

ACTS SUPPLEMENT

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Act 20

*Occupational Safety and Health
(Amendment) Act*

2025

**THE OCCUPATIONAL SAFETY AND HEALTH
(AMENDMENT) ACT, 2025**

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**THE OCCUPATIONAL SAFETY AND HEALTH
(AMENDMENT) ACT, 2025**

An Act to amend the Occupational Safety and Health Act, Cap. 231 to expand the scope of the Act to cater for all workplaces; to provide for the powers of inspectors to prosecute with the consent of the Director of Public Prosecution; to expand the functions of the Board; to provide for the registration and licensing of safety and health practitioners; to require employers to put in place measures to monitor the health of workers; to require employers to ensure that the working environment is safe and healthy; to require machine, plant and equipment operators to be trained and certified; to require occupiers to take adequate measures to ensure electricity safety and for related matters.

DATE OF ASSENT: 10th April, 2025

Date of Commencement: 25th July, 2025

BE IT ENACTED by Parliament as follows:

1. Amendment of Occupational Safety and Health Act, Cap. 231.

The Occupational Safety and Health Act, in this Act referred to as the principal Act, is amended in section 1—

- (a) in the definition of “lifting appliance” by substituting for the word “means”, the word “includes”;
- (b) in the definition of “lifting gear” by substituting for the word “means”, the word “includes”;
- (c) in the definition of “lifting machine” by substituting for the word “means”, the word “includes”;
- (d) by inserting immediately after the definition of the word “safe working pressure”, the following—

““safety and health audit” means an audit carried out by a safety and health practitioner to evaluate the safety and health standards, policies, systems and procedures of a workplace;

“safety and health practitioner” means a person registered and licensed under section 15A to conduct a safety and health risk assessment, safety and health audit or any other assessment or audit required under this Act;

“safety and health risk assessment” means an assessment carried out by a safety and health practitioner of the hazards or risks that may cause harm to a person at the workplace;”.

2. Substitution of section 8 of principal Act

Section 8 of the principal Act is substituted with the following—

“8. Powers of inspector to prosecute

An inspector shall, with the consent of the Director of Public Prosecutions, prosecute, as the case may be, before a court, any charge, information, complaint or other proceeding arising under this Act or in the discharge of his or her duty.”

3. Amendment of section 9 of principal Act

Section 9 of the principal Act is amended by repealing subsection (3).

4. Insertion of section 9A in principal Act

The principal Act is amended by inserting immediately after section 9, the following—

“9A. Functions of Board

The functions of the Board are—

- (a) to advise the Minister on matters concerning occupational safety and health;
- (b) to advise the Minister on the formulation and implementation of policies, plans and programmes in occupational safety and health;
- (c) to set standards and guidelines of practice for safety and health practitioners; and
- (d) to perform any other function as may be necessary for the purposes of this Act.”

5. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended in subsection (1) (a) and (b), by repealing the words “as far as is reasonably practicable”.

6. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended in subsection (1), by repealing the words “who has at least twenty workers at a workplace”.

7. Amendment of section 14 of principal Act

Section 14 of the principal Act is amended by substituting for the words “safety representative” wherever the words appear, the words, “safety and health representative”.

8. Amendment of section 15 of principal Act

Section 15 of the principal Act is amended—

(a) in the headnote, by inserting immediately after the word “safety”, the words “and health”;

(b) by substituting for subsection (1), the following—

“(1) An employer shall establish a safety and health committee for a workplace in accordance with regulations made under this Act.”;

(c) by substituting for subsection (2), the following—

“(2) The safety and health representative shall represent employees on the safety and health committee.”;

(d) in subsection (3), by substituting for the words “safety committee”, the words “safety and health committee”.

9. Insertion of section 15A in principal Act

The principal Act is amended by inserting immediately after section 15, the following—

“15A. Registration and licensing of safety and health practitioners

(1) The Minister shall make regulations providing for the registration and licensing of safety and health practitioners.

