

SAMOA

**OCCUPATIONAL SAFETY AND
HEALTH REGULATIONS 2017**

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PURSUANT to section 31 of the Occupational Safety and Health Act 2002 ('the Act'), I, TUI ATUA TUPUA TAMASESE EFI, Head of State, acting on the advice of Cabinet, MAKE the following Regulations:

DATED this 20th day of March 2017.

Tui Atua Tupua Tamasese Efi
(Tui Atua Tupua Tamasese Efi)
HEAD OF STATE

PART 1
PRELIMINARY

1. Citation and commencement-(1) These Regulations may be cited as the Occupational Safety and Health Regulations 2017.

(2) These Regulations come into effect on the date they are signed by the Head of State.

2. Interpretation-(1) In these Regulations, unless the context otherwise requires:

“administrative noise control”:

(a) means a measure that reduces the noise to which a person at a workplace is exposed by means of work arrangements; and

(b) includes -

- (i) the scheduling of work; and
- (ii) job rotation; and

(iii) limiting the entry of persons to noisy areas; and

(iv) the observance of quiet work practices; but

(c) does not include the use of personal hearing protectors.

“amusement structure”:

(a) means a structure or device operated for hire or reward, or provided on hire or lease -

(i) that is used or designed to be used for amusement, recreation, sightseeing or entertainment and on which persons may be moved, carried, raised, lowered or supported by any part of the structure or device, or on which persons may jump or slide; and

(ii) that is:

- (A) an arrangement of structural or mechanical elements (or both) that has as its prime function the provision of movement of a passenger or passengers in a controlled manner so that the passenger or passengers are not necessarily required to move themselves to obtain the desired effect (called an amusement ride); or
- (B) an arrangement of equipment through which, or on which, a rider moves, where the desired effect is achieved primarily by the rider's self-powered motion, or by some other process that is not referred to in the description of an amusement ride (called an amusement device); or
- (C) a structure or arrangement of equipment through or on which, or down which, a person moves, where the

desired effect is achieved primarily by the person's self-powered motion, by motion induced by gravity, or by some other process or means associated with the design or operation of the structure or equipment; but

(b) does not include -

(i) a miniature train and railway system owned and operated by a model railway society, club or association; or

(ii) a ride or device that is used as a form of transport and that is, in relation to its use for that purpose, regulated under another Act; or

(iii) a boat or flotation device:

(A) that is solely propelled by a person who is in or on the boat or device; and

(B) that is not attached to any mechanical elements or equipment outside the boat or device, and that does not rely on any artificial flow of water to move; or

(iv) any plant specifically designed for a sporting, professional stunt, theatrical or acrobatic purpose or activity; or

(v) a coin-operated device that:

(A) is intended to be ridden, at the one time, by no more than four (4) children below the age of 10 years; and

(B) is usually located in a shopping centre or similar public location; and

(C) does not necessarily have an operator.

“article”:

(a) means an item that -

(i) is formed during production to a specific shape or design, or to have a specific surface; and

(ii) is used for a purpose that depends in whole or in part on its shape, design or surface; and

(iii) undergoes no change in chemical composition or physical state during use; but

(b) does not include any fluid or particle.

“asbestos” means the fibrous form of mineral silicates that belong to the serpentine or amphibole groups of rock-forming minerals, including actinolite, amosite (brown asbestos), anthophyllite, crocidolite (blue asbestos), chrysotile (white asbestos) and tremolite, or a combination of two (2) or more of these;

“atmospheric contaminant” means a harmful substance or agent (whether or not airborne) 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;

“boiler”:

(a) means a vessel, or an arrangement of vessels, and inter-connecting parts, in which steam or other vapour is generated, or water or other liquid is heated at a pressure greater than atmospheric pressure by the use of fire, the products of combustion, electrical power or other similar means; and

(b) includes a superheater, reheater, economiser, boiler piping support, mounting, valve, gauge, fitting, control, setting, or other equipment directly associated with a boiler; but

(c) does not include a fully flooded or pressurised system where water or other liquid is heated to a temperature lower than the normal atmospheric boiling temperature of the liquid.

“breathing zone” in relation to a person means the area represented by an imaginary hemisphere 300 mm in radius that:

- (a) extends in front of the face of the person; and
- (b) is measured from the midpoint of an imaginary line joining his or her ears.

“buffing” means a process of polishing or abrading carried out by means of a powder, paste or other substance applied to the surface of a mechanically operated wheel, disc or band;

“building” has the same meaning as in section 25 of the Ministry of Works Act 2002;

“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;

“cantilevered scaffold”:

- (a) means a scaffold that is supported by cantilevered load-bearing members; but
- (b) does not include a bracket scaffold.

“commissioning” in relation to plant means performing necessary adjustments, tests and inspections to ensure that the plant is in full working order to specified requirements, and includes re-commissioning;

“competent person” means a person who is suitably qualified (whether by experience, training, or both) to carry out the work or function described in the relevant regulation;

“confined space” means an enclosed or partially enclosed space which:

- (a) is at atmospheric pressure during occupancy; and
- (b) is not intended or designed primarily as a place of work; and
- (c) may have restricted means of entry and exit; and
- (d) may -

- (i) have atmospheric contaminants or an unsafe oxygen level; or

- (ii) cause engulfment,

and may include (but is not limited to):

- (A) a storage tank, tank car, process vessel, boiler, pressure vessel, silo or other tank-like compartment;
- (B) an open-topped space (such as a degreaser or pit);
- (C) 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.

“container” means anything in or by which substances are or have been wholly (or partly) cased, covered, enclosed, contained or packed;

“crane”:

- (a) means an appliance by means of which loads may be raised or lowered and moved horizontally; and
- (b) includes the supporting structure and foundations of such a structure; but
- (c) does not include an industrial lift truck, earthmoving machinery, an amusement structure, a tractor, an industrial robot, a conveyor, building maintenance equipment, a suspended scaffold or a lift.

“dB(A)” means decibels of A-weighted sound pressure level;

“dB(C)” means decibels of C-weighted 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” means any electrical wiring, accessory, fitting, consuming device, control or protective gear, or other equipment associated with wiring situated in or on a workplace;

“electrical plant” means plant which consumes, converts or generates electricity;

“emergency service” means:

- (a) the Samoa Emergency and Fire Authority; and
- (b) any other Ministry or agency of the Government which may be required to attend a scene of an emergency.

“engineering noise control”:

- (a) 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 -
 - (i) eliminating noisy plant;
 - (ii) replacing noisy plant by quieter plant;
 - (iii) reducing noise emission at its source;
 - (iv) isolating or enclosing noisy plant;
 - (v) the acoustical treatment of the workplace; but
- (b) does not include the use of personal hearing protectors.

“entry permit” means an entry permit required under regulation 27;

“ergonomic” means a situation where steps have been taken to optimise the functioning of plant, or systems of work associated with plant, by adapting them to human capacity or need;

“friable asbestos-containing material” means:

- (a) non-bonded asbestos fabric; or
- (b) material that contains more than 1% asbestos by weight and -
 - (i) is in the form of powder; or
 - (ii) may be crumbled, pulverised or reduced to powder by hand pressure when dry.

“gear”:

- (a) means a ladder, plank, rope, chain, coupling, fastening, fitting, hoist block, pulley, hanger, sling, brace or other similar movable contrivance used or intended to be used on or in connection with rigging or scaffolding work; but

(b) does not include a ladder that exceeds 6 metres in length.

“hazard” means the potential to cause injury or illness;

“hazardous substance” means a substance determined as such under regulation 64(2);

“hoist”:

(a) means an appliance by means of which loads may be raised or lowered, and

(b) includes an elevating work platform, mast climbing work platform, people or materials hoist, scaffolding hoist and serial hoist; but

(c) does not include a lift or building maintenance equipment.

“hung scaffold” means a scaffold that is hung from another structure and that is not capable of being raised or lowered when in use;

“lead material” or “lead compound” means metallic lead, a compound of lead, or a substance that contains more than 4% by weight of lead;

“lead process”:

(a) means a process by virtue of which a person is or may be exposed to dust, mist, fumes or gases containing a lead material or compound; and

(b) includes -

(i) the recovery and casting of lead or a lead compound;

(ii) the buffing of lead or a lead compound;

(c) the manipulation, movement or other treatment of particles of metallic lead, molten lead, or a lead compound.

“lift”:

(a) means a permanent apparatus (or apparatus intended to be permanent) that is in or attached to a building or structure and by means of which persons, goods or materials may be raised or lowered within or on a car, cage or platform and the movement of which is restricted by a guide or guides; and

(b) includes an apparatus in the nature of a chairlift, escalator, moving walk or stairway lift, and any supporting structure, machinery, equipment, gear, lift-well, enclosure and entrance.

“LEL (lower explosive limit)” 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;

“manual handling” means an activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain a person, animal or thing;

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

“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;

“plant” means any machinery, equipment, appliances, buildings and civil engineering structures required to be used in a workplace;

“raw asbestos”:

(a) means asbestos as mined or subsequently processed to remove impurities, or to modify its physical properties; but

(b) does not include asbestos that has been mixed or combined with another substance, or that has been converted into a manufactured article or product.

“scaffold” means a temporary structure specifically erected to support one (1) or more access or working platforms;

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

“spur scaffold” means a scaffold that is partially supported by inclined load bearing members;

“suspended scaffold”:

- (a) means a scaffold incorporating a suspended platform that is capable of being raised or lowered when in use; and
- (b) includes a boatswain’s chair.

“synthetic mineral fibre” means:

- (a) mineral wool, including rockwool and slagwool; and
- (b) glassfibre, including superfine glassfibre, glasswool and reinforcing filament; and
- (c) ceramic fibre.

(2) Any word used in these Regulations that are not defined and is used in the Act has the meaning in the Act.

