
**THE OCCUPATIONAL HEALTH AND SAFETY ACT,
2025**

ARRANGEMENTS OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title
2. Interpretation
3. Application

PART II

THE OCCUPATIONAL HEALTH AND SAFETY INSTITUTE

4. Continuation of Occupational Health and Safety Institute
5. Functions of Institute
6. Board of Institute
7. Functions of Board
8. Director-General, Secretary and other staff

PART III

HEALTH AND SAFETY COMMITTEES

9. Establishment of health and safety committee
10. Composition of health and safety committee
11. Functions of health and safety committee
12. Health and safety representative

PART IV

HEALTH AND SAFETY AT WORKPLACE

13. Determination of reasonably practicable
14. Duties of employer at workplace
15. Employer to inform Institute of ill-health of employee
16. Duties of employee at workplace
17. Duties of employer and self-employed persons to persons
other than employees
18. Duties of designer, manufacturer, supplier and importer
19. Duties of architect and engineer
20. Compliance with standards
21. Duty not to interfere with or misuse appliance, convenience
or other thing
22. Prohibition of dismissal or victimisation of employee

PART V
OCCUPATIONAL HEALTH AND SAFETY SERVICES

23. Risk assessment of workplace
24. Prohibition of employment of person without medical examination certificate
25. Medical examination or surveillance
26. Medical examination
27. Issuance of medical examination certificate
28. Confidentiality of medical examination and medical surveillance results
29. Validity of medical examination certificate
30. Renewal of medical examination certificate
31. Revocation of medical examination certificate
32. Amendment of medical examination certificate
33. Duplicate medical examination certificate
34. Medical surveillance

PART VI
ENFORCEMENT

35. Authorised officer
36. Powers of authorised officer
37. Obstruction of authorised officer
38. Arrest without warrant
39. Suspension of workplace activities
40. Closure of workplace

PART VII
GENERAL PROVISIONS

41. Exemption
42. Disclosure protection
43. Appeals
44. Register
45. Publication of copies of register
46. General offences
47. General penalty
48. Administrative penalty
49. Offence by principal officers of body corporate or unincorporated body
50. Prohibition of publication or disclosure of information to unauthorised person
51. Immunity from execution of judgement against Institute assets
52. Guidelines
53. Regulations
54. Repeal of Act No. 36 of 2010, and savings and transitional provisions

SCHEDULES

GOVERNMENT OF ZAMBIA

ACT

No. 16 of 2025

Date of Assent: 23rd December, 2025

An Act to continue the existence of the Occupational Health and Safety Institute and re define its functions; re constitute the Board of the Occupational Health and Safety Institute and re-define its functions; provide for the establishment of health and safety committees at workplaces; regulate health and safety of persons at workplaces; repeal and replace the Occupational Health and Safety Act, Cap. 296; and provide for matters connected with, or incidental to, the foregoing.

[30th December, 2025

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVICIONS

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|---|--------------------|
| 1. This Act may be cited as the Occupational Health and Safety Act, 2025. | Short title |
| 2. In this Act, unless the context otherwise requires — | Interpretation |
| “associate” has the meaning assigned to the word in the Anti-Corruption Act; | Cap 91 |
| “architect” means a person registered as an architect under the Zambia Institute of Architects Act; | Cap. 442 |
| “authorised officer” means a person appointed as an authorised officer under section 35 and includes— | |
| (a) an inspector appointed under the Minerals Regulation Commission Act, 2024; | Act No. 14 of 2024 |

Cap. 441	(b) an inspector appointed under the Factories Act;
Cap. 204	(c) an inspector appointed under the Environmental Management Act;
Cap. 295	(d) an inspector appointed under the Public Health Act;
Cap. 303	(e) an authorised officer appointed under the Food Safety Act;
Cap. 311	(f) a radiation safety officer appointed under the Ionising Radiation Protection Act;
Cap. 271	(g) a person authorised by the Commission to inspect or investigate a matter under the Workers Compensation Act; and
Cap. 436	(h) an inspector appointed under the Energy Regulation Act;
	“Board” means the Board of the Occupational Health and Safety Institute constituted under section 6;
	“Chairperson” means a person appointed as Chairperson of the Board under section 6;
Cap. 1	“citizen” has the meaning assigned to the word in the Constitution;
Cap. 259	“Civil Service” has the meaning assigned to the words in the Service Commissions Act;
Cap. 268	“contract of employment” has the meaning assigned to the words in the Employment Code Act;
	“convenience” includes water systems, bathroom, change rooms and kitchen;
Cap. 1	“court” has the meaning assigned to the word in the Constitution;
Cap. 1	“Defence Force” means the Defence Force established under the Constitution;
	“Director-General” means a person appointed as Director-General under section 8;
Cap. 1	“emoluments” has the meaning assigned to the word in the Constitution;
Cap. 1	“Emoluments Commission” means the Emoluments Commission established under the Constitution;

“employee” has the meaning assigned to the word in the Employment Code Act; Cap. 268

“employer” has the meaning assigned to the word in the Employment Code Act; Cap. 268

“engineer” has the meaning assigned to the word in the Engineering Institution of Zambia Act; Cap. 432

“exit medical examination” means a health assessment carried out on an employee on the termination of a contract of employment to assess hazards which might cause future health impairment;

“health and safety committee” means a health and safety committee established under section 9;

“health and safety representative” means a health and safety representative elected under section 12;

“holder of a medical examination certificate” means a person to whom a medical examination certificate is issued under section 27 and includes an employee;

“imminent harm” includes—

- (a) failure to comply with set occupational health and safety standards;
- (b) engaging unlicensed persons to carry out a workplace activity;
- (c) continuous emission of, poisonous, harmful, injurious or offensive substances in the workplace;
- (d) continuous accident, dangerous occurrence, or occupational poisoning; and
- (e) any other circumstance as the Institute may consider necessary;

“in-employment medical examination” means a health assessment carried out on an employee at periodic intervals during employment which involves exposure to a particular hazard to health;

“Institute” means the Occupational Health and Safety Institute continued under section 4 of the Act;

“medical examination” means an examination carried out on an employee by a medical doctor from the Institute to determine the health status of that employee;

