

HEALTH AND SAFETY AT WORK (GENERAL WORKPLACE CONDITIONS) REGULATIONS 2003

Table of Amendments

Health and Safety at Work (General Workplace Conditions) Regulations 2003 (LN 25 of 2003) commenced on 1 July 2003, as amended by:

Amending Legislation	Date of Commencement
Revised Edition of the Laws (Consequential Amendments) Regulations 2016 (LN 99 of 2016)	1 December 2016
Health and Safety at Work (General Workplace Conditions) (Amendment) Regulations 2021 (LN 53 of 2021)	8 July 2021
Health and Safety at Work (General Workplace Conditions) (Amendment) Regulations 2023 (LN 26 of 2023)	17 March 2023

[HSW 13,305] Short title

1

These Regulations may be cited as the Health and Safety at Work (General Workplace Conditions) Regulations 2003.

[HSW 13,310] Commencement

2

These Regulations come into force on 1 July 2003.

[HSW 13,315] Application

3

(1) These Regulations applies to all workplaces to which the provisions of the Act apply, except workplaces excluded under section 3 of the Act.

[subreg (1) renum LN 53 of 2021 reg 2, effective 8 July 2021]

(2) The health and safety provisions for exempt workplaces are separately covered under the Mining Act 1965 and the Quarries Act 1939.

[subreg (2) subst LN 26 of 2023 reg 2, effective 17 March 2023]

[HSW 13,320] Definition

4

(1) In these Regulations, unless the contrary intention appears—

Act

means the Health and Safety at Work Act 1996;

administrative noise control

means a measure that reduces the noise to which a person at a workplace is exposed by means of work arrangements and includes—

- (a) the scheduling of work;
- (b) job rotation;
- (c) limiting the entry of persons to noisy areas; or
- (d) the observance of quiet work practices, but does not include the use of personal hearing protectors;

approved Standard

means any standard referred to in regulation 62;

atmospheric contaminant

means a harmful substance or agent that occurs in the form of any fume, mist, gas, dust, vapour or biological contaminant;

atmospheric monitoring

means the sampling of the atmosphere at a workplace and deriving a quantitative estimate of the levels of hazardous substances in the air;

Australian Standard

or **AS** means a standard of the Standards Association of Australia;

building

includes part of a building;

building maintenance unit

means a power-operated suspended platform and associated equipment that is permanently installed on a building, and specifically designed to provide access to a face of a building for maintenance purposes;

Code of Practice

means any code of practice in respect of any OHS matter that has been approved by the National Occupational Health and Safety Advisory Board;

competent person

means a person who is suitably qualified (including experience and training) to carry out the work or function described in the relevant regulation;

confined space

means an enclosed or partially enclosed space that is at atmospheric pressure during occupancy and not intended or designed primarily as a place of work and which—

- (a) may have restricted means for entry and exit; and
- (b) may have potentially harmful atmospheric contaminants or an unsafe oxygen level; or
- (c) may cause engulfment and includes—
 - (i) a storage tank, tanker, process vessel, boiler, pressure vessel, silo or other tank-like compartment;
 - (ii) an open-topped space such as a degreaser or pit;
 - (iii) a pipe, sewer, shaft, duct or similar structure;
- (d) a shipboard space entered through a small hatchway or access point, or a cargo tank, cellular double bottom tank, duct keel, ballast or oil tank or other void space, other than a dry cargo hold;

dB(A)

means decibels of A-weighted sound pressure level;

dB(lin)

means decibels of unweighted sound pressure level;

designer

means a person who designs plant or structures, or who is responsible for the design of plant or structures;

electrical installation

includes any electrical wiring, accessory, fitting, consuming device, control or protective gear, or other equipment associated with wiring situated in or on a workplace. It also includes anything associated with the generation, transformation, conversion, switching, controlling, regulating, distributing and use of electrical energy in any workplace where the provisions of these Regulations apply;

engineering noise control

means a measure that reduces the noise to which a person at a workplace is exposed through the design or modification of plant or the physical working environment, including design or modification for—

- (a) eliminating noisy plant;
- (b) replacing noisy plant by quieter plant;
- (c) reducing noise emission at its source;
- (d) isolating or enclosing noisy plant;
- (e) the acoustical treatment of the workplace;

but does not include the use of personal hearing protectors;

ergonomics

connotes a situation where steps have been taken to adapt the functioning of plant, or systems of work to human capacity and need;

exposure standard

—

- (a) in relation to an atmospheric contaminant has the meaning in subregulation (4);
- (b) in relation to noise has the meaning referred to in regulation 43;

first aid facilities

include any first aid room and equipment used in first aid treatment and first aid supplies;

first aid supplies

includes the first aid supplies listed in the Schedule;

guard

includes a device that prevents or controls access to a danger point on any plant, hazardous process or area;

hazardous substance

means a substance—

- (a) that is listed on an approved List of Designated Hazardous Substances adopted by the Australian, New Zealand, British, European or American OHS and Environment Authorities; or
- (b) that is determined to be a hazardous substance by the manufacturer or importer of the substance on the basis of an approved Criteria for Classifying Hazardous Substances;

importer

means a person who imports plant, structures, materials for structures or substances;

installer

means a person who installs plant or structures;

locking out

means the isolation of plant from an energy source;

lower explosive limit

(LEL) in relation to a flammable contaminant means the concentration of the contaminant in air below which the propagation of a flame does not occur on contact with an ignition source;

lux

means the unit of illuminance;

m

means metre;

manual handling

means an activity requiring the use of force exerted by a worker or any person to lift, lower, push, pull, carry or otherwise move, hold or restrain a load, animal or thing;

manufacturer

means a person who manufactures plant, structures, materials for the purpose of a structure or substances;

material

includes any substance;

minimise

means to reduce to the lowest level that is reasonably practicable to achieve;

mm

means millimetre;

National Building Code for Fiji

means the National Building Code for Fiji 1990 or any later revision whichever is current;

New Zealand Standard

or **NZ** means a standard of the Standards Association of New Zealand;

noise assessment

means an assessment, by a suitably qualified or experienced person, of the noise to which workers at a workplace or a part of a workplace are exposed, for the purposes of—

- (a) establishing whether or not the noise to which a worker is exposed exceeds, or is likely to exceed, the exposure standard; and
- (b) providing information about the noise to which a worker may be exposed that will assist the employer to achieve the exposure standard for noise;

OHS

means occupational health and safety;

owner

in relation to a building or plant, means a person who has right of title to, and management of, or control over, the building or plant, and includes a person who is exercising such management or control as an agent of the owner;

person

includes non-worker;

personal protective equipment

(PPE) means equipment or clothing of an approved Standard provided to or used by a person for the purpose of protecting that person from any health or safety hazard associated with the work on which the person is employed;

pole safety belt

has the meaning prescribed in an approved Standard for Industrial Safety Belts and Harnesses;

R.C.D.

means a residual current device as defined in an approved standard for In-Service Safety Inspection and Testing of Electrical Equipment;

reasonable

means to the satisfaction of a health and safety inspector;

record

includes anything in which information is stored or from which information may be reproduced;

registered nurse

means a person qualified as a general nurse and a holder of a current certificate of registration issued under the Nursing Act 2011;

rest

means a break from any continuous work which could be repetitive, laborious or from environmental conditions within the workers contract of service determined under regulation 15(3);

risk assessment

means the process of evaluating the probability and consequences of injury or illness arising from exposure to an identified hazard or hazards;

safe oxygen level

means a minimum oxygen content in air of 19.5% by volume under normal atmospheric pressure and a maximum oxygen content in air of 23.5% by volume under normal atmospheric pressure;

safety harness

has the meaning prescribed in an approved Standard for Industrial Safety Belts and Harnesses;

sanitary convenience

means a water closet (sewage or septic), earth closet, chemical closet or urinal and any air-lock used in connection therewith;

skylight

means a part of a roof of a building that is designed to allow light into the building;

structure

includes part of a structure;

supplier

—

- (a) in relation to plant, structures or materials for structures, means a person who supplies plant or materials by way of sale, lease, exchange or hire, whether as a principal or agent, and includes an importer, wholesaler, distributor and retailer;
- (b) in relation to a substance, means a manufacturer, importer, wholesaler or distributor of the substance, but does not include a retailer;

tag

means a notice placed on the control device of plant, and containing—

- (a) words directing persons not to start or operate the plant;
- (b) the date when the tag was installed; and
- (c) the worker's printed name and signature;

use

—

- (a) in relation to a plant, means to work from, operate, maintain, inspect or clean the plant; and
- (b) in relation to a substance, means the production, use, handling, storage, transportation or disposal of the substance; and

vehicle

means anything used for transporting goods or people, and includes motor vehicle.

(2) A reference in these Regulations to a document (including a code of practice, standard, rule or specification) prepared or published by a body or authority will be taken as a reference to that document as in force from time to time, and if that document is revoked and remade (with or without modifications) includes a reference to the new document in force from time to time.

(3) If there is an inconsistency between a provision of these Regulations and a document referred to in these Regulations, the provisions of these Regulations prevails over the document to the extent of the inconsistency.