PART 2 HAZARDS AND RISK ASSESSMENTS

3. Hazard identification and risk assessment-(1) An employer must ensure that appropriate steps are taken to identify all reasonably foreseeable hazards arising from work which may affect the health or safety of employees or other persons at the workplace.

(2) If a hazard is identified under subregulation (1), an employer must ensure that an assessment is made of the risks associated with the hazard.

(3) In carrying out an assessment under subregulation (2), an employer must, as far as is reasonably practicable, determine a method of assessment that adequately addresses the hazards identified, including one (1) or more of the following:

- (a) a visual inspection;
- (b) auditing;
- (c) testing;
- (d) technical or scientific evaluation;
- (e) an analysis of injury and near-miss data;
- (f) discussions with designers, manufacturers, suppliers, employers, employees or other relevant parties;
- (g) a quantitative hazard analysis.

(4) Without limiting subregulations (1) and (2), the identification of hazards and the assessment of associated risks must be undertaken:

- (a) before the introduction of any plant or substance;
or
 - (b) before the introduction of a work practice or procedure; or
 - (c) before changing the workplace, a work or work practice, or an activity or process, where to do so may give rise to a risk to health or safety.
- (5) An employer who contravenes this regulation commits an offence and is liable on conviction:
- (a) for a corporation, to a fine not exceeding 1000 penalty units; and
 - (b) for any other case, 100 penalty units.

4. Monitoring of substance exposure and health of employees-(1) Where health assessment risk indicates exposure or a likely exposure of employees to any substance regulated under these Regulations, the employer must:

- (a) monitor the exposure of the substance; and
 - (b) monitor the health of his or her employees; and
 - (c) carry out a health surveillance programme; and
 - (d) keep information and records relating to the health and safety of his or her employees.
- (2) The employer must provide and notify the employees of the results of the monitoring process under subregulation (1).
- (3) The employer may terminate the monitoring process if results indicate that the exposure has been adequately controlled and no longer poses health risks.

5. Control of risk-(1) An employer must, on the basis of a risk assessment under regulation 3, ensure that any risks to health or safety arising out of work are eliminated or, if that is not reasonably practicable, minimised.

(2) An employer must, in the implementation of subregulation (1), ensure that the minimisation of any risk is achieved by the application of the following hierarchy of control measures:

- (a) firstly, the application, so far as is reasonably practicable, of engineering controls, including substitution, isolation, modifications to design and guarding and mechanical ventilation;

- (b) secondly, if steps taken under paragraph (a) do not minimise the risk, the application, so far as is reasonably practicable, of administrative controls, including safe work practices;
 - (c) thirdly, if steps taken under paragraphs (a) and (b) do not minimise the risk, the provision of appropriate protective equipment.
- (3) An employer who contravenes this regulation commits an offence and is liable on conviction:
- (a) for a corporation, to a fine not exceeding 1000 penalty units; and
 - (b) for any other case, to a fine not exceeding 100 penalty units.

6. Information, instruction and training-(1) An employer must, in relation to the implementation of these Regulations, ensure that an employee receives suitable and adequate information, instruction and training for any task that the employee may be required to perform at work.

(2) For the purposes of this regulation:

- (a) the amount of information, instruction and training (if any) required, and the time at which it must be provided, will be assessed according to the nature of the risks associated with the particular task; and
- (b) the information, instruction and training must be reviewed and revised at reasonable intervals; and
- (c) the information, instruction and training must be provided in a language that is appropriate to the relevant employee; and
- (d) records must be kept (for a period of five (5) years from the date of the last entry in them) in relation to the provision of information, instruction and training where the work involves any plant, substances or activity that is a risk to health or safety.

(3) An employer who contravenes subregulation (1) commits an offence and is liable on conviction:

- (a) for a corporation, to a fine not exceeding 1000 penalty units; and
- (b) for any other case, 100 penalty units.

7. Induction to new work-(1) An employer must, in relation to the implementation of these Regulations, ensure that an employee receives suitable and adequate assistance in the performance of any task not previously undertaken by the employee.

(2) For the purposes of this regulation:

(a) the amount of assistance (if any) required, and the time at which the assistance must be provided, will be assessed according to the nature and degree of the risks associated with the particular task; and

(b) the assistance required includes, depending on what is reasonable in the circumstances of the particular case -

(i) the provision of proper information, instruction and training before the employee undertakes the task; and

(ii) the provision of appropriate supervision until the employee is reasonably competent to undertake the task without causing a risk to the health or safety of himself, herself or another.

(3) An employer who contravenes subregulation (1) commits an offence and is liable on conviction:

(a) for a corporation, to a fine not exceeding 1000 penalty units; and

(b) for any other case, to a fine not exceeding 100 penalty units.

8. Supervision-(1) An employer must, in relation to the implementation of these Regulations, ensure that an employee is provided with suitable and adequate supervision to ensure his or her health and safety at work.

(2) For the purposes of this regulation:

(a) the amount of supervision (if any) required, and the time at which it must be provided, will be assessed according to the nature of the risks at work; and

(b) the supervision must be -

(i) related to the employee's level of competence and experience; and

(ii) carried out by a competent person.

(3) An employer who contravenes subregulation (1) commits an offence and is liable on conviction:

- (a) for a corporation, to a fine not exceeding 1000 penalty units; and
- (b) for any other case, to a fine not exceeding 100 penalty units.

9. Employer action on reports-(1) An employer must ensure that, when the employer is notified of a hazardous situation, appropriate action is taken, so far as is reasonably practicable, to eliminate or control any risk associated with that situation.

(2) If an employee suffers a work-related injury, the employer must ensure that a record of the injury is made, and that the record is kept for at least three (3) years after the date of the injury.

(3) An employer who contravenes subregulation (1) or (2) commits an offence and is liable on conviction:

- (a) for a corporation, to a fine not exceeding 1000 penalty units; and
- (b) for any other case, to a fine not exceeding 100 penalty units.

10. Responsibilities of employees-(1) If an employee becomes aware of a hazardous situation or incident, or of a situation that could be a source of danger to himself or herself, or to another person, the employee must:

- (a) to the extent (if any) that is reasonable in the circumstances of the particular case, take reasonable steps to protect the health and safety of any person who may be immediately threatened by the situation; and
- (b) immediately report the matter to the employer and employee representative.

(2) An employee must, to his or her best ability, apply any information, instruction or training provided for the purposes of these Regulations.

(3) An employee must report to the employer any matter that, to the knowledge of the employee, may affect the employer's ability to comply with a provision of these Regulations.

(4) An employee who contravenes this regulation commits an offence and is liable on conviction to a fine not exceeding 100 penalty units.

PART 3 GENERAL WORKPLACE

11. Access and exits-(1) A person who undertakes work at a workplace, or on or about a workplace, must be provided with a safe means of access to and exits from:

- (a) the place where the work must be performed; and
- (b) any amenities provided for the use of that person.

(2) A passage or other space used for normal movement about the workplace or intended for emergency exit must be kept free of any obstruction that could hinder or prevent the safe and rapid exit of a person in an emergency.

12. Facilities for personal belongings - An employee must be provided with reasonable access to facilities for keeping clothes and personal belongings while at work.

13. Facilities for changing clothes - An employee must be provided with reasonable access to facilities for changing their clothes should the nature of their normal work require a change of clothes.

14. Facilities for dining - An employee must be provided with reasonable access to hygienic facilities for eating meals at work.

15. Toilets-(1) An employee at work must have reasonable access to toilet facilities provided in accordance with the following requirements:

- (a) there must be at least one (1) toilet for every 15 employees (or portion of 15 employees) at work at any particular time; and
- (b) if a female is employed at the workplace, adequate and hygienic means for sanitary disposal must be provided.

(2) A toilet provided pursuant to subregulation (1):

- (a) if situated at a permanent workplace in a sewerage area, must be a water-closet attached to a sewer;

- (b) if situated at a permanent workplace outside a sewered area, must be a water-closet attached to a septic tank, or to some other system approved by the Commissioner;
 - (c) must be maintained in a clean and hygienic working condition.
- (3) A toilet need not be provided at a temporary workplace if:
- (a) premises with a clean and hygienic toilet facility are reasonably accessible on the site; and
 - (b) the owner of the premises has given permission for people working on the site to use the facility; and
 - (c) the number of people working on the site at any one time does not exceed five (5) people.
- (4) Access to separate toilets for males and females must be provided unless, taking into account the size of the workplace and the organisational arrangements that can be made to provide privacy and security between male and female employees, it is reasonable to provide access to a single facility.

16. Washing facilities-(1) An employee at work must have reasonable access to handwashing facilities in the ratio of at least one washing facility for every 15 employees at work at a particular time.

(2) A handwashing facility provided under subregulation (1) must include running water or, if the provision of running water is not practicable, an adequate supply of clean water must be provided for use in the handwashing facility.

(3) If the nature of the work or the usual working conditions is such that an employee needs a shower after work, the employee must have access to shower facilities as follows:

- (a) unless otherwise prescribed in relation to a particular kind of work -
 - (i) except where subparagraph (ii) applies - there must be at least one shower for every 15 persons who require a shower at a particular time;

- (ii) where the work is hot, arduous or dirty, there must be at least one shower for every 10 persons who require a shower at a particular time; and
- (b) organisational arrangements must be made to provide privacy and security between male employees and female employees.

17. Drinking water - A supply of cool and potable drinking water must be available for each employee at work.

18. Arrangements for the sick - If a first aid room or health centre is not provided at a workplace, a rest area must be provided or suitable administrative arrangements must be made to ensure the wellbeing of a person who becomes sick while at work.

19. Seating-(1) If a task can be effectively performed while seated and it is reasonable to provide a seat having regard to the nature of the work, a seat must be provided for the use of an employee who performs that task.

(2) If a task cannot be effectively performed while seated, but it is possible for an employee performing that task to sit from time to time, a seat must be available for the use of an employee who performs that task during the periods when sitting is possible.