- “medical examination certificate” means a certificate issued under section 27;
- “medical surveillance” means a planned programme of examinations carried out on an employee which may include clinical examinations, biological monitoring or medical tests, analysis and interpretation of results for purposes of prevention of ill health and injuries;
- Cap. 1 “national security service” means the national security services established under the Constitution;
- “occupational disease” means a disease contracted by an employee as a result of that employee’s employment;
- “occupational injury” means an injury suffered by an employee as a result of that employee’s employment;
- “ostensible supplier” means the person who acts as a middleman between a supplier and the person to whom an article, device, item, plant or substance for use at work is supplied and who facilitates the supply of the article, device, item, plant or substance;
- Cap. 268 “piece work” has the meaning assigned to the words in the Employment Code Act;
- “plant” includes—
- (a) machinery, fixtures, fittings, equipment, appliances, implements and tools;
 - (b) a component of machinery, fixtures, fittings, equipment, appliances, implements and tools; and
 - (c) anything fitted, connected or related to machinery, fixtures, fittings, equipment, appliances, implements and tools;
- “post-employment medical examination” means a health assessment carried out on a retired employee who worked in a hazardous workplace, to assess hazards which might cause future health impairments;
- “pre-placement medical examination” means a health assessment carried out on a prospective employee before the prospective employee is employed or assigned to a specific task that may involve a risk to the health of the prospective employee or others;

- “relative” has the meaning assigned to the word in the Anti-Corruption Act; Cap. 91
- “repealed Act” means the Occupational Health and Safety Act; Cap. 296
- “risk assessment” means a systematic process used to identify, quantify, evaluate and prioritise potential risks in relation to occupational hygiene;
- “trade union” means a trade union registered under the Industrial and Labour Relations Act; Cap. 269
- “Secretary” means a person appointed as secretary under section 8;
- “self-employed person” means any person who on their own, or in partnership or association with any other person, is engaged in an occupation and who receives from the proceeds of that occupation any emolument;
- “standard” has the meaning assigned to the word in the Standards Act; Cap. 416
- “substance” means any natural or artificial matter, whether in solid, liquid, gas or vapour form;
- “Vice-Chairperson” means a person appointed as Vice-Chairperson of the Board under section 6;
- “Workers’ Compensation Fund Control Board” means the Workers’ Compensation Fund Control Board established under the Workers’ Compensation Act; Cap. 271
- “workplace” means any premises or place where a person performs work;
- “Zambia Bureau of Standards” means the Zambia Bureau of Standards established under the Standards Act; and Cap. 416
- “Zambia Compulsory Standards Agency” means the Zambia Compulsory Standards Agency established under the Compulsory Standards Act. Cap. 22
3. (1) This Act applies to all workplaces. Application
- (2) Despite subsection (1), this Act does not apply to the—
- (a) Defence Force;
 - (b) National Security Services; and
 - (c) Civil Service.

PART II

THE OCCUPATIONAL HEALTH AND SAFETY INSTITUTE

Continuation
of
Occupational
Health and
Safety
Institute

4. (1) The Occupational Health and Safety Institute established under the repealed Act is continued as if established under this Act as a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power, subject to the provisions of this Act, to do all acts and things that a body corporate may, by law, do or perform.

(2) The First Schedule applies to the Institute.

Functions of
Institute

5. (1) The functions of the Institute are to—

- (a) conduct medical examinations for occupational health and safety purposes;
- (b) investigate and detect occupational diseases at workplaces;
- (c) set and maintain standards for the protection of the health and safety of employees at workplaces;
- (d) provide occupational laboratory service;
- (e) promote studies and carry out investigations and research on occupational health and safety;
- (f) prepare and maintain statistics on employee's morbidity and mortality;
- (g) facilitate the conduct of health risk assessments and occupational hygiene surveys in workplaces in order to quantify the level of risks and advise on control measures;
- (h) promote awareness and educational programmes relating to occupational health and safety;
- (i) collaborate with any registered training institution or scientific body to develop human capital for occupational health and safety;
- (j) advise the Minister on matters relating to occupational health and safety;
- (k) collaborate with other government agencies and relevant authorities on matters relating to occupational health and safety;
- (l) monitor and enforce compliance with this Act; and
- (m) perform any other functions necessary for the purposes of this Act.

6. (1) There is constituted the Board of the Institute consisting of the following part-time members appointed by the Minister:

Board of
Institute

- (a) a representative of the ministries responsible for—
 - (i) health;
 - (ii) labour;
 - (iii) mines;
 - (iv) infrastructure; and
 - (v) agriculture;
- (b) a representative of the Attorney-General;
- (c) a representative of an employers' organisation with the most representation;
- (d) a representative of a trade union with the most representation; and
- (e) a person with knowledge and experience in occupational health and safety.

(2) The ministries, institutions and organisations referred to in subsection (1) shall nominate their representatives for appointment by the Minister.

(3) The Minister shall appoint the Chairperson from among the members of the Board.

(4) The members of the Board shall elect the Vice-Chairperson from among themselves.

(5) A person shall not be nominated or appointed as a member of the Board if that person—

- (a) is not a citizen;
- (b) is an undischarged bankrupt;
- (c) is legally disqualified from performing the functions of a member;
- (d) is convicted of an offence under any written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (e) is convicted of an offence involving fraud or dishonesty under any written law; or
- (f) is an employee of the Institute.

Functions of Board	(6) The First Schedule applies to the Board. 7. (1) Subject to the other provisions of this Act, the Board shall perform the functions of the Institute and provide strategic policy direction to the Institute. (2) Despite subsection (1), the functions of the Board are to— (a) approve the policies, programmes and strategies of the Institute; (b) approve the annual workplan, action plans and activity reports of the Institute; (c) approve the annual budget estimates and financial statements of the Institute; (d) monitor and evaluate the performance of the Institute against the budget and plans; and (e) promote the effective corporate governance of the Institute. (3) The Board may, by direction in writing and on conditions that the Board considers necessary, delegate to the Director-General any of the Board's functions under this Act. (4) A delegation made under subsection (3) shall not prevent the Board from performing the function so delegated. (5) The Minister may give to the Board general or specific directions relating to the performance of the Board's functions and the Board shall give effect to those directions to the extent that they are not inconsistent with this Act or any other written law.
Director-General, Secretary and other staff	8. (1) The Board shall appoint a Director -General who shall be— (a) the chief executive officer of the Institute; and (b) responsible for the day-to-day administration of the Institute under the direction of the Board. (2) The Director-General shall attend meetings of the Board or a committee of the Board and may address those meetings, but shall not vote on any matter. (3) The Board shall appoint a Secretary and other staff of the Institute that the Board considers necessary for the performance of the functions of the Institute.