(4) A reference in these Regulations to an exposure standard for an atmospheric contaminant is a reference to the relevant exposure standard prescribed by, and measured in accordance with, the current Exposure Standards for Atmospheric Contaminants in the Occupational Environment adopted by the National Occupational Health and Safety Commission of Australia.

(5) For all other definitions, reference should be made to section 5 of the Act.

[HSW 13,325] Access and egress**5**

(1) The employer shall ensure that a worker or any other person at a workplace may—

- (a) move safely about the workplace;
- (b) escape from the workplace in case of fire or other emergency from all parts of the building to a safe assembly area; and
- (c) have safe access to any place or workplace amenity.

(2) The employer shall ensure that a person who undertakes work at a workplace, or visits a workplace, is provided with a safe means of access to and egress from the workplace, in accordance with relevant provisions of the current National Building Code for Fiji.

(3) The employer shall ensure that a passage or other space used for normal movement about the workplace or intended for emergency egress is kept free of any obstruction that could hinder or prevent the safe and rapid egress of a person in an emergency and if work occurs in the passage or space, the space for egress shall be at least 600 mm wide.

(4) If the side boundaries of an aisle are not otherwise clearly defined and it is reasonable that the boundaries of the aisle be defined in the interests of health and safety, the side boundaries of the aisle shall be clearly marked by permanent lines that are—

- (a) not less than 50 mm wide;
- (b) of a contrasting colour or coloured luminous yellow or white; and
- (c) maintained in a clearly visible condition.

(5) The employer shall ensure that while any person is working in any room in the workplace—

- (a) every door in any room or any stairway, ramp and passageway leading to the room serve as a means of entrance to or egress from the room;
- (b) the outer or entrance door (whether or not it is part of the workplace) is kept clear and unlocked so as to allow quick and easy egress and that all passageways, stairways and other means of egress are clearly marked with “EXIT” signs, directional arrows and/or emergency lights as appropriate; and
- (c) every stairway, ramp, floor and balcony, and any roof to which the person normally has access, is protected by bounding walls, balustrades or other barriers where necessary to protect users from the risk of falling.

PART 3 WORKPLACE CLEANLINESS AND HYGIENE [reg 6]

[HSW 13,330] Cleanliness and hygiene

6

The employer shall ensure that—

- (a) a workplace, any other place where a worker or a non-worker may be required to go in the normal course of work, and any amenity provided for workers, are kept in a clean and hygienic state so as to ensure the health and safety of the workers;
- (b) provision is made for the regular removal of waste and rubbish, and slippery substances in such a way as to ensure that the health and safety of any worker is not affected; and
- (c) the relevant provisions of the current Public Health Act 1935 relating to cleanliness and hygiene are complied with.

PART 4 AMENITIES [regs 7–16]

[HSW 13,335] Facilities for personal belongings

7

(1) Where a change of clothes is required, a worker shall be provided with private facilities for keeping clothes and personal belongings while at work.

(2) Reasonable changing facilities shall be provided or arranged for male and female workers that—

- (a) are convenient to the workplace;
- (b) are hygienic; and
- (c) afford privacy.

(3) If clothing, boots or any protective garments usually become wet during the course of work, drying facilities shall be provided or arranged.

(4) All changing facilities shall be—

- (a) weatherproof;

- (b)well ventilated;
- (c)fitted with a dry floor and openable windows fitted with fly screens, and
- (d)equipped so as to allow persons using the facility to hang their clothes in a reasonable manner;
- (e)have privacy taking into account the gender difference in workplaces.

[HSW 13,340] Facilities for dining

8

(1) If the work is usually performed at the same place and the workplace is within a building, or a building where dining facilities are provided is not within close proximity to the workplace, the employer shall provide a safe and convenient dining facility.

(2) The dining facility provided shall—

- (a)have a floor area of at least one square metre per person for the maximum number of persons who use the facility at any one time;
- (b)be hygienic and weatherproof;
- (c)be separated from any hazard (including noise, dirt and atmospheric contaminants) produced by a work process;
- (d)include provisions for—
 - (i)washing and storing utensils;
 - (ii)boiling water;
 - (iii)storing food in a cool place and
 - (iv)a ward for conserving food;
- (e)be well ventilated;
- (f)fitted with a dry floor and openable windows with fitted fly screens;
- (g)be fitted with a seat for each person and provide at least 600 mm of table space per person; and
- (h)be supplied with sufficient refuse receptacles that are maintained in clean and hygienic conditions.

(3) If the workplace is not within a building, and no building where dining facilities exists is within proximity to the workplace, the workers who are required to carry out the work shall be provided with reasonable dining facilities that are—

- (a)separate from, but convenient to, the workplace;
- (b)hygienic; and
- (c)protected from the weather.

(4) If more than 5 workers are required to carry out the work at a particular place for 2 or more weeks, the dining facility shall also comply with the following requirements—

- (a)have a floor area of at least one square metre per person for the maximum number of persons who use the facility at a particular time;
- (b)be well ventilated;
- (c)fitted with a dry floor and openable windows fitted with fly screens;
- (d)equipped with reasonable table and seating accommodation;
- (e)include suitable provisions for washing and storing utensils, boiling water and storing food in a cool place; and
- (f)supplied with a sufficient number of refuse receptacles that are maintained in clean and hygienic conditions.

(5) The owner of a ship or aircraft shall provide suitable dining facilities for workers employed on the ship or aircraft.

[HSW 13,345] Nursing and day care facilities

9

(1) An employer who employs 200 or more workers at a workplace may establish and provide adequate facilities for nursing and day care from the date this regulation comes into effect.

(2) Where nursing or day care facilities are provided the equipment and hygienic requirements of the facilities and the number and qualifications of the staff employed on nursing or day care duties shall comply with the relevant written laws.

[HSW 13,350] Sanitary conveniences

10

(1) An owner of a workplace shall ensure that sanitary conveniences are provided in accordance with relevant provisions of the current National Building Code for Fiji.

(2) The sanitary conveniences shall be properly maintained and kept clean in accordance with the relevant provisions under the Public Health Act 1935.

(3) Where workers of both genders are, or are intended to be, employed (except in the case of workplaces where the only workers employed are members of the same family dwelling there) such sanitary conveniences shall afford separate accommodation for workers of each gender.

(4) The sanitary conveniences for each gender shall be so placed or screened that they are not visible from any place where workers have to work or pass.

(5) Every sanitary convenience shall be provided with adequate lighting and shall be sufficiently ventilated and not connect with any workroom except through an intervening airlock in accordance with relevant provisions of the current National Building Code for Fiji.

(6) Where women are employed at a workplace, adequate and hygienic means for napkin disposal shall be provided.

(7) A sanitary convenience provided pursuant to subregulation (1) shall—

- (a) if situated at a permanent workplace in a sewerage area, be a water closet attached to a sewer;
- (b) if situated at a permanent workplace outside a sewerage area, be a water closet attached to a septic tank, or to some other system approved by the relevant authorities; and
- (c) if situated at a temporary workplace, be a chemical closet or an earth closet.

(8) All sanitary conveniences shall be provided and maintained with adequate facilities including toilet tissue.

[HSW 13,355] Washing facilities

11

(1) An employer shall ensure that adequate and suitable facilities for washing are provided and maintained including the supply of running water and soap and clean disposable paper towels or

other suitable means of cleaning or drying. The facilities shall be conveniently accessible and kept in a clean and orderly condition.

(2) An owner of a workplace shall ensure that the workplace is provided with washbasin(s) in accordance with relevant provisions of the current National Building Code for Fiji.

(3) The washing facilities shall be located adjacent to the sanitary conveniences and shall be adequately lit and ventilated.

(4) An owner of a workplace shall ensure that if the nature of the work or the usual working conditions are such that a worker needs a shower at work, the worker shall have access to shower facilities. There shall be at least one shower per 10 workers or portion of 10 workers. For shower facilities relating to other classes of buildings, they shall be provided in accordance with relevant provisions of the current National Building Code for Fiji.

(5) In cases where workers of both genders are employed the shower facilities for each gender shall be separate and so placed or screened that they are not visible from any place where workers have to work or pass.

[HSW 13,360] Common facilities for 2 or more workplaces

12

It is sufficient compliance with regulation 10 (sanitary conveniences) and regulation 11 (washing facilities) in their application to each of 2 or more workplaces in a single building if there is provided and properly maintained in any of those workplaces a facility that—

- (a) would comply with regulations 10 and 11 if those workplaces were a single workplace; and
- (b) is available for use by all persons working in those workplaces at all times that any of the workers involved are at work.

[HSW 13,365] Drinking water

13

(1) Every employer shall ensure that all drinking water consumed in his or her workplace(s) shall comply with the current World Health Organization quality standard for drinking water or better, together with hygienic drinking vessel(s) to approved Standard.

(2) Where the supply of drinking water is not a supply of running water from the public main it shall be—

- (a) transported in a vessel of approved Standard by the distributor and employer;
- (b) contained in hygienic suitable vessels and kept in a cool environment;
- (c) renewed at least once daily;
- (d) preserved from contamination; and
- (e) clearly marked as drinking water.

(3) All supplies containing harmful liquids which may be confused with drinking water shall be clearly marked with their contents or an approved warning sign and stored away from the drinking water.