(3) The type and design of a seat provided for the purposes of this regulation must:

- (a) be ergonomically sound; and
- (b) provide suitable support; and
- (c) be appropriate to the type of work.

PART 4 BUILDINGS

20. Application-(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 on a regular basis; or
- (b) a workplace where a self-employed person works alone.

21. Floors-(1) The floor of a workplace within a building:

- (a) must be sufficiently strong to safely support plant and materials, and any person at work; and
- (b) must have an even, unbroken and slip-resistant surface that as far as reasonable is free of indentations or other obstructions that could cause a person to trip or stumble; and
- (c) must be designed in a manner that allows any work to be carried out safely; and
- (d) must be designed to provide adequate drainage where, due to the nature of the work, liquids may come into contact with the floor; and
- (e) if subject to use by vehicles, must be maintained in a condition that allows the safe operation and use of a vehicle; and
- (f) if fixed coverings are used on only a part of the floor, must be such that the coverings are installed so as to prevent danger from tripping.

(2) If a spillage of a liquid or material occurs that could present a hazard to any person in the vicinity of that section of the floor, reasonable steps must be taken to warn persons of the risk and arrange for the removal of the hazard.

(3) If a person at work must stand for a significant proportion of a work shift in substantially the same position on a floor or work platform that would otherwise constitute a hard surface, a mat or other floor covering that is:

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

must be provided.

22. Fragile roofing materials-(1) If the whole or any part of the roof of a building or structure that comprises or includes a workplace consists of (or includes) any fragile material, then appropriate steps must be taken to warn persons who may be required to carry out work on the roof.

(2) Appropriate steps under subregulation (2) may include the display of a sign in both the Samoan and English language:

- (a) that states: "DANGER FRAGILE ROOFING - USE CRAWL BOARDS"; or

- (b) that advises a person to seek the advice of appropriate personnel before commencing work on the roof.
- (3) If part of the roof of a building or structure that comprises or includes a workplace consists of a fragile skylight:
 - (a) safety wire mesh must be securely fixed immediately above or below the skylight (and in the case of mesh above the skylight, it must be resistant to corrosion); or
 - (b) barriers securely fixed and adequately maintained must be installed around the skylight.
- (4) If work must be carried out on a roof that consists of (or includes) any fragile material:
 - (a) a person performing or assisting with the work must be provided with safe access to the roof; and
 - (b) a safe system of work must 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, a person working on the roof must be provided with (and use) walkways or crawling boards of a suitable size and strength.

23. Space per person-(1) If a person performs work within a building, the person must have adequate working space to carry out the work in a safe manner.

(2) Without limiting subregulation (1), if the main part of the person's work is performed at a work station and the person is required to stand or sit in the same place at that work station for a substantial period of time, then:

- (a) if the work is carried out at a desk (other than a desk situated in a cashier's booth or compartment), a minimum of 3 square metres of working space must be provided; and
- (b) in any other case, adequate working space must be determined taking into consideration -
 - (i) the type of work area; and
 - (ii) the physical actions required to perform the task; and

(iii) the mobility requirements of the work performed; and

(iv) other ergonomic factors which could affect performance of the task in a safe manner.

(3) The distance from the floor to a ceiling of a room where a person works on a regular basis must be at least 2.4 metres.

(4) Persons at work must not be so grouped in a building as to cause a risk to their health, safety or welfare.

(5) A workplace within a building must not become so crowded as to cause a risk to the safety of a person within the building.

(6) In this regulation, "working space" means a floor area, excluding any area taken up by furniture, fittings or equipment, that is kept available for the person's use and that comprises the place where the person must stand or sit, plus the area that is immediately adjacent to that place.

PART 5 CONFINED SPACES

24. Design, manufacture, supply and modification-(1)

A person who designs, manufactures or supplies a confined space must ensure:

(a) so far as is reasonably practicable, that the design eliminates the need for persons to enter the confined space; and

(b) if entry may be required, that the confined space is provided with safe means of entry and exit.

(2) A person who modifies a confined space must ensure that the modification does not detrimentally affect the safe means of entry and exit.

25. Hazard identification and risk assessment-(1) An employer must identify any confined space associated with the performance of work and any reasonably foreseeable hazard associated with working in the confined space.

(2) An employer must 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.

(3) A risk assessment undertaken for the purposes of subregulation (2) must at least include an assessment of the following:

- (a) if the work can be carried out without the need to enter the confined space; and
- (b) the nature of the confined space and the work required to be carried out; and
- (c) the various ways in which the work could be carried out; and
- (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.

(4) An employer must ensure that the risk assessment required under subregulations (2) and (3) is revised whenever there is evidence that indicates that it is no longer valid.

(5) An employer must ensure that a report is prepared on any risk assessment under this regulation and that the report is retained for at least five (5) years from the date of the last entry in the report.

26. Control of risk-(1) An employer must ensure, before a person enters a confined space, so far as is reasonably practicable:

- (a) that the confined space contains a safe oxygen level; and
- (b) that any atmospheric contaminant in the confined space does not pose a risk to the health and well being of the worker; and
- (c) that the concentration of any flammable contaminant in the atmosphere of the confined space does not pose a risk to the health and well being of the worker; and
- (d) that the confined space is free from extremes of temperature; and
- (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 must be cleared of contaminants in order to comply with subregulation (1), the employer must ensure that the contaminants are removed with the use of a suitable purging agent.

(3) If it is not reasonably practicable to provide a safe oxygen level, or atmospheric contaminants cannot be reduced to safe levels, an employer must 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 appropriate risk assessment has occurred, an employer must provide and maintain equipment that is appropriate to the work to be carried out, including equipment for:

(a) personal protection; and

(b) rescue; and

(c) first-aid; and

(d) fire suppression.

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

(6) An employer must 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).

27. Entry permit-(1) An employer must not allow a person to enter the confined space except with express permission to do so.

(2) An employer must ensure that an entry permit under subregulation (1):

- (a) is in writing; and
 - (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 (1) year.
- (3) One (1) permit may relate to:
- (a) the person responsible for the direct control of the work; and
 - (b) the persons who must carry out the work.

(4) An employer must ensure that each person who must carry out the work described in the entry permit is advised of, and understands, the contents of the entry permit.

(5) An employer must ensure that a written acknowledgment 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.

28. Control of fire and explosion risk-(1) If the concentration of flammable contaminant in the atmosphere of a confined space is found to be between 5% and 10% of its LEL, an employer must 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.

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

(3) An employer must 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.

29. Rescue arrangements-(1) If a risk assessment (or a review of a risk assessment) indicates a risk to health or safety, an employer must ensure that no person enters a

confined space unless a person or persons are on stand-by outside the confined space to render assistance in the event of an emergency.

(2) An employer must 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; and
- (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 reasonably practicable, by the provision of a suitable alternative means of rescue.

30. Education and training-(1) An employer must provide suitable and adequate training:

- (a) for an employee who is required to carry out work in or on a confined space; or
- (b) in relation to a risk assessment of a confined space; or
- (c) in relation to entry and exit rescue arrangements; or
- (d) in relation to designs or lays out a workplace that incorporates, or could incorporate, a confined space; or
- (e) in relation to managing or supervision of persons working in or near a confined space; or
- (f) in relation to maintaining equipment used for or during work in a confined space; or
- (g) in relation to the use of personal protective equipment for use in a confined space; or
- (h) in relation to rescue or first-aid procedure involving work in a confined space; or
- (i) in relation to any other matter relating to the performance of work in a confined space.

(2) The training, as far as is relevant to the performance of the particular work and the employee's duties, must at least relate to the following:

- (a) the hazards associated with confined spaces; and
- (b) risk assessment procedures; and

- (c) control measures for confined spaces; and
- (d) the selection, use, fit and maintenance of safety equipment.

(3) An employer must keep a record of the training provided to an employee for the purposes of this regulation, and:

- (a) keep the record for at least five (5) years from the date of the training; and
- (b) make the record available, on request, to the relevant employee and any inspector appointed pursuant to the provisions of the Act.

PART 6 ELECTRICAL WORK

31. Work in vicinity of electrical hazards - Without limiting the operation of any other regulation, if work must be carried out in proximity to exposed live equipment or cables, or to any other electrical hazard, steps must be taken to ensure compliance with any relevant requirements of the Electricity Act 2010 and the regulations made under that Act.

32. Competency requirements - An electrical work performed on any electrical installation or electrical plant at a workplace must be carried out by a competent person.

33. Electrical installations, etc. - An electrical installation, plant, materials, equipment or apparatus within a workplace must be so designed, constructed, installed, protected, maintained and tested so as to minimise the risk of injury, electrical shock or fire.

34. General requirement for hazard identification at the workplace - An employer must ensure:

- (a) that any electrical hazard at a workplace is identified and assessed by a competent person; and
- (b) that any risks to health or safety arising out of an electrical hazard identified under paragraph (a) are eliminated, or minimised and controlled in a reasonable time and manner.

35. Electrical installations - Hazard identification, risk assessment and control of risk-(1) An employer must ensure:

- (a) that hazards are identified and risks assessed in accordance with regulation 34(a) -
 - (i) before the connection and supply of electricity to a new electrical installation at a workplace; and
 - (ii) before the modification, maintenance or repair of an existing supply of electricity to or at a workplace, or of an existing electrical installation at a workplace; and
- (b) that any risks to health or safety arising out of a hazard identified under paragraph (a) are eliminated, or minimised and controlled, in a reasonable time and manner.

(2) All electrical installations must be designed, constructed, installed, protected, maintained and tested so as to comply with a standard as may be specified or promulgated under the Electricity Act 2010 and any regulations made under that Act.

