

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 02ND NOVEMBER, 2017.

NO.PAS/Legis-B-27/2017- The following Bill is hereby published for general information as required by Rule 98 of Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH OCCUPATIONAL SAFETY AND HEALTH BILL, 2017.

SINDH BILL NO.27 OF 2017.

A
BILL

to make provision for occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of the activities at work places and for the promotion of safe, healthy and decent working environment adapted to the physical, physiological and psychological needs of all persons at work;

WHEREAS it is expedient to make provision for occupational safety health conditions at all workplace for the protection of persons at work against risk of injury arising out of the activities at work places and for the promotion of safe, healthy and decent working environment adapted to the physical, physiological and psychological needs of all persons at work and to provide for all matters connected therewith or ancillary thereto.

Preamble.

Chapter-I
Preliminary

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Occupational Safety and Health Act, 2017.

Short title and commencement.

(2) It shall come into force at once.

2. (1) It shall be applicable to whole of the Province of Sindh and at all places of work, including places of work of the state but does not include mines:

Applicability of the Act.

Provided that Government may, by order, exempt specified workplaces either wholly or partially and for such period as may be specified.

(2) The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to occupational safety and health in Sindh.

(3) In the event of any conflict or inconsistency between the provisions of this Act and any other law, for the time being in force, pertaining to occupational safety and health, the provisions of this Act shall prevail and the conflicting or inconsistent provisions of such other law shall, to the extent of the conflict or inconsistency, be construed as superseded.

3. In this Act, unless there is anything repugnant in the subject or context -

Definitions.

- (b) "adolescent" shall have the same meaning as assigned to it under the Sindh Factories Act, 2015 (Act No.XIII of 2016).
- (c) "bodily injury" includes physical or mental injury to a person at workplace;
- (d) "child" means a person who has not completed the age of fourteenth year.
- (e) "code of practice" means a set of rules relating to the methods to be applied or the procedure to be adopted in connection with the construction, installation, testing, operating, or use of any article, apparatus, instrument, device or process at workplace;
- (f) "competent person" means a person who by virtue of education, training and experience has the ability and skills to undertake the job;
- (g) "contractor" means any person or a body, whether incorporated or not, who contracts to carry out the whole or any part of any work undertaken in the course of or for the purpose of trade or business, and includes sub-contractor;
- (h) "duty holder" means a person with duty in relation to health and safety as provided under this Act;
- (a) "employer" means the owner of an establishment and includes -
- (i) in a factory, the name of the person who shall be the occupier and manager for the purposes of this Act;
- (ii) in any industrial establishment under the control of any department of the Federal Government or Government, or District Government, the authority appointed by such Government in this behalf, or where no such authority is so appointed, the head of the department; and
- (iii) in any other industrial establishment or commercial establishment, any person responsible to the owner for the supervision and control of such establishment;
- (i) "establishment" means any industrial or commercial establishment, business, trade, profession, service, office, firm, factory, society, undertaking, company,

educational institution, hospital, shop, premises, enterprise or organization of whatsoever nature through a contractor for the purpose of carrying out any business, industry or excavation and includes all its departments and branches, whether situated at the same place or at different places;

(j) "factory" means a factory as defined in the Sindh Factories Act, 2015 (Act No.XIII of 2016);

(k) "harm" means -

- (i) illness, injury, or both; and
- (ii) includes physical or mental harm caused by work-related stress;

(l) "Government" means the Government of Sindh;

(m) "hazard" means any activity, arrangements, circumstances, events, occurrences, phenomenon, processes, situations, or substances (whether arising or used within or outside a place of work) that is an actual or potential cause or source of harm; and includes -

- (i) a situation where a person's behavior may be an actual or potential cause or source of harm to the person another or persons; and
- (ii) a situation described in sub-paragraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behavior;

(n) "imminent danger" means any hazard or condition that may reasonably be expected to cause loss of life, injury or illness to a person exposed before the hazard;

(o) "machinery" includes all plants whereby power is generated, transformed, transmitted or applied;

(p) "mine" shall have the same meaning as assigned to it in the Mines Act, 1923 (IV of 1923);

(q) "occupational disease" means occupational diseases as mentioned in the Sindh Workers Compensation Act 2015 (Act No.VII of 2015);

(r) "owner" means a person receiving rent of the premises, tools, machinery, equipment or substance for use at workplace, for the time being, and includes an agent or trustee for the person;

who has ultimate control over the workplace, it may or may not include the employer, contractor, lessor, tenant, or managing agent;

- (t) "premises" means any place, and in particular, includes -
 - (i) any land, building or part thereof;
 - (ii) any vehicle or watercraft;
 - (iii) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof or resting on other land covered with water or the subsoil thereof); and
 - (iv) any tent or moveable structure;
- (u) "prescribed" means prescribed by rules, regulations or bye-laws;
- (v) "rules, regulations and bye-laws" means the rules, regulations and bye-laws made under this Act;
- (w) "risk" means the probability of occurrence of injury or damage;
- (x) "safe and safety" means the environment or conditions of a workplace free from any hazard;
- (y) "Schedule" means Schedule to this Act;
- (z) "self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment, whether or not that person employs others;
- (aa) "supplier" means a person who manufactures, supplies, sells, leases, distributes, erects or installs any tool, equipment, machine, device or any biological, chemical or physical agent to be used by a worker or at a work place;
- (bb) "worker" means any person employed, whether directly or through any other person, for wages, to do any skilled or unskilled, professional, technical, clerical, manual or other work, or in connection with the affairs of an establishment, under any contract of service or apprenticeship, whether written or oral, express or implied and includes such a person when laid off or terminated, retrenched, dismissed and or removed from employment, for the purpose of

recovery of dues under this Act, and includes any person or class of persons which Government may specify by notification in official gazette, but does not include -