(4) Facilities for drinking water shall not be located in a sanitary convenience.

(5) Water which does not come from an officially approved source for the distribution of drinking water shall not be distributed as drinking water unless authorised for distribution by the relevant statutory authorities.

[HSW 13,370] Rest facilities

14

(1) Where alternative facilities are not available for workers to take temporary rest during working hours, the employer shall provide rest facilities having regard to the nature of the work and any other relevant conditions and circumstances.

(2) The rest facilities provided shall meet the—

- (a) needs of female workers;
- (b) special needs of workers with disabilities;
- (c) needs of workers engaged in particularly strenuous or repetitive work requiring temporary rest during working hours;
- (d) needs of workers employed on shift work; and
- (e) needs of workers employed on ships and aircraft.

[HSW 13,375] Ergonomics

15

(1) The employer shall ensure that any workplace and its facilities where a worker is required to perform work, are designed, arranged and maintained so that there is no risk to the health and safety of the worker, taking into consideration the following—

- (a) the postural requirements of the worker;
- (b) the visual requirements of the worker;
- (c) the capacity of the worker in relation to the demands of the work being performed;
- (d) the layout and height of the work being performed;
- (e) the layout and generation of the plant and controls used by the worker; and
- (f) the standard of seating provided for the worker where applicable.

(2) The employer shall ensure where a worker is required to perform repetitive work, that the worker is given periods of paid rest from the work to reduce the risk of injury.

(3) The employer and health and safety committee or representative determine the schedule rest periods so as to improve productivity in line with current approved Standards.

[HSW 13,380] Seating

16

(1) If a task can be effectively performed while seated, an ergonomically designed suitable seat shall be provided for the use of a worker who performs that task.

(2) There shall be provided and maintained suitable facilities for sitting sufficient to enable workers whose work in the workplace is done standing to take advantage of any opportunity for sitting that may occur in the course of their work.

- (3) If a task cannot be effectively performed while seated, but it is possible for a worker performing that task to sit from time to time, a seat shall be available for the use of a worker who performs that task during the periods when sitting is possible.
- (4) The type and design of a seat provided for the purposes of this regulation shall—
- (a) be ergonomically sound;
 - (b) provide suitable support; and
 - (c) be appropriate for the type of work performed.

PART 5 BUILDINGS AND ITS PRECINCTS [regs 17–20]

[HSW 13,385] Application

17

- (1) Subject to subregulation (2), this Part applies to a building that comprises or includes a workplace.
- (2) This Part does not apply in relation to—
- (a) a place of residence, unless it is used as a workplace, or
 - (b) a workplace where a self-employed person works alone.

[HSW 13,390] Floors and stairs

18

- (1) The construction and maintenance of floors and stairs of a workplace within a building shall be in accordance with relevant provisions of the current National Building Code for Fiji.
- (2) The employer shall ensure—
- (a) that all floors of a workplace within a building—
 - (i) are sufficiently strong to safely support plant and materials, and any person at work;
 - (ii) have an even, unbroken and slip-resistant surface that is free of indentations or other obstructions that could cause a person to trip or stumble;
 - (iii) are designed in a manner that allows any work to be carried out safely;
 - (iv) are designed to provide adequate drainage where, due to the nature of the work, liquids may come into contact with the floor; and
 - (v) if subject to use by vehicles, are maintained in a condition that allows the safe operation and use of a vehicle;
 - (b) that all openings in floors are securely fenced or otherwise made safe;
 - (c) that all steps, stairs and ramps that are used or likely to be used by the workers are provided with substantial handrails and where necessary are provided with slats or some other means sufficient to prevent slipping;
 - (d) that no stairs, ramps and passages, used or likely to be used by the workers, are so steep, narrow, winding, insecure or otherwise defective as to be unsafe; and
 - (e) that every doorway and opening used to facilitate the hoisting or lowering of goods or materials is securely fenced and provided with secure hand holds on either side.

(3) If a person at work stands for a significant proportion of a work shift in substantially the same position on a floor or work platform that would constitute a hard surface the person shall be provided with suitable and safe footwear, or a mat or other floor covering shall be provided that is—

- (a) of low thermal conductivity; and
- (b) designed to give relief from the hard surface.

[HSW 13,395] Fragile roofing materials

19

(1) If the whole or any part of the roof of any building or structure that comprises or includes a workplace consists of (or includes) any fragile material, a clearly visible warning notice shall be provided that—

- (a) displays in close proximity to the roof the words—
 - “DANGER”
 - “FRAGILE ROOFING”
 - “USE CRAWL BOARDS”; and
- (b) complies with the appropriate requirements of an approved Standard on the Design and Use of Safety Signs for the Occupational Environment.

(2) If a part of the roof of a building or structure that comprises or includes a workplace consists of a fragile skylight—

- (a) safety wire mesh shall be securely fixed immediately above or below the skylight (and in the case of mesh above the skylight, it shall be resistant to corrosion); or
- (b) securely fixed and adequately maintained barriers shall be installed around the skylight.

(3) Subregulation (2) does not apply in relation to a skylight that satisfies the impact resistance test prescribed by an approved Standard on Plastic Building Sheets.

(4) If work may be carried out on a roof that consists of (or includes) any fragile material—

- (a) a person performing or assisting with the work shall be provided with safe access to the roof;
- (b) a safe system of work shall be provided and maintained in relation to the performance of the work; and
- (c) if there is no reasonably practicable alternative to a person working on the roof, the person working on the roof shall be provided with (and use) walk ways or crawling boards of a suitable size and strength.

[HSW 13,400] Space per person

20

(1) In this regulation—

allowable area per person

means the minimum floor area a person is allowed with respect to usage within a building in accordance with relevant provisions of the current National Building Code for Fiji.

(2) An employer shall ensure that a workplace within a building or elsewhere shall not become so crowded as to cause a risk to the health or safety of any person within the building.

- (3) Without prejudice to the generality of subregulation (2), the employer shall ensure that the number of persons employed at any one time in any workplace within a building shall be in accordance with relevant provisions relating to allowable area per person under the current National Building Code for Fiji. For workplaces not within a building, relevant approved Standards are to be used in determining the allowable area per person.
- (4) Those in control of workplaces shall ensure that room sizes at these workplaces within a building shall be in accordance with relevant provisions of the current National Building Code for Fiji.
- (5) The minimum distance from the floor to a ceiling of a room within a building where a person work shall be in accordance with relevant provisions of the current National Building Code for Fiji.
- (6) Persons at work shall not be so grouped in a building as to cause a risk to their health or safety.
- (7) An owner of a building that is used as a workplace shall ensure that adequate spaces for vehicle parking within the building premises are provided to approved Standard to accommodate vehicles used by tenants of the building including customers and visitors.

PART 6 CONFINED SPACES [regs 21–27]

[HSW 13,405] Design, manufacture, supply and modification

21

- (1) A person who designs, manufactures or supplies anything which includes a confined space shall ensure—
- (a) so far as is practicable, that the design eliminates the need for persons to enter the confined space;
 - (b) if entry may be required, that the confined space is provided with safe means of entry and exit; and
 - (c) if entry may be required, that any confined space where workers work is provided with an alarm or warning system.
- (2) A person who modifies a confined space shall ensure that the modification does not affect the safe means of access and egress, and that the alarm or warning system remains operational and in effect.
- (3) If a workplace is protected by an automatic alarm system, any confined space in that workplace where workers work shall also be covered by such alarm system.

[HSW 13,410] Hazard identification and risk assessment

22

- (1) The employer shall identify any confined space associated with the performance of work and any foreseeable hazard associated with working in the confined space.
- (2) The employer shall display in a prominent place at or near the means of access, details of all such hazards including details of all types of material or matter stored in or contained in the confined space area.

- (3) The employer shall ensure, before any work which involves entry into a confined space is commenced for the first time, that a risk assessment is undertaken by a competent person.
- (4) A risk assessment undertaken for the purposes of subregulation (3) shall at least include an assessment of the following—
- (a) if the work can be carried out without the need to enter the confined space;
 - (b) the nature of the confined space and the work required to be carried out;
 - (c) the various ways in which the work could be carried out,
 - (d) the risks associated with the method of work selected; the plant to be used, and any potentially hazardous condition that may exist inside the confined space; and
 - (e) the need for emergency and rescue procedures.
- (5) Risk assessments shall be made available to health and safety representatives and committee members.
- (6) The employer shall ensure that the risk assessment, required under subregulations (3) and (4) is revised whenever there is evidence that indicates that it is no longer valid.
- (7) The employer shall ensure that a report is prepared on any risk assessment made under this regulation and that the report is retained for at least 5 years from the date of the last entry in the report.