36. Inspection and testing of electrical plant-(1)

Regular inspection and testing must be performed on electrical plant in the workplace if the supply of electricity is through a socket outlet to:

- (a) hand held electrical plant; or
- (b) electrical plant that is moved while in operation;
or
- (c) electrical plant that is moved between operations in circumstances where damage to the electrical plant or to a flexible supply cord could reasonably occur; or
- (d) electrical plant where electrical safety could be affected by the operating environment.

(2) If electrical plant is fixed, it must be inspected and tested after taking into account:

- (a) information provided by the designer or manufacturer of the electrical plant; and

- (b) any hazard identification and risk assessment process that is relevant to the use of the electrical plant in its intended work environment.

**PART 7
EMERGENCY FACILITIES
AND PROCEDURES**

37. Emergency exits, procedures and training-(1) A workplace must provide for the safe and rapid evacuation of persons in the event of an emergency.

(2) If the failure of an artificial 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 must be provided and maintained.

(3) If a workplace is within a building or located at a fixed site:

- (a) adequate arrangements must exist for the shutdown and evacuation of the workplace in the event of an emergency, and the details of the arrangements for evacuation must be kept on display in an appropriate place; and
- (b) one (1) or more responsible persons must be appointed and trained in accordance with subregulation (4) to oversee evacuation and; where appropriate, the use of first-attack fire-fighting equipment.

(4) The following provisions apply in relation to the appointment and training of responsible persons under subregulation (3):

- (a) the number of persons appointed at a particular workplace must be adequate to ensure the reasonable protection of employees who work at the workplace, and in determining the number to be appointed the following factors must be taken into account -
 - (i) the nature of the hazards at the workplace; and
 - (ii) the size, location and type of workplace; and

- (iii) the number and mobility of the employees; and
- (b) the training that must be provided must be adequate to ensure that the person can carry out his or her task competently and must include -
 - (i) training in evacuation procedures; and
 - (ii) the use of fire extinguishers.

38. Emergency facilities-(1) Appropriate fire-fighting facilities and, where appropriate, fire-protection facilities, must be:

- (a) available at a workplace, and in determining the appropriateness of the facilities the nature of the hazards at the workplace must be assessed; and
 - (b) maintained in an effective condition by a competent person.
- (2) Portable fire extinguishers must be provided and installed at a workplace.
- (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 cleanup procedure, suitable protective equipment and clothing must be provided and maintained.
- (4) If there is a risk at a workplace that a person could come into contact with a corrosive substance, or any other substance that could cause injury to the skin or eyes, appropriate deluge facilities that are immediately accessible from the place of work must be provided and maintained.

39. Rescue arrangements-(1) If the nature of work involves any of the following then the measures in subregulation (2) must be provided:

- (a) the nature of any work or the location of any workplace is particularly dangerous; or
- (b) a safety harness or safety belt must be worn during the performance of work; or
- (c) there is a risk of a person falling into water and drowning during the performance of work; or
- (d) a person must enter a confined space during the performance of work, then -

43. Design - An employer must ensure, so far as is reasonably practicable:

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

44. Risk assessment-(1) An employer must ensure that any manual handling that is likely to be a risk to health and safety is identified and assessed.

(2) An assessment undertaken for the purposes of this regulation must take into account the following factors:

- (a) the actions and movements involved in the manual handling; and
- (b) the workplace and workstation layout; and
- (c) the postures and positions that must be taken by each person involved in the manual handling; and
- (d) the duration and frequency of the manual handling; and
- (e) the location of the loads and the distances that loads must be moved; and
- (f) the weights and forces involved; and
- (g) the characteristics of the loads and of any equipment that is used in the task; and
- (h) the organisation of work at the workplace; and
- (i) the work environment; and
- (j) the skill and experience of each person who must carry out the manual handling; and
- (k) the personal characteristics of each person who must carry out the manual handling; and

- (2) For subregulation (1), the measures are as follow:
- (a) adequate and suitable rescue equipment must be provided and maintained; and
 - (b) appropriate arrangements must be in place for the immediate rescue of a person in an emergency situation; and
 - (c) persons involved in the work must 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).

40. Fire prevention - For the purposes of fire prevention at a workplace:

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

41. Lighting-(1) Adequate and appropriate lighting must be provided at a workplace, and at any other place where a person may be required to go in the normal course of work (including access ways and emergency exits).

(2) Adequate and appropriate lighting must be provided for the tasks performed by each person at work.

PART 8 MANUAL HANDLING

42. Manual handling - An employer must take every step necessary:

- (a) to prevent the occurrence of injury and to reduce the severity of injuries resulting from manual handling tasks in workplaces; and
- (b) to identify, assess and control risks arising from manual handling tasks in workplaces.

- (l) the clothing that is worn during the manual handling; and
- (m) any other relevant factor (as identified by the employer, any employee, representative or Health and Safety Committee).

45. Risk control-(1) If a manual handling task is assessed as being a risk to health and safety, the employer must take such steps as are reasonably practicable to control the risk.

(2) For the purposes of subregulation (1):

(a) the employer must -

(i) redesign the manual handling task to eliminate or control the risk factors; and

(ii) ensure that the employees involved in the manual handling task receive appropriate training, (including training in safe manual handling techniques) and appropriate supervision; and

(b) where redesign is not reasonably practicable, or as a short-term or temporary measure, the employer must -

(i) take one (1), or a combination of two (2) or more, of the following measures as may be appropriate:

(A) provide mechanical aids; and

(B) provide personal protective equipment; and

(C) arrange for team lifting; and

(ii) ensure that the employees receive appropriate training and supervision in the correct use or application of any mechanical aids, personal protective equipment or team lifting procedures supplied or introduced for the purposes of subparagraph (i).

46. Duties of employees - An employee must, so far as is reasonable (but without derogating from any common law right), apply any training provided for the purposes of this Part and comply with any instruction given in supervision of the manual handling task.

**PART 9
NOISE AND VIBRATION**

47. Duties of designers, manufacturers, and suppliers-(1) For the purposes of this regulation, the exposure standard is:

- (a) an eight-hour equivalent continuous A-weighted sound pressure level, $L_{Aeq,8h}$ of 85 dB(A) referenced to 20 micropascals; and
- (b) a C-weighted peak sound pressure level, L_C , peak of 140 dB(C) referenced to 20 micropascals.

(2) A designer, manufacturer or supplier of plant that may emit an unsafe level of noise must ensure 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) so far as is reasonably practicable, not above the exposure standard; and
- (b) to the extent that is reasonably practicable in the circumstances, as low as can be achieved.

(3) A manufacturer or supplier of plant that may emit an unsafe level of noise must 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 reasonably practicable to achieve.

48. Duties of employers-(1) For the purposes of this regulation, the exposure standard is:

- (a) an eight-hour equivalent continuous A-weighted sound pressure level, $L_{Aeq,8h}$ of 85 dB(A) referenced to 20 micropascals; and
- (b) a C-weighted peak sound pressure level, L_C , peak of 140 dB(C) referenced to 20 micropascals.

(2) An employer must provide and maintain a workplace, plant and systems of work (including through the use of personal hearing protectors) to ensure that an employee is not, while at work, exposed to a noise level that exceeds the exposure standard.

(3) If an employer is required to take action to ensure that an employee is not exposed to a noise level that exceeds the exposure standard, an employer must:

- (a) firstly, implement so far as is reasonably practicable, engineering noise controls in order to reduce the noise to which the employee is exposed; and
- (b) secondly, if compliance with paragraph (a) does not reduce the noise to which the employee is exposed to a level that is less than or equal to the exposure standard, implement so far as is reasonably practicable, administrative noise controls in order to reduce the noise to which the employee is exposed; and
- (c) thirdly, if compliance with paragraphs (a) and (b) does not reduce the noise to which the employee is exposed to a level that is less than or equal to the exposure standard, provide to the employee an appropriate personal hearing protector.

49. Duties of employees - An employee must, so far as is reasonable:

- (a) comply with noise control measures implemented under these Regulations; and
- (b) use a personal hearing protector provided for the purposes of these Regulations; and
- (c) report promptly to his or her employer any defect in any noise control equipment or in any personal hearing protector supplied to the employee of which the employee is aware.

50. Vibration - If an employee is exposed to or likely to be exposed to vibration of the whole body or part of the body, the employer must control the risks from vibration through the following measures:

- (a) assess the vibration risk of the employee;
- (b) determine whether the employee is likely to be exposed to the daily exposure value determined by the Commissioner;

- (c) if the employee is likely to be exposed to the daily exposure value, introduce a programme of controls to eliminate or reduce the daily exposure value so far as is reasonable;
- (d) if the employee is exposed above the daily exposure value, take immediate action to reduce the exposure below the limit value;
- (e) provide information and training on health risk and controls to employees at risk;
- (f) keep record of the risk assessment and control actions;
- (g) review and update the risk assessment regularly.

PART 10 PERSONAL PROTECTION

51. Occupational health and first aid in the workplace - The Commissioner may approve courses of training for the purpose of establishing appropriate standards in relation to the provision of first aid under the Act.

52. Personal protection-(1) If:

- (a) work, a place of work or any working conditions give rise to a reasonably foreseeable risk to health or safety; and
- (b) all reasonably practicable measures have been taken to control the risk; and
- (c) the provision and use of personal protective equipment or clothing would minimise the risk,

the employer must ensure that appropriate equipment or clothing is provided, maintained and used.

(2) In addition to the requirements of subregulation (1), an employer must ensure that appropriate personal protective equipment or clothing is provided to an employee if:

- (a) it is reasonably foreseeable that the employee 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; or

- (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 employee's work is such that the employee 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.
- (3) Any equipment or clothing provided or used for the purposes of these Regulations must be:
 - (a) appropriate taking into account the nature of the particular hazard and the relevant work; and
 - (b) an effective size and fit, and reasonably comfortable, for a person who must use or wear it; and
 - (c) if the sharing of the equipment or clothing could present a hygiene risk, provided to a person for exclusive use, or sterilised after each use; and
 - (d) regularly cleaned, and maintained and stored in good order and effective condition.
- (4) A person who must use or wear equipment or clothing under this regulation must receive proper training and instruction in the use and maintenance of the equipment or clothing.
- (5) If the use or wearing of equipment or clothing could affect proper communication with another, appropriate steps must be taken to ensure that this situation does not create a risk to health or safety.
- (6) 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.
- (7) A hazardous area where personal protective equipment or clothing must be used or worn must be identified by signs approved by the Commissioner.

