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Workplace Safety and Health (Amendment) Bill

Bill No. 38/2017.

Read the first time on 2 October 2017.

A BILL

intituled

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*.

5 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

10 (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

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

“Learning report of accident, etc.

20 **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.

25 (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.

30 (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; 5
- (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; 10
- (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; 15
- (e) contain any recommendation to prevent or minimise the recurrence of any similar accident, dangerous occurrence or occupational disease in a workplace; and 20
- (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 25

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). 30

(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.”;

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(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”;

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

(d) by deleting subsection (3).

Amendment of section 65

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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;”;

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(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 —

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(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

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(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.”.

5 **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
10 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
15 additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Workplace Safety and Health Act (Cap. 354A) for the following main purposes:

- (a) to remove the requirement for the Commissioner for Workplace Safety and Health (the Commissioner) to approve accredited training providers;
- (b) to empower the Commissioner to 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;
- (c) to provide for 2 tiers of maximum fines for offences specified in the regulations;
- (d) to make technical and other miscellaneous amendments to the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 4(1) to delete the definition of “accredited training provider” and to introduce a new definition of “learning report”.

Clause 3 introduces new sections 27A and 27B.

The new section 27A provides that 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. 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.

The learning report may be published before or after the conclusion of an investigation under section 24. 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.

The new section 27A also sets out the contents of a learning report.

The new section 27B(1) provides that 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).

The new section 27B(2) provides that in any proceedings mentioned in the new section 27B(1), an inspector is not compellable 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 to give evidence on the preparation of a learning report, or any draft of the learning report.

The new section 27B(1) and (2) does not apply to an inquiry under section 26, an inquiry under the Coroners Act (Cap. 63A) and an inquiry by a commission of inquiry or a committee of inquiry under the Inquiries Act (Cap. 139A).

Clause 4 repeals section 31 relating to prescribed safety and health training courses.

Clause 5 amends section 32 to remove the requirement for the Commissioner to approve an accredited training provider.

Clause 6 amends section 61 relating to the protection against personal liability for certain persons, for acts done under the Act in good faith and with reasonable care.

Clause 7 amends section 65 to delete the regulation-making power relating to accredited training providers.

The clause enables new regulations to be made regarding the procedures for preparing and publishing a learning report.

The clause also deletes and substitutes subsection (3) of section 65 so that 2 tiers of maximum fines may be prescribed for offences specified in the regulations. A fine not exceeding \$50,000 may be prescribed where the offence may cause, or result in, any death or serious bodily injury to an individual or any dangerous occurrence in a workplace. A fine not exceeding \$20,000 may be prescribed for any other offence. The maximum term of imprisonment that may be prescribed is a term not exceeding 2 years for either type of offence.

Clause 8 concerns the saving and transitional provision for pending investigations relating to accredited training providers, and also provides for the Minister to make regulations of a saving and transitional nature.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
