

No. S 38

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

**WORKPLACE SAFETY AND HEALTH (INCIDENT REPORTING) REGULATIONS, 2014**

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

**WORKPLACE SAFETY AND HEALTH (INCIDENT REPORTING) REGULATIONS, 2014**

In exercise of the powers conferred by sections 27 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 (Incident Reporting) 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 —

“accident” means any unintended event which causes bodily injury to a person, but does not include any bodily injury sustained by a person —

(a) in the course of commuting to or from his workplace using a mode of transport provided by his employer;

(b) as a result of his act or default while driving any vehicle on a public road in the course of his work; or

(c) in the course of his work as a domestic worker;

“domestic worker” means any person employed in or in connection with the domestic services of any private premises;

“vehicle” means any vehicle (whether mechanically propelled or otherwise) used for the conveyance of goods or passengers.

**PART II**

**NOTIFICATION AND REPORTING OF DEATHS AND DANGEROUS OCCURRENCES**

**Duty to notify and report accident leading to death.**

3. (1) Where any accident at a workplace occurs which leads to the death of any employee, the employer of that employee shall, as soon as is reasonably practicable, notify the Commissioner of the accident.

(2) Where any accident at a workplace occurs which leads to the death of any person who is not at work or of any self-employed person, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the accident.

(3) The employer or occupier, as the case may be, shall thereafter, but not later than 10 days after the accident, submit a report to the Commissioner.

**Duty to notify and report dangerous occurrence.**

4. (1) Where any dangerous occurrence occurs at a workplace, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the occurrence.

(2) The occupier shall thereafter, but not later than 10 days after the occurrence, submit a report to the Commissioner.

**PART III**

**REPORTING OF INJURIES AND OCCUPATIONAL DISEASES**

**Duty to report accident leading to injury.**

5. (1) Where an employee meets with an accident at a workplace and he —

(a) is granted more than 3 consecutive days of sick leave by a registered medical practitioner for that injury; or

(b) is admitted in a hospital for at least 24 hours for observation or treatment,

the employer of that employee shall, not later than 10 days after the accident, submit a report to the Commissioner.

(2) Where an employee meets with an accident at a workplace which is reported under sub-regulation (1), and subsequently dies as a result of the injury,

the employer of that employee shall, as soon as is reasonably practicable, notify the Commissioner of the death.

(3) Where any person who is not at work or any self-employed person meets with an accident at a workplace which requires him to be taken to a hospital for treatment in respect of that injury, the occupier of the workplace shall, as soon as is reasonably practicable, notify the Commissioner of the accident.

**Duty to report occupational disease.**

6. (1) Where an employee suffers an occupational disease at a workplace, and the employer of that employee receives a written statement prepared by a registered medical practitioner diagnosing the occupational disease, the employer shall, not later than 10 days after receipt of the written diagnosis, submit a report to the Commissioner.

(2) Any registered medical practitioner who diagnoses any employee with an occupational disease shall, not later than 10 days after the diagnosis, submit a report to the Commissioner.

**PART IV**

**GENERAL**

**Duty to keep records.**

7. (1) Every employer and every occupier of a workplace shall keep a record of every notification or report made by him under these Regulations.

(2) The employer or occupier, as the case may be, shall keep every record made by him for a period of 3 years from the time of the notification or report, as the case may be.

(3) The employer or occupier, as the case may be, shall furnish the Commissioner with such extracts of his records as the Commissioner may require.

**Form and manner of notification and reporting.**

8. Any notification or reporting required under regulations 3 to 6 shall be made in such form and manner as the Commissioner may determine.

**Offences.**

9. (1) Any —

(a) employer who contravenes regulation 3(1) or (3), 5(1) or (2), 6(1) or 7;

(b) occupier of a workplace who contravenes regulation 3(2) or (3), 4, 5(3) or 7; or

(c) registered medical practitioner who contravenes regulation 6(2),

is guilty of an offence and liable on conviction —

(i) for a first offence, to a fine not exceeding \$5,000; and

(ii) for a second or subsequent offence, to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

(2) Any person knowingly makes any false notification or report to the Commissioner about the occurrence at any workplace of any accident, dangerous occurrence or occupational disease is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, 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.