



BARBADOS

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**SAFETY AND HEALTH AT WORK (GENERAL DUTIES)
REGULATIONS, 2022**

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Safety and Health at Work Act

CAP. 356

**SAFETY AND HEALTH AT WORK (GENERAL DUTIES)
REGULATIONS, 2022**

The Minister, in exercise of the powers conferred on him by section 108(1) (e) of the *Safety and Health at Work Act*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Safety and Health at Work (General Duties) Regulations, 2022*.

Definitions

2. In these Regulations,

“article” means

- (a) any plant designed for use or operation, whether exclusively or not by persons employed in any workplace;
- (b) any article designed for use as a component in any plant;

“conditional sale agreement” means an agreement for sale of goods under which the purchase price or part of it is payable by instalments and the property in the goods is to remain in the seller notwithstanding that the buyer is to be in possession of the goods until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“credit sale agreement” means an agreement for the sale of goods, under which the purchase price or part of it is payable by instalments but which is not a conditional sale agreement;

“hire purchase agreement” means an agreement other than a conditional sale agreement under which

- (a) goods are bailed or hired in return for periodical payment by the person to whom they are bailed or hired;
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs:
 - (i) the exercise of an option to purchase by that person;
 - (ii) the doing of any other specified act by any party to the agreement;
 - (iii) the happening of any other event;

“plant” includes any machinery, equipment or appliance;

“self-employed person” means a person who does not work under a contract of service;

“substance” means any natural or artificial substance whether in solid or liquid form in the form of gas including vapour, mist, dust or fumes;

“supply” in relation to an article or substance means to make available by way of sale, lease, hire or hire-purchase, whether as principal or agent for another.

Duties of self-employed persons

3. It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and any person with whom he works or benefits from a service performed by him is not exposed to any risks to their safety or health as a result of the use of an article or substance at the workplace.

Duties of certain persons as regards articles or substances for use at work

4.(1) It shall be the duty of any person who undertakes to design or manufacture any article or substance for use at work to carry out or arrange for the carrying out of any research to discover, eliminate or minimise any risks to

the safety or health which may arise as a result of the use of that article or substance.

(2) It shall be the duty of any person who designs, manufactures, imports or supplies an article or substance for use at work to

- (a) carry out or arrange for the carrying out of tests and examinations to determine so far as is reasonably practicable, that the article is designed and constructed so that it is safe and does not create a risk to the safety or health of an employee when it is properly used; and
- (b) provide adequate information about the use of the article and the conditions that should be present to ensure that, when put to use, it will be safe and does not create a risk to the safety or health of an employee.

Additional testing not required

5. Where an article or substance for use at work has been tested or examined in accordance with regulation 4, and it is reasonable for the employer or occupier to rely on the results of the tests or examinations, the employer or occupier is not required to subject the article or substance to be re-tested or re-examined.

Duty of persons hired to design, manufacture, import or supply

6. Where an employer or occupier hires a person to design, manufacture, import or supply an article or substance for use in the workplace on the basis of a written undertaking, the undertaking shall have the effect of imposing a duty on the designer, manufacturer, importer or supplier of the article or substance in accordance with paragraph (2) of regulation 4.

Duty where article or substance purchased under agreement

7.(1) Where any article for use at work or substance for use at work is supplied under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, the supplier of the article or substance and not the financier for

the purchase of the article or substance shall be subject to the duty imposed under paragraph (2) of regulation 4.

Duty of third parties

8. It shall be the duty of any person who erects, installs or implements any article or substance for use at work to ensure that the manner in which the article or substance is erected, installed or implemented is safe when properly used and does not create a risk to the safety or health of an employee.

Extent of duty

9. Any duty imposed on any person under these Regulations shall extend only to things done in the course of a trade, business or other undertaking carried on by him in the workplace and to matters within his control.

Proper use of article or substance

10. For the purposes of these Regulations, an article or substance for use at work is to be regarded as properly used where it is used in accordance with any relevant information or advice which has been made available by a person by whom it was designed, manufactured, imported or supplied.

Exemptions

11.(1) The Chief Labour Officer may, by certificate in writing, exempt a workplace or category of workplace from any provision of these Regulations where by reason of the nature of the work undertaken at the workplace, plant or equipment, the provision cannot be implemented or is not necessary for the protection of the employees who work there.

(2) The Chief Labour Officer shall establish and maintain a register of exemptions and shall enter into the register of such particulars relating to a workplace or category of workplace where a certificate of exemption has been

(a) granted; or

(b) revoked.

Made by the Minister this 5th day of July, 2022.

C. JORDAN
Minister responsible for Labour