[HSW 13,415] Control of risk

23

- (1) The employer shall ensure before a person enters a confined space—
- (a) that the confined space contains a safe oxygen level;
 - (b) that any atmospheric contaminant in the confined space is reduced to below the relevant exposure standard;
 - (c) that the concentration of any flammable contaminant in the atmosphere of the confined space is below 5% of its LEL;
 - (d) that the confined space is free from extremes of temperature;
 - (e) that appropriate steps are taken to control any risk associated with the presence of any vermin; and
 - (f) that all potentially hazardous services, including process services, normally connected to the confined space are positively isolated in order to prevent—
 - (i) the introduction of any material, contaminant, agent or condition harmful to a person in the confined space; and
 - (ii) the activation or energising of any equipment or service that may pose a risk to the health or safety of a person in the confined space.
- (2) If a confined space is required to be cleared of contaminants in order to comply with subregulation (1), the employer shall ensure—
- (a) that the contaminants are removed with the use of a suitable purging agent; and
 - (b) that a pure oxygen or gas mixture in a concentration of greater than 21% of oxygen by volume, is not used for the purging or ventilating the confined space.
- (3) If it is not practicable to provide a safe oxygen level, or atmospheric contaminants cannot be reduced to safe levels, the employer shall ensure that a person does not enter a confined space unless the person is equipped with suitable respiratory protective equipment.

(4) If a need to enter a confined space has been identified and an up to date risk assessment has been carried out, the employer shall provide and maintain equipment to an approved Standard that is adequate to the work to be carried out, including equipment for—

- (a) personal protection;
- (b) rescue;
- (c) first aid;
- (d) fire suppression;
- (e) portable alarm system; and
- (f) lighting.

(5) The employer shall ensure, before a worker or any person enters a confined space, and while a worker or any person is within a confined space, that appropriate signs and protective barriers are erected to prevent unauthorised persons from entering the area.

(6) The employer shall ensure that atmospheric monitoring of the confined space that is consistent with the risk assessment is carried out (if required by virtue of that assessment).

[HSW 13,420] Entry permit

24

(1) The employer shall not allow a person to enter the confined space except with express permission to do so by way of an entry permit.

(2) The employer shall ensure that an entry permit under subregulation (1) —

- (a) is in writing;
- (b) includes any precautions or instructions necessary for safe entry to the confined space and the performance of the relevant work; and
- (c) is kept for a period of at least one year.

(3) One permit may relate to—

- (a) the person responsible for the direct control of the work; and
- (b) the persons who carry out the work.

(4) The employer shall ensure that each person who is required to carry out the work described in an entry permit is advised of, and understands the contents of the entry permit in the presence of a health and safety representative or committee member or OHS officer. A copy of the entry permit shall be made available to the worker on request.

(5) The employer shall ensure that a written acknowledgement of the completion of the work in the confined space is prepared and that all persons involved in the work have left the space before the confined space is returned to normal use.

[HSW 13,425] Control of fire and explosion risk

25

(1) The employer shall ensure that there is no danger from explosion of dust or other such fine particle suspended or contained or likely to be contained in the atmosphere in any confined space.

(2) In the event that the work process within such confined space is likely to create or manufacture the risk of dust explosion, appropriate fire safety protection equipment shall be installed in accordance with the requirements of the National Fire Authority.

(3) If the concentration of a flammable contaminant in the atmosphere of a confined space is found to be between 5% and 10% of its LEL, the employer shall ensure that a person does not enter or remain in the confined space unless a continuous monitoring and suitably calibrated flammable gas detector is used in the confined space while the person is present in the confined space.

(4) If the concentration of a flammable contaminant in the atmosphere of a confined space is found to be 10% or more of its LEL, the employer shall ensure that no person is allowed to enter or remain in the confined space.

(5) The employer shall ensure that no work is carried out within a confined space, or on the outside surface of a confined space—

- (a) if the work or any plant is likely to cause, or create a risk to the health or safety of a person in the confined space; or
- (b) if the work or any plant is likely to cause or create a risk of a fire or explosion.

[HSW 13,430] Rescue arrangement for confined spaces

26

(1) The employer shall ensure that no person enters a confined space unless a person or persons are on standby, outside the confined space to render assistance in the event of an emergency.

(2) The employer shall provide appropriate arrangements for the effective rescue of a person from a confined space in the event of an emergency, including—

- (a) openings for entry and exit to the confined space of adequate size to permit rescue of any person who may enter the confined space;
- (b) procedures to prevent obstruction of the openings by fittings or equipment which could impede rescue, or
- (c) where compliance with paragraphs (a) and (b) is not practicable, by the provision of a suitable alternative means of rescue.

(3) If a person is required to enter a confined space during the performance of work the employer shall ensure—

- (a) adequate and suitable rescue equipment is provided and maintained;
- (b) appropriate arrangements are in place for the immediate rescue of the person in an emergency situation; and
- (c) persons involved in the work receive appropriate training and instruction in the action to be taken in an emergency situation (including established rescue procedures and the safe and proper use of rescue equipment provided).

[HSW 13,435] Information and training

27

(1) The employer shall provide information and relevant training for each worker who—

- (a) is required to carry out work in or on a confined space; or
- (b) undertakes a risk assessment of a confined space; or
- (c) issues an entry permit; or
- (d) designs or lays out a workplace that incorporates, or could incorporate, a confined space; or

- (e) manages or supervises persons working in or near a confined space; or
 - (f) maintains equipment used for or during work in a confined space; or
 - (g) purchases, distributes or maintains personal protective equipment for use in a confined space; or
 - (h) is on stand-by during the performance of work in a confined space; or
 - (i) could be involved in a rescue or first aid procedure involving work in a confined space.
- (2) The training shall, in so far as is relevant to the performance of the particular work and the worker's duties, include the following—
- (a) the hazards associated with confined spaces;
 - (b) risk assessment procedures;
 - (c) control measures for confined spaces; and
 - (d) the selection, use, fit and maintenance of safety equipment.
- (3) The employer shall maintain a record of the training provided to a worker for the purpose of this regulation and—
- (a) keep the record for at least 5 years from the date of the training; and
 - (b) make the record available, on request, to the relevant worker or a health and safety inspector.

PART 7 DANGEROUS SUBSTANCES AND HAZARDOUS WORK [regs 28–30]

[HSW 13,440] Dangerous substances

28

- (1) Every fixed vessel, structure, sump or pit of which the edge is less than one metre above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, burning, corrosive or hazardous substance either be securely covered or be securely fenced to at least one metre above that ground or platform, or, where by reason of the nature of the work, neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.
- (2) Where any fixed vessel, structure, sump or pit contains any scalding, burning, corrosive or hazardous substance but is not securely covered, any ladder, stair, gangway or access placed above, across or inside it shall be of a design and construction to approved Standards.
- (3) No person shall use or be permitted to use white or yellow phosphorous in the manufacture of matches.
- (4) To ensure the health and safety of his or her workers, the employer shall undertake the necessary hazard identification and risk assessment, and implement risk control measures to eliminate or minimise to as far as is practicable any OHS risks associated with the manufacture, use, handling, transportation, storage and disposal of hazardous substances at the employer's workplace.

[HSW 13,445] Explosive or flammable substance

29

(1) Where there is present dust, or other similar substance, of such a character and to such an extent as to be liable to give rise to an explosion, or explode on ignition, the employer shall take all practicable measures—

- (a) to minimise the explosion of the substance by—
 - (i) the effective containment of all sources producing the substance;
 - (ii) the removal or prevention of accumulation of the substance;
 - (iii) the exclusion or effective enclosure of possible sources of ignition;
 - (iv) the installation of an adequate fire protection system as may be approved by the National Fire Authority; and
 - (v) the periodic measurement of the dust concentration to ensure safe limit.
- (b) to contain the spread of any explosion of the substance by the provision of effective appliances or measures.

(2) Where any part of any plant contains any explosive or flammable gas or vapour under pressure greater than atmospheric pressure, the employer shall take all precautions to ensure that the plant is operated safely and without risk of injury to any worker operating, or in the vicinity of the plant.

(3) No plant, tank or vessel which contains, or previously contained, any explosive or flammable substances shall be subjected to any welding, brazing soldering or cutting operation or the application of heat until all practicable measures have been taken to ensure that such welding, brazing soldering or cutting operation or the application of heat can be undertaken without risk of injury to the workers involved or any persons in the vicinity.

[HSW 13,450] Hazardous work

30

(1) Where a worker may be required to—

- (a) have access to or work in an area where there is a risk to the health or safety of the worker by virtue of the nature of the hazard within the area; or
- (b) perform work on a plant where there is risk to health and safety of the worker or non-worker by virtue of the nature of the hazard associated with the plant, the employer shall develop and institute procedures to protect the health and safety of the worker in the space or area, or when performing the work.

(2) Procedures developed under subregulation (1) may include—

- (a) the removal or rendering safe of a hazardous condition;
- (b) rendering plant inoperative in a manner that prevents its reactivation while there is a risk to the health or safety of a worker;
- (c) the isolation or locking out of energy sources;
- (d) the use of tags;
- (e) the use of access permits or work permits; and
- (f) the removal of locks and tags.

(3) Where procedures developed under subregulation (1) provide for the use of locking out devices or tags and a device or tag is in use, it shall be removed—

- (a) by the worker who installed it; or

- (b) in accordance with a procedure that ensures the safety of the worker.
- (4) A person who is responsible for operating the procedure prescribed in subregulation (3)(b) shall ensure, before removing the locking out device or tag, that the health or safety of other workers at the workplace will not be at risk by the removal of the device or tag.

