

**BERMUDA STATUTORY INSTRUMENT**

**BR 54/1997**

**OCCUPATIONAL HEALTH AND SAFETY (APPROVED CODE OF  
PRACTICE) NOTICE 1997**

*[made under section 10(2) of the Health and Safety at Work Act 1982 [title  
18 item 10] and brought into operation on 8 September 1997]*

**Citation**

1 This Notice may be cited as the Occupational Health and Safety (Approved Code of Practice) Notice 1997.

**Approved Code**

2 (1) The Approved Code of Practice for Occupational Health and Safety ("the Code"), which has been approved by the Minister, is set forth in Schedule 1.

(2) The effective date of approval of the Code is 8 September 1997.

**The relevant statutory provisions**

3 The statutory references called for by section 10(2) of the Health and Safety at Work Act 1982 in relation to the Code are those specified in Schedule 2.

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### **SCHEDULE 1      (Paragraph 2(1))**

#### **APPROVED CODE OF PRACTICE FOR OCCUPATIONAL HEALTH AND SAFETY**

##### **Introduction**

This document is the result of a seminar held in June, 1996 on Occupational Safety and Health. The seminar was sponsored by the Ministries of Labour, Home Affairs and Public Safety; and Health and Social Services. The participants developed the framework of this Code and charged a team comprising Unions, Employers and government to produce a document based upon their recommendations.

This Code is a guide to assist in determining what can be done in the workplace to reduce accidents and ill-health.

Whilst it is an advisory document that takes into account the legislative provisions, it should be noted that it can be utilised as evidence in the case of a contravention under the Act\*. However, its primary purpose is to offer help both to employers and employees in handling matters relating to safety and health in the workplace.

The achievement of incident-free performance requires more than good intentions, it requires a plan.

##### **1. Health and Safety Committees**

A properly functioning Health and Safety Committee is the cornerstone of effective Health and Safety in the workplace and must be established in accordance with the Act. The size of the committee will be determined by the size of the operation and number of employees. A business with less than five employees should have a Health and Safety representative.

The Committee should be balanced and comprise managers who have decision-making authority, and employee representatives.

Health and Safety Committees must meet no less than once every six months. It is however, recommended that the committee meet more frequently where the risk assessment warrants.

The duties of the Health and Safety committee are as follows:

##### **1.1      Risk Assessment**

Risk Assessment is a careful examination of what in your work could cause harm to people, so that you can determine whether you have taken sufficient precautions or should do more to prevent potential injury. The principal aim of this exercise is to make sure that no one gets hurt or becomes ill. Elements of risk are found in every workplace, and the identification of these is applicable to all working environments.

### **The Five Steps of Risk Assessment**

#### **Step One. Look for the hazard**

The Committee is responsible for the assessment of the workplace, to find out what could reasonably be expected to cause harm.

- e.g.     Confined spaces  
         Hazardous materials  
         Moving-parts of machinery  
         Poor Lighting  
         High/low temperatures  
         Dust  
         Noise  
         Work at heights

#### **Step Two. Decide who might be harmed and how**

- e.g.     Office staff  
         Maintenance personnel  
         Contractors  
         Cleaners  
         Staff with Disabilities  
         Inexperienced staff  
         Lone workers  
         New employees  
         General Public

#### **Step Three. Evaluate the risk arising from hazards and decide whether existing precautions are adequate**

Even after all precautions have been taken some risk usually remains. There may be legal requirements or industry standards to guide you. The absence of published guidelines should not prevent compliance with accepted safety standards or basic common sense. The aim is to minimise risks by taking all necessary precautions, by referring to: procedures and good practice, company rules, manuals, legislation and regulations, etc.

#### **Step Four. Record your findings**

Your assessment should be recorded, and shared with employees. It is advisable to document how the assessment was done indicating that:

- ☐ a proper check was made,
- ☐ you asked who might be affected,
- ☐ you dealt with the obvious significant hazards,
- ☐ the precautions are reasonable and the remaining risk is low; and
- ☐ operations requiring Standard Safe Operating Procedures are identified.

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Keep the documentation for future reference.

### **Step Five. Review your assessment from time to time and revise if necessary**

If there are any significant changes due to new machinery, substances or procedures, then you should revise the assessment.