- (a) a person employed in the Federal Government or Provincial Government, District Government or Armed forces;
- (b) a member of the employer's family; that is to say the husband or wife and dependent children of the employer;
- (cc) "workplace" or "place of work" mean any premises where work is carried out, by one or more persons and includes premises used for the storage of tools, machinery, equipment or substance; and
- (dd) "volunteer" means a person who does not expect to be rewarded for work to be performed and does not receive reward for work performed but does not include a person who is in a place of work for the purpose of receiving on the job training or gaining work experience;

4. (1) It shall be the duty of an employer to ensure all possible practicable measures in respect of safety and health at work of all persons in the workplace and in addition, the welfare of the workers and volunteers. **General duties of Employer.**

(2) Every employer shall inter-alia ensure that there exists effective methods for -

- (a) systematically identifying existing hazards to workers at work; and
- (b) systematically identifying (if possible before, and otherwise as, they arise) new hazards to workers at workplace; and
- (c) regularly assessing each hazard identified, and determining whether or not it is a significant hazard.

(3) Where there occurs any accident or harm in respect of which an employer is required by section 25 to record particulars, he shall take all practicable steps to ensure that the occurrence is so investigated as to determine whether it was caused by or arose from a significant hazard.

(4) Without prejudice to the generality of the duty of an employer under the preceding sub-sections, the duty of the employer shall -

- (a) provide and apply of processes, systems of work

- (b) provide and maintain tools, machinery, equipment and appliances which are safe and without risks of injury to worker's health;
- (c) make arrangements to ensure the safety and absence of risk of injury to health of workers in connection with the use, handling, storage, disposal and transport of articles, materials and substances;
- (d) make arrangements to control and prevent physical, chemical, biological, radiological, ergonomic, psychosocial or any other hazards that affect the safety and health of workers and other persons at workplace;
- (e) provide such information, instructions, training and supervision, as is necessary or required by this Act and the regulations, to ensure safety and health at work of all workers;
- (f) maintain workplace or place of work in a condition which is safe, clean, orderly and without risks of injury to health and the provisions and maintenance of safe means of access to and egress from it;
- (g) inform the workers in an understandable manner before any work commences, the hazards associated with their work, risks involved and the preventative and protective measures that need to be taken;
- (h) provide for the workers, where necessary, when hazards cannot be otherwise eliminated or controlled, adequate protective clothing and protective equipment of a type approved by Government, to prevent every risk of injury and of adverse effects on health;
- (i) maintain particulars of all accidents occurring at the workplace and produce before the Inspector under this Act;
- (j) provide measures, where necessary, including adequate first aid arrangements to deal with emergencies, dangerous occurrences, accidents and industrial disasters.
- (k) take all practical measures for the prevention of fires and for the provision of safety measures in the event of fire;

(1) engage in activities simultaneously at one workplace and where two or more undertakings, the employer of each undertaking shall collaborate in applying the provisions of this Act.

5. (1) It shall be duty of every self-employed person and employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he himself and other persons (not being his workers) are not exposed to risks to their safety and health.

General duties of self-employed and employers to persons other than their workers.

(2) Every employer and self-employed person shall, in the prescribed circumstances and in the prescribed manner, give to persons (not being his workers) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety.

6. It shall be duty of every person who is not worker but uses non-domestic premises made available to him as workplace or place of work where he may use plant or substances provided for their use, to take such measures as is reasonable for a person to ensure, so far as is reasonably practicable, that the premises, by all means of access thereto or egress therefrom available for use by persons using the premises, and any plant or substance in the premises or, as the case may be, provided for use thereof, is or are safe and without risk to health.

General duties of persons concerned with premises to persons other than their workers.

7. (1) It shall be the duty of the person having control of any premises to use the best practicable means for preventing the emission into the atmosphere from the premises of noxious or offensive substances and for rendering harmless and inoffensive such substances as may be so emitted.

General duty of persons in control of certain premises in relation to harmful emissions into atmosphere.

(2) A substance of any description prescribed for the purposes of sub-section (1) above as noxious or offensive shall be noxious or, as the case may be, an offensive substance for the purposes whether or not it would be so, apart from this sub-section.

8. (1) It shall be the duty of every worker and volunteer while at workplace to ensure -

General duties of worker and volunteer.

(a) the safety and health of the other persons who may be affected by acts or omissions at workplace of that worker and shall not willfully do anything to endanger himself or others;

(b) that the worker and volunteer cooperates with the employer or any other person on whom a duty or requirement in pursuance of this Act is imposed, in fulfilling such duty or requirement;

(c) that the worker and volunteer shall use any protective clothing and protective equipment provided to that worker in pursuance of this Act; and

- (d) that the worker and volunteer does not willfully interfere with or willfully misuse any means, appliance, convenience or equipment or any other thing provided for securing the safety and health of persons at the workplace.

