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The following Act was passed by Parliament on 6 November 2017 and assented to by the President on 7 December 2017:—

REPUBLIC OF SINGAPORE

No. 44 of 2017.

I assent.

HALIMAH YACOB,
President.
7 December 2017.



An Act to amend the Workplace Safety and Health Act (Chapter 354A of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Workplace Safety and Health (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 4

2. Section 4(1) of the Workplace Safety and Health Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “accredited training provider”;
and

(b) by inserting, immediately after the definition of “inspector”, the following definition:

““learning report” means a learning report prepared and published under section 27A;”.

New sections 27A and 27B

3. The principal Act is amended by inserting, immediately after section 27, the following sections:

“Learning report of accident, etc.

27A.—(1) Where the Commissioner considers it necessary in the interest of the public, or a section of the public, the Commissioner may prepare and publish a learning report on any accident, dangerous occurrence or occupational disease in a workplace that is the subject of an investigation under section 24.

(2) The sole objective of publishing a learning report is to prevent or minimise the recurrence of any accident, dangerous occurrence or occupational disease in a workplace, and not to apportion blame or liability.

(3) A learning report may be published before or after the conclusion of the investigation under section 24.

(4) To avoid doubt, every learning report is, for the purpose of any law, to be treated as prepared and published by and on behalf of the Government and in the service of the Government.

(5) A learning report on an accident, a dangerous occurrence or an occupational disease in a workplace may —

- (a) contain an account of the accident, dangerous occurrence or occupational disease;
- (b) specify the cause or causes of, and circumstances or factors leading to, the accident, dangerous occurrence or occupational disease insofar as they may be ascertained;
- (c) contain an opinion by a person with technical or specialised knowledge of the machinery, equipment, plant, article, process, substance, work or workplace involved in the accident, dangerous occurrence or occupational disease;
- (d) contain a warning of any danger or risk to the safety and health of persons at work or persons who may be affected by any undertaking carried on in the workplace;
- (e) contain any recommendation to prevent or minimise the recurrence of any similar accident, dangerous occurrence or occupational disease in a workplace; and
- (f) contain any other matter that the Commissioner considers relevant, taking into account the sole objective mentioned in subsection (2).

Learning report, etc., not admissible in evidence

27B.—(1) Subject to subsection (3), a learning report, or any draft of the learning report, is not admissible in evidence in any civil, criminal, arbitral or disciplinary proceedings before any court, tribunal or body, or any proceedings under the Work Injury Compensation Act (Cap. 354).

(2) An inspector is, in any proceedings mentioned in subsection (1), not compellable —

- (a) to produce or answer questions about any document or part of a document made by the inspector and contained in a learning report, or in any draft of the learning report; or
- (b) to give evidence on the preparation of a learning report, or any draft of the learning report.

(3) Subsections (1) and (2) do not apply to the following:

- (a) an inquiry under section 26;
- (b) an inquiry under the Coroners Act (Cap. 63A);
- (c) an inquiry by a commission of inquiry or a committee of inquiry under the Inquiries Act (Cap. 139A).”.

Repeal of section 31

4. Section 31 of the principal Act is repealed.

Amendment of section 32

5. Section 32 of the principal Act is amended —

- (a) by inserting the word “or” at the end of paragraph (c);
- (b) by deleting the word “; or” at the end of paragraph (d) and substituting a comma; and
- (c) by deleting paragraph (e).

Amendment of section 61

6. Section 61 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) No liability shall lie personally against —

- (a) the Commissioner;
- (b) a Deputy Commissioner;
- (c) an inspector; or

(d) an authorised officer appointed by the Commissioner under section 7(3),

who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.”;

(b) by deleting the words “Subsection (1) shall apply only in respect” in subsection (2) and substituting the words “No liability shall lie personally against an authorised examiner who, acting in good faith and with reasonable care in the course of carrying out any prescribed examination or test, damages any one or more”;

(c) by deleting the word “or” at the end of subsection (2)(h); and

(d) by deleting subsection (3).

Amendment of section 65

7. Section 65 of the principal Act is amended —

(a) by deleting paragraph (n) of subsection (2);

(b) by inserting, immediately after paragraph (r) of subsection (2), the following paragraph:

“(ra) the procedures for preparing and publishing a learning report;”;

(c) by deleting subsection (3) and substituting the following subsection:

“(3) The regulations made under this section may provide that any contravention of any provision of the regulations shall be an offence punishable —

(a) in the case of an offence that may cause, or result in, any death or serious bodily injury to an individual or any dangerous occurrence in a workplace, with a fine not exceeding \$50,000 or with imprisonment for a term not exceeding 2 years or with both; and

(b) in the case of any other offence, with a fine not exceeding \$20,000 or with imprisonment for a term not exceeding 2 years or with both.”.

Saving and transitional provisions

8.—(1) This Act does not affect any investigation commenced under the principal Act before the date of commencement of section 5, in respect of a person who was approved by the Commissioner as an accredited training provider under the principal Act, and every such investigation may be continued and everything in relation to such investigation may be done in all respects after the date of commencement of section 5 as if that section had not been enacted.

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.