(4) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Director-General, Secretary and other staff of the Institute.

(5) The Board shall determine the terms and conditions of service, other than emoluments, of the Director-General, Secretary and other staff of the Institute.

PART III

HEALTH AND SAFETY COMMITTEES

9. An employer of ten or more persons at any workplace shall establish a health and safety committee immediately after the commencement of business or within thirty days of employing ten employees.

Establishment
of health and
safety
committee

10 (1) A health and safety committee established under section 9 shall consist of an equal number of members, not less than two on each side, representing the employer and the employees, except that the representatives of the employees shall be chosen by the employees or designated by a trade union.

Composition
of health and
safety
committee

(2) The Chairperson of a health and safety committee shall be a person elected from amongst the employee representatives by the employer or the senior most member of management on an alternating basis.

(3) An employer shall display the names and portraits of the members of the health and safety committee in a conspicuous place at the workplace.

11. (1) The functions of a health and safety committee are to—

Functions of
health and
safety
committee

- (a) promote cooperation between the employer and the employees in achieving and maintaining healthy and safe working conditions;
- (b) share information about occupational health, safety and welfare with employees;
- (c) investigate any matter that may be a risk to the health and safety of employees at a workplace;
- (d) make recommendations to the employer on the improvement of the occupational health and safety of employees and compliance with the regulations;
- (e) review the measures taken on the health, safety and welfare of employees at a workplace; and
- (f) review rules and procedures relating to health and safety to be carried out at the workplace.

(2) The Minister may, by statutory instrument, make regulations to provide for—

- (a) the procedure of a health and safety committee;
- (b) the powers and additional functions of a health and safety committee; and
- (c) any other matters necessary for the effective performance of a health and safety committee under this Act.

Health and
safety
representative

12. (1) The representatives of the employees on a health and safety committee shall elect from amongst themselves, a health and safety representative who shall coordinate health and safety activities at the workplace.

(2) Where there are only two representatives of the employees on the health and safety committee, the employees shall elect a health and safety representative from the two representatives on the health and safety committee.

(3) The Minister may, by statutory instrument, make regulations to provide for—

- (a) the powers and functions of a health and safety representative; and
- (b) any other matter necessary for the effective performance of the powers and functions of a health and safety representative under this Act.

PART IV

HEALTH AND SAFETY AT WORKPLACES

Determination
of
reasonably
practicable

13. For the purposes of this Part, in determining what is, or was, at any particular time, reasonably practicable in relation to ensuring health and safety at a workplace, regard shall be had to the following matters:

- (a) the likelihood of the hazard or risk concerned occurring;
- (b) the degree of harm that would result if the hazard or risk occurred;
- (c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
- (d) the availability and suitability of ways to eliminate or reduce the hazard or risk; and
- (e) the cost of eliminating or reducing the hazard or risk.

14. (1) An employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the employees.

Duties of
employer at
workplace

(2) Despite the generality of subsection (1), an employer shall—

- (a) prepare a health and safety policy providing for the protection of the health and safety of the employees at a workplace, including a description of the organisation and arrangements for carrying out reviews to that policy;
- (b) prominently display a statement of the health and safety policy referred to in paragraph (a), signed by the chief executive officer or an equivalent officer, in a conspicuous place at a workplace;
- (c) disseminate the occupational health and safety policy referred to under paragraph (a) to the employees;
- (d) formulate and disseminate to the employees the rules and procedures relating to health and safety;
- (e) provide plant and systems of work that are, so far as is reasonably practicable, safe and without any risks to human health and maintain them in that condition;
- (f) ensure, so far as is reasonably practicable, that articles, devices, items and substances provided for the use of the employees at a workplace are used, handled, stored and transported in a manner that is safe and without any risk to the health and safety of the employees at the workplace;
- (g) provide information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety of the employees at the workplace;
- (h) so far as is reasonably practicable, maintain a workplace under the employer's control, in a condition that is safe and without any risk to the health and safety of employees at the workplace;
- (i) so far as is reasonably practicable, provide and maintain the means of access to, or exit from, a workplace that are safe and without any risk to the health and safety of the employees and others using it;

- (j) provide and maintain a working environment which is adequate as regards facilities and arrangements for the welfare of employees at the workplace;
- (k) inform and consult a health and safety representative—
 - (i) where an authorised officer visits the workplace, and give the health and safety representative an opportunity to meet the authorised officer;
 - (ii) on the circumstances and future prevention of any injury or illness to an employee;
 - (iii) on the circumstances of any injury to an employee for which a claim is submitted to the Workers' Compensation Fund Control Board; or
 - (iv) with a view to making and maintaining arrangements to enable the employer and the employees to cooperate effectively in promoting and developing measures to ensure the health and safety of the employees at the workplace, and checking the effectiveness of those measures;
- (l) provide for measures to deal with emergencies and accidents, including adequate first-aid arrangements;
- (m) provide at the employer's expense all appropriate protective clothing or equipment to be used in the workplace by employees who in the course of employment are likely to be exposed to the risk of bodily injuries, and adequate instructions in the use of such protective clothing and equipment; and
- (n) provide to the employees, without a charge, anything which by law is required to be provided to those employees by the employer.

(3) An employer shall not require an employee to return to a work station, where there is imminent danger to life or health, until remedial action is taken to address the danger.

(4) An employer who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding three hundred and seventy-five thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

Employer to
inform
Institute of
ill-health of
employee

15. (1) An employer shall, in a prescribed manner and form, inform the Institute of the occurrence of ill-health of an employee and absence from work for occupational health reasons, in order for the Institute to be able to identify whether there is any relation between the reasons for ill-health or absence from work and any health hazards which may be present at the workplace.

(2) The Institute shall, on receipt of information under subsection (1), require the employer to present the employee for medical examination in accordance with section 26.

(3) An employer who contravenes subsection (1) is liable to an administrative penalty.

16. (1) An employee shall, at a workplace—

Duties of
employee at
workplace

(a) take reasonable care of the employee's own health and safety and that of other persons who may be affected by the employee's acts or omissions at the workplace;

(b) not operate any machine or engage in a process which is unsafe or is an imminent risk to the employee's own health or safety and that of others; and

(c) cooperate with the employer or any other person in relation to any duty imposed on the employer or that other person, so far as is necessary to enable that duty to be performed or complied with.

