) developing and implementing procedures for dealing with emergencies that may arise while those persons are at work; and

e) ensuring that the person at work has adequate instruction, information, training and supervision as is necessary for that person to perform his work.

4) Every employer shall, where required by the regulations, give to persons (not being his employees) the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their safety or health while those person are at his workplace.

Company main HSE responsibilities:

1. Providing a safe and healthy workplace.
2. Establishing a committee or designating a representative as needed.
3. Consulting and cooperating with the committee or reперesntative.
4. Providing the information and training needed to protect the health and safety of workers.
5. Ensuring that supervisors are competent and that supervisors provide competent supervision.
6. Arranging the regular examination of the workplace, tools and equipment to ensure their safety.
7. Ensuring that tools, machinery and equipment are properly maintained.

8. Enabling a committee or representative to inspect the workplace regularly.

9. Promptly correcting unsafe conditions and activities reported by the committee or representative.

10. Ensuring that the committee or representative investigates reportable accidents and dangerous occurrences.

WSH (General Provision) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

WSH (Incident Reporting) Regulations

1st offence: Fine of not exceeding \$5, 000

2nd and subsequent offences: Fine of not exceeding \$10, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Risk Management) Regulations

1st offence: Fine of not exceeding \$10, 000

2nd and subsequent offences: Fine of not exceeding \$20, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Confined Spaces) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

Factories (Noise) Regulations

Fines not exceeding \$5, 000

Environmental Protection and Management (Hazardous Substances) (Amendment) Regulations

Fine not exceeding \$30, 000

or to imprisonment for a term not exceeding 2 years or both

Continuing offence: a further fine not exceeding \$1, 000 for everyday or part thereof during which the offence continues after conviction.

Employees

(Chemical Technician, Mechanical Technician, Logistic personnel, etc.)

Legal responsibilities:

1) It shall be the duty of every person at work

a) to use in such manner so as to provide the protection intended, any suitable appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use alone or for use by him in common with others) for securing his safety, health and welfare while at work; and

b) to co-operate with his employer or principal and any other person to such extent as will enable his employer, principal or the other person, as the case may be, to comply with the provisions of this Act.

2) No person at work shall willfully or recklessly interfere with or misuse any appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use alone or for use by him in common with others) pursuant to any requirement under this Act for securing the safety, health or welfare of persons (including himself) at work.

3) Any person at work who, without reasonable cause, willfully or recklessly does any act which endangers the safety or health of himself or others shall be guilty of an offence.

Company main HSE responsibilities:

1. Taking reasonable care to protect their health and safety and that of other workers.
2. Cooperating with employers, supervisors, committee members and representatives.
3. Using safe work procedures, safeguards, and personnel protective equipment.
4. Reporting potential hazards or risks to the employer immediately.
5. Knowing and complying with health and safety requirements.
6. Refraining from harassment.

WSH (General Provision) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

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WSH (Incident Reporting) Regulations

1st offence: Fine of not exceeding \$5, 000

2nd and subsequent offences: Fine of not exceeding \$10, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Risk Management) Regulations

1st offence: Fine of not exceeding \$10, 000

2nd and subsequent offences: Fine of not exceeding \$20, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Confined Spaces) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

Environmental Protection and Management (Hazardous Substances) (Amendment) Regulations

Fine not exceeding \$30, 000

or to imprisonment for a term not exceeding 2 years or both

Continuing offence: a further fine not exceeding \$1, 000 for every day or part thereof during which the offence continues after conviction.

WSH (Workplace Safety and Health Committees) Regulations

First offence: Fine of not exceeding \$10, 000

Second or subsequent offence: \$20, 000 or to imprisonment for a term not exceeding 6 months or to both

Duties of persons who erect, install or modify machinery or equipment and persons in control of machinery for use at work.

(company engage contractors)

1) It shall be the duty of any person who erects, installs or modifies any machinery or equipment for use at work to ensure, so far as is reasonably practicable, that the machinery or equipment is erected, installed or modified in such a manner that it is safe, and without risk to health, when properly used.

2) The duty imposed on a person erecting, installing or modifying any machinery or equipment under subsection (1) shall apply only if the machinery or equipment is erected, installed or modified in the course of the person's trade, business, profession or undertaking.

