

EMPLOYERS' DUTIES

Employers' Duties

Employers have a general duty of care to ensure the health and safety at all times of all persons who may be affected by the work being carried out for such employers.

The measures that need to be taken to prevent physical and psychological occupational ill-health, injury or death, must be taken on the basis of the 'general principles of prevention' which are considered to be the foundation upon which occupational health and safety can be successfully managed. These principles are based on a hierarchy of controls set out in descending order of preference as follows:

1. The avoidance of risk;
2. The identification of hazards associated with work;
3. The evaluation of those risks which cannot be avoided;
4. The control at source of those risks which cannot be avoided;
5. The taking of all the necessary measures to reduce risk as much as reasonably practicable, including the replacement of the hazardous by the non-hazardous or by the less hazardous;
6. Giving collective protective measures priority over individual protective measures;
7. Adapting the work to the worker, particularly in so far as the design of work places, the choice of work equipment and the choice of working and production methods are concerned, in particular with a view to alleviating monotonous work and work at a predetermined work-rate, and to reducing their effect on health;
8. By adapting to technical progress in the interest of occupational health and safety; and
9. By the development of a coherent overall prevention policy which covers technology, the organisation of work, working conditions, social relationships and the influence of factors related to the working environment.



An employer is expected to make such appropriate arrangements for the effective planning, organisation, control monitoring and review of the preventive and protective measures. In doing so, an employer must take into account the nature of the activities and the size of the undertaking. The arrangements will vary according to the nature of the work and the workplace.

Employers' Duties

Employers have the following duties:

- To provide working conditions which safeguard the principles of occupational health and safety.
- To carry out, or to ensure that is carried out a suitable, sufficient and systematic assessment of all the occupational health and safety hazards which may be present at the place of work and the resultant risks involved concerning all aspects of the work activity. Such assessment must consider the risks to the health and safety of workers as well as the risks to the health and safety of other persons, including visitors to the place of work, which risks arise out of, or in connection with the work being carried out, or by the conduct of the undertaking. The risk assessment has to be reviewed whenever there is a reason to suspect that it is no longer valid.
- To establish and give effect to appropriate procedures to be followed in the event of serious and imminent danger, and for this purpose, employers must nominate a sufficient number of competent persons to implement the procedures to be followed when the circumstances or the situation require the evacuation of persons from the place of work.
- To ensure that all workers are able, in the event of serious and imminent danger to their own safety and, or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger.
- To provide workers with comprehensive information on any matter pertaining to occupational health and safety.



- Maintain the workplace at an adequate level of hygiene and cleanliness.
- Provide adequate and appropriate welfare facilities.
- To take appropriate measures so that employers of workers from any outside undertakings and, or establishments engaged in work in their premises, receive adequate information on matters which could affect occupational health and safety. The same applies with regard to their respective employees.
- To ensure that workers are consulted in advance and in good time on any matter which may affect occupational health and safety.
- To take the necessary measures and precautions so as to protect particularly sensitive risk or vulnerable groups against the dangers which specifically affect them.
- To not interfere with, whether intentionally or recklessly or misuse anything provided in the interests of occupational health and safety.
- To provide workers with adequate training on occupational health and safety.
- To provide workers with the necessary supervision.
- To provide workers with health surveillance at regular intervals whenever the risk assessment reveals (i) an identifiable disease or adverse health conditions related to the work involved, and (ii) the likelihood that such disease or condition may occur under the particular conditions of work.
- To take the appropriate organizational measures and, or provide workers with appropriate means so as to avoid the need for the manual handling of loads whenever there exists a risk of injury, including injuries to the back as a result of such operations.



- To provide workers with personal protective equipment free of charge. Personal protective equipment must be used when the risks cannot be avoided or sufficiently limited by technical means of collective protection or by measures, methods or procedures of work organisation, or as otherwise required by the general principles of prevention. Personal protective equipment must be in good working order and kept in a satisfactory hygienic condition through the necessary maintenance, repair and replacements.
- To ensure that workers and any other person who may be present at the place of work have rapid access to first aid whenever needed. Employers must also provide, or ensure the provision of such equipment and facilities as are adequate and appropriate in the circumstances for enabling first aid to be rendered to whosoever becomes injured or ill inside the workplace. Such facilities have to include a readily accessible and adequately maintained first aid box.
- To ensure the presence at all times of such a number of first aiders as is adequate and appropriate in the circumstances for rendering first aid to workers if they are injured or become ill at work. Workplaces with relatively low hazards, including offices, shops, and banks, must have at least, one (1) first aider for every hundred (100) employees. On the other hand, workplaces with a greater degree of hazard, including factories, construction sites, ship repair and ship building yards and docks, must have at least one (1) first aider for every fifty (50) employees. In cases where there are fewer employees than those stipulated herein, there must be an 'appointed person'.

In the case of shift work, employers must ensure the availability of a sufficient number of first aiders or appointed persons. The number of first aiders and appointed persons will be determined by the number of employees at work on each shift and in the same ratio as for workers who do not work on shift.

Where two hundred (200) or more employees are at work in a place of work, or where the type of activity or the frequency of accidents so dictate, employers must also provide and adequately maintain a suitably equipped first-aid room which must be readily accessible to stretchers. The contents of a first aid room have to commensurate with the degree of risk that is present in the place of work.



In places of work which present special or unusual hazards, including the ship-building and repair industry, chemical industries, quarries and foundries, there must be an adequately equipped first-aid room together with a suitable number of first aiders irrespective of the number of employees in that place of work.

Where employees are sent to work away from the employer's premises, employers must ensure or ensure that there is made, adequate and appropriate first aid provision for such workers. If their work involves special hazards, as in the case of use of potentially dangerous tools and machinery, employers must also provide a suitably equipped first aid box.

- To provide and ensure the presence at all times of suitable and appropriate health and, or safety signs at every workplace under their control, and in all cases where hazards cannot be avoided or adequately reduced by preventive and protective measures. Such signs must be appropriately maintained.
- Where several employers, contractors and, or self-employed persons share a workplace, employers, contractors and self-employed persons must co-operate in implementing the occupational health, safety and hygiene provisions. Employers must co-ordinate their actions in matters which concern protective and preventive measures, and must inform one another and their respective workers and, or workers' representatives of such risks. During construction activities, employers, contractors and self-employed persons also have the duty to cooperate with the Project Supervisor (appointed by the Client to prepare the required occupational health and safety documentation, and to coordinate health and safety measures and actions during construction works).
- To designate one or more persons to assist them in undertaking the measures which are required to be taken in relation to the protection of OHS and the prevention and control of occupational risks. If, for whatever reason, the protective and preventive measures cannot be organised for lack of competent personnel in the undertaking and, or establishment, employers have to enlist competent external services or persons who have the necessary aptitudes and the necessary personal and professional means.
- To not levy or permit to be levied on any worker any charge or deduction in wages in respect of anything done or provided in the interests of OHS.



Disclaimer

The contents of these guidelines are intended for information and general guidance only. The rights and duties outlined in these guidelines are not exhaustive and do not constitute legal advice. The guidelines are not a substitute for legal or other professional advice.

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In case of emergency, the Duty Office may be contacted after Office Hours on Tel: 99496786