

# Workplace Safety and Health Act Amendment

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MINISTRY OF  
MANPOWER

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## Workplace Safety and Health Act (WSH Act)

### WSH Act – Reinforcing Prevention

1. Prevent Unsafe Work Practices before Accidents Happen
2. Prevent Recurrence of Accidents
3. Prevent WSH Courses from becoming Outdated
4. Align Personal Liability Protection with other Similar Laws

MOM enacted Workplace Safety and Health Act (WSH Act) in 2006 based on 3 guiding principles:

## **1. Strengthen industry ownership of WSH**

Shift industry mindset from following the letter of the law to taking responsibility of standards and outcomes

## **2. Ensure sufficiently high penalties to deter non-compliance**

Penalties must be sufficient to reflect the cost of poor safety management and to deter risk-taking behaviour

## **3. Require stakeholders to eliminate and reduce risks at source**

Emphasise the importance of good OSH management systems, especially the need for comprehensive risk assessments. Assign liability to those who are in control of workplace risks.

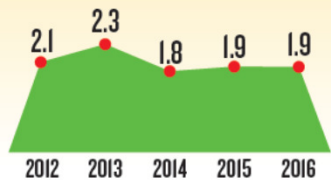
## WSH Act – Reinforcing Prevention

# WORKPLACE SAFETY & HEALTH REPORT

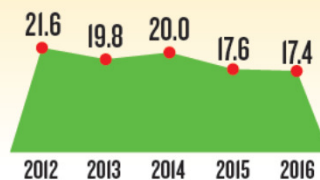
## JANUARY TO DECEMBER 2016

FATAL INJURY RATE STAYED AT 1.9 PER 100,000 EMPLOYED PERSONS, BUT MORE NON-FATAL WORKPLACE INJURIES IN 2016

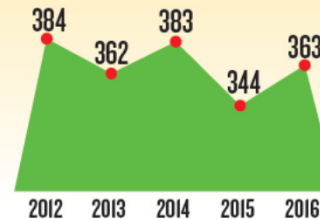
Workplace Fatal Injury Rate



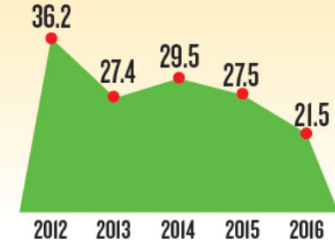
Workplace Major Injury Rate



Workplace Minor Injury Rate



Occupational Disease Incidence



\*per 100,000 employed persons

- The workplace fatality has declined from 3.1 per 100,000 workers in 2006 to 1.8 in 2014
- Crept up to 1.9 in 2015 and 2016

## WSH Act – Reinforcing Prevention

- PM Lee set a new target of less than 1.0 fatalities per 100,000 workers
- National Strategy WSH 2018 Plus → WSH 2028

### **A culture of prevention:**

- Prevent occurrence of unsafe work practices and health risks at work
    - ✓ Deterrence through more stringent WSH penalties
  - Prevent recurrence of accidents that are complex and have the potential for serious harm
    - ✓ Strengthen industry ownership
  - Prevent WSH courses from becoming outdated
    - ✓ Transit WSH courses to the WSQ Framework
- Amendments to WSH Act to support WSH 2028

# 1. Prevent Unsafe Work Practices Before Accidents Happen

**Prevent** occurrences of unsafe work practices and health risks at work

- When Factories Act (FA) replaced WSH Act, max fine under WSH Act was raised 1.5 times from \$200,000 to \$500,000
- However, max fine under WSH Subsidiary Legislation (SL) was set at \$20,000
  - Benchmarked to FA penalty for offences with no harm done but potential for harm exists
  - Not reviewed since WSH Act enactment in 2006
- Tougher deterrence for workplaces that disregard basic WSH and egregious first-time offenders
- To enhance deterrence, SL fine will be increased from \$20,000 to \$50,000
- New penalty will only be applied to SL offences that could result in death, serious injury or dangerous occurrence.

## 2. Prevent Recurrence of Accidents

**Prevent** recurrence of accidents that are complex and have the potential for serious harm

Now:

- Case facts of accidents are released after end of criminal proceedings
- Delay in warning industry of hazards they are not aware of  
→ risk of recurrence persists
- Allow public release, an incident learning report (ILR)
- To prevent similar incidents from recurring, it can be beneficial to share with industry detailed investigation findings before prosecutorial actions are taken
- Commissioner for WSH can make public an ILR at such time and manner he thinks fit.

## 2. Prevent Recurrence of Accidents

MOM is cognisant that affected parties are concerned that early release may prejudice civil and criminal court proceedings

- In response, MOM will render the ILR inadmissible in any legal proceedings
- Also, a process will be included to allow affected parties to comment on the draft report before release

ILR is not intended to apportion blame but is **solely for the sharing of learning points**, as soon as they are uncovered.



### 3. Prevent WSH Courses from becoming Outdated

- Accreditation of WSH training providers transferred to SSG
- Current WSH courses migrated to national WSQ system
- 23 courses developed under WSQ are offered by SSG-accredited training providers
- Migration of remaining 33 courses to be completed by 2019.

## 4. Align Personal Liability Protection with other Similar Laws

- Current personal liability protection for inspectors are limited
  - Equipment damages due to a prescribed examination or test
  - Commissioner's and Deputy Commissioner's duties in relation to Remedial Order or Stop-Work Order
- Extending protection to Commissioner, Deputy Commissioner, inspectors and authorised officers for acts done in good faith and with reasonable care when carrying out duties under WSH Act
- Similar to other legislation such as the Fire Safety Act and Environmental Protection and Management Act.

*Thank you!*