(2) A person shall not conduct a safety and health risk assessment, safety and health audit or any other assessment or audit required under this Act, unless the person is registered and licensed by the Commissioner as a safety and health practitioner in accordance with this Act.

(3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or, to imprisonment for a term not exceeding two years, or both.”

10. Substitution of section 20 of principal Act

Section 20 of the principal Act is substituted with the following—

“20. Measures to monitor health of workers

- (1) An employer shall put in place measures to —
 - (a) monitor the health of workers;
 - (b) manage workers exposed or likely to be exposed to occupational hazards; and
 - (c) prevent occurrence of occupational diseases and disease outbreaks.
- (2) For the purposes of subsection (1), an employer shall —
 - (a) prepare and submit to the Commissioner for approval, a health surveillance plan for the employer’s workplace;
 - (b) inform a worker of any health hazards involved in his or her work and the health arrangements that have been put in place to protect the worker;
 - (c) carry out a pre-assignment medical examination on a worker, where the assignment exposes the worker to danger;

- (d) carry out a medical examination upon termination of the assignment or employment of a worker, where the assignment or employment exposed the worker to danger;
- (e) carry out periodic medical examination on a worker, based on findings from the medical examinations of the worker or on the recommendation of the safety and health committee; and
- (f) put in place occupational health services.

(3) For the avoidance of doubt, an employer shall bear the cost of the medical examinations carried out under this section.

(4) For the purposes of this section—

“health surveillance plan” means a plan put in place by an employer to monitor and assess the health of workers who may be exposed to hazards in the course of employment;

“mental health services” includes assessment, diagnosis, treatment, care, counselling or any intervention provided to a worker to promote the emotional, psychological and cognitive wellbeing of the worker; and

“occupational health services” includes disease outbreak management, wellness programs, rehabilitation of sick workers, mental health services, vaccination programs, promotional health services and other services prescribed under the health surveillance plan, safety and health risk assessment report and any national health guidelines.”

11. Insertion of section 20A in principal Act

The principal Act is amended by inserting immediately after section 20, the following—

“20A. Notification of occupational accident, occupational disease outbreak and incident

(1) An employer shall keep and maintain a record of an occupational accident, occupational disease outbreak and incident.

(2) Where an occupational accident, occupational disease outbreak or incident occurs, the employer shall notify the Commissioner in a manner and within the time prescribed by regulations made under this Act.”

12. Substitution of section 46 of principal Act

Section 46 of the principal Act is substituted with the following—

“46. Safe and healthy working environment

(1) An employer shall ensure that the workplace is a safe and healthy working environment.

(2) An occupier or owner of a workplace shall put in place measures to prevent exposure of persons to hazards.

(3) An employer shall, within the time prescribed by regulations made under this Act, cause a safety and health risk assessment to be carried out.

(4) An employer shall, at least once in every twelve months, cause a safety and health audit of the workplace to be undertaken.

(5) An employer shall monitor the noise, dust, vibration levels and other hazards as recommended by the safety and health risk assessment in the workplace.”

13. Amendment of section 68 of principal Act

Section 68 of the principal Act is amended in subsection (8), by substituting for paragraph (b), the following—

“(b) every cage shall, on each side from which access is provided to a landing, be fitted with a gate, and for every gate, efficient devices shall be provided to ensure that when persons or goods are in the cage, the cage cannot be raised or lowered unless all the gates are closed, and the gate shall open only when the cage comes to a complete stop at the designated landing;”.

14. Amendment of section 70 of principal Act

Section 70 of the principal Act is amended—

(a) by substituting for subsection (2), the following—

“(2) Lifting gear used to lift loads shall not be used unless a certificate of examination has been obtained from the manufacturer or a person authorised by the manufacturer.”;

(b) by inserting immediately after subsection (2), the following—

“(2a) Lifting gear shall be annealed in accordance with the safety and health risk assessment under section 46 (3).”;

(c) by substituting for subsection (3), the following—

“(3) Notwithstanding subsection (2a), a rope or a rope sling shall, unless the rope or the rope sling is of a class or description exempted by the Commissioner by notice in the Gazette, be annealed at least once in every year or, in the case of chains used in connection with molten slag, once in every six months.”