(2) If an issue arises as to unsafe work, which poses an immediate threat to the safety or health of workers and volunteer, the matter shall be resolved through dispute resolution procedures contained in the policy referred to under section 13. Where the threat cannot be controlled, the worker or volunteers affected thereby may cease work:

Provided that where work is ceased for reasons explained above, the employer has the right to direct the concerned workers and volunteers to undertake temporary alternative work.

(3) A worker shall also report any occupational accident, occupational disease, dangerous occurrences or commuting accident in accordance with the Occupational Safety and Health policy applying at that place of work.

9. (1) It shall be the duty of supplier who designs, manufactures, imports or supplies any article for use at workplace to take specified steps sufficient -

General duties of Supplier as regards articles and substances for use at work.

- (i) to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to health when properly used;
- (ii) to carry out or arrange for carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the preceding paragraph;
- (iii) to take such steps as are necessary to secure that there will be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any condition necessary to ensure that, when put to that use, it will be safe and without risk to health;
- (iv) to ensure, so far as is reasonably practicable, that the substance is safe and without risk to health when properly used.

(2) It shall be the duty of supplier who designs, manufactures or supplies any tools, machinery, equipment or substance for use at work, to ensure -

- (i) that such tools, machinery, equipment or substance is safe and without risk of injury to health when correctly used with regard to safe practices;
- (ii) that persons to whom such tools, machinery, equipment or substance are supplied, be proved with all information as regards handling, commissioning, use and maintenance.

Explanation.- In this section supply of tools, machinery and equipment includes handling, assembling, installing, erecting and testing.

Chapter -II PROVISIONS WITH REGARD TO SAFETY AND HEALTH

10. (1) Government may, by notification in the official Gazette, make rules for the health and safety of the worker or volunteer in any establishment or class of establishments. **Safety and Health.**

(2) Without prejudice to the generality of the foregoing provisions, the said rules may include, but not limited to, the following matters, namely:-

- (a) cleanliness in the place of work and its freedom from nuisance, and maintenance of buildings;
- (b) illumination, ventilation, temperature, noise, dust, fume and artificial humidification;
- (c) disposal of wastes and effluents;
- (d) floor, stairs, means of access, proper working space, overcrowding, confined spaces, pits, sumps, opening in floors and allied things;
- (e) drinking water and conservancy;
- (f) guarding and fencing of the machinery and work at or near machinery in motion;
- (g) self-acting machines and device for cutting off power; revolving machinery and pressure plants;
- (h) instructions, training and supervision in relation to employment on dangerous machine and fencing or casing of machinery; wet floors, open wiring, safety

- (i) explosives or inflammable dust, gas and precaution against dangerous fumes etc;
- (j) precaution in case of fire;
- (k) personal protective equipment;
- (l) excessive weights;
- (m) loading and earth moving machinery;
- (n) cranes, hoist, lifts and other lifting operations;
- (o) scaffolding and work at height, and
- (p) safety of building, machinery and manufacturing process.

11. Every employer to whom this Act applies, except in such cases as may be prescribed by Government, shall declare a written statement of a general policy with respect to the safety and health of all persons at the workplace and such statement shall include provisions to resolve disputes on safety at the workplace and the reporting procedure for fatalities, injuries and near misses. The policy shall be reviewed and revised when -

Written statement of policy.

- (a) introducing or altering the procedures for managing risk to safety; and
- (b) changes that may affect safety, health or welfare are proposed to the premises where persons work, to the systems or methods of work or to the plant or substances used for work, but as a minimum at least every five years and to bring the statement and revisions of it to the notice of all persons in the workplace in languages understood by all.

12. (1) In every workplace or place of work, the employer shall provide for -

Consultation.

- (a) the election of occupational safety and health representatives from amongst the workers in such establishments having less than fifty workers, and such representatives shall represent the workers in all matters relating to the safety, health and welfare at work, as prescribed; and may report the impending threats, accidents, injuries, fatal injuries to the Inspector; and

- (b) to appoint a competent person to function as Safety and Health Officer at the workplace and set up an Occupational safety and Health Committee in the establishment having more than forty-nine workers.

(2) It shall be the duty of the occupational safety and health representatives or the Occupational safety and Health committee to co-operate and assist the employer to promote and develop measures to ensure the safety, health and welfare of the workers at workplace. The committee shall report the effectiveness of such measures to the employer and the Inspector, if so required.

13. The employer shall, atleast once in two years, allow occupational safety and health representative to attend health and safety training as approved by Government and shall bear all expenses thereof including paid leave, course fee, lodging boarding, travelling etc.

Training of health and safety representative.

14. No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions.

Non-interfere or misuse of certain provisions.

15. (1) Each worker and volunteer shall be provided with a "Hygiene Card" in which during the month of January and July every year entries shall be recorded after examination by qualified medical practitioner to the effect that the workers is not suffering from any contagious, infectious and occupational disease. The fee of such an examination shall be fixed by Government and shall be borne by the employer of the workplace.