(2) An employee shall, where an employee has reasonable grounds to believe that the condition of any item, device, article, plant or substance or any aspect of the workplace is, or may be, dangerous to the employees' health or safety, immediately inform the employer, the health and safety committee or health and safety representative.

(3) An employee who contravenes—

(a) subsections (1) (a) or (c) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding one year, or to both; and

(b) subsection (1) (b) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

17. An employer or self-employed person shall, so far as is reasonably practicable, conduct the employer's or self-employed person's business in a way that persons who are not employed by the employer or self-employed person and who may be affected by activities at the employer's workplace or the activities of the self-employed person are not exposed to risks to their health or safety.

Duties of
employer and
self-
employed
persons to
persons other
than
employees

Duties of
designer,
manufacturer,
supplier and
importer

18. (1) A person who designs or constructs a building or structure, or part of a building or structure who knows, or ought reasonably to know, that the building or structure or part of the building or structure is to be used as a workplace shall ensure, so far as is reasonably practicable, that it is designed or constructed to be safe and without risks to the health or safety of persons using it as a workplace for a purpose for which it was designed.

(2) A person who designs, manufactures or supplies an article, device, item, plant or substance for use by persons at a workplace shall—

- (a) ensure that the article, device, item, plant or substance is safe and without risks to health if it is used for the purpose for which it was designed, manufactured or supplied;
- (b) carry out, or arrange the carrying out of, testing and examination as may be necessary for the performance of the duty imposed under paragraph (a); and
- (c) provide or arrange for the provision of—
 - (i) adequate information about the article, device, item, plant or substance to the person to whom it is supplied concerning the purpose for which the article, device, item, plant or substance was designed, manufactured or supplied; and
 - (ii) any conditions necessary to ensure that the article, device, item, plant or substance is safe and without risks to health or safety if it is used for the purpose for which it was designed, manufactured or supplied.

(3) For the purposes of this section, an article, device, item or substance is regarded as properly used where it is used in accordance with any relevant information or advice relating to its use which is made available by a person who designed or manufactured the article, device, item or substance.

(4) Where it is proved by a court that the person for whom the article, device, item or substance was designed, manufactured or imported, or to whom it was supplied—

- (a) has failed to comply with the information provided by the designer or manufacturer or a risk occurs to the health or safety of the persons using the article, device, item or substance or to other persons, whether at a workplace

or not, the person who designed or manufactured the article, device, item or substance, shall not be liable for the risk caused; or

- (b) complied with the information provided by the designer or manufacturer, but a risk is caused to the health or safety of the employees using it or to other persons, whether at a workplace or not, the person who designed or manufactured the article, device, item or substance shall be liable for the harm caused.

(5) For the purposes of this section, the ostensible supplier shall, where an ostensible supplier supplies any article, device, item or substance for use at work to an employer, be treated as having supplied the article, device, item or substance and any duty imposed on the suppliers under this Act shall fall on the ostensible supplier.

(6) The duties specified under this section—

- (a) apply whether or not the plant, article, device, item or substance is exclusively designed, manufactured or supplied for use by persons at a workplace;
- (b) extend to the design, manufacture or supply of components for, or accessories to, any plant for use by persons at a workplace;
- (c) extend to the supply of the plant, article, device, item or substance by way of sale, transfer, lease or hire and whether as principal or agent; or
- (d) extend to the supply of the plant, article, device, item or substance to a person for the purpose of supply to others.

(7) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

19. (1) An architect shall, for the purposes of health and safety of persons at or near a workplace, carry out an architect's duties of designing a workplace and management of construction of such a workplace in a manner as prescribed.

Duties of
architect and
engineer

(2) An engineer shall, for the purposes of health and safety of persons at or near a workplace, carry out an engineer's duties of planning, analysing, developing, designing, manufacturing, building or installing, testing and maintaining devices and systems, at a workplace in a manner as determined by the Institute.

Compliance
with
standards

20. A person who designs, constructs, manufactures, supplies or imports an article, device, item or substance shall, in addition to the requirements of this Act, conform to standards set by the Zambia Bureau of Standards, Zambia Compulsory Standards Agency or other relevant body.

Duties not
to interfere
with or
misuse
appliance,
convenience
or other
thing

21. (1) A person shall not willfully interfere with or misuse an appliance, convenience or other thing provided in a workplace in the interest of health or safety and welfare under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Prohibition
of dismissal
or
victimisation
of employee

22. (1) An employer shall not alter an employee's position or terms of employment to that employee's detriment or dismiss or threaten to dismiss the employee because the employee—

- (a) makes a complaint about a workplace that the employee considers is not safe or is a risk to health;
- (b) is or has been a member of a health and safety committee or is or has been a health and safety representative;
- (c) exercises or had exercised a power as a health and safety representative or a member of a health and safety committee;
- (d) assists or had assisted, or gives or had given any information to, an authorised officer, a member of a health and safety committee, health and safety committee or health and safety representative;
- (e) complies with the directives of an authorised officer, a member of a health and safety committee, health and safety committee, or health and safety representative; or
- (f) gives evidence before any court on matters relating to this Act.

(2) An employee who has been subjected to any dismissal or victimisation under subsection (1) may—

- (a) apply to any court having jurisdiction, including the Industrial and Labour Relations Court, for appropriate relief; or
- (b) pursue any other process allowed or prescribed by any law.

PART V**OCCUPATIONAL HEALTH AND SAFETY SERVICES**

23. (1) An employer who has at least ten employees at a workplace shall conduct a risk assessment to—

Risk
assessment of
workplace

- (a) identify the hazards in a workplace;
- (b) assess the risk arising from the hazards under paragraph (a); and
- (c) institute control measures to reduce exposure of employees to hazards.

(2) The risk assessment referred to under subsection (1) shall be conducted every two years by—

- (a) an employer; or
- (b) the Institute, on request of an employer on payment of a prescribed fee.

(3) Despite subsection (2), a risk assessment shall be conducted where—

- (a) there is a change in the work process of a workplace;
- (b) an accident occurs which is likely to affect the health or safety of employees; or
- (c) the Institute requests an employer to conduct a risk assessment as the Institute may determine.

(4) An employer shall, where the risk assessment is conducted by the employer in accordance with subsection (2), submit the risk assessment report to the Institute for approval on payment of a prescribed fee.