PART 8 ELECTRICAL [regs 31–33]

[HSW 13,455] Electrical installations and equipment

31

- (1) Any electrical installation, rewiring, electrical materials, equipment or apparatus within a workplace must be so designed, constructed, installed, protected and maintained to an approved Standard consistent with the Electricity Act 1966.
- (2) Where any electrically charged overhead cable or apparatus is likely to be a source of electrocution to workers employed, all practicable precautions shall be taken to prevent such danger either by the provision of adequate and suitably placed barriers or otherwise.
- (3) Any worker required to work on any live electrical installation, fittings, equipment or apparatus shall be a person qualified under the Electricity Act 1966 and shall be provided with suitable and effective personal clothing and safety gear.
- (4) Where any portable electric power driven equipment is provided the employer shall ensure that a portable transformer and an appropriate R.C.D are used in conjunction with that equipment.

[HSW 13,460] New installations

32

- (1) Before the installation of a supply of electricity to a workplace occurs, the employer shall ensure that the electricity installation is certified under the Electricity Act 1966 and an assessment of the risks associated with that supply is undertaken to control those risks.
- (2) Without limiting the steps to be taken to prevent any risks under subregulation (1), if a supply of electricity is provided through a power circuit, other than a lighting circuit, to a socket outlet at a workplace, any risk associated with the supply of the electricity shall be controlled by the installation of a non portable R.C.D.

[HSW 13,465] Work in proximity to exposed cables

33

- (1) Subject to subregulation (2), if a person is at risk because of the performance of work in proximity to exposed live cables and equipment (being cables and equipment designed to be used in that state), then—

- (a) the supply of electricity to the live equipment shall be disconnected; or
 - (b) if compliance with paragraph (a) is not reasonably practicable, suitable barriers shall be put in place to protect the safety of the person.
- (2) If compliance with subregulation (1) is not reasonably practicable and the person performing the work is competent and authorised to work on the electrical installation, a safe system of work may be used instead of a barrier.

PART 9 EMERGENCY FACILITIES AND PROCEDURES [regs 34–36]

[HSW 13,470] Emergency exits, procedures and training

34

- (1) The employer shall provide for the safe and rapid evacuation of persons in the event of an emergency.
- (2) If the failure of a lighting system at a workplace could cause a risk to the safety of persons at work, or to the safe and rapid evacuation of persons, a suitable emergency lighting system shall be provided and maintained.
- (3) If a workplace is within a building, located at a fixed site or at a temporary site—
- (a) adequate procedures shall exist for the shutdown and evacuation of the workplace in the event of an emergency and the details of the arrangements for evacuation shall be kept on display in an appropriate place;
 - (b) one or more responsible persons shall be appointed and trained in accordance with subregulation (4) to oversee any emergency and the use of first-attack firefighting equipment and;
 - (c) the employer shall arrange for the testing of the evacuation procedures at least once every 6 months.
- (4) The following provisions apply in relation to the appointment and training of responsible persons under subregulation (3)(b) —
- (a) the number of persons appointed at a particular workplace shall be adequate to ensure the reasonable protection of workers who work at the workplace, and in determining the number to be appointed the following factors shall be taken into account—
 - (i) the nature of the hazards at the workplace;
 - (ii) the size, location and type of workplace; and
 - (iii) the number and mobility of the workers;
 - (b) the training provided shall be adequate to ensure that the person can carry out his or her task competently and shall include—
 - (i) training in evacuation procedures; and
 - (ii) the use of fire extinguishers;
 - (c) such training shall be undertaken by the National Fire Authority, which shall be the sole authority for fire safety requirements.

[HSW 13,475] Emergency facilities

35

- (1) Appropriate firefighting facilities and, where appropriate, fire-protection facilities shall be—
- (a) available at workplaces, as may be determined and assessed by the National Fire Authority from time to time; and
 - (b) maintained in an operational condition by a competent person duly authorised by the National Fire Authority.
- (2) Portable fire extinguishers shall be provided and installed at a workplace in accordance with the requirements of the National Fire Authority.
- (3) If the accidental escape of a hazardous substance at a workplace could give rise to a risk to the health or safety of a person involved in a shutdown or clean up procedure, suitable protective equipment and clothing shall be provided to that person, and shall also be properly maintained.
- (4) Where corrosive substances are used at a workplace there shall be provided and maintained for use in case of emergency—
- (a) adequate and readily accessible means for drenching with water, any worker who has become splashed with such liquid; and
 - (b) sufficient and suitable means for flushing the eyes, conveniently situated and clearly indicated by a distinctive sign.

[HSW 13,480] Rescue arrangements for dangerous work

36

The employer shall ensure that—

- (a) if the nature of any work or the location of any workplace is particularly dangerous; or
- (b) a safety harness or safety belt is required to be worn during the performance of work; or
- (c) where there is a risk of a person falling during the performance of work—
 - (i) adequate and suitable rescue equipment is provided and maintained;
 - (ii) appropriate arrangements are in place for the immediate rescue of a person in an emergency situation; and
 - (iii) persons involved in the work receive appropriate training and instruction in the action to be taken in an emergency situation (including established rescue procedures and the safe and proper use of rescue equipment provided).

PART 10 FIRE PREVENTION [reg 37]

[HSW 13,485] Fire prevention

37

(1) Appropriate action shall be taken to ensure that the risk of accidental fire at a workplace is minimised by compliance at all times with the fire safety requirements of the National Fire Authority.

(2) For the purposes of fire prevention at a workplace—

- (a) waste materials and accumulated dust shall be removed on a regular basis;
- (b) flammable materials shall be kept and handled in a manner that minimises the risk of fire; and
- (c) warning signs that comply with the requirements of the National Fire Authority shall be displayed wherever a person may encounter materials that—
 - (i) would burn with extraordinary speed; or
 - (ii) could cause an explosion.

PART 11 LIGHTING [reg 38]

[HSW 13,490] Lighting

38

(1) Adequate and appropriate lighting shall be provided at a workplace to an approved Standard, and at any other place where a person may be required to go in the normal course of work, including means of access to and egress from a workplace and emergency exits.

(2) Adequate and appropriate lighting shall be provided for the tasks performed by each person at work in accordance with an approved Standard.

(3) All windows and skylights shall be kept in a clean state.

PART 12 MANUAL HANDLING [regs 39–42]

[HSW 13,495] Design, construction and maintenance

39

The employer shall ensure—

- (a) that plant and containers used in the workplace are designed, constructed and maintained so as to be safe and without risk to health and safety when handled manually;
- (b) that work practices involving manual handling are so designed, implemented and maintained as to be safe and without risk to health and safety; and
- (c) that the working environment is so designed, constructed and maintained as to be consistent with safe manual handling practices.

[HSW 13,500] Risk assessment

40

(1) The employer shall ensure that any manual handling that is likely to be a risk to health and safety is identified and assessed.

(2) Any assessment undertaken for the purposes of this regulation shall take into account the following factors—

- (a) the actions and movements involved in the manual handling;
- (b) the workplace and workstation layout;
- (c) the postures and positions taken by each person involved in the manual handling;
- (d) the duration and frequency of the manual handling;
- (e) the location of the loads and the distances that they will be moved;
- (f) the weights and forces involved;
- (g) the characteristics of the loads and of any equipment that is used in the task;
- (h) the organisation of work at the workplace;
- (i) the work environment;
- (j) the skill and experience of each worker employed to carry out the manual handling;
- (k) the personal characteristics of each worker who carries out the manual handling;
- (l) the clothing that is worn during the manual handling; and
- (m) any other relevant factor (as identified by the employer or any worker, health and safety representative or health and safety committee, or registered association consulted by the employer).

[HSW 13,505] Risk control

41

(1) If a manual handling task is assessed as being a risk to health and safety, the employer shall take steps to control the risk.

(2) For the purpose of subregulation (1) the employer shall—

- (a) redesign the manual handling task to eliminate or control the risk factors;
- (b) ensure that the workers involved in the manual handling task receive appropriate training, (including training in safe manual handling techniques) and supervision.

(3) Where redesign is not practicable, or as a short-term or temporary measure, the employer shall take one, or a combination of 2 or more, of the following measures as may be appropriate—

- (a) provide mechanical aids;
- (b) provide personal protective equipment;
- (c) arrange for team lifting; and
- (d) ensure that the workers receive appropriate training and supervision in the correct use or application of any mechanical aid, personal protective equipment or team lifting procedure supplied or introduced.

[HSW 13,510] Work with loads

42

(1) No employer shall require any worker to lift, carry, or move any load so heavy that its lifting, carriage or movement would be likely to injure the worker.

(2) Where the maximum permissible weight which may be transported manually by a worker is more than 25 kg, practicable measures shall be taken as quickly as possible to reduce it to that level except for work at an airport, where the maximum permissible weight which may be transported manually by a worker is set at 30 kg.

(3) Where female workers are, with their consent, engaged in the manual transport of loads during pregnancy the maximum weight of such loads shall be less than 50% of that permitted to male workers.

(4) Where any worker is engaged in any work under something that has been raised or lifted to enable the work to be done, the employer shall ensure that safety supports are provided for use in such work to ensure that the load cannot drop or be lowered while the worker is engaged in that work.