Precautions against contagious or infectious disease at workplaces.

(2) If the worker is found to be suffering from any contagious, infectious and occupational disease on an examination under sub-section(1), the employer shall provide him appropriate medical treatment with paid leave

16. Every worker shall be vaccinated and inoculated against such diseases and at such intervals as may be prescribed and expenses of such vaccination and inoculation, if any, shall be borne by the employer of the workplace.

Compulsory vaccination and inoculation.

CHAPTER -III ENFORCEMENT

17. (1) An employer or self-employed person shall not build, fit out, alter or use any site or building as a workplace, unless its plans or site are approved by Government or its designated authority.

Registration of workplaces and approval of site, buildings and other constructions to be used as workplaces.

(2) Government or its designated Authority while approving the Plan or site or building shall ensure that all safety measures

(3) The employer shall, before start of the work, send a written notice to the Inspector of the area as may be prescribed by rules.

18. (1) Government may, by notification in the Official Gazette, appoint such persons possessing such professional degree in the relevant fields, to be Inspectors for the purposes of this Act within local limits as it may assign to them respectively.

Appointment of Inspectors.

(2) The Chief Inspector of Factories Sindh appointed under the Sindh Factories Act 2015 (Act No.XIII of 2016) shall be the Chief Safety and Health Inspector under this Act, who shall exercise the powers of an Inspector throughout the Province of Sindh.

(3) In any area where there are more than one Inspector, Government may by notification declare the powers of such Inspectors respectively in local limits.

(4) The Chief Safety and Health Inspector and Inspectors appointed under this Act shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (XLV of 1860).

(5) Every inspector appointed under this section shall be furnished with such certificate of appointment as may be prescribed, and when visiting workplace in accordance with this Act shall, if so required, produce the said certificate to the employer or other person holding a responsible position at the workplace.

19. (1) The Inspector appointed under section 18 shall, for the purpose of the execution of this Act, have the powers described in their certificate of appointment which may include -

Powers of Inspector.

(a) to enter, inspect and examine any premises at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time) -

(i) to which he has reasonable cause to believe, this Act applies;

(ii) which is adjacent to any premises in which the Inspector has reasonable cause to believe that there are stored explosives or flammable materials or other substances which would expose the persons in the premises to risk injury or to health;

(iii) to which an employer has contracted part

of the work to a person or persons outside the principal workplace;

- (b) to enter any area of any premises or building which is or forms part of the access to any premises referred to in sub-clause (i) or (iii) of clause (a);
- (c) to take one or more police officers if the Inspector has reasonable cause to apprehend any obstruction in the execution of the provision of this Act;
- (d) to make any complaint or application to Labour Court and to appear in support of such complaint or application;
- (e) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act;
- (f) to require the production of plans, drawings, any circuit or wiring diagrams pertaining to the workplace;
- (g) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects a workplace and any person in the workplace;
- (h) to examine every person he has reasonable to believe to be or have been within the preceding two months employed in a workplace or employed in the business of a workplace wholly or mainly outside the workplace and require such person to sign a declaration of the truth of the matters;
- (i) to take for analysis sufficient sample of any material in use or mixed for use in the manufacture of any article or articles produced in any workplace in the presence of the employer or if the employer is not readily available, the person responsible for the workplace;
- (j) to take any substance used or intended to be used in any workplace being a substance in respect of which the Inspector is of the opinion that a contravention of this Act, rule, regulation or any order made under this Act, or which in the opinion of that Inspector is likely to cause bodily

Provided that the employer or other responsible person, at the time the sample is taken and on providing the necessary application, require the Inspector to divide the sample into three parts to mark and seal or fasten up each part in such manner as its nature permits and -

- (a) to deliver one part to the employer or to the other responsible person;
 - (b) to retain one part for future comparison; and
 - (c) to submit one part to the analyst authorized by Government for the purpose;
- (k) to take for analysis any machinery or article found in any workplace;
- (l) to take photograph or video of machinery or any article found in such workplace or make any sketch of any workplace; and
- (m) to exercise any power or perform any function which is necessary for the purpose mentioned in this section.

(2) No person shall intentionally delay or obstruct the Inspector in exercise of his powers referred to under subsection (1), and he shall be liable to comply with the provisions of this Act, rules, regulations or bye-laws and produce any register, certificate, notice or document under his custody and he shall not prevent or attempt to conceal or prevent, any person from appearing before or being examined by such Inspector in execution of his duties under this Act.

20. (1) If an Inspector is of the opinion that the employer is contriving one or more of the relevant statutory provisions or has contravened one or more of those provisions in circumstances and shall continue the contravention repeatedly, he may serve on him an improvement notice stating the reasons thereof and require the employer to rectify the contravention as may be specified in the notice. Notices.

(2) If an Inspector is of the opinion that any activity is being carried on or about to be carried on by or under the control of employer, which involve or likely to involve a risk of serious personal injury, the Inspector may serve a prohibition notice.

(3) A prohibition notice shall -

- (i) specify the matters which in his opinion give or likely to give rise of risk;

(ii) where in his opinion any of those matters involves or likely to involve a contravention of any of the relevant statutory provisions and specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion; and

(iii) direct that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served unless the matter specified in the notice and any associated contraventions of provisions so specified in the notice have been remedied.