(5) The Institute shall, where the risk assessment is conducted by the Institute in accordance with subsection (2), submit a risk assessment report to the employer.

(6) The risk assessment report referred to under subsections (4) and (5) shall contain—

- (a) sampling results of hazards;
- (b) risk rating of the hazards;
- (c) findings of the risk assessment; and
- (d) recommendations on control measures.

(7) The Institute shall, where the risk assessment conducted under this section establishes a significant risk of exposure to employees, conduct a medical examination or medical surveillance.

(8) An employer who contravenes subsections (1), (2) and (4) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

Prohibition
of
employment
of person
without
medical
examination
certificate

24. (1) An employer shall not employ a person without a medical examination certificate issued by the Institute in accordance with this Part, where the Institute determines that the workplace establishes a significant risk of exposure to a workplace hazard to an employee.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding three hundred and seventy-five penalty units or to imprisonment for a period not exceeding two years, or to both.

Medical
examination
or medical
surveillance

25. (1) The Institute shall undertake medical examination or medical surveillance of employees to—

- (a) ensure that an employee is fit for the work that the employee is tasked to perform;
- (b) ensure that the employee meets the inherent health requirements for the job without risk to the safety of the employee or any other person;
- (c) detect early signs of work related illnesses in employees who are exposed to certain hazards and recommend prompt management of the illness; and
- (d) monitor whether the prescribed control measures for identified hazards are failing or not.

(2) The following are the types of medical examinations that shall be conducted by the Institute under this Act—

- (a) pre-placement medical examination;
- (b) in-employment medical examination;
- (c) exit medical examination;
- (d) post-employment medical examination; and
- (e) any other medical examinations as the Institute may determine.

(3) A medical examination referred to under subsection (2) shall be conducted on an employee yearly, except that depending on the degree of risk to the health of an employee in a workplace, the Institute may conduct a medical examination earlier than the specified period.

26. (1) An employer shall, prior to entering into a contract of employment with a prospective employee, present that prospective employee to the Institute for a pre-placement medical examination on payment of a prescribed fee.

Medical
examination

(2) An employer shall, within thirty days of the approval of a risk assessment report referred to under section 23, present its employees to the Institute for an in-employment medical examination on payment of a prescribed fee.

(3) An employer shall, in accordance with section 25(3), present an employee to the Institute for an in-employment medical examination on payment of a prescribed fee.

(4) An employer shall, within thirty days of the termination of an employee's contract of employment or an employee's retirement, present the employee to the Institute for an exit medical examination on payment of a prescribed fee.

(5) A person shall, after one year of leaving employment, present oneself to the Institute, as prescribed, for a post-employment medical examination on payment of a prescribed fee.

(6) An employer who contravenes subsection (1) to (4) commits an offence and is liable, on conviction, to a fine not exceeding three hundred and seventy-five thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

27. (1) The Institute shall, within thirty days of conducting a medical examination referred to under section 26(1) to (4), issue a medical examination certificate to the employer, in a prescribed manner and form.

Issuance of
medical
examination
certificate

(2) The Institute shall, within fourteen days of conducting a post-employment medical examination referred to under section 26(5), issue a medical examination certificate to the employee in the prescribed manner and form.

(3) A medical examination certificate referred to under this section shall—

(a) state that the person presented for a medical examination is—

- (i) fit for work;
- (ii) fit for work with restrictions;
- (iii) fit for work on condition;
- (iv) temporary unfit for work; or
- (v) permanently unfit for work;

(b) state the period within which a person referred to under paragraph (a)(iv) may be presented for another medical examination; and

(c) state any other information that the Institute may determine.

(4) Subsection (3)(a) and (b) shall not apply to exit medical examination and post employment medical examination.

Confidentiality of medical examination and medical surveillance results

28. An employer shall ensure that the medical examination or medical surveillance results obtained for the purposes of this Act are retained as confidential records.

Validity of medical examination certificate

29. A medical examination certificate issued under this Act shall be valid for a period specified in the medical examination certificate.

Renewal of medical examination certificate

30. (1) An employer shall, where the employment relationship with an employee continues, apply to the Institute for the renewal of the medical examination certificate within fourteen days before the expiration of the validity of the medical examination certificate, in the prescribed manner and form on payment of a prescribed fee.

(2) The Institute shall, within fourteen days of receipt of an application for renewal, approve or reject the application.

(3) The Institute shall, where the Institute rejects an application, inform the applicant, in writing, stating the reasons for the rejection.

(4) The Institute shall, where the applicant meets the prescribed requirements, renew the medical examination certificate in a prescribed form.

Revocation of medical examination certificate

31. (1) The Institute shall, where an employee referred to under section 15(2) fails a medical examination conducted in accordance with that section—

- (a) revoke the medical examination certificate issued to the employer prior to the failed medical examination of the employee; and

(b) issue the employer with a medical examination certificate relating to the failed medical examination.

(2) Despite subsection (1), the Institute shall revoke a medical examination certificate if the certificate holder—

(a) obtained the medical examination certificate through fraud, misrepresentation or concealment of the material fact; or

(b) fails to comply with any condition of the medical examination certificate.

(3) The Institute shall, before revoking a medical examination certificate in accordance with subsection (2), notify the certificate holder in a prescribed manner and form of the Institute's intention to revoke the medical examination certificate and shall—

(a) give reasons for its intended revocation; and

(b) require the certificate holder to show cause, within a period determined by the Institute, why the medical examination certificate should not be revoked.

(4) The Institute shall not revoke a medical examination certificate under this section if the certificate holder takes remedial measures to the satisfaction of the Institute within the period determined by the Institute.

(5) The Institute shall revoke the medical examination certificate if the certificate holder, having been notified in accordance with subsection (3), does not—

(a) show cause to the satisfaction of the Institute why the medical examination certificate should not be revoked; or

(b) take remedial measures to the satisfaction of the Institute within a period specified by the Institute.

(6) A holder of a medical examination certificate that is revoked shall, within fourteen days of being notified of the revocation, surrender the medical examination certificate to the Institute.

32. (1) A holder of a medical examination certificate who intends to amend a medical examination certificate shall apply to the Institute to amend the medical examination certificate in a prescribed manner and form on payment of a prescribed fee.

Amendment
of medical
examination
certificate

(2) Despite subsection (1), the Institute may, at its own instance, amend a medical examination certificate where the Institute determines an error on the medical examination.