3) Any person required under subsection (1) to ensure that any machinery or equipment is erected, installed or modified in such a manner that it is safe, and without risk to health, when properly used shall be regarded as having complied with that subsection to the extent that -

a) the person ensured, so far as is reasonably practicable, that the erection, installation or modification was in accordance with the information supplied by the designer, manufacturer or supplier of the machinery or equipment regarding its erection, installation or modification; and

b) it is reasonable for the person to rely on that information.

4) Where any machinery moved by mechanical power is used in any workplace, then notwithstanding anything in this Act, it shall be the duty of the owner of the machinery to ensure -

a) so far as is reasonably practicable, that the machinery is maintained in a safe condition; and

b) that the precautions (if any) to be taken for the safe use of the machinery and the health hazards (if any) associated with the machinery is available to any person using the machinery.

5) Where the owner of any machinery moved by mechanical power has entered into a contract of hire or lease with a hirer or lessee, the duty imposed under subsection (4) shall apply to the hirer or lessee of the machinery instead of the owner.

6) Where the owner, hirer or lessee of any machinery moved by mechanical power has entered into a contract with another person to maintain the machinery, the duty under subsection (4)(a) shall apply to that other person instead of the owner, hirer or lessee of the machinery.

7) Subsections (1), (2) and (3) shall apply only to machinery or equipment specified in Part I of the Fifth Schedule.

Company main HSE responsibilities:

In compliance with the law, contractors shall:

1. Supply safety precautions to be taken for the proper use and maintenance of the machinery, equipment or hazardous substance.
2. Specify any health hazards associated with the machinery, equipment or hazardous substance.
3. Supply information relating to and the results of any tests or examinations of the machinery, equipment or hazardous substances is tested and examined to ensure safety when properly used.

WSH (General Provision) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

WSH (Incident Reporting) Regulations

1st offence: Fine of not exceeding \$5, 000

2nd and subsequent offences: Fine of not exceeding \$10, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Risk Management) Regulations

1st offence: Fine of not exceeding \$10, 000

2nd and subsequent offences: Fine of not exceeding \$20, 000 or to imprisonment for a term not exceeding 6 months or to both

WSH (Confined Spaces) Regulations

Fine not exceeding \$20, 000 or to imprisonment for a term not exceeding 2 years or to both

Environmental Protection and Management (Hazardous Substances) (Amendment) Regulations

Fine not exceeding \$30, 000

or to imprisonment for a term not exceeding 2 years or both

Continuing offence: a further fine not exceeding \$1, 000 for everyday or part thereof during which the offence continues after conviction.

Communicate with stakeholders on the implications of the WSH legal and other requirements in accordance with organizational procedures. (PC1. 5, UK4)

(- List and describe THREE different types of communication channels employed in by your company. Show evident or data. Eg. Appendix ... Minimum 100 words)

In workplaces, “ Safety” communication is essential to employees so that they are aware of the effects of Workplace Safety and Health so as to seek encouragement from them to contribute actively to Workplace Safety and Health. Contributions from the employees will only be effective if they understood their roles and responsibilities and be competent in their work tasks.

In Sanofi Aventis, the following communication channels are employed to pass on the information and messages to employees:

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E-mails:

Whenever there is a safety-related issue and/or article send down by Corporate, the information will be forwarded to all HODs so that they can pass down the information to the staffs within their department.

Health, Safety and Environment (HSE) Notice Board:

Whenever there is an incident/accident that has happened in other site within the corporate, a report of the incident/accident will be put up on the notice board to allow employees locally to learn of the issue so that the same situation will not be repeated.

HSE Committee meeting:

During the HSE committee meeting, issues on workplace health, safety and environment will be discussed, reviewed and ideas on how to improve them will be exchanged during the meeting. The discussions will be minute down and send to the committees so that they can pass down the information to other colleagues in their department.

Gather workplace information and practices relevant for the assessment of compliance with WSH legal and other requirements. (PC2. 1, UK5)

Identify gaps between workplace practices and the applicable WSH legal and other requirements. (PC2. 2)

Recommend actions to be taken by the relevant stakeholders to comply with WSH legal and other requirements. (PC2. 3, UK7)

Name & Description of Elements (SMS) or Practices (CP)

Company Practices / Gaps

Legal Requirements / Code of Practice

Compliance

Y / N

Recommended Actions

(- List at least FIVE practices or Elements of Safety Management System.

- Briefly describe each practice or element.

Eg. Permit-to-work, Safety Training, etc.

- Provide evidence such as examples, attachments, appendices, data, or documentation for