(4) A directive given in pursuance of sub-section (3) shall take immediate effect if the Inspector is of the opinion that the risk of serious personal injury is or will be imminent, and shall have effect at the end of a period specified in the notice in any other case.

(5) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and the Inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirement of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirement more onerous than the requirements of any such building regulations to which the building or matter would be required to conform.

Explanation.- In this sub-section "the relevant building" shall include the building and in the case of a matter connected with a building, mean the building with which the matter is connected.

(6) An Inspector may, in connection with any premises used or about to be used as a place of work, serve a notice requiring or likely to lead to take measures affecting the means of escape in case of fire with which the premises may or ought to be provided.

21. (1) The employer on whom the improvement or prohibition notice is served may, within such period from the date of its service as may be prescribed, appeal to the Labor Court and on such appeal the Labour Court may either cancel or affirm the

Appeal against improvement or prohibition notice.

such orders for appointing one or more Assessors for the purpose of enquiring into the facts of the circumstances under which notices have been issued.

22. (1) Where, in the case of any article or substance found by an Inspector in any premises which he has power to enter and he has reason to believe that in the circumstances in which he finds it, the article or substance is a cause of imminent danger or serious personal injury, he may seize and render it harmless and take corrective measures which may include destruction, demolition, dismantling, removing and repairing.

Power to deal with cause of imminent danger.

(2) Before it is rendered harmless under this section -

- (i) any article that forms part of a batch of similar articles; or
- (ii) any substance, the inspector shall, if it is practicable for him to do so, take a sample thereof and give to a responsible person at the premises where the article or substance was found by him a portion of the sample marked in a manner sufficient to identify it.

(3) As soon as may be after any article or substance has been seized and rendered harmless under this section, the Inspector shall prepare and sign a written report given particulars of the circumstances in which the article or substance was seized and so dealt with by him, and shall give a signed copy of the report to the employer or responsible person at the premises and unless that person is the owner of the article or substance, also serve a signed copy of the report on the owner; and where the Inspector is unable after reasonable enquiry ascertain the name or address of the owner, he may serve the copy of notice on him by giving it to the employer or responsible person at the premises.

23. (1) Every employer shall maintain a register of accidents in the prescribed form and shall record in the register the prescribed particulars relating to -

Notification and investigation of accidents, dangerous occurrences and occupational illnesses.

- (a) every accident that harmed or might have harmed any worker or any person in a place of work controlled by the employer; and
- (b) every hazard to which worker was exposed while at workplace in the employment of the employer.

(2) Every self-employed person shall maintain a register of accidents, in the prescribed form, and shall record in the register the prescribed particulars relating to -

- (a) every accident that harmed or might have harmed any self-employed person at work or any person in a place of work; and
- (b) every hazard to which self-employed person was exposed while at workplace.

(3) Every employer or self-employed person shall maintain a register and record therein any accident occurs in a workplace which -

- (a) causes loss of life; or
- (b) disables any person from reporting to normal work for more than seven days;
- (c) makes any person unconscious as a result of any action or process related to work;

(4) The employer and self-employed person shall report every accident in the prescribed form to the Inspector within twenty four hours of the occurrence of the accident.

(5) Where accident causing disablement or death is notified by the employer or self-employed person, notice in writing of the death shall be sent to the Inspector by the employer or self-employed person in control of the workplace within twenty four hours of the disability or death comes to the knowledge of the employer or self-employed person controlling the workplace.

(6) Where an accident occurs in the workplace causing the death of any person at the workplace, no person shall touch or disturb or cause any other person to touch or disturb, without the permission of an Inspector, any machinery or any article which was involved in such accident, other than for the purpose of extricating or attending on any person involved in such accident.

(7) Where any illness occurs in a workplace which -

- (a) is prescribed ; or
- (b) leads to a loss of life of a person who was at the workplace ; or
- (c) leads to an absence from normal work for more than seven continuous days and, is considered to be related to the workplace; or
- (d) causes sudden or simultaneous illness or loss of consciousness at that workplace;

written notice shall forthwith be sent by the employer or the manager to the Inspector of the area where the workplace is located, in the form prescribed for the purpose.

health at work, the Chief Inspector of Safety and Health may require such workers to undergo pre-employment and periodic medical examinations suited for the circumstance and at periods so determined which the employer and the workers shall comply.

(9) The medical examination shall be conducted at Hospitals authorized by Government and the cost thereof shall be borne by employer.

24. Where an accident occurs at workplace, no person shall, unless authorized to do so by an Inspector, remove or in any way interfere with or disturb any wreckage, articles, substance or thing related to the incident except to the extent necessary -

No interference at accident scene.

- (a) to save the life of, prevent harm to, or relieve the suffering of, any person; or
- (b) to maintain the access of the public to an essential service or utility; or
- (c) to prevent serious damage to or loss of property.

25. (1) Government may direct a formal investigation into any accident occurring or any occupational disease or any other disease contracted or suspected to have been contracted in a workplace and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:-

Power to direct formal investigation of incidents, accidents and cases of disease.