53. Use of air supplied respiratory equipment-(1) The purpose of this regulation is to make special provision in relation to the use of air supplied respiratory equipment.

(2) If air supplied respiratory equipment is used in the performance of work:

- (a) the equipment must supply air at a minimum rate of 170 litres per minute; and
- (b) the air must contain not less than 19.5% and not more than 22% oxygen; and
- (c) the air must, 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 degrees Celsius and 100 kilopascals, would contain not more than 11 mg per cubic metre of carbon monoxide, not more than 900 mg per cubic metre of carbon dioxide, and not more than 1 mg per cubic metre of oil; and

- (ii) an efficient conditioner that ensures that the air is supplied at a temperature not less than 15 degrees Celsius and not more than 25 degrees Celsius, and within a humidity range not less than 20% and not more than 85%; and

- (iii) an efficient condensate trap that is fitted with a drain cock to remove any condensed liquid; and

- (iv) an efficient ring circuit or controlled leak-off system that eliminates stale air.

(3) Any equipment used to supply air to a person for breathing purposes must:

- (a) be maintained in efficient working order; and
- (b) be kept in a place where it cannot be contaminated; and
- (c) be maintained in a way that ensures that the air supply does not overheat; and
- (d) incorporate fittings that cannot be connected to any other compressed air equipment at the workplace.

54. Prevention of falls-(1) If:

(a) a person must work -

(i) in an elevated workplace from which he or she could fall; or

(ii) in the vicinity of an opening through which he or she could fall; or

(iii) in any other place from which he or she could fall, and it is reasonably foreseeable that the person would be injured in such a fall due to the distance of the fall; or

(b) a person must work in the vicinity of an enclosure or container into which he or she could fall and there is a reasonable likelihood that the person would be injured in such a fall,

reasonable protection against a fall must be provided:

(aa) by the provision of a safe means of access to the workplace; and

(bb) by the provision of secure fences, covers or other forms of safeguarding or, if that is not reasonably practicable due to the nature of the work, by the provision and maintenance of safe systems of work.

(2) If a person at work must gain access to a place that cannot be reached conveniently from floor or ground level, and no appropriate means of mechanical access or fixed stairway is available, a suitable ladder or steps must be provided.

(3) Any safe means of access provided for the purposes of subregulation (1)(aa) must be kept in good condition and must not be removed except so far as may be necessary to allow the access or exit of any person or the shifting of materials.

(4) In determining the appropriate safe system of work for the purposes of subregulation (1)(bb), consideration must be given to:

(a) if a safe working platform cannot reasonably be provided, 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 reasonably practicable, through the use of an adequate static-line system);

- (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;
 - (e) the provision of assistance by another person.
- (5) Without limiting sub regulation (1), (2), (3) or (4) if:
- (a) a person carries out maintenance work on a structure; and
 - (b) the person must work in an elevated workplace; and
 - (c) it is reasonably foreseeable that the person would be injured if he or she fell due to the distance of the fall,

reasonable protection against any fall must be provided:

- (aa) by the use of a building maintenance unit installed by a competent person; or
- (bb) by the use of scaffolding or another type of working platform; or
- (cc) if compliance with subparagraph (aa) or (bb) is not reasonably practicable, 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).

(6) A safety harness or line supplied or used for the purposes of this regulation must 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 must not be used.

(7) An anchorage or system of anchorages must be inspected on a regular basis and, for an anchorage that is permanently fixed to a structure, at least once in every six (6) months.

(8) If the load-bearing capacity of the anchorage may be impaired, the anchorage must immediately be made inoperable so as to prevent accidental use.

(9) The following requirements must be observed in relation to the use of ladders at work, or to gain access to or exit from a workplace:

- (a) a ladder must be of sound construction and maintained in a safe condition; and
- (b) a ladder must not be used in a manner that endangers the safety of any person; and
- (c) if a portable single ladder or extension ladder is used, the ladder must 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
- (d) 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.

55. Isolated work-(1) An employer must ensure that communication is made on a regular basis with persons who work alone, for the purpose of ensuring their health, safety and welfare.

(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; or
- (c) in work that is dangerous for a person to perform alone,

an adequate and reliable system for ensuring regular communication with the person must be provided and maintained.

56. Storage-(1) An employer must provide for safe stacking and storage of plant and materials at a workplace.

(2) The stacking or storage of any plant or materials at a workplace must be carried out:

- (a) in a safe and orderly manner; and
- (b) so as to ensure that the plant or materials cannot, while stacked or stored, fall on a person; and

(c) in a manner that allows the safe retrieval of plant or materials from the stack or from storage.

(3) An item or equipment used in the storage of plant or materials must, so far as is reasonably practicable, be kept free of sharp edges, projections or rough surfaces that could cause injury to a person in the vicinity of the place where the plant or materials are stored.

57. Traffic control-(1) A person must not drive a vehicle for work purposes if he or she is not fit and competent to drive the vehicle safely.

(2) Reasonable steps must 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 must 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, must be used to minimise the risk.

58. Ventilation and contaminants-(1) An employer must ensure:

(a) that an adequate supply of clean air for the number of people at the workplace is provided and maintained; and

(b) if impurities are created or otherwise occur at any workplace, that exposure to those impurities is prevented or otherwise controlled so as to minimise any risk to health, safety or welfare.

(2) If a workplace is situated within a building, the workplace must be reasonably ventilated.

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

(4) The prevention or control of exposure to a contaminant under subregulation (3) must be achieved by measures to prevent or to minimise risk 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 must be:

- (a) located as near as practicable to the source of the contaminant in order to eliminate or minimise the risk of inhalation by any person at work; and
- (b) used for so long as the contaminant is present; and
- (c) kept free of accumulations and maintained in a clean state; and
- (d) if the exhaust system is provided to control atmospheric contaminants arising from flammable substances, designed and constructed so as to prevent the occurrence of a fire or explosion.

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

59. Cleanliness and hygiene-(1) A workplace, or any other place where an employee may be required to go in the normal course of work, and any amenities provided for employees, must be kept in a clean and hygienic state by cleaning as often as is necessary to ensure the health and safety of the employees.

(2) If a window or skylight is used to let light in-to a workplace, it must be kept in a clean state to allow adequate light for the purpose of any work performed and for safe movement of persons about the workplace.

(3) This regulation does not apply in relation to a workplace or other place, or amenity that is not under the management and control of the employer.

60. Use of plant - An employer must protect the health and safety of persons from hazards arising from plant and systems of work associated with plant by:

- (a) ensuring that hazards associated with the use of plant in the workplace are identified and risks to health or safety are assessed and controlled; and

- (b) eliminating or, where that is not reasonably practicable, minimising, risks to health or safety; and
- (c) specifying various requirements with respect to the design, manufacture, testing, installation, commissioning, use, repair, alteration, dismantling, storage and disposal of plant; and
- (d) providing relevant information and training to employees concerning the use of the plant.

61. Scaffolds - An employer must, in relation to a scaffold, ensure:

- (a) that no work is carried out from -
 - (i) a suspended scaffold; or
 - (ii) a cantilevered scaffold; or
 - (iii) a spur scaffold; or
 - (iv) a hung scaffold; or
 - (v) any other scaffold,

from which a person or object could fall more than 4 metres, unless the employer has obtained written confirmation from a competent person that the scaffold, or the relevant part or portion of the scaffold, is complete; and

- (b) that a scaffold of a kind listed in paragraph (a), and its supporting structure, is inspected by a competent person for compliance with these Regulations -

- (i) prior to its first use; and
 - (ii) as soon as practicable, and prior to its use, following an occurrence that can reasonably be expected to affect the stability or adequacy of the scaffold (for example, severe storm conditions or earthquake);
 - (iii) prior to its first use following repairs; and
 - (iv) in any event, at intervals not exceeding 30 days; and
- (c) if an inspection of a scaffold or its supporting structure indicates an unsafe condition, that appropriate repairs, alterations and additions (as necessary) are carried out and re-inspected by a competent person prior to further use of the scaffold; and

- (d) if a scaffold is incomplete and left unattended, that appropriate controls (including the use of danger tags or warning signs) are used to protect against unauthorised access to the scaffold.

62. Lifts - An employer must, in relation to a lift, ensure:

- (a) that a clearly legible notice which specifies the safe working load, in appropriate metric units, or maximum number of people (as may be appropriate), is affixed, in a conspicuous place, on the lift or any lifting gear; and
- (b) if an assessment shows a risk to the health or safety of a person working in a lift well through a fall, an object falling on the person, or a movement of the lift car, that protection is provided through the provision of -
 - (i) a safe working platform; and
 - (ii) adequate protection decking; and
 - (iii) suitable access to the lift well, safe working platform and protection decking; and
- (c) that the lift is installed, inspected and tested so as to minimise any risk to health or safety, and having regard to the instructions of the designer and manufacturer.

63. Amusement structures - An employer must protect the health and safety of persons from hazards arising from amusement structures by:

- (a) ensuring that hazards associated with the use of amusement structures are identified and risks to safety are assessed and controlled;
- (b) eliminating or, if that is not reasonably practicable, minimising, risks to safety;
- (c) specifying various requirements with respect to the design, manufacture, testing, installation, commissioning, use, maintenance, repair, alteration, erection, installation and dismantling of amusement structures; and
- (d) providing relevant information and training to employees.