PART 13 NOISE [regs 43, 44]

[HSW 13,515] Duties of designers, manufacturers, suppliers and importers

43

(1) For the purposes of this Part—

- (a) the sound pressure level is the level of noise determined at a worker's ear position, and determined in accordance with the National Code of Practice for Occupational Noise without taking into account any protection that may be afforded by a personal hearing protector; and
- (b) the value of L peak shall be determined by using sound-measuring equipment with a peak detector-indicator characteristic that complies with the National Code of Practice for Occupational Noise.

(2) For the purpose of this regulation, the exposure standard is—

- (a) an 8-hour equivalent continuous A-weighted sound pressure level, $L_{Aeq\ 8hr}$ of 85 dB(A) referenced to 20 micropascals; and
- (b) a linear (unweighted) peak sound pressure level, L peak of 140 dB(lin) referenced to 20 micropascals.

(3) A designer, manufacturer, supplier or importer of any plant that may emit an unsafe level of noise shall comply with the requirements of the National Code of Practice for Occupational Noise in addition to ensuring that the plant is designed and constructed so that the noise emitted by the plant is, when installed and used in a reasonable foreseeable circumstance—

- (a) not above the exposure standard; and
- (b) as low as can be practicably achieved.

(4) A manufacturer, supplier or importer of plant that may emit an unsafe level of noise shall make available to employers, on request, information about—

- (a) the noise emitted by the plant; and
- (b) ways to keep the noise to the lowest level that is practicable to achieve.

[HSW 13,520] Duties of employers

44

- (1) For the purposes of this regulation, the exposure standard is—
- (a) an 8-hour equivalent continuous A-weighted sound pressure level, $L_{Aeq\ 8hr}$ of 85 dB(A) referenced to 20 micropascals; and
 - (b) a linear (unweighted) peak sound pressure level, L_{peak} of 140 dB(lin) referenced to 20 micropascals.
- (2) The employer shall provide and maintain a workplace, plant and systems of work to ensure that a worker is not, while at work, exposed to a noise level that exceeds the exposure standard.
- (3) If the employer is required to take action to ensure that a worker is not exposed to a noise level that exceeds the exposure standard, the employer shall comply with the National Code of Practice for Occupational Noise. In particular, the employer shall—
- (a) firstly implement, so far as practicable, engineering noise control measures in order to reduce the noise to which the worker is exposed;
 - (b) secondly, if compliance with paragraph (a) does not reduce the noise to which the worker is exposed to a level that is less than or equal to the exposure standard, implement so far as is practicable, administrative noise control measures in order to reduce the noise to which the worker is exposed;
 - (c) thirdly, if compliance with paragraphs (a) and (b) does not reduce the noise to which the worker is exposed to a level that is less than or equal to the exposure standard, provide the worker with appropriate personal hearing protectors—
 - (i) that meet the requirements of the National Code of Practice for Occupational Noise; and
 - (ii) that have been selected according to the procedures specified in the National Code of Practice for Occupational Noise; and
 - (d) ensure that noise control measures are properly maintained;
 - (e) provide to the worker information and training about any noise control measures implemented under paragraphs (a), (b) or (c); and
 - (f) ensure that personal hearing protectors (if required) are properly used and maintained.
- (4) Where workers are required to work in situations involving noise that may be harmful to their hearing the employer shall have their hearing tested at the employers cost in accordance with the National Code of Practice for Occupational Noise.

PART 14 OCCUPATIONAL HEALTH AND FIRST AID [regs 45–52]

[HSW 13,525] Occupational health and first aid in the workplace

45

- (1) Occupational health and first aid facilities shall be provided by an employer for the welfare of his or her workers.

(2) The National Occupational Health and Safety Advisory Board shall approve courses of training for the purpose of establishing appropriate standards in relation to the provision of first aid and the first aid facilities that are appropriate for a particular workplace.

[HSW 13,530] First aid supplies in the workplace

46

(1) The employer shall—

- (a) ensure that adequate and appropriate first aid supplies are provided for persons who may be injured in the workplace; and
- (b) take all reasonable steps to ensure every person injured in the workplace is, if first aid treatment is necessary or desirable for that person, given adequate and appropriate first aid treatment without delay.

(2) The minimum first aid supplies required by subregulation (1) to be provided in a workplace are specified in the Schedule.

[HSW 13,535] Maintenance of first aid supplies and facilities

47

The employer shall ensure that the first aid supplies and facilities provided in the workplace are—

- (a) kept clean and tidy;
- (b) readily available for the treatment of injured persons at all times when workers are working in that workplace; and
- (c) inspected quarterly to ensure they are being properly maintained.

[HSW 13,540] Availability of first aid

48

The employer shall ensure that—

- (a) first aid facilities in the workplace are appropriately positioned, conveniently accessible and adequately stocked at all times;
- (b) all workplaces and including temporary workplaces should have portable first aid facilities, the facilities shall be in accordance with an approved Standard; and
- (c) first aid facilities in the workplace shall be clearly marked and sign posted according to an approved Standard.

[HSW 13,545] Employer to appoint person in charge of first aid facilities

49

The employer at a workplace at which more than 10 workers are usually employed at any one time shall ensure that a worker is put in charge of all first aid facilities and where shifts are worked in that workplace shall ensure that a worker is appointed in respect of each shift.

[HSW 13,550] Trained person in charge of first aid

50

(1) Subject to regulation 45(2), where there are more than 50 workers at any one time in a registered workplace the employer shall ensure that at all such times the person in charge of first aid facilities is—

- (a) the holder of a current first aid certificate that is acceptable to the National Occupational Health and Safety Advisory Board; and
- (b) available at all times during working hours to be in charge of the first aid facilities.

(2) The employer shall ensure that person(s) in charge of first aid facilities or who may be required to give first aid treatment are qualified and competent to take charge of the first aid facilities and give first aid treatment.

(3) Where there are more than 50 workers at any one time the Minister may in writing direct that employers shall ensure that, at all such times the person in charge of first aid facilities is a registered nurse.

[HSW 13,555] First aid room and sick bay

51

(1) The employer at a workplace at which more than 100 workers are usually employed at any one time shall ensure that there is provided in that workplace and included as part of the first aid facilities, and also used exclusively for the giving of first aid treatment, a room/sick bay—

- (a) with a floor area of at least 10 square metres;
- (b) with walls and ceiling of a smooth impervious surface painted in light colours;
- (c) with a floor surface of a durable and easily cleaned material;
- (d) that is adequately lit, heated and/or ventilated;
- (e) with an emergency breathing apparatus or ‘oxy-viva’;
- (f) with a standard bed;
- (g) provided with a wash-basin with cold running water and hot water, soap, nail brush and clean towels;
- (h) fitted with cupboards for the storage of first aid supplies; and
- (i) furnished with a chair, couch, pillow and blankets.

(2) The employer required by subregulation (1) to provide a first aid room shall ensure that the room and the first aid supplies and other articles contained in it are properly maintained and kept clean and tidy.

(3) The first aid room shall be located close to toilets and washing facilities.

[HSW 13,560] Register of first aid treatment

52

The employer shall keep in the workplace, together with or as part of the register of accidents required to be kept by section 28 of the Act, a record of—

- (a) the nature of every first aid treatment relating to work related accidents or illnesses given in that workplace;
- (b) the date and time on which it was given;
- (c) the name and signature of the person to whom it was given; and
- (d) the nature of the injury or illness in respect of which it was given.

(Repealed)

PART 14A COVID-19 VACCINATION [Revoked]

[Pt 14A rep LN 26 of 2023 reg 3, effective 17 March 2023]

PART 15 PERSONAL PROTECTION [regs 53, 54]

[HSW 13,565] Personal protection

53

(1) The employer shall ensure that personal protective equipment and clothing of approved Standard is provided without cost to the workers where a risk at work could be minimised by its use.

(2) If work at a place of work or any working condition gives rise to a reasonably foreseeable risk to health or safety and all practicable measures have been taken to control the risk, and the provision and use of personal protective equipment or clothing would minimise the risk—

- (a) the employer shall ensure that appropriate personal protective equipment or clothing is provided, maintained and used to approved Standard.

(3) In addition to the requirements of subregulation (2), an employer shall ensure that appropriate personal protective equipment or clothing is provided to a worker where—

- (a) it is reasonably foreseeable that the worker could, while at work—
 - (i) be struck on a part of the body by a falling object or other material capable of causing injury to the body part;
 - (ii) be subject to a risk to health or safety through exposure to a substance, agent, contaminant, radiation or extreme of temperature; or
 - (iii) be exposed to a risk of injury to eyesight, or to hearing capacity; or
- (b) the nature of the worker's work is such that the worker should be highly visible due to risks arising from—
 - (i) poor lighting conditions; or
 - (ii) the proximity of the work to vehicles or other mobile plant.