- (a) Government may appoint a competent person or persons possessing technical, legal or special knowledge to act as Assessor for holding such investigations;
- (b) the person or persons so appointed as Assessor shall hold the investigation in open session in such manner and under such conditions as the Assessor may think most effectual for ascertaining the causes and circumstances of the incident, accident or case of disease, and for enabling the court to make the report;
- (c) the person appointed to hold any such inquiry shall have all the power of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Pakistan Penal Code (XLV of 1860);

(d) the Assessor shall make a report to the Government stating the causes and circumstances of the incident, accident or case of disease and adding observations or suggestions which he thinks fit to make;

(e) A person holding inquiry under this section may exercise any or all the powers of an inspector appointed under this Act for the purposes of inquiry.

(2) Government may cause the report of the Assessor to be made public.

CHAPTER - IV OCCUPATIONAL SAFETY AND HEALTH COUNCIL SINDH

26. (1) Government shall establish a Council for Occupational Safety and Health Sindh, which shall consists of following:-

**Occupational
Safety and
Health Council
Sindh.**

- (a) the Secretary Labour and Human Resources Department, Sindh, shall be the Chairperson;
- (b) five Government Representatives from Industries Department, Sindh Building Control Authority, Health Department, Sindh Environment Protection Agency; and Fire Department of Local Governments;
- (c) four members to represent employers;
- (d) four members to represent workers;
- (e) four professionals as Government may considers appropriate and necessary, at least one of them shall be a women;
- (f) three members from civil society, as Government may consider appropriate and necessary, at least one of them shall be a woman; and
- (g) An officer from Directorate of Labour Sindh who shall also act as Secretary to the Council.

(2) Members appointed under clause (c) and (d) shall respectively be chosen from the list of names submitted by the representative bodies of the employers and workers recognized by Government for that purpose;

Provided that unless rules are framed in this behalf, the first members to be so appointed shall be chosen from such persons as Government may deem fit.

five years and shall be eligible for re-nomination.

(5) The Council may discharge its functions notwithstanding any vacancy in the constitution of the Council.

27. (1) The Council shall perform the following functions:-

**Functions of
the Council.**

- (a) advice Government on all matters relating to the objects of this Act which Government may refer to the Council ; and
- (b) review legislation relating to occupational safety and health, and recommend to Government for amendments, expansion, clarification under the said legislation.

(2) Without prejudice to the generality of the preceding provision, the Council may make recommendations with regard to -

- (i) the formulation and implementation of provincial policies and strategies relating to occupational safety and health;
- (ii) the actions to facilitate cooperation between Government, employers, workers and any other persons or organizations engaged in occupational activities;
- (iii) the action, if any, which needs to be taken by Government in order to comply with the provisions of any international instrument relating to safety, health and welfare at work;
- (iv) any matter arising in the course of the performance of its functions, either of its own motion, or when requested by Government to do so;
- (v) the compilation and publication of annual statistics on occupational accidents, dangerous occurrences and occupational diseases as well as measures taken in pursuance of occupational safety and health policy Sindh;
- (vi) training on occupational safety and health;
- (vii) studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to fulfill the objects of this Act or any other matters relating to safety, health and welfare of workers at workplace;

- (viii) any matter relating to gender issues and adolescent at workplace;
- (ix) the development or content of codes of practice, standards and guidelines;
- (x) advice on any other matter relevant to the occupational safety and health as may be referred to the Council by Government.

28. (1) The Council shall meet at least once in every four months in a calendar year.

Meetings and quorum of the Council.

(2) Nine members of the Council shall form a quorum for any meeting of the Council of whom at least -

- (i) Five official members;
- (ii) two representatives of employers;
- (iii) two representative of workers; and
- (iv) one professional or member of civil society.

(3) Subject to the provisions of this Act, the Council may regulate its own procedure with regard to its meetings and the transaction of business at the meetings.

(4) The Council may appoint committees or sub-committees as it deems fit, to exercise such powers and perform such duties or discharge such functions as may, subject to such conditions, if any, as the Council may impose.

CHAPTER -V OFFENCES AND PENALTIES

29. Any person who -

Penalties for offences.

- (a) willfully obstructs an Inspector in the exercise of any of his lawful powers, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by an Inspector, or
- (b) unless duly authorized, or in case of necessity, removes any fencing, gangway, ladder, lifesaving means or appliance, light, mark, stage or other things required to be provided by or under the regulations made under this Act, or
- (c) having removed any such fencing, gangway, gear, ladder, lifesaving means or appliance, light, mark, stage or other thing, omits to restore it at the end of

30. (1) The following acts and omissions shall constitute **Penalties for contravention of Act.** violations under this Act:-

- (i) obstruction of an Inspector in the exercise of his powers;
- (ii) refusal to a lawful order of an Inspector to produce records under this Act;
- (iii) failure to maintain records and falsification of records mandatory under this Act;
- (iv) failure to display the abstracts of this Act in workplaces;
- (v) failure to give notice of accidents;
- (vi) failure to furnish returns under this Act;
- (vii) smoking or using naked flame near inflammable material without following the regulations prescribed in this behalf.

(2) Whoever is guilty of a violation provided in subsection (1) shall be liable to a fine or period of imprisonment, as described in the Schedule.

31. If any person -

Forgery of certificate.