**PART 11
HAZARDOUS SUBSTANCES**

64. Hazardous substances-(1) An employer must protect the health and safety of persons from hazards arising from hazardous substances by:

- (a) ensuring that hazardous substances used at work are provided with labels and appropriate information sheets; and
- (b) ensuring that employees who could be exposed to hazardous substances used at work are provided with information and training on the nature of hazards and on the means of assessing and controlling exposure to such substances, and that employee representatives in the workplace have access to this information; and
- (c) providing for the assessment of the risk of, and the control of, exposure to hazardous substances; and
- (d) ensuring that emergency services have access to relevant information on hazardous substances in the workplace; and
- (e) ensuring that relevant information is available to employees.

(2) The Commissioner may, by written notice in the Savali, declare a matter or substance as a hazardous substance that is or poses any hazard to human life.

(3) If an assessment under subregulation (1)(c) shows that the monitoring of exposure is required or the monitoring is required to ensure the maintenance of adequate control of the exposure of employees to hazardous substances, the employer must ensure that the exposure of employees to the hazardous substances is monitored pursuant to a method of monitoring and analysis approved by the Commissioner.

(4) If an assessment of risk to health indicates that monitoring of the health of the employee is required or the monitoring is required to ensure the maintenance of adequate control of the exposure of employees to hazardous substances to health, the employer must:

- (a) monitor the health of the employee; and
- (b) keep any information or record relating to the health and safety of the employee; and

- (c) provide to the employee the results of that employee's health monitoring.

65. Asbestos work-(1) Subject to subregulation (2), a person (not being an employee) must not commence asbestos removal work unless the person is the holder of a current asbestos removal licence issued by the Commissioner under this section.

(2) A licence is not required:

- (a) to remove samples in order to determine whether asbestos is present and, if so the kind of asbestos installed at the particular place; or
- (b) to remove insulation material that consists of or contains asbestos, or other friable asbestos-containing material, for the purpose of carrying out maintenance or repair work, where -

- (i) the material to be removed does not extend more than one metre in any direction from the place of maintenance or repair; and

- (ii) the total amount of material to be removed does not cover more than 0.5 square metres; or

- (c) to remove an asbestos-cement (fibro) product, or other non-friable asbestos containing material, that covers less than 10 square metres.

(3) An application for an asbestos removal licence must be in a form determined by the Commissioner and accompanied with the fee sets out in Schedule 1.

(4) The Commissioner may grant an asbestos removal licence if the Commissioner is satisfied:

- (a) that the applicant is suitably qualified, or has one (1) or more supervisors who are suitably qualified, (through having appropriate qualifications and experience) to supervise or direct any asbestos removal work carried out under the licence; and

- (b) that the applicant has systems in place to ensure -
 - (i) that any person who undertakes the asbestos removal work is properly trained in the performance of the relevant work; and
 - (ii) that the asbestos removal work will be carried out in a safe and proper manner.
- (5) Subject to subregulation (6) and (7), an asbestos removal licence is subject to the following conditions:
 - (a) that the licensee will carry out asbestos removal work in accordance with any conditions of the licence as determined by the Commissioner; and
 - (b) that the licensee will not commence asbestos removal work at a particular site (being work for which a licence is required) without first obtaining the approval of the Commissioner (which may be given subject to conditions); and
 - (c) that the licensee will not commence asbestos removal work at a particular site (being work for which a licence is required) without having a written plan outlining the measures and processes that are to be adopted by the licensee to ensure that the work is carried out safely and in accordance with the requirements of these Regulations and the conditions of the licence, and that the licensee will ensure that a copy of that plan is retained at the site (while work is being carried out) until the completion of the work; and
 - (d) that the licensee will ensure that any asbestos removal work is carried out under the supervision or direction of a person who has such qualifications and experience as are necessary to ensure that the work is carried out in a safe and proper manner; and
 - (e) that the licensee will immediately give the Commissioner written notice of any change in the licensee's workforce, equipment or work practices that would adversely affect

the licensee's ability to remove and handle, in a safe and proper manner, materials that consist of or contain asbestos.

(6) The Commissioner may vary a condition under subregulation (5) as the circumstances of the particular case may require.

(7) A licensee is not required to comply with subregulation (5)(b) in an emergency situation involving an immediate risk to health or safety where the licensee is unable to contact an inspector in order to obtain the approval of the Commissioner in the immediate circumstances but, in such a case, the licensee must, at the earliest practicable opportunity, apply to the Commissioner for the relevant approval (which may be given subject to conditions).

(8) An asbestos removal licence may, if the Commissioner so determines, be limited to a licence to perform asbestos removal work of a class specified in the licence.

(9) Unless another period is specified in the licence, an asbestos removal licence is effective for a period of two (2) years.

(10) A licence is not transferable.

(11) If the Commissioner considers, on reasonable grounds that:

(a) due to changes in the licensee's workforce, equipment or work practices, the licensee can no longer carry out asbestos removal work in a safe and proper manner; or

(b) the licensee has failed to comply with a condition of the licence;

(c) the licensee is no longer able to comply with a condition of the licence,

the Commissioner may, by notice in writing:

(aa) suspend the licence for a period of up to 12 months; or

(bb) cancel an asbestos removal licence.

(12) A person who contravenes a requirement of this regulation commits an offence.

66. Prohibited or restricted processes-(1) A person must not, while at work:

(a) use or handle raw asbestos, other than for the purpose of sampling or analysis; or

- (b) use a product that consists of or contains asbestos (but this paragraph does not prevent the handling of installed asbestos for maintenance purposes, or the removal, encapsulation or enclosure of asbestos in accordance with these Regulations); or
- (c) apply any material that consists of or contains asbestos by spraying; or
- (d) install as insulation any material that consists of or contains asbestos; or
- (e) use a high pressure process to clean the surface of any material that consists of or contains asbestos.

(2) A person must not seal installed insulation material that consists of or contains asbestos.

(3) A person must not, without the written approval of the Commissioner, encapsulate or enclose installed insulation material that consists of or contains asbestos.

(4) The Commissioner must not give his or her approval under subregulation (3) unless the Commissioner is satisfied that the encapsulation or enclosure of the material:

(a) is the only reasonable method of protecting the health of persons who may be in the vicinity of the material; and

(b) can be carried out safely.

(5) Subregulation (3) does not apply in relation to:

(a) the encapsulation or enclosure of any edges of insulation that have been exposed as a result of maintenance or repair work that does not require an asbestos removal licence; or

(b) an encapsulation that is in accordance with an approved code of practice.

(6) For the purposes of this regulation:

(a) a high pressure process includes the use of air, water or any other material or substance under pressure for the purpose of cleaning asbestos material where the process -

(i) may cause asbestos contamination of the surrounding environment so as to present a risk to health; or

(ii) relies on the use of a pressure which exceeds 200 kPa; and

- (b) material is sealed if it is covered with a protective coating that is impermeable to asbestos fibres; and
- (c) material is encapsulated if it is treated with a substance that penetrates to the surface beneath the material and hardens the material; and
- (d) material is enclosed if a structural barrier that is impermeable to asbestos fibres is placed between the material and the surrounding environment.

67. General duty-(1) If a person:

- (a) undertakes asbestos work (whether as an employer or self-employed person); or
- (b) is the owner of a building where any material that consists of or contains asbestos is installed; or
- (c) is in possession of plant that contains, or has on it, any material that consists of or contains asbestos,

the person must, subject to these Regulations:

- (aa) ensure that the risk to health that exists, or may exist, on account of the presence of asbestos is assessed; and
- (bb) ensure that any person who might come into contact with asbestos during the course of any work is warned of the presence of the asbestos; and
- (cc) so far as is reasonably practicable, ensure that the health of any person who may be required to carry out asbestos work is not endangered by any asbestos fibres that may be released into the air.

(2) A person undertaking asbestos work (whether as an employer or self-employed person) must take all reasonable steps to minimise the release of asbestos fibres into the air.

(3) Without derogating from the requirements of subregulation (2):

- (a) an employer must not allow an employee to be exposed to air-borne asbestos fibres in excess of the exposure standards approved by the Commissioner for the purposes of this Part; and

- (b) an employer or a self-employed person must not expose himself or herself to airborne asbestos fibres in excess of the exposure standards approved by the Commissioner for the purposes of this Part.
- (4) A person must not:
 - (a) supply or use a product that consists of or contains asbestos (but this paragraph does not prevent the handling of installed asbestos for maintenance purposes, or the removal, encapsulation or enclosure of asbestos in accordance with these Regulations); or
 - (b) supply, use or install any material that consists of or contains asbestos.

68. Duties of employers-(1) Without derogating from any other duty under these Regulations, an employer who is to undertake asbestos work must:

- (a) before an employee commences any of the work -
 - (i) ensure that an assessment of the work to be undertaken is carried out in order to identify the risks to health that may exist on account of the presence of asbestos; and
 - (ii) consult with his or her employees on the steps to be taken to protect their health during the performance of the work; and
 - (iii) ensure that adequate information, instruction and training are given to each employee to ensure that the employee is aware of any risks involved in the performance of the work and the precautions that should be taken to protect his or her health; and
- (b) during the performance of the work -
 - (i) keep under consideration the conditions at the workplace; and
 - (ii) inform his or her employees of a change in the risks to health associated with the work; and

(iii) regularly consult with his or her employees on the safe performance of the work.

(2) Subject to subregulation (4), an employer must keep detailed records in relation to asbestos work carried out by his or her employees.

(3) The records must:

(a) contain, under the name of each employee, detailed information in relation to the asbestos work carried out by the employee (including the dates on which the work is carried out, the place or places where the work is carried out, and the results of any atmospheric monitoring undertaken to determine the levels of airborne asbestos fibres); and

(b) be retained by the employer for 40 years from the date of the last entry in the records.

(4) An employer is not required to keep records in relation to any work where the exposure to airborne asbestos fibres is assessed as being no more than trivial, infrequent and of short duration.