(3) The Institute shall, within fourteen days of receipt of application under subsection (1) approve or reject the application and notify the holder of the approval or rejection thereof.

(4) The Institute shall, where the Institute rejects an application, inform the applicant, in writing, stating the reasons for the rejection.

(5) The Institute shall, where the Institute approves an application referred to under subsection (1), amend the medical examination certificate.

(6) The Institute shall, where the Institute amends the medical examination certificate under subsections (2) and (4)—

(a) request the holder of the medical examination certificate to surrender the medical examination certificate with an error;

(b) cancel the medical examination certificate referred to under paragraph (a); and

(c) issue the holder of the medical examination certificate with an amended medical examination certificate in a prescribed form.

Duplicate
medical
examination
certificate

33. (1) A holder of the medical examination certificate whose medical examination certificate is lost, destroyed or defaced may apply to the Institute for a duplicate medical examination certificate in a prescribed manner and form on payment of a prescribed fee.

(2) The Institute may on receipt of an application under subsection (1), issue to the applicant a duplicate medical examination certificate.

Medical
surveillance

34. The Institute shall, on renewal of a medical examination certificate issued to an employer under section 30, carry out a medical surveillance of an employee for purposes of prevention of ill-health and injuries.

PART VI

ENFORCEMENT

35. (1) The Board shall appoint suitably qualified persons as authorised officers to ensure compliance with this Act. Authorised officer

(2) The Board shall provide an authorised officer with an identification card which shall be *prima facie* evidence of the authorised officer's appointment.

(3) An authorised officer shall, in performing a function under this Act—

- (a) be in possession of the identification card referred to under subsection (2); and
- (b) show the identification card to a person who requests to see the identification card or is the subject of an inspection or an investigation under this Act.

36. (1) An authorised officer may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice— Powers of authorised officer

- (a) enter, inspect and search any land, building or premises used as a workplace, where the authorised officer has reasonable grounds to believe that an offence has been committed or is likely to be committed;
- (b) search a person who the authorised officer has reasonable grounds to believe is carrying out an activity in contravention of this Act, except that a person shall only be searched by a person of the same sex;
- (c) examine any document or article found on a land, building or premises used as a workplace that has a bearing on an inspection or investigation;
- (d) seize any document or article found on a land, building or premises used as a workplace which has been used or is being used for the commission of an offence under this Act;
- (e) apply or order the application of measures which are reasonably necessary or prescribed for the protection of the health and safety of employees;
- (f) take or cause to be taken a sample of any substance or article which an authorised officer has reasonable ground to suspect may contain, or may be or be contaminated with, a substance that is a risk to health;

(g) take an extract from, or make a copy of any book, document or record that is found on a land, building or premises used as a workplace that has a bearing on an inspection; and

(h) require the production of a document, article or record found on a land, building or premises used as a workplace from—

(i) an employer; or

(ii) an owner or occupier of the land, building or premises used as a workplace.

(3) An owner or occupier of any land, building or premises used as a workplace shall afford an authorised officer access to any information, record or document for the purpose of an inspection and produce to an authorised officer any information, record or document that the authorised officer may require for the purposes of carrying out an inspection under this Act.

(4) An authorised officer may, in the performance of the functions of the authorised officer under this section, be accompanied and assisted by a law enforcement officer.

(5) An authorised officer who removes anything from any land, building or premises used as a workplace shall—

(a) issue a receipt for anything removed to the employer, owner, occupier or the person in control of the land, building or premises used as a workplace; and

(b) return anything removed as soon as practicable after the article removed has served the purpose for which it was removed.

(6) Despite subsection (1), an authorised officer shall enter a private dwelling house on land, building or premises occupied as a private dwelling with a warrant.

(7) A court may issue a warrant, on application by an authorised officer, if it appears from written information given by that authorised officer, on oath or affirmation, that there are reasonable grounds to believe that this Act has been, or is likely to be, contravened.

(8) An authorised officer shall furnish the Director-General with a written report and any other information relating to an inspection.

(9) The Director-General may, after review of the report referred to under subsection (8), inform the employer of the findings and recommendations, if any, of the report.

37. (1) A person commits an offence if that person—

Obstruction
of authorised
officer

- (a) willfully delays or obstructs an authorised officer in the performance of the functions of an authorised officer under this Act;
- (b) refuses to give an authorised officer reasonable assistance as the authorised officer may require for the purpose of performing the functions of the authorised officer;
- (c) impersonates an authorised officer or presents oneself to be an authorised officer; or
- (d) knowingly or negligently gives an authorised officer false or misleading information orally, in writing or otherwise.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

38. (1) A law enforcement officer may arrest a person, without warrant, where the law enforcement officer has reasonable grounds to believe that the person—

Arrest
without
warrant

- (a) has committed an offence under this Act;
- (b) is about to commit an offence under this Act and there is no other way to prevent the commission of the offence; or
- (c) is willfully obstructing an authorised officer in the execution of the duties of the authorised officer.

(2) A law enforcement officer who makes an arrest under subsection (1) shall, without undue delay, have the person arrested brought before a court of competent jurisdiction.

39. (1) Subject to the other provisions of this Act, the Institute may suspend a workplace activity if the employer—

Suspension
of
workplace
activities

- (a) is violating requirements of this Act in a manner that presents danger of imminent harm to employees;
- (b) has failed to take remedial measures as required under this section within the period of suspension; or
- (c) contravenes the provisions of this Act, or any other written law.

(2) The Institute shall, before suspending a workplace activity in accordance with subsection (1), give notice to the employer of its intention to suspend the workplace activity in a prescribed manner and form and shall—

(a) give reasons for the intended suspension; and

(b) require the employer to show cause, within a period of not more than fourteen days, why the workplace activity should not be suspended.

(3) The Institute shall not suspend a workplace activity under this section if the employer takes remedial measures to the satisfaction of the Institute within the period of fourteen days referred to in subsection (2).

(4) The Institute may, suspend the workplace activity, if an employer having been notified in accordance with subsection (2), does not—

(a) show cause to the satisfaction of the Institute why the workplace activity should not be suspended; or

(b) take remedial measures to the satisfaction of the Institute within the period specified in that subsection.

(5) The Institute shall, where the Institute suspends the workplace activity under subsection (4), publish the notice of suspension in a daily newspaper of general circulation in the Republic.

(6) An employer shall, within fourteen days of publication of the notice of suspension under subsection (5), close the workplace.