- (a) forges or counterfeits any certificate required by, under, or for the purposes of, this Act or any regulation or order;
- (b) gives or signs any such certificate knowing it to be false in material particular;
- (c) knowingly alters or makes use of any such certificate so forged counterfeited, or false as aforesaid;
- (d) knowingly alters or makes use of as applying to any person such certificate which does not so apply;
- (e) personates any person named in any such certificate;
- (f) falsely pretends to be a person appointed under any provision this Act or any regulation or order;
- (g) willfully connives at any such forging, counterfeiting, giving, signing, altering, making use, impersonating or pretending;

(h) willfully makes a false entry in any register, notice, certificate, or document required by, under for the purposes of, this Act any regulation or order, to be kept or served;

(i) willfully makes or signs a false declaration required for the purpose of this Act or any regulation or order;

(j) knowingly make use of any such false entry or declaration,

shall, without prejudice to any other penalty, be guilty of an offence under this Act, and liable to a fine or imprisonment, as described in the Schedule.

32. (1) All offences under this Act shall be dealt as specified in the Schedule.

Prosecution of offences and recovery and application of fine.

(2) In any proceeding under this Act, it shall be sufficient in the plaint or information to allege that the workplace is a workplace within the meaning of this Act and to state the name of the ostensible employer at the workplace, or, person in control of the workplace, or where the employer or person in control is firm, the designation or title of the firm.

(3) Where, with respect to or in consequence of any accident in a workplace, a report is made by any person or persons appointed to hold a formal investigation under this Act or an investigation is held under the Criminal Procedure Code, and it appears from the report, or from the proceedings at the investigation, that any of the provisions of this Act, rules or any regulations or order made thereunder, were not complied with at or before the time of the accident, summary proceeding against any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within six month after the making of the report or the conclusion of the investigation.

33. No suit, prosecution or other proceeding shall lie against any person either employed in the public service authorized under this Act, for anything done or purporting to be done in good faith under this Act.

Proceeding against State officers.

34. (1) Where any entry is required by this Act, rules or regulation or order, to be made in the general register or in any other register or record, the entry made by the employer of a workplace or on behalf of the employer shall, as against the employer, be admissible as evidence of the facts therein, and the fact that any entry so required with respect to the observance of any provision of this Act or of any regulation or order made there under has not been made, shall be admissible as evidence that provision has not been complied with.

Burden of proof.

(2) The burden of proving that any examination or

regulation or order shall be on the duty holder.

CHAPTER- VI MISCELLANEOUS

35. (1) Any document including summons or order required or authorized to be served under this Act may be served - **Service and sending of documents etc.**

- (a) on any person by delivering it to that person, or by leaving it at, or sending it by registered post to, the office or residence of that person;
- (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
- (c) on the employer or person in control of the workplace including any such employer or person in control being a company to which the companies Act applies, in any such manner as specified in (a) and (b) above, or by delivering it or a true copy, to any person apparently not under the age of sixteen years at workplace.

(2) Any such document may be addressed, for the purpose of the service on the employer or person in control of a workplace, to "the employer" or "person in control of the workplace" at the proper postal address of the workplace, without further name or description.

(3) The Provisions of this section shall apply with necessary modification to documents required or authorized under this Act to be sent to any person, firm, owner or employer, and sending, addressing, and delivery of such documents.

36. (1) There shall be kept posted at the entrances to the workplace or any other place where workers legitimately gather, notice of the postal addresses and the telephone numbers of the health and safety representative, the occupational safety and health committee (where existing) and the Government. **Display at the establishment.**

(2) In addition to the notice required to be displayed under the rules, there shall be displayed in every establishment a notice containing abstracts of this Act and rules made there under.

(3) An updated copy of this Act and any rules made under this Act shall be maintained at the place of work and made available for reference by any worker.

37. The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any Inspector for at least two to five years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or the record.

Limitation for records.

38. (1) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made there under, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both; or if such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both or if such contravention otherwise causes injury or danger to workers or other persons in or about the workplace with imprisonment which may extend to six month or with fine which may extend to twenty thousand rupees or with both.

Contravention of law with dangerous results.

(2) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (1).

(3) Any forum imposing, confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or in the case of his death, to his legal representative:

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

39. No prosecution shall be instituted for any offence under this Act except at the instance of the Chief Safety and Health or an Inspector authorized in this behalf by general or special order in writing by the Chief Inspector Safety and Health.

Cognizance of offences.

40. No Court other than the Labour Court established under the Sindh Industrial Relations Act, 2013 (Act XXIX of 2013) shall take cognizance of any offence under this Act unless complaint thereof has been made -

Limitation of prosecution.

(a) within six month of the date on which the offence is alleged to have been committed; or

(b) within six month of the date on which the alleged commission of the offence came to the knowledge of the Inspector; or

investigation, within six months of the date of the making of the report referred to in sub-section (2) of that section.

41. (1) If the Labour Court trying any case instituted at the instance of the Chief Inspector or of an Inspector under this Act is of opinion that the case is one which should in lieu of a prosecution, be referred to a formal investigation under section 25, it may stay the Criminal proceedings and report the matter to Government with a view to such reference being made.