#### **1.2 Team Inspections**

After completing the Risk Assessment, and as part of the ongoing evaluation, a team comprising members of the Health and Safety Committee and a Government Health and Safety Inspector(s) should conduct inspections to ensure compliance under the Act and that all practical considerations have been addressed.

A report with any recommendations should then be made to Senior Management so that any problems and symptoms can be discussed and necessary corrective measures taken.

#### **1.3 In-House Investigations of Incidents and Complaints**

##### **Investigations**

The Committee will be expected to review the incident report, visit the incident site as necessary, and ensure that proper corrective action has been taken.

- ☐ recording and checking statements of witnesses,
- ☐ making observations and tests as applicable,
- ☐ selecting relevant information; and
- ☐ making recommendations.

##### **Complaints**

The Committee members should receive the complaint and investigate it with the appropriate persons. A complaint should never be treated lightly, and the committee should always look into the matter prior to making a recommendation. An important step in the process is to keep the complainant informed on the status of the matter.

If the Committee considers the complaint unjustified, the complainant should be told of the decision and the reasons for it.

Where a complaint appears to have some substance, corrective action should be taken following an investigation of the circumstances.

#### **1.4 Orientation, Training and Continuing Education**

##### **Orientation**

The Health and Safety Committee should give all employees a written statement of the terms of reference and activities of the committee. It is most important to have an orientation for new employee on the functions

of the committee. Any written Employer Health and Safety Policy Statement should also be available.

The terms of reference can include the committee purpose, scope, powers and composition.

**Training and Continuing Education**

Whilst it is not the Committee's responsibility to conduct the training, the Committee should monitor and ensure that the induction and ongoing training and education of all employees is relevant and in place.

**2. Standard Safe Operating Procedures**

A risk assessment will identify tasks requiring safe operating procedures, which should tell all operators, supervisors and managers how tasks are to be carried out in a safe and effective manner.

Standard Safe Operating Procedures must be in writing and available to all. This may include a daily check-off list that has to be completed in order to maintain safety.

There should be step by step instructions describing what actions must be taken, by whom, when, how and where to deal with normal and problem situations. Resources available to provide advice in the development of these procedures include:

- ☐ Bermuda Fire and Rescue Service,
- ☐ Health Department,
- ☐ Manufacturers' Instructions and Material Safety Data Sheets,
- ☐ Industry Standards,
- ☐ Unions,
- ☐ Government Departments; and
- ☐ Insurance Companies

**3. Record Keeping, Reporting and Dissemination of Information**

**Records shall be kept of the following:**

**Accident/Incident Record Book**

An Accident/Incident Record Book must be kept at every workplace. The information must be retained for at least 6 years. This book is a written record of all accidents, dangerous occurrences and near-misses that occur in the workplace and should contain the following:

- ☐ Date of Incident,
- ☐ Name of the affected person(s),
- ☐ Sex, Age, Occupation,

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- ☐ Nature of injury or occurrence,
- ☐ Action taken with the affected person(s),
- ☐ Place and location where the Incident took place,
- ☐ Brief description of the Incident
- ☐ Corrective actions taken; and
- ☐ Time off work, if any.

### **Incident/Ill-Health Report Form HS1**

After recording the incident in the Record Book, if it is notifiable under the Act, the HS1 form must be completed and sent to the Health and Safety Office within 7 days.

### **Inventory of Hazardous Substances**

All harmful substances must be clearly labelled and must have Material Safety Data Sheets (MSDS) where applicable.

An inventory of all harmful substances shall be kept. The correct safety information and handling procedures shall be posted in a prominent place and be made available to employees.

### **Maintenance of Equipment**

Regularly scheduled maintenance of all equipment should follow the manufacturer's recommendations or standards of good practice. Appropriate records should be kept.

### **Training**

A record should be kept of each employee's health and safety training, including the date and nature of the training session or course.

## **4. Emergency Response Plan**

For the development of the Emergency Response Plan, specific to your workplace, contact the Bermuda Fire and Rescue Service at 292-5555 and/or the Health and Safety Office at 297-7827 for assistance.