15. Amendment of section 71 of principal Act

Section 71 of the principal Act is amended by repealing subsection (2).

16. Substitution of section 72 of principal Act

Section 72 of the principal Act is substituted with the following—

“72. Training and certification of persons who operate machine, plant or equipment

(1) A person shall not operate any machine, plant or equipment unless the person is trained and certified to operate the machine, plant or equipment as prescribed by regulations made under this Act.

(2) An employer shall not engage a person to operate a machine, plant or equipment unless the person is trained and certified to operate the machine, plant and equipment.

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

17. Amendment of section 73 of principal Act

Section 73 of the principal Act is amended by substituting for the headnote, the following—

“73. Non-liability of inspectors and authorised persons”**18. Amendment of section 75 of principal Act**

Section 75 of the principal Act is amended in subsection (2)—

(a) by substituting for paragraph (c), the following—

“(c) a correct steam pressure gauge, connected to the steam space and easily visible by the boiler attendant, which shall

indicate the pressure of steam in the boiler in internationally recognised units of pressure and have marked upon it in a distinctive colour, the maximum permissible working pressure with the units of measurement kept uniform for interconnected pressure vessels and their attachments;”;

(b) by substituting for paragraph (d), the following—

“(d) at least one water gauge of a transparent material or other type approved by the Commissioner, to show the water level in the boiler and where the gauge is of the glass tubular type and the vessel is under pressure, the gauge shall be provided with an efficient guard that does not obstruct the reading of the gauge;”.

19. Amendment of section 77 of principal Act

Section 77 of the principal Act is amended in subsection (2)(c), by inserting immediately after the word “centimeter” the words, “or other internationally recognised unit of pressure, with the units of measure kept uniform for interconnected pressure vessels and their attachments”.

20. Amendment of section 79 of principal Act

Section 79 of the principal Act is amended in subsection (1)(c), by inserting immediately after the word “centimeter” the words, “or other internationally recognised unit of pressure, with the units of measure kept uniform for interconnected pressure vessels and their attachments”.

21. Substitution of section 83 of principal Act

Section 83 of the principal Act is substituted with the following—

“83. Electrical safety

(1) An occupier shall take adequate measures to ensure that—

- (a) all electrical machines, equipment and hand tools in a workplace are properly earthed or double insulated;
 - (b) all electrical motors, fittings, attachments and switches are spark proof in workplaces where flammable liquids, vapours, dust and gases are likely to be present; and
 - (c) all electrical equipment and related attachments are inspected every twelve months by a competent person and a record of the inspection is kept.
- (2) An occupier shall in addition to the measures in subsection (1) take adequate measures to ensure that —
- (a) electrostatic charges do not build up where flammable substances are present;
 - (b) the workplace building is adequately protected against lightning and its effects; and
 - (c) the person in charge of electrical fittings and apparatus at the workplace is trained and certified.
- (3) An occupier of a workplace using electricity shall cause the workplace to be inspected annually by a person authorised to inspect electricity, in a manner prescribed by regulations made under this Act.
- (4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term not exceeding two years, or both.”

22. Amendment of section 97 of principal Act
Section 97 of the principal Act is amended—

- (a) by substituting for the headnote, the following—

“97. Duty of suppliers, manufacturers, importers and distributors”

- (b) in subsection (2), by inserting immediately after paragraph (c), the following—

“(d) hazardous substances, mixtures of substances, expired content, empty containers or related articles of hazardous products are safely disposed of in accordance with the National Environment (Waste Management) Regulations, 2020, after their use.”

Cross Reference

National Environment (Waste Management) Regulations, 2020, S.I.
No. 49 of 2020