(5) A record kept by an employer for the purposes of this regulation must be made available to the person to whom it relates as follows:

(a) the employer must allow the person to inspect the record at any reasonable time; and

(b) the employer must supply a copy of the record to the person -

(i) whenever the person makes a reasonable request for a copy; and

(ii) when the person ceases work with the employer; and

(c) after the person has ceased work with the employer, the former employer must supply a copy of the record to the person whenever he or she makes a reasonable request for a copy.

(6) If an employer who has undertaken asbestos work winds-up his or her business or otherwise ceases operations in Samoa, the employer must, within one (1) month, send to the Commissioner any records kept under this regulation.

(7) An employer who contravenes a requirement of this regulation commits an offence.

PART 12
LEAD

69. Purpose - The purpose of this Part is to ensure that any lead process is carried out so as to prevent risks to the health or safety of any person who is involved in the performance of the work, or who is in the vicinity of the work.

70. Work room and processing area-(1) An employer must ensure that the floor (other than any sand bed) of a workroom in which a lead process is carried on must:

(a) be surfaced with smooth-faced concrete, or a similar material that is impervious to water; and

(b) be laid so as to enable liquids to drain from the floor into a suitable drainage system.

(2) The walls of a workroom in which a lead process is carried on must be smooth-faced so as not to absorb or accumulate lead dust.

(3) All floors, walls, rafters and other parts of buildings where a lead process is carried on must be kept, as far as possible, free from dust.

(4) A person must not sweep dust from a lead processing area unless the part to be swept has been wetted with water so as to prevent dust from being raised (although this subregulation does not apply if the sweeping is carried out by a vacuum cleaner that does not permit the dust to escape into the air).

(5) The floor of a lead processing area must be:

(a) thoroughly cleaned at least once daily with water; and

(b) kept damp (except in close proximity to lead melting pots, lead smelting furnaces and grid casting machines or pots).

(6) The walls and ceiling or, where there is no ceiling, the interior parts of the roof, of a lead processing area must be kept clean by washing with water or by vacuum cleaning at regular intervals.

71. Furniture and equipment-(1) An employer must ensure that a work bench at which any lead process is carried out must:

- (a) have a smooth surface that is impervious to fluids; and
 - (b) be used solely for the carrying on of lead processes; and
 - (c) so far as is reasonably practicable, either be provided with raised edges and kept constantly wet and suitably drained, or have effective, adequate down-draught or cross-draught ventilation (and any such ventilation must effectively prevent the release of the dust and particles being removed into the atmosphere of the workplace).
- (2) A work bench at which any lead process is carried out must be maintained in a clean condition and thoroughly cleaned by washing with water or vacuum cleaning after the end of each shift or period of work.
- (3) The fittings, fixtures and furniture of a lead processing area must be kept clean.

72. Control of atmospheric contaminants-(1) An employer must ensure that the following processes must not be carried on unless an effective and adequate exhaust ventilation system is provided for the removal from the atmosphere of dust and fumes produced in the course of the process:

- (a) the melting or smelting of lead or a lead compound at a temperature exceeding 450° Celsius; or
 - (b) the manipulation of any dry lead compound, unless carried on in an enclosed apparatus capable of preventing the escape of dust into the atmosphere; or
 - (c) the buffing of lead or a lead compound; or
 - (d) the group assembly of accumulator plates; or
 - (e) the trimming, brushing, filing or other abrading or cutting of pasted accumulator plates.
- (2) An exhaust ventilation system provided in accordance with this regulation must ensure that dust or fume concentrations in the breathing zone of any person at work do not exceed exposure standards which may be determined by the Commissioner.

(3) Lead material, other than ingots or other pieces of metallic lead, must not be moved to, or placed in, a furnace or melting pot unless the lead material is:

(a) under an effective and adequate exhaust draught;

or

(b) enclosed to prevent the escape of lead dust into the air in any place where work is performed.

(4) If it is not reasonably practicable to comply with subregulation (3), lead material may be moved to a furnace by a person who is wearing a respiratory protective device.

(5) A dust forming lead compound for use or processing, or which has been produced, must be kept in a closed dust tight container.

(6) Any dross, skimming or residue must be deposited and kept in a covered container and the lid of the container must only be removed when the container is being filled, emptied, or cleaned.

73. Amenities-(1) An employer must ensure that the following must be provided for the use of persons employed in a lead process at any workplace:

(a) a dining room -

(i) that is constructed and situated to prevent entry of dust or fumes generated in any workroom; and

(ii) that has no direct communication with any workroom; and

(iii) that is used exclusively for the distribution and consumption of meals; and

(b) the following change room and facility -

(i) a change room for changing and depositing clothing worn to and from work; and

(ii) a separate change room for depositing and changing work clothing; and

(iii) washing facilities that are set up between the two (2) change rooms under subparagraphs (i) and (ii).

(2) The Commissioner may exempt the occupier of a workplace from the requirements that two (2) change rooms be supplied under subregulation (1)(b) if the Commissioner is satisfied that one (1) change room with adequate facilities is available.

74. Safe procedures-(1) A person must not keep, prepare or consume any food or drink, or smoke, in a place where a lead process is carried on.

(2) A person leaving a workroom in which a lead process is carried on must not enter a dining room or consume any food until the person has:

- (a) taken off his or her work clothing and placed it in the place provided for their storage; and
- (b) thoroughly washed and dried his or her hands and face.

75. Personal protective equipment-(1) An employer must ensure that a person who is employed in a lead process at a workplace must be provided with, and use:

- (a) a sufficient supply of work clothing; and
- (b) a washable apron of waterproof material; and
- (c) if a person is employed in a wet process, suitable footwear; and
- (d) if a person is employed in work where there is any reasonable likelihood of contact between the skin of his or her hands and lead or any lead compound, suitable gloves; and
- (e) if there is a risk of any dust or fumes of lead or a lead compound being present in the atmosphere breathed by a person, a head covering and a suitable respiratory protective device.

(2) An employer must ensure that a hood, helmet, face piece or mouth piece of a respiratory protective device provided under subregulation (1) is thoroughly cleaned, disinfected and checked before use (unless the person who last used the respiratory protective device is the person who is next using it).

(3) Any overalls provided in accordance with this regulation that are used on work requiring contact with lead dust or lead dross must be properly laundered at least once a week.

76. Synthetic mineral fibres exposure standards-(1)

An employer must ensure that if synthetic mineral fibres are used or encountered in the workplace, steps must be taken to ensure, so far as is reasonably practicable, that exposure to, or contact with, the fibres is controlled so as to eliminate or minimise any risk to health.

(2) Without limiting subregulation (1), a person at work must not be exposed to airborne synthetic mineral fibres in excess of the relevant exposure standards determined by the Commissioner.

**PART 13
MISCELLANEOUS**

77. Health and safety committees-(1) Pursuant to sections 22 and 31 of the Act, for the purposes of the proceedings of a health and safety committee:

- (a) the committee must appoint a member to chair meetings of the committee (who may hold office for up to 12 months); and
- (b) a quorum of the committee is at least 50% of the members;
- (c) the committee must keep minutes of its proceedings, and retain those minutes for at least three (3) years.

(2) The following provisions also apply in relation to a health and safety committee:

- (a) the term of office of a member of the committee is three (3) years; and
- (b) a person is disqualified from acting, or continuing to act, as a member of the committee if -
 - (i) the person, being an employee, leaves his or her employment with the employer; or
 - (ii) the person is absent, without leave of the committee, for three (3) or more consecutive meetings of the committee; or
 - (iii) the person is found to have committed a gross misconduct; and
- (c) if a casual vacancy occurs in the membership of the committee -

(i) if the former member was an employee, the remaining member or members who are employees may appoint a person to the vacancy for the balance of the term of the former member;

(ii) if the former member was not an employee, the employer may appoint a person to the vacancy for the balance of the term of the former member.

(3) The employer must provide the following information to the Commissioner within 14 days after a health and safety committee is established:

(a) the name and address of the employer; and

(b) the total number of members of the committee; and

(c) the number of employee representatives on the committee; and

(d) the name of a person who may be contacted for further information in relation to the committee.

(4) If there is a change in any information previously provided under subregulation (3), the employer must, within 14 days after the change, provide the new information to the Commissioner.

(5) The employer must provide to the Commissioner other information concerning the health and safety committee as the Commissioner may request.

78. Certificate of Safety - When any article, substance or machinery specified under section 19 of the Act is inspected pursuant to the Act, the Commissioner may issue a Certificate of Safety in Form No. 6 set out in Schedule 2 of these Regulations.

79. Notification of work-related injuries-(1) Subject to these Regulations, if an employee suffers an immediately notifiable work related injury, the employer must notify the Commissioner of the injury by telephone or facsimile as soon as practicable after the occurrence of the injury.

(2) Subject to subregulation (4), if an employee suffers an immediately notifiable work related injury, the employer must not, without the permission of an inspector:

(a) alter the site where the injury occurred; or

- (b) reuse, repair or remove any plant, or reuse or remove any substance, that caused, or was connected with the occurrence of, the death or injury.
- (3) An employer must, pending the granting of permission by an inspector under subregulation (2), take such steps as are necessary:
 - (a) to rescue an injured person; or
 - (b) to retrieve a dead body; or
 - (c) to protect the health or safety of any person who may be in the vicinity of the site, and may prevent undue damage to property.
- (4) In this regulation, the following are immediately notifiable work-related injuries:
 - (a) a work-related injury that causes death;
 - (b) a work-related injury that has acute symptoms associated with exposure to a substance at work;
 - (c) a work-related injury that requires treatment as an in-patient in a hospital immediately after the injury (disregarding any time taken for emergency treatment or to get the person to hospital).

80. Notification of work-related illness - If a person who is employed at the workplace or not suffers illness caused from the accidents or incidents took place in the workplace, the employer must notify the Commissioner in writing of the illness as soon as practicable .