Every workplace must have a written and practiced drill to cover emergency situations such as:

- ☐ Fire,
- ☐ explosion,
- ☐ medical emergencies,
- ☐ vehicle accidents,
- ☐ hazardous material releases; and
- ☐ weather extremes.

In the event of an evacuation of a premises, an assembly point must have been established and all employees (and persons other than employees) must be aware of the assembly point. Floor plans including stairways and exits must be placed at strategic points within the building to assist people leaving the premises.

A responsible person must be available to meet emergency services personnel to advise them on the immediate situation and current difficulties.

A checklist of employees ought to be available to assist emergency services when accounting for personnel.

#### **5. Training**

In accordance with the Act, employers are responsible for conducting relevant health and safety training for their employees. Training is an important way to achieve competence and help convert information into safe working practices.

Job related training should be directly related to Standard Safe Operating Procedures, general training must include Fire Safety, First Aid and CPR. Training should be offered to all employees.

Employees must receive health and safety training when first employed and thereafter along with existing employees on a periodic basis directly related to the risk assessment associated with particular jobs. Training would also be required as a result of changes in working procedures or equipment.

#### **6. Promotion of Wellness in the Workplace**

Employers and employees should be aware that a healthy well-balanced life style will have a positive impact on health and safety in the workplace. Many common ailments can thus be avoided by an awareness and the mutual promotion of a healthy lifestyle and wellness. This includes the physical (diet, exercise and rest), the mental and spiritual well-being.

*[Schedule 1 amended by 2007:23 s.17 effective 2 July 2007]*

### **SCHEDULE 2 (Paragraph 3)**

The Approved Code of Practice for Occupational Health and Safety refers to the following provisions of the Health and Safety at Work Act 1982 and the Regulations made under that Act—

#### **1. Health and Safety Committees**

The Health and Safety at Work Act 1982 - Section 20

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The Health and Safety Committee  
Regulations 1984

### **1.1 Risk Assessment**

The Health and Safety at Work Act 1982 - Section 20(4)(a)  
The Health and Safety Committee - Regulation 3  
Regulations 1984

### **1.2 Team Inspections**

The Health and Safety at Work Act 1982 - Section 13  
The Health and Safety Committee - Regulation 3  
Regulations 1984

### **1.3 In-House Investigations of Incidents and Complaints**

The Health and Safety at Work Act 1982 - Section 20(4)  
The Health and Safety Committee - Regulation 3  
Regulations 1984  
The Notification of Accidents and - Regulation 4  
Dangerous Occurrences 1985

### **1.4 Orientation, Training and Continuing Education**

The Health and Safety At Work Act 1984 - Section 3(2)(c)  
The Health and Safety at Work Act 1982 - Section 3(3)  
The Health and Safety Committees - Regulation 3  
Regulations 1984

### **2. Standard Safe Operating Procedures**

The Health and Safety at Work Act 1982 - Section 3(2)(a-e)  
The Health and Safety Committee - Regulation 3  
Regulations 1984  
The Health and Safety at Work (General Requirements) Regulations 1986 - Regulation 5-23  
The Health and Safety at Work (Fire Precautions) Regulations 1986 - Regulations 5-10  
The Construction Sites (Safety) Regulations 1985 - Regulations 5-77  
The Health and Safety at Work (Pressure Systems) Regulations - Regulation 4-14

### **3. Record Keeping, Reporting and Dissemination of Information**

The Notification of Accidents and - Regulation 4,5,9  
Dangerous Occurrences Regulations 1985

### **4. Emergency Response Plan**



The Health and Safety at Work Act - Section 3(2)(a-e)  
The Health and Safety (Fire Precautions) Regulations 1986 - Regulation 9(d)(iii)

5. **Training**

The Health and Safety at Work Act - Section 3(2)(c)  
The Health and Safety (Fire Precautions) Regulations 1986 - Regulation 10(c)  
The Health and Safety at Work (General Requirements) Regulations 1986 - Regulation 22(2)

6. **Promotion of Wellness In the Workplace**

The Health and Safety at Work Act 1982 - Section 3(2)(a-f)  
The Health and Safety Committee Regulations 1984 - Regulation 3

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[Amended by:  
2007 : 23]