(4) Any equipment or clothing provided or used for the purposes of this regulation shall be—

- (a) appropriate taking into account the nature of the particular hazard and the relevant work; and

- (b) of an appropriate size and fit, and comfortable, for a person who is required to use or wear it, and
 - (i) in the case of clothing and ear, eye, hand or foot protection, be provided to a person for that person's exclusive use;
 - (ii) in any other case where more than one worker share protective equipment, the equipment shall be sterilised after each use.
 - (c) regularly cleaned and maintained in a hygiene condition; and
 - (d) stored in appropriate and adequate storage facility.
- (5) A person who is required to use or wear equipment or clothing provided under this regulation shall receive proper training and instruction in the use and maintenance of the equipment or clothing.
- (6) If the use or wearing of equipment or clothing could effect proper communication between the workers involved, appropriate steps shall be taken to ensure that this situation does not create a risk to health or safety.
- (7) This regulation does not require a person to use or wear equipment or clothing in circumstances where to do so would create a greater risk to health or safety.
- (8) A hazardous area where personal protective equipment or clothing is required to be used or worn shall be identified by signs that comply with the relevant requirements of an approved Standard.
- (9) Except with the consent of the employer, a worker shall not remove any personal protective equipment from the workplace.
[subreg (9) am LN 99 of 2016 reg 99, effective 1 December 2016]
- (10) Every worker shall use and maintain any personal protective equipment supplied for his or her work in accordance with approved Standard.
[subreg (10) am LN 99 of 2016 reg 99, effective 1 December 2016]

[HSW 13,570] Use of air supplied respiratory equipment

54

- (1) If air supplied respiratory equipment is used in the performance of work—
- (a) the equipment shall supply air at a minimum rate of 170 litres per minute;
 - (b) the air shall contain not less than 19.5% and not more than 22% oxygen;
 - (c) the air shall, before reaching the person using the equipment, be passed through—
 - (i) an efficient purifying device that ensures that the air does not have an objectionable or nauseous odour and, if measured at 15°C and 100 kilopascals, would contain not more than 11 mg per cubic metre of carbon monoxide, and not more than 1 mg per cubic metre of oil;
 - (ii) an efficient conditioner that ensures that the air is supplied at a temperature not less than 15°C and not more than 25°C and within a humidity range not less than 20% and not more than 85%;
 - (iii) an efficient condensed trap that is fitted with a drain cork to remove any condensed liquid; and
 - (iv) an efficient ring circuit or controlled leak-off system that eliminates stale air.
- (2) Any equipment used to supply air to a person for breathing purposes shall—

- (a) be maintained in efficient working order by a competent person;
 - (b) be kept in a secured place where it cannot be contaminated or damaged;
 - (c) be maintained in a way that ensures the air supply does not overheat; and
 - (d) incorporate fittings that cannot be connected to other compressed air equipment at the workplace.
- (3) If—
- (a) an auxiliary air supply is not provided; and
 - (b) an inadequacy in the air supply might present an immediate hazard to the user of the equipment used to supply air for breathing purposes, then an effective warning device shall be provided and properly maintained.

PART 16 PREVENTION OF FALLS [reg 55]

[HSW 13,575] Prevention of falls

55

- (1) If a person is required to work—
- (a) in an elevated workplace from which the person could fall; or
 - (b) in the vicinity of an opening through which the person could fall; or
 - (c) in any other place from which the person could fall; or
 - (d) in the vicinity of an enclosure or container into which he or she could fall, then reasonable protection against any such fall shall be provided by the provision of—
 - (i) a safe means of access to and from the workplace; and
 - (ii) secure fences, covers or other forms of safeguarding or, if that is not practicable due to the nature of the work, by the provision and maintenance of safe systems of work that ensures the person's safety.
- (2) If a person at work is required to gain access to a place that cannot be reached conveniently from the floor or ground level, and no appropriate means of mechanical access or fixed stairway is available, a suitable ladder, steps or appropriate device or structure shall be provided which can be used safely.
- (3) Any safeguarding provided for the purposes of this regulation shall be kept in good condition and shall not be removed except so far as may be necessary to allow the access or egress of any person or the shifting of materials.
- (4) In determining the appropriate systems of work for the purposes of this regulation, consideration shall be given to—
- (a) the use of a safety harness or a pole safety belt (if appropriate), attached to a secure structural support (either directly or if that is not practicable, through the use of an adequate static-line system) if a safe working platform cannot reasonably be provided;
 - (b) the use of a fall-arresting device (where appropriate);
 - (c) the undertaking of training in relation to the hazards that may be encountered in the performance of the work;
 - (d) the provision of supervision by a competent person; and
 - (e) the provision of assistance by another person.
- (5) If a person carries out maintenance work on a structure and the person is required to work in an elevated workplace, reasonable protection against any fall shall be provided—

- (a) by the use of a building maintenance unit installed by a competent person; or
 - (b) by the use of scaffolding or other type of safe working platform.
- (6) If compliance with subregulation (5) hereof is not practicable, protection shall be provided by the use of a safety harness attached to a safety line that is in turn attached to an appropriate anchorage (taking into account the situation of the work and the construction of the building).
- (7) A safety harness or line supplied or used for the purpose of this regulation shall be inspected on a regular basis and a harness or line that shows wear or weakness to an extent that may affect the integrity of the harness or line shall not be used.
- (8) An anchorage or system of anchorage shall be inspected on a regular basis.
- (9) If the load-bearing capacity of an anchorage may be impaired, the anchorage shall immediately be made inoperable so as to prevent accidental use.
- (10) The following requirements shall be observed in relation to the use of ladders at work, or to gain access to or egress from a workplace—
- (a) a ladder shall be of sound construction and maintained in a safe condition;
 - (b) a ladder shall not be used in a manner that endangers the safety of any person;
 - (c) a step ladder shall be fitted with a rigid spreader connecting the back legs to the stiles which, when correctly engaged, prevents the ladder from accidentally closing;
 - (d) if a portable single ladder or extension ladder is used, the ladder shall be—
 - (i) placed so that the horizontal distance between the top support point of the ladder and the foot of the ladder is approximately one-quarter of the supported length of the ladder; and
 - (ii) located on a firm footing and effectively secured in position to prevent slipping and sideways movement; and
 - (e) no ladder other than a trestle ladder may be used to support planks for a working platform, and any such platform may only be used for light duty work.
- (11) In this regulation—
structure
includes both permanent and temporary structures.
- (12) All systems and equipment shall be regularly inspected at least once every 6 months by a competent person and shall comply with approved Standards.

PART 17 REMOTE OR ISOLATED WORK [reg 56]

[HSW 13,580] Remote or isolated work

56

- (1) No employer shall require a worker to perform alone any work that is hazardous.
- (2) If a person works alone—
- (a) in an area that is remote from others or isolated from the assistance of others because of the time, location or nature of the work; or
 - (b) in a situation that involves the operation or maintenance of hazardous plant, or the handling of a hazardous substance; an adequate and reliable system for ensuring regular direct communication with the person shall be provided and maintained.
- (3) Arrangements shall be made to ensure that regular inspections are made of remote or isolated work on which workers are employed.

PART 18 STORAGE [reg 57]

[HSW 13,585] Storage

57

- (1) The employer shall ensure the safe stacking, storage and removal of all plant and materials at a workplace.
- (2) The employer shall—
 - (a) ensure that every container holding any material that is, or likely to be, corrosive, irritant, toxic, explosive or otherwise capable of endangering the health of any person who may come into contact with it is—
 - (i) safely and securely stored; and
 - (ii) clearly labelled in a way that is understood by all workers and accurately identifies the contents;
 - (b) instruct the workers on what procedures are to be taken in the event of any spillage, splash or leakage of the contents of the container; and
 - (c) take all reasonable steps to ensure that goods, materials, substances, and equipment are stacked, stored, removed and secured so that they do not constitute a danger to persons in their vicinity.
- (3) The employer shall ensure that workers responsible for stacking, storing, removing or securing any goods, materials, substances or equipment are instructed as to the safe manner of doing so.
- (4) All storage containers, pallets and other equipment used for handling, transporting or storing goods, materials, substances and equipment shall be regularly inspected and properly maintained in a safe condition.

PART 19 TRAFFIC CONTROL [reg 58]

[HSW 13,590] Traffic control

58

- (1) No person shall drive a vehicle for work purposes unless he or she is certified by a medical practitioner as being medically fit and appropriately licensed by the relevant authority as required under the current Land Transport Act 1998.
- (2) Steps shall be taken to ensure reasonable traffic control at a workplace where vehicles are used, or are allowed to enter or leave, in order to minimise any danger caused by the movement or use of vehicles at the workplace.
- (3) If a person is required to work at a place where moving vehicles create a risk to safety, systems of work and where appropriate, signs, warning devices, barriers, detours and high

visibility clothing in accordance with the current Land Transport Act 1998, shall be displayed and used to minimise the risk.

(4) If vehicles are operated in a building or other confined or enclosed space, adequate ventilation of the building or space shall be provided and maintained.

PART 20 VENTILATION [reg 59]

[HSW 13,595] Ventilation

59

(1) The employer shall ensure—

- (a) that an adequate supply of clean air for the number of people at the workplace is provided and maintained to an approved Standard; and
- (b) that if atmospheric contaminants or impurities are created or otherwise occur at any workplace, exposure to those particles or dust is prevented or otherwise controlled to approved standards so as to minimise any risk to health and safety of workers or other persons at the workplace.

(2) If a workplace is situated within a building, the workplace shall be reasonably ventilated to an approved Standard.

(3) If an atmospheric contaminant that arises or is present at any workplace could cause a risk to the health and safety of a person at work, exposure to that contaminant shall be prevented or, where that is not practicable, adequately controlled to approved Standard, so as to minimise that risk.

