

No. S 37

**WORKPLACE SAFETY AND HEALTH ORDER, 2009  
(S 44/2009)**

**WORKPLACE SAFETY AND HEALTH (WORKPLACE SAFETY AND HEALTH COMMITTEES)  
REGULATIONS, 2014**

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**WORKPLACE SAFETY AND HEALTH ORDER, 2009  
(S 44/2009)**

**WORKPLACE SAFETY AND HEALTH (WORKPLACE SAFETY AND HEALTH COMMITTEES)  
REGULATIONS, 2014**

In exercise of the powers conferred by sections 29 and 64 of the Workplace Safety and Health Order, 2009, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

**PART I**

**PRELIMINARY**

**Citation and commencement.**

1. These Regulations may be cited as the Workplace Safety and Health (Workplace Safety and Health Committees) Regulations, 2014 and shall commence on the same date as the Workplace Safety and Health Order, 2009.

**Interpretation.**

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

“Chairman” means the Chairman of a workplace safety and health committee appointed under regulation 4(2)(b);

“member” means a member of a workplace safety and health committee and includes a Chairman thereof;

“secretary” means the secretary of a workplace safety and health committee appointed under regulation 5(2) or deemed to be appointed under regulation 5(1);

“workplace safety and health committee” means the workplace safety and health committee appointed under regulation 4(2)(a).

**Application.**

3. These Regulations shall apply in relation to every workplace in which 50 or more persons are ordinarily at work, excluding persons who carry out any work which is of a temporary nature and is not ordinarily carried out in the workplace.

PART II

FORMATION OF WORKPLACE SAFETY AND HEALTH COMMITTEE

**Appointment of workplace safety and health committee and Chairman.**

4. (1) For the purposes of section 29(1), a workplace safety and health committee shall be appointed in respect of every workplace to which these Regulations apply.

(2) It shall be the duty of the occupier of such a workplace to appoint, in respect of the workplace —

*(a)* a workplace safety and health committee; and

*(b)* a person as a Chairman of the workplace safety and health committee, being a person whom the occupier reasonably believes is competent to perform the functions and duties of its Chairman.

**Appointment of secretary.**

5. (1) Where there is a person appointed as the workplace safety and health officer of a workplace, he shall be deemed to be appointed as the secretary of the workplace safety and health committee of that workplace.

(2) Where no person is appointed as the workplace safety and health officer of a workplace, it shall be the duty of the occupier of the workplace to appoint, from among the members of the workplace safety and health committee of the workplace, a person to be its secretary.

**Composition of workplace safety and health committee.**

6. It shall be the duty of the occupier of a workplace to ensure that —

*(a)* the workplace safety and health committee of the workplace consists of members who are representatives of persons at work in the workplace and of the management of the workplace; and

*(b)* at all times, the number of members who are representatives of the persons at work in the workplace is not less than those who are representatives of the management of the workplace.

**PART III**

**MEETINGS OF WORKPLACE SAFETY AND HEALTH COMMITTEE**

**Meetings.**

7. (1) It shall be the duty of the occupier of a workplace to take, so far as is reasonably practicable, such measures to ensure that the workplace safety and health committee of the workplace meets at least once a month to discuss matters relating to the safety and health of persons at work in that workplace.

(2) No person shall prevent any member from attending any meeting of his workplace safety and health committee that is held during working hours.

(3) No person shall make any deduction from the salary of any member for being absent from work for the purpose of attending any meeting of his workplace safety and health committee.

**Minutes of meeting.**

8. (1) It shall be the duty of the secretary of the workplace safety and health committee of a workplace to furnish a copy of the minutes of every meeting of the workplace safety and health committee of the workplace to every member thereof and to the occupier of the workplace.

(2) It shall be the duty of the occupier of a workplace to —

(a) keep a copy of such minutes in the workplace for inspection by any inspector; and

(b) furnish a copy of such minutes to the Commissioner at any time when required by the Commissioner.

**Non-member may attend meetings.**

9. A workplace safety and health committee of a workplace may invite any person employed in the workplace who has suffered bodily injury as a result of any accident or dangerous occurrence which took place in the workplace to attend any meeting of the committee to discuss the accident or dangerous occurrence.

**Matters to be discussed at meetings.**

10. At any meeting of a workplace safety and health committee of a workplace, only matters relating to the safety and health of persons at work in the workplace shall be discussed.

PART IV

FUNCTIONS OF WORKPLACE SAFETY AND HEALTH COMMITTEE

**General inspection of workplace.**

11. (1) It shall be the duty of the occupier of a workplace to take, so far as is reasonably practicable, such measures to ensure that the workplace safety and health committee of the workplace inspects the workplace at least once a month to see if necessary measures are taken to ensure the safety and health of persons at work in the workplace.

(2) Following every inspection of the workplace under sub-regulation (1), it shall be the duty of the Chairman of the workplace safety and health committee of the workplace to ensure that the workplace safety and health committee —

(a) discusses the observations of the members during the inspection at its next meeting; and

(b) records in a report —

(i) its opinion in respect of the lack of any measure, or any deficient measure, taken to ensure the safety and health of persons at work in the workplace; and

(ii) its recommendations on the actions to be taken in the workplace to ensure the safety and health of persons at work in the workplace.