81. Notification of serious accidents-(1) Subject to these Regulations, if a serious accident occurs at a workplace, the person-in-charge of the workplace must give notice of the accident as follows:

- (a) the person must give preliminary notice of the serious accident by contacting the Commissioner by telephone or facsimile as soon as practicable after it occurs; and
- (b) the person must give written notice of the serious accident by sending to the office of the Commissioner a notice in a form determined

by the Commissioner containing the information required under subregulation (2) within 24 hours after it occurs.

(2) A written notice under subregulation (1)(b) must include the following information:

- (a) the name and business address of the person giving the notice;
- (b) the date and time of the serious accident;
- (c) the place of the serious accident;
- (d) the apparent cause of the serious accident;
- (e) the nature and extent of any damage caused;
- (f) the work (if any) that was being carried out at the time of the serious accident.

(3) Subject to subregulation (4), if a serious accident involves:

- (a) the collapse, overturning or failure of the load-bearing part of any scaffolding, lift, crane, hoist or mine-winding equipment; or
- (b) the collapse or failure of any excavation or shoring; or
- (c) the collapse or partial collapse of any building or structure; or
- (d) the collapse or partial collapse of a floor, wall or ceiling,

the person-in-charge of the workplace must not, without the permission of an inspector:

- (aa) alter the site where the serious accident occurs; or
- (bb) reuse, repair or remove any scaffolding, lift, crane, hoist, mine-winding equipment, shoring, plant or apparatus that was connected with the serious accident.

(4) A person must, pending the granting of permission by an inspector under subregulation (3), take such steps as are necessary:

- (a) to rescue an injured person; or
- (b) to retrieve a dead body; or
- (c) to protect the health or safety of any person who may be in the vicinity of the site, and may prevent undue damage to property.

(5) In this regulation, "serious accident" means an incident or event that is attributable to any of the following if there is an immediate and significant risk to any person in,

on or near the relevant place, or who could have been in, on or near the relevant place (whether or not a work-related injury occurs):

- (a) the collapse, overturning or failure of the load-bearing part of a scaffolding, lift, crane, hoist or mine-winding equipment;
- (b) damage to, or malfunction of, other major plant;
- (c) the unintended collapse or failure of an excavation that is more than 1.5 m deep, or of any shoring;
- (d) the unintended collapse or partial collapse -
 - (i) of a building or structure under construction, reconstruction, alteration, repair or demolition; or
 - (ii) the floor, wall or ceiling of a building being used as a workplace;
- (e) an uncontrolled explosion, fire or escape of any gas, hazardous substance or steam;
- (f) the unintended ignition or explosion of an explosive;
- (g) an electrical short circuit, malfunction or explosion;
- (h) an unintended event involving a flood of water, rockburst, rock fall, or any collapse of ground;
- (i) an incident where breathing apparatus intended to permit the user to breathe independently of the surrounding atmosphere malfunctions in such a way that the wearer is deprived of breathing air or exposed to an atmospheric contaminant to an extent that may endanger health;
- (j) any other unintended or uncontrolled incident or event arising from operations carried on at a workplace.

82. Copy of Act and Regulations - An employer must, at the request of an employee, give a copy of the Act or these Regulations and allow the employee a reasonable opportunity to peruse it.

83. False information - A person who, in providing information to the Commissioner under or for the purposes of these Regulations, makes a statement that is false or misleading in a material particular commits an offence.

84. Offences-(1) A person who fails to comply with any provision of these Regulations commits an offence.

(2) A person convicted of an offence against these Regulations for which no other penalty is provided is liable on conviction:

(a) for a corporation, to a fine not exceeding 150 penalty units; and

(b) in any other case, to a fine not exceeding 10 penalty units.

(3) For a contravention which was likely to cause the death of, or bodily injury to, a person, the fine shall not exceed:

(a) 1000 penalty units for a corporation; or

(b) 100 penalty units in any other case.

85. Fees and forms-(1) The fees for the purposes of the Act are set out in Schedule 1.

(2) The forms for the purpose of the Act are set out in Schedule 2.

SCHEDULES

**SCHEDULE 1
(Regulation 85(1))**

FEEES

ITEM	ACTION FOR WHICH FEE PAYABLE	AMOUNT
1	Application for an asbestos removal licence	\$200.00

SCHEDULE 2

(Regulation 85(2))

FORMS

**FORM NO.1
(Section 7(4))**

INSPECTOR'S IDENTITY CARD

MINISTRY OF COMMERCE, INDUSTRY & LABOUR
OCCUPATIONAL SAFETY AND HEALTH DIVISION

APIA:

DATE:

Mr/Ms is an officer of the
Occupational Safety & Health Division
(full name)

and as a labour Inspector he/she may request information and do
all such things as are provided by the Occupational and Safety Act
2002.

Your co-operation is requested in providing him/her with all
facilities necessary to attend to his/her functions under the Act.

Commissioner of Labour
Occupational Safety & Health

Photograph:

Signature:

Official stamp (including part of photograph)

Date:

No. of Identity Card:

FORM NO.2
(Section 21 of the Act)

NOTICE OF FAULT, HAZARD, OR DANGER

MINISTRY OF COMMERCE, INDUSTRY & LABOUR
OCCUPATIONAL SAFETY & HEALTH DIVISION
APIA
DATE:

To: (employer, occupier or owner of place of employment).
Address:

1. Further to this Division's Report on Form 3 forwarded to you by registered mail on(date), you are hereby notified that on(date) during an inspection by an Inspector of this Division was found:.....
.....
.....
.....
(Description of fault, hazard, or danger).

2. You are required to obtain proper advice on the foregoing matter from the Commissioner of Fire & Emergency Services Authority, Ministry of Works, Transport & Infrastructure, Electrical Inspector, immediately, and thereafter to rectify the matter in accordance with such advice as may be given to you.

Commissioner of Labour
Occupational Safety & Health Division
Official Stamp

No. of Notice:
1 copy for File

FORM NO.3
(Section 21 of the Act)

To: Commissioner of Labour
Ministry of Commerce, Industry & Labour
APIA.

Name (or employer, occupier or owner of place of
employment)
Address:

1. I hereby notify you that the following accident took place
at (full name and address
of place where the accident took place) at
(time when accident took place)
to (full name and address of person injured)

2. The nature of the injury was

.....
.....
.....

(full description of nature of injury accompanied by a
certificate of the doctor who treated the person injured)

3. The following persons witnessed the accident

.....
.....
.....
.....

(full name and address)

Signature:

Status:

Date:

Place:

16. Date and time when the person who suffered the accident
returned to work.

FORM NO.4
(Section 25 of the Act)

**INSPECTOR'S REPORT TO EMPLOYER,
OWNER OR OCCUPIER
(IMPROVEMENT NOTICE)**

MINISTRY OF COMMERCE, INDUSTRY & LABOUR
OCCUPATIONAL SAFETY AND HEALTH DIVISION
APIA

DATE:

TO: (full name of employer), occupier or owner of place of
employment.

Address:

1. During the inspection of (full name and address of place of
employment inspected) I found (description of fault or matter to
be rectified) -

.....
.....
.....

2. Under Occupational Safety and Health Act 2002, you are
hereby required and ordered to carry out all alterations and
additions necessary to remedy such fault. These are to be carried
out to my satisfaction within..... days from this
date/forthwith.

3. I intend to visit again your place of employment on or about
(date.)

.....
.....
.....

Labour Inspector Code
Signature

Official Stamp
Original to employer
1 copy for File
1 copy in book

FORM NO.5
(Section 26 of the Act)

PROHIBITORY NOTICE

MINISTRY OF COMMERCE, INDUSTRY & LABOUR
OCCUPATIONAL SAFETY & HEALTH DIVISION
APIA
DATE:

To: (employer, occupier or owner of place of employment).
Address:

1. During the inspection of (full name and address of place of employment) on (date and time of inspection) it was found that:
(Description of fault)

.....
.....
.....
.....
.....

2. As such fault is considered to constitute an imminent safety hazard and a danger to the workers employed by you, it is now ordered, under section 26 of the Occupational Safety & Health Act 2002
(State matter prohibited)

.....
.....
.....

shall not be used until made entirely safe and thus no longer constituting a safety hazard and a danger to your employees.

Commissioner of Labour
Occupational Safety & Health
Official Stamp
Date:

Order No.:
1 Copy for File

FORM NO.6
(Regulation 78)

CERTIFICATE OF SAFETY

MINISTRY OF COMMERCE, INDUSTRY & LABOUR
OCCUPATIONAL SAFETY AND HEALTH DIVISION
APIA
DATE:

On an inspection was made of
(describe in full (date) the pressure equipment inspected giving
full details including any matrix number):

.....
.....
.....
.....
.....

By an Inspector of this Division.

The equipment described in the foregoing paragraph was found in
good order and condition.

This certificate is valid for 12 months from the date of issue.

Countersigned:
Inspector:
Date:

Commissioner of Labour
Occupational Safety & Health
Official Stamp

No. of Certificate
1 Copy File.

FORM NO.7
(Part 6 & Part 7 of the Regulations)

**NOTICE TO CHIEF FIRE OFFICER
OR ELECTRICAL INSPECTOR**

MINISTRY OF COMMERCE, INDUSTRY & LABOUR
OCCUPATIONAL SAFETY & HEALTH DIVISION
APIA.
DATE:

To: (Chief Fire Officer/Electrical Inspector).
Address:

In accordance with the Occupational Safety & Health Regulation
2017, you are hereby notified that during an inspection by an
officer of this Division, of.....
Full name and address of place of employment inspected).

.....
.....
it was observed that:

.....
.....
(nature, type or matter)

.....
.....
being a matter that, under the said regulations, I am to bring to
your attention.

Labour Inspector
Official Stamp

Original to addressee
1 Copy for File
1 Copy to Inspector