Closure of
work place

40. The Institute may, where the Institute finds that the continued operation of a workplace presents imminent harm to employees or the public, order the immediate closure of the workplace until remedial measures are undertaken by the employer to the satisfaction of the Institute.

PART VII
GENERAL PROVISIONS

- 41.** The Minister may, in consultation with the Director-General, exempt from any provision of this Act, by statutory instrument, an employer or a category of employers, for a specified period and on conditions determined by the Minister. Exemption
- 42.** A disclosure made by an employee under this Act shall be a protected disclosure for the purposes of the Public Interest Disclosure (Protection of Whistleblowers) Act. Disclosure protection
Cap. 102
- 43.** (1) A person who is aggrieved with a decision of the Institute may, within thirty days of receipt of the decision, appeal to the Minister. Appeals
- (2) The Minister shall, within thirty days of receipt of an appeal under subsection (1), hear and determine the appeal.
- (3) A person who is aggrieved with a decision of the Minister may appeal to the High Court.
- 44.** (1) The Institute shall keep and maintain a register of— Register
- (a) risk assessments and risks;
- (b) suspended workplace activities;
- (c) workplaces that are closed by the Institute;
- (d) workplaces whose employees have undergone medical examination and medical surveillance; and
- (e) employers exempted under this Act.
- (2) The register referred to under subsection (1) shall contain prescribed particulars and information.
- (3) The registers shall be kept at the offices of the Institute and shall be open for inspection to members of the public during normal office hours on payment of a prescribed fee.
- (4) The Director-General may, on an application by a person, issue to the person a certified extract from the register on payment of a prescribed fee.
- 45.** (1) The Director-General shall, on the direction of the Board, cause copies of a register, and any alterations of, or additions to, the register to be printed and published in the *Gazette* and a daily newspaper of general circulation in the Republic. Publication of copies of register

(2) Subject to this Act, a copy of the last printed and published register is *prima facie* evidence in legal proceedings of what is contained in that register and the absence of any name from the copy shall be *prima facie* evidence that the person is not registered.

General
offences

46. (1) A person commits an offence if that person—

- (a) without reasonable excuse, deliberately creates a risk, or the appearance of a risk to the health or safety of persons at a workplace with the intention of causing a disruption of work at the workplace;
- (b) aids, abets, counsels or procures a person to commit an offence under this Act;
- (c) tampers with any safety equipment installed or provided by an employer at a workplace;
- (d) wilfully or recklessly does anything at a workplace which threatens the health or safety of any person or an employee at a workplace; or
- (e) knowingly makes, or causes to be made, to the Institute a false statement or false report in any material particular under this Act.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

General
penalty

47. A person who contravenes a provision of this Act for which a penalty is not provided commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

Administrative
penalty

48. (1) The Institute may impose an administrative penalty on a person for a failure to comply with a provision of this Act which is not an offence.

(2) An administrative penalty shall not exceed the amount prescribed by the Minister, by statutory instrument, for each day during which the failure continues.

(3) An administrative penalty shall be paid to the Institute within the period prescribed.

(4) If a person on whom an administrative penalty is imposed in accordance with this section fails to pay the administrative penalty within the time specified under subsection (3), the Institute may,

by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the Institute.

49. Where an offence under this Act is committed by a body corporate or an unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or an unincorporate body, that director, manager, shareholder or partner is liable, on conviction, to the penalty specified for the offence under this Act.

Offence by principal officers of body corporate or unincorporate body

50. (1) A person shall not, without the consent, in writing, given by, or on behalf of, the Institute publish or disclose to an unauthorised person, other than in the course of duties of that person, the contents of a document, communication or information which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of publication or disclosure of information to unauthorised person

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to another person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

51. Where a judgement or court order is obtained against the Institute, execution, attachments or process of any nature shall not be issued against the Institute or against the property of the Institute, but the Institute shall cause to be paid out of the Institute's funds an amount that may, by judgement or court order, be awarded against the Institute to the person entitled to the amount.

Immunity from execution of judgment against Institute assets

52. (1) The Institute may, in the exercise of the Institute's functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.

Guidelines

(2) The Institute shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic or in the *Gazette* and any other electronic means that the Institute may determine.

(3) The guidelines issued by the Institute shall take effect on the date of publication and shall bind all persons on matters relating to this Act.

Regulations

53. (1) The Minister may, on the recommendation of the Institute, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

(2) Despite subsection (1), regulations made under subsection (1) may make provision for—

- (a) occupational diseases and injuries;
- (b) high risk industries and occupations;
- (c) the occupational health and safety standards to be established at workplaces;
- (d) the conditions for the design, construction and use of a plant to protect the occupational health and safety of employees;
- (e) the requirements with respect to the testing, labelling or examination of the substance or material that may affect the occupational health and safety of employees;
- (f) the use of protective equipment or devices by employees;
- (g) the occupations for which initial, periodic and retirement medical examinations of persons may be required in order to verify safe conditions of work or to detect early changes in health;
- (h) the measures for detecting and investigating cases in which the health of persons has been affected, including medical examinations, and undertaking of biological monitoring, hearing or other tests;
- (i) the responsibilities of employers, employees and other persons under this Act and the health and safety measures they should take;
- (j) the reporting of, and dealing with, occupational diseases and accidents occurring at workplaces;
- (k) the prohibition of certain categories of employees from performing specified work or the performance thereof on specified conditions;
- (l) the forms to be used for the purposes of this Act;
- (m) the classes of persons who are, or may be specially,

subject to risk of injury or ill health caused by the hazards of the working environment and the conditions required for the classes of persons to be in the hazardous working environment;

- (n) measures to address hazards and risks arising from emerging occupational health and safety issues; and
- (o) the services rendered by the Institute and the fees payable.

54. (1) The Occupational Health and Safety Act is repealed.

(2) Despite subsection (1), the provisions of the Second Schedule apply in respect of the matters specified in the Second Schedule.

(3) Despite subsection (1), a person who immediately before the commencement of this Act, held office as a member of the Board shall hold office as a member of the Board for a period of six months after which the Minister shall appoint the members of the Board in accordance with this Act.

(4) A medical examination certificate issued under the repealed Act shall continue to be valid until expiry, revocation or surrender as if the medical examination certificate was issued under this Act.