**Inspection of workplace after accident or dangerous occurrence.**

12. (1) Where any accident or dangerous occurrence has taken place in any workplace —

(a) it shall be the duty of the occupier of the workplace to take, so far as is reasonably practicable, such measures to ensure that the workplace safety and health committee of the workplace immediately carries out an inspection of the workplace; and

(b) it shall be the duty of the workplace safety and health officer appointed in respect of the workplace (if one has been appointed) to immediately conduct an investigation into the accident or dangerous occurrence and furnish the Chairman of the workplace safety and health committee of the workplace with a report of the findings of his investigation.

(2) After an inspection has been carried out in accordance with sub-regulation (1)(a) of a workplace where an accident or a dangerous occurrence has

taken place, it shall be the duty of the Chairman of the workplace safety and health committee of the workplace to ensure that the workplace safety and health committee of the workplace —

(a) holds a meeting to discuss the observations of the members during the inspection and the report of the workplace safety and health officer referred to in sub-regulation (1)(b), if any; and

(b) records in a report —

- (i) its opinion in respect of the lack of any measure, or any deficient measure, taken to ensure the safety and health of persons at work in the workplace so far associated with the condition of the workplace and the cause of the accident or dangerous occurrence; and
- (ii) its recommendations on the actions to be taken in the workplace to ensure the safety and health of persons at work in the workplace.

**Action to be taken on report of workplace safety and health committee.**

13. (1) It shall be the duty of the Chairman to furnish every report of his workplace safety and health committee referred to in regulation 11(2)(b) or 12(2)(b) to the occupier of the workplace.

(2) It shall be the duty of the occupier of the workplace, as soon as is reasonably practicable after receiving any report furnished under sub-regulation (1), to do the following —

(a) discuss the recommendations of the workplace safety and health committee with the workplace safety and health officer (if one has been appointed) or the Chairman;

(b) record in the report the occupier's decision; and

(c) direct any person at work in the workplace to take such action as the occupier thinks necessary in the interests of the safety and health of persons at work in the workplace.

(3) It shall be the duty of the occupier of the workplace to keep a copy of every report furnished under sub-regulation (1) in the workplace.

**Workplace safety and health committee to assist in organising certain activities to promote safe conduct of work in workplace.**

14. The workplace safety and health committee of a workplace may assist in organising any contest, competition or other activity for the purpose of promoting the safe conduct of work in the workplace.

**Guidelines to promote safe conduct of work in workplace.**

15. (1) The workplace safety and health committee of a workplace shall, with the approval of the occupier of the workplace, issue a set of guidelines to promote the safety and health of persons at work in the workplace.

(2) The guidelines may, with the approval of the occupier of the workplace, be amended or revoked by the workplace safety and health committee.

(3) It shall be the duty of the occupier of the workplace to publish a copy of the guidelines, and all amendment made to the guidelines, in such manner as will secure adequate publicity at the workplace for the guidelines.

**Basic knowledge of members of workplace safety and health committee.**

16. It shall be the duty of the occupier of a workplace to take, so far as is reasonably practicable, such measures to ensure that the members of the workplace safety and health committee have a basic understanding and knowledge of the functions and duties of a workplace safety and health committee under the Order.

**Powers of workplace safety and health committee.**

17. The workplace safety and health committee of a workplace shall, for the purposes of discharging its functions and duties under the Order, have the power to do all or any of the following —

(a) to enter, inspect and examine the workplace at any reasonable time;

(b) to inspect and examine any machinery, equipment, plant, installation or article in the workplace;

(c) to require the production of factory records, certificates, notices and documents kept or required to be kept under the Order, including any other relevant document, and to inspect and examine any of them;

(d) to make such examination and inquiry of the workplace and of any person at work in that workplace as may be necessary to execute its duties;



*(e)* to assess the levels of noise, illumination, heat or harmful or hazardous substances in the workplace and the exposure levels of persons at work therein;

*(f)* to investigate any accident, dangerous occurrence or occupational disease that occurred within the workplace.

**PART V**

**GENERAL**

**Offences.**

18. Any person who contravenes regulation 4(2), 5(2), 6, 7(1), (2) or (3), 8(1) or (2), 11(1) or (2), 12(1) or (2), 13(1), (2) or (3), 15(3) or 16 is guilty of an offence and liable on conviction —

*(a)* for a first offence, to a fine not exceeding \$10,000; and

*(b)* for a second or subsequent offence, to a fine not exceeding \$20,000,

imprisonment for a term not exceeding 6 months or both.

Made this 30th. day of Jamadilakhir, 1435 Hijriah corresponding to the 30th. day of April, 2014.

PEHIN UDANA KHATIB DATO PADUKA SERI SETIA  
USTAZ HAJI AWANG BADARUDDIN BIN  
PENGARAH DATO PADUKA HAJI OTHMAN  
Minister of Home Affairs,  
Brunei Darussalam.