(4) In so far as is practicable the prevention or control of exposure to a contaminant under subregulation (3) shall be achieved by measures other than the provision of personal protective equipment.

(5) If an exhaust system is used to control exposure to a contaminant in accordance with subregulation (3), the exhaust system shall be designed and constructed to approved Standards and—

- (a) located as near as practicable to the source of the contaminant in order to eliminate or minimise the risk of inhalation of the contaminant by any person at work;
- (b) used for so long as the contaminant is present; and
- (c) kept free of accumulations of the contaminant and maintained in a clean state.

(6) If the exhaust system is provided to control atmospheric contaminants arising from flammable substances, it shall be designed and constructed so as to prevent the occurrence of a fire or explosion.

(7) A duct fitted to an exhaust system shall be fitted with an inspection point at any place where a blockage is likely to accumulate.

(8) All equipment provided shall be regularly inspected by a competent person and shall comply with an approved Standard.

PART 21 THERMAL ENVIRONMENT [reg 60]

[HSW 13,600] Thermal environment

60

(1) No worker shall be required to work regularly in the immediate surrounding of a plant, substance or process radiating a large amount of heat or causing an intense cooling of surrounding air that is harmful to health unless suitable control measures to approved Standards are taken.

(2) Fixed or movable screens, deflectors, suitable protective equipment or other suitable devices shall be provided and used to protect workers against any exposure to large scale intake of cold or heat, including the heat of the sun.

(3) In any workplace where there is situated a refrigeration chamber, tank, room or other space in which the temperature of the atmosphere may endanger the health of a worker trapped inside it, the employer shall ensure—

- (a) that the chamber, tank, room or other space is so constructed to approved Standards that at all times and in all circumstances—
 - (i) there is an opening through which any person inside it may readily escape;
 - (ii) a door of escape can readily be opened by any person within it.
- (b) that if the chamber, tank room or other space has such an escape door, there are fixed within it permanent means of indicating the door's position being a luminous notice, pilot light or some other suitable means.

(4) The provisions of subregulation (3) hereof shall also apply to any chamber, tank, room or other space in which the temperature of the atmosphere is heated to such an extent that it may endanger the health of a worker trapped inside it.

PART 22 CONSUMPTION OF SUBSTANCES [reg 61]

[HSW 13,605] Consumption of substances

61

(1) The employer shall not allow within the workplace the keeping or use of drugs, other than for medical purposes or related to the business or trade of the employer.

(2) No worker or other person shall while at any workplace keep or use any drug, other than for medical purposes.

(3) Where workers or other persons who smoke tobacco so request, the employer may set aside an area where workers or other persons may smoke or unless the place is prohibited under the Tobacco Control Act 2010.

PART 23 APPLICATION OF STANDARDS [reg 62]

[HSW 13,610] Application of standards

62

Where in these Regulations there is any reference to the application of any approved Standard, that reference shall mean any Australian or New Zealand (AS / NZ) Standard the application of which will ensure compliance with the regulations and any relevant Code of Practice. An approved Standard also includes any British (BS), European (ES) or American (US) Standard where its application is appropriate to ensure compliance with the Regulations or any relevant Code of Practice.

PART 24 EXISTING BUILDINGS AND PRIOR APPROVAL FOR NEW WORKPLACES [regs 63, 64]

[HSW 13,615] Existing buildings

63

- (1) The owner of a building that is used as a workplace, shall ensure that every part of that building shall be of sound construction and kept in good state of repair to ensure that workers working in or persons passing through any part of that building are not exposed to unacceptable OHS risks.
- (2) Every building shall, as far as practicable, protect workers or other persons from the weather, have a water-tight roof, and there shall be no significant amounts of dampness passing through the walls or arising from the floor, which are liable to affect the safety of the building or the health of workers or other persons.
- (3) Where any floor is liable to become wet to such an extent that the moisture is capable of being removed by drainage, effective means shall be provided and maintained for draining off the moisture.

[HSW 13,620] New buildings and alterations

64

- (1) Any person responsible for the design and planning of a new building, or alteration of an existing building, demolition, the removal of debris, the addition to an existing building or the alteration of an existing building, which is intended to be used as a workplace shall, before work on the building or alterations commences—
 - (a) deliver to the Chief Health and Safety Inspector a copy of the design plans; and
 - (b) provide any other information relating to the proposed building or alterations required by the Chief Health and Safety Inspector.
- (2) No building which is to be used as a workplace shall be built, occupied or altered until the design plans have been approved by the Chief Health and Safety Inspector.

- (3) Any local or rural authority shall not approve any design plan of a new building or an alteration to an existing building which is to be used as a workplace without the prior approval of the Chief Health and Safety Inspector in consultation with the relevant health authorities.
- (4) Before deciding on the “prior approval” referred to in subregulation (3), the Chief Health and Safety Inspector shall consider both the requirements under these Regulations and those under the current National Building Code for Fiji, including the special provisions for the physically handicapped. Where there exists a conflict between these requirements, the requirement(s) with the highest level of occupational health and safety standard shall be adopted.

PART 25 OFFENCES AND PENALTIES [reg 65]

[HSW 13,625] Penalty

65

- (1) Any person who fails to comply with a provision of these Regulations commits an offence.
- (2) Any person, other than a worker, who contravenes or fails to comply with any provision of these Regulations commits an offence and, unless otherwise provided, shall be liable to a fine of not more than \$20,000 in the case of a corporation or \$2,000 in any other case.
- (3) Any worker who contravenes or fails to comply with any provision of these Regulations which apply to workers, commits an offence and shall be liable to a fine of not more than \$200.

PART 26 RISK IDENTIFICATION, ASSESSMENT AND CONTROL [reg 66]

[HSW 13,630] OHS risk management

66

To ensure the health and safety of his or her workers, an employer shall undertake the necessary hazard identification and risk assessment, and implement risk control measures to eliminate or minimise to as far as is practicable any OHS risks that may arise from the employer’s undertaking(s) that has the potential to harm the health and safety of any worker or other person within the employer’s workplace.

PART 27 REPEAL [reg 67]

[HSW 13,635] Repeal

67

The following Regulations and Orders made under the Factories Act 1971 are repealed—

- (a) FACTORIES (FIRST-AID) ORDER;
- (b) FACTORIES (GENERAL REGISTER) ORDER; and
- (c) FACTORIES (PROTECTION OF EYES) ORDER.

[reg 67 am LN 99 of 2016 reg 99, effective 1 December 2016]

**[HSW 13,735] SCHEDULE (Regulation 46)
FIRST AID SUPPLIES**

(1) Employer employing 10 persons or less—

<i>Item</i>	<i>Minimum Quantity/Amount</i>
Adhesive Plaster (50 mm) and/or Elasto-Plast.....	1 spool
Lint or Gauze.....	1 roll
Bandages 25mm Gauze.....	2 rolls
Bandages 50mm Gauze.....	2 rolls
Bandages 75mm Gauze.....	2 rolls
Cotton Wool.....	125 g
Antiseptic Wound Lotion *.....	250 ml
Boracic Lotion for Eyes *.....	110 ml
Band Aid.....	20
Triangular Bandage.....	3
Savlon/Dettol *.....	125 ml
Bandage — Elastic (50 mm).....	1 only
Tweezers.....	1 only
Scissors.....	1 pair
Disposal Gloves.....	2 pairs
Pain Killer*.....	20

(2) Employer employing not less than 11 and not more than 50 persons—

<i>Item</i>	<i>Minimum Quantity/Amount</i>
Adhesive Plaster (50 mm) and/or Elasto-Plast.....	2 spools
Lint or Gauze.....	2 rolls

<i>Item</i>	<i>Minimum Quantity/Amount</i>
Adhesive Plaster (50 mm) and/or Elasto-Plast.....	2 spools
Bandages 50mm Gauze.....	6 rolls
Bandages 75mm Gauze.....	6 rolls
Cotton Wool.....	250g
Antiseptic Wound Lotion *.....	250 ml
Boracic Lotion for Eyes *.....	2x110 ml
Pain Killer*.....	50
Band Aid.....	50
Triangular Bandage.....	6
Savlon/Dettol *.....	250 ml
Bandage — Elastic (50 mm).....	2 Tweezers
.....	1 only
Scissors.....	1 pair
Disposal Gloves.....	4 pairs
Folding Stretcher.....	1 only
(3) Employers employing more than 50 persons—	

<i>Item</i>	<i>Minimum Quantity/Amount</i>
Adhesive Plaster (50 ml) and/or Elasto-Plast.....	4 spools
Lint or Gauze.....	4 rolls
Bandages 50 mm Gauze.....	12 rolls
Bandages 75 mm Gauze.....	12 rolls
Cotton Wool.....	500 g
Antiseptic Wound Lotion *.....	500 ml

Boracic Lotion for Eyes *	3×110 ml
Band Aid	100
Triangular Bandage	10 only
Savlon/Dettol *	250 ml
Bandage — Elastic (50 mm)	5
Tweezers	1 only
Scissors	1 pair
Disposal Gloves	6 pairs
Folding Stretcher	1 only
Pain Killer*	100

* Not to be used after the expiry date