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WORKPLACE SAFETY AND HEALTH ACT (CHAPTER 354A)

WORKPLACE SAFETY AND HEALTH (LEARNING REPORT) REGULATIONS 2019

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In exercise of the powers conferred by section 65 of the Workplace Safety and Health Act, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Workplace Safety and Health (Learning Report) Regulations 2019 and come into operation on 22 October 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —

“authorised recipient” means any person mentioned in regulation 3(2)(a) or (b);

“interested person” means any person who, in the Commissioner’s opinion, has a significant interest in a learning report to be published, and includes any of the following persons:

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- (a) a person from whom an inspector has obtained information in the course of an investigation under section 24 of the Act on any accident, dangerous occurrence or occupational disease in a workplace that is the subject of the learning report to be published;
 - (b) a technical expert;
 - (c) a person who acts or has acted in any capacity mentioned in section 10(a) of the Act, in relation to any accident, dangerous occurrence or occupational disease in a workplace that is the subject of the learning report to be published;
 - (d) a person, other than a person mentioned in paragraph (a), (b) or (c), who may be adversely affected by the learning report to be published;

“professional adviser”, in relation to an interested person, means —

- (a) an advocate or a solicitor;
- (b) an auditor;
- (c) a technical expert who is not an interested person; or
- (d) a person with any other professional expertise or competence,

who is appointed or engaged by the interested person to advise the interested person;

“technical expert” means a person with technical or specialised knowledge of the machinery, equipment, plant, article, process, substance, work or workplace involved in any accident, dangerous occurrence or occupational disease that is the subject of a learning report to be published.

Invitation to interested persons to comment

3.—(1) Before the Commissioner publishes a learning report, the Commissioner may, by written notice, invite an interested person to

comment on the whole or any part of any draft of a learning report that the Commissioner considers applicable to the interested person.

(2) The interested person may give a copy of the whole or any part of the draft of the learning report to any of the following persons (called in these Regulations an authorised recipient):

- (a) a professional adviser of the interested person;
- (b) any other person with the written consent of the Commissioner.

(3) The interested person must provide the interested person's comments to the Commissioner —

- (a) in such form and manner as the Commissioner may require; and
- (b) within 21 days after the date of the written notice under paragraph (1), or within such extended periods of time as the Commissioner may allow in any particular case.

(4) The Commissioner may refuse to accept any comments not provided in accordance with paragraph (3).

Consideration of comments by Commissioner, etc.

4.—(1) The Commissioner must consider whether all or any of the comments provided by an interested person under regulation 3(3) are appropriate to be included in a learning report.

(2) If the Commissioner decides under paragraph (1) that it is appropriate to include any comment, the Commissioner may —

- (a) reproduce the comment in the learning report to be published, with or without editing the comment; and
- (b) set out in the learning report to be published, the Commissioner's response to the comment mentioned in sub-paragraph (a).

(3) The Commissioner is not required to invite further comments from the interested person on the Commissioner's decision under paragraph (2)(a) or (b) before the Commissioner publishes the learning report.

Offences

- 5.—(1) A person commits an offence if —
- (a) the person is, or has been, an interested person;
 - (b) the person discloses information to another person (other than an authorised recipient of the interested person);
 - (c) when disclosing the information, the person knew, or is reckless as to whether, the information is restricted information; and
 - (d) the information is restricted information.
- (2) A person commits an offence if —
- (a) the person receives information from an interested person (whether as an authorised recipient of the interested person or otherwise), or from an authorised recipient of an interested person;
 - (b) the person discloses information to another person;
 - (c) when disclosing the information, the person knew, or is reckless as to whether, the information is restricted information; and
 - (d) the information is restricted information.
- (3) A person commits an offence if —
- (a) the person obtains information in the possession of an interested person, or an authorised recipient of an interested person, without the knowledge of the interested person or authorised recipient, as the case may be;
 - (b) the person discloses information to another person;
 - (c) when disclosing the information, the person knew, or is reckless as to whether, the information is restricted information; and
 - (d) the information is restricted information.

(4) A person who is guilty of an offence under paragraph (1), (2) or (3) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) In this regulation, “restricted information” means either of the following information:

- (a) before the date of publication of a learning report — any information contained in a draft of a learning report;
- (b) on or after the date of publication of a learning report — any information contained in a draft of a learning report that is not contained in the learning report published by the Commissioner.

(6) To avoid doubt, for the purposes of paragraph (5)(a), any information contained in a draft of a learning report is restricted information even if the same information is subsequently contained in the learning report published by the Commissioner.

Made on 17 October 2019.

AUBECK KAM
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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(To be presented to Parliament under section 65(8) of the Workplace Safety and Health Act).