Repeal of
Cap. 296 and
savings and
transitional
provisions

FIRST SCHEDULE
(Sections 4(2) and 6(6))

PART I

ADMINISTRATION OF THE INSTITUTION

Seal of
Institute

1. (1) The seal of the Institute shall be a device that may be determined by the Board and shall be kept by the Director-General.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Director-General or any other person authorised in that behalf by a resolution of the Board.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, is not required to be under seal, may be entered into or executed without seal on behalf of the Institute by the Director-General or any other person authorised in that behalf by a resolution of the Board.

(4) A document purporting to be a document under the seal of the Institute or issued on behalf of the Institute shall be received in evidence and shall be considered to be so executed or issued, without further proof, unless the contrary is proved.

Tenure of
office and
vacancy

2. (1) A member of the Board shall, subject to other provisions of this Act, hold office for a term of three years from the date of appointment and may be re-appointed for a further and final term of three years.

(2) A member shall, on the expiration of the term for which the member is appointed, continue to hold office until another member is appointed, but in no case shall an extension of the period exceed three months.

(3) The office of member becomes vacant if the member—

(a) dies;

(b) is adjudged bankrupt under any written law;

(c) is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member has had notice, without the prior approval of the Board;

(d) resigns, by giving one month's notice in writing, to the Minister;

- (e) is legally disqualified from performing the functions of a member;
- (f) ceases to be an employee or a member of the ministry, institution or organisation that nominated the member; and
- (g) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(4) The Minister shall, where the office of a member becomes vacant before the expiry of the term of office, appoint another member in place of that member, but that member shall hold office as a member only for the unexpired part of the term of the Board.

3. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

Proceedings
of Board

(2) The Board shall meet for the transaction of business at least once every three months at a place and time that the Board may determine.

(3) The Chairperson shall, on giving notice of not less than fourteen days, call for a meeting of the Board, or where one third or more of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of a notice, a special meeting may be called on giving a shorter notice.

(4) Five members shall form a quorum at a meeting of the Board.

(5) There shall preside at any meeting of the Board—

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; or
- (c) in the absence of the Chairperson and the Vice-Chairperson, a member as the members present may elect for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

(7) A member may, where the member is for any reason unable to attend a meeting of the Board, nominate another person, in writing, from the same ministry, institution or organisation to attend a meeting of the Board in that member's stead and that person shall be deemed to be a member for the purpose of that meeting.

(8) The Board may invite a person whose presence is in the Board's opinion desirable to attend and to participate in the deliberations of the meeting of the Board but that person shall have no vote.

(9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and any committee of the Board.

Committees
of Board

4. (1) The Board may, for the purpose of performing its functions under this Act, constitute a committee and delegate any of its functions to the committee as the Board considers necessary.

(2) The Board may appoint as members of a committee, persons who are or are not members, except that at least one member of the Board shall be a member of a committee.

(3) A member of a committee shall hold office for a period that the Board may determine.

(4) Subject to any specific or general directions of the Board, a committee may regulate its own procedure.

Allowances

5. A member of the Board or any committee of the Board shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

Disclosure of
interest

6. (1) A person who is present at a meeting of the Board or a committee of the Board at which any matter is the subject of consideration and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which is made.

Immunity of
members

7. An action or other proceedings shall not lie or be instituted against a member of the Board or a committee of the Board or a member of staff of the Institute for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act.

PART II

FINANCIAL PROVISIONS

- 8.** (1) The funds of the Institute consist of monies that may— Funds of Institution
- (a) be appropriated to the Institute by Parliament;
 - (b) be paid to the Institute by way of fees, grants or donations; and
 - (c) vest in, or accrue to, the Institute.
- (2) The Institute may, subject to the Public Finance Management Act and the approval of the Minister, accept monies by way of grants or donations from any source within or outside the Republic. Cap. 347
- (3) The loans for the Institute shall be raised in accordance with the Public Debt Management Act, 2022. Act No. 15 of 2022
- (4) There shall be paid from the funds of the Institute—
- (a) the salaries, allowances, loans, gratuities and pensions of the staff of the Institute and other payments for the recruitment and retention of staff;
 - (b) reasonable traveling expenses and other allowances for members of the Board or members of a committee of the Board when engaged in the business of the Institute at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and
 - (c) any other expenses incurred by the Institute in the performance of the Institute's functions under this Act.
- (5) Subject to the Public Finance Management Act, the Board may, with the approval of the Minister, invest in a manner that the Board considers necessary any of the Institute's funds that the Institute does not immediately require for the performance of the Institute's functions. Cap. 347
- 9.** The financial year of the Institute shall be a period of twelve months ending on 31st December in each year. Financial year
- 10.** (1) The Board shall cause to be kept proper books of accounts and other records relating to the Institute's accounts. Accounts and audit
- (2) The accounts of the Institute shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.
- (3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Institute.

Annual
Report

11. (1) The Board shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning the activities of the Institute during the financial year.

(2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Institute and there shall be appended to the report

(a) an audited statement of financial position;

(b) an audited statement of comprehensive income and expenditure; and

(c) any other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

SECOND SCHEDULE

(Section 54(2))

1. In this Schedule “former Institute” means the Occupational Health and Safety Institute established under the repealed Act. Interpretation
- 5 2. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the former Institute, shall continue to be an officer or employee of the Institute, as if appointed or employed under this Act. Staff of Institute
- (2) The service of the persons referred to, in subparagraph 10 (1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Institute before this Act comes into force.
- 15 3. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Institute by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Institute. Transfer of assets and liabilities
- (2) Subject to subparagraph (1), every deed, bond and 20 agreement, other than an agreement for personnel service, to which the former Institute was a party immediately before the commencement of this Act whether or not of a nature that rights, liabilities and obligations could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as 25 modified, as provided under this paragraph, have effect as if—
- (a) the Institute had been party to it;
- (b) for reference to the former Institute there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the 30 Institute; or
- (c) for any reference to any officer of the former Institute, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference 35 to that officer of the Institute, that it shall designate.
- (3) Where under this Act, any assets, rights, liabilities and obligations of the former Institute are deemed to be transferred to the Institute in respect of which transfer a written law provided

for registration, the Institute shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (3), shall make entries in the appropriate register as shall give effect to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal
proceedings

4. (1) Any legal proceedings or application of the former Institute pending immediately before the commencement of this Act by, or against, the former Institute may be continued by or against the Institute.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Institute, may be instituted by or against the Institute.
