

No. S 39

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

WORKPLACE SAFETY AND HEALTH (RISK MANAGEMENT) REGULATIONS, 2014

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WORKPLACE SAFETY AND HEALTH ORDER, 2009
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In exercise of the power conferred by section 64 of the Workplace Safety and Health Order, 2009, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations –

Citation and commencement.

1. These Regulations may be cited as the Workplace Safety and Health (Risk Management) Regulations, 2014 and shall commence on the same date as the Workplace Safety and Health Order, 2009.

Interpretation.

2. In these Regulations, unless the context otherwise requires –

“hazard” means anything with the potential to cause bodily injury, and includes any physical, chemical, biological, mechanical, electrical or ergonomic hazard;

“risk” means the likelihood that a hazard will cause a specific bodily injury to any person;

“risk assessment” means the process of evaluating the probability and consequences of injury or illness arising from exposure to an identified hazard, and determining the appropriate measures for risk control.

Risk assessment.

3. (1) In every workplace, the employer, self-employed person and principal shall conduct a risk assessment in relation to the safety and health risks posed to any person who may be affected by his undertaking in the workplace.

(2) The Commissioner may determine the manner in which the risk assessment referred to in sub-regulation (1) is to be conducted.

Elimination and control of risk.

4. (1) In every workplace, the employer, self-employed person and principal shall take all reasonably practicable steps to eliminate any foreseeable risk to any person who may be affected by his undertaking in the workplace.

(2) Where it is not reasonably practicable to eliminate the risk referred to in sub-regulation (1), the employer, self-employed person or principal shall implement —

- (a) such reasonably practicable measures to minimise the risk; and
- (b) such safe work procedures to control the risk.

(3) The measures referred to in sub-regulation (2)(a) may include all or any of the following —

- (a) substitution;
- (b) engineering control;
- (c) administrative control;
- (d) provision and use of suitable personal protective equipment.

(4) The employer, self-employed person or principal shall specify the roles and responsibilities of persons involved in the implementation of any measure or safe work procedure referred to in sub-regulation (2).

(5) In this regulation —

“administrative control” means the implementation of any administrative requirement which includes a permit-to-work system;

“engineering control” —

(a) means the application of any scientific principle for the control of any workplace hazard; and

(b) includes the application of physical means or measures to any work process, equipment or the work environment such as the installation of any barrier, enclosure, guarding, interlock or ventilation system;

“safe work procedure” means any procedure for carrying out work safely, and includes any procedure which is to be taken to protect the safety and health of persons in the event of an emergency;

“substitution” means the replacement of any hazardous material, process, operation, equipment or device with less hazardous ones.

Records of risk assessment etc.

5. (1) Every employer, self-employed person and principal shall —

(a) maintain a record of any risk assessment conducted under regulation 3(1), and any measure or safe work procedure implemented under regulation 4(2); and

(b) submit the record referred to in paragraph (a) to the Commissioner when required by him.

(2) Every record referred to in sub-regulation (1) shall be kept by the employer, self-employed person or principal for a period of not less than 3 years.

Provision of information.

6. (1) In every workplace, the employer, self-employed person and principal shall take all reasonably practicable steps to ensure that any person in the workplace who may be exposed to a risk to his safety and health is informed of —

(a) the nature of the risk involved; and

(b) any measure or safe work procedure implemented under regulation 4(2).

(2) The employer, self-employed person and principal shall comply with sub-regulation (1) whenever any risk assessment referred to in regulation 3(1) is revised, or where any measure or safe work procedure implemented under regulation 4(2) is changed.

Review of risk assessment.

7. (1) In every workplace, the employer, self-employed person and principal shall review and, if necessary, revise the risk assessment referred to in regulation 3(1) at least once every 3 years.

(2) Notwithstanding sub-regulation (1), the employer, self-employed person and principal shall review and revise the risk assessment referred to in regulation 3(1) —

(a) on the occurrence of any bodily injury to any person as a result of exposure to a hazard in the workplace; or

(b) where there is a significant change in work practices or procedures.

Offences.

8. Any employer, self-employed person or principal who contravenes regulation 3(1), 4(1), (2) or (4), 5, 6 or 7 is guilty of an offence and liable on conviction —

(a) for a first offence, to a fine not exceeding \$10,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$20,000,

imprisonment for a term not exceeding 6 months or both.

Made this 30th. day of Jamadilakhir, 1435 Hijriah corresponding to the 30th. day of April, 2014.

PEHIN UDANA KHATIB DATO PADUKA SERI SETIA
USTAZ HAJI AWANG BADARUDDIN BIN
PENGARAH DATO PADUKA HAJI OTHMAN
Minister of Home Affairs,
Brunei Darussalam.