Reference to formal investigation in lieu of prosecution in certain cases.

(2) On receipt of a report under sub-section(1), Government may refer the case for formal investigation under section 25, or may direct the Court to proceed with the trial.

42. Any contract or agreement, whether made before or after the commencement of this Act, whereby an worker relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

Contract void.

43. The authorities and officers entrusted with powers and duties under this Act for the proper and effective exercise of their powers and discharge of their duties, call for statistics and information and ensure their correctness. The information so collected shall not be disclosed in respect of individual undertaking or establishments.

Collection of statistics.

44. Within six months from the commencement of this Act, all employers and workers shall alter their existing contracts and agreements and shall take such other actions as are necessary to comply with the provisions of this Act and all associations of employers and trade unions shall alter their constitutions, working and procedure to bring them in conformity with the provisions of this Act.

Transitional Provisions.

45. The provisions of section 5 of the Limitation Act, 1908 (IX of 1908), shall apply in computing the period within which an application is to be made, or any other thing is to be done, under this Act.

Limitation.

46. Government may, by notification in the official Gazette, amend the Schedules to this Act and thereupon the Schedule shall be deemed to have been amended accordingly after one month from the date of the notification.

Amendment in Schedules.

47. If any difficulty arises in giving effect to any provisions of this Act, the Government, may by notification in the Official Gazette, make such provisions as may appear to it to be necessary for the purpose of removing the difficulty.

Removal of difficulties.

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder. **Indemnity.**

STATEMENT OF OBJECTS AND REASONS

In Order to make provision for occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of the activities at work places and for the promotion of safe, healthy and decent working environment adapted to the physical, physiological and psychological needs of all persons at work, it is expedient to enact a law in the matter.

The Bill seeks to achieve the above object.

MEMBER-IN-CHARGE

**G.M.UMAR FAROOQ
SECRETARY**

PROVINCIAL ASSEMBLY OF SINDH

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| 5 | General duties of self-employed and employers to persons other than their workers.- | Fine of up to Rs.50,000/- |
| 6 | General duties of persons concerned with premises to persons other than their workers | Fine of up to Rs.50,000/- |
| 7 | General duty of persons in control of certain premises in relation to harmful emissions into atmosphere.- | Fine of up to Rs.50,000/- |
| 9 | General duties of suppliers as regards articles and substances for use at work.- | Fine of up to Rs.50,000/- |
| 10 | Safety and Health | Fine of up to Rs.250,000/- |
| 11 | Written statement of policy | Fine of up to Rs.250,000/- |
| 12 | Consultation | Fine of up to Rs.250,000/- |
| 13 | Training of health and safety representative | Fine of up to Rs.50,000/- |
| 14 | Not to interfere with or misuse things provided pursuant to certain provisions. | Fine of up to Rs.50,000/- |
| 15 | Precautions against contagious or infectious disease at workplaces | Fine of up to Rs.50,000/- |
| 16 | Compulsory vaccination and inoculation. | Fine of up to Rs.10,000/- for each offence |
| 17 | Registration of workplaces and approval of site, buildings and other constructions to be used as workplaces | Fine of up to Rs.50,000/- |
| 23 | Notification and investigation of accidents, dangerous occurrences and occupational illnesses | Fine of up to Rs.50,000/- |
| 24 | No interference at accident scene- | Fine of up to Rs.50,000/- |
| 31 | Forgery of certificate, false entries and false declaration | Fine of up to Rs.50,000/- |
| 29 | willfully obstructs an Inspector in the exercise of any of his lawful powers | Fine of up to Rs.50,000/- |
| 29 | fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act. | Fine of up to Rs.50,000/- |
| 29 | Conceals or prevents or attempts to prevent any person from appearing before, or being examined by an Inspector. | Fine of up to Rs.50,000/- |
| 29 | removes any fencing, gangway, ladder, lifesaving means or appliance, light, mark, stage or other things required to be provided by or under 'the | Fine of up to Rs.50,000/- |

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| | regulations made under this Act, unless duly authorized, or in case of necessity. | |
| 29 | having in case of necessity removed any such fencing, gangway, gear, ladder, lifesaving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary. | Fine of up to Rs.50,000/- |
| 30 | refusal to a lawful order of an inspector to produce records under this Act | Fine of up to Rs.50,000/- |
| 30 | failure to maintain records and falsification of records mandatory under this Act | Fine of up to Rs.50,000/- |
| 30 | failure to display the abstracts of this Act in workplaces | Fine of up to Rs.50,000/- |
| 30 | failure to give notice of accidents | Fine of up to Rs.50,000/- |
| 30 | failure to furnish returns under this Act | Fine of up to Rs.50,000/- |
| 30 | smoking in the presence of inflammable material or using a naked light in the presence of inflammable material without following the regulations prescribed in this behalf | Fine of up to Rs.50,000/- |
| 30 | violation of provisions relating to the employment of children; | Fine of up to Rs.50,000/- |

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| 29 | having in case of necessity removed any such leading gateway, gate, ladder, lifting means or appliance, light mark, stage or other thing, omit to restore it at the end of the period for which its removal was necessary. | Fine of up to Rs. 50,000/- |
| 30 | refusal to a lawful order of an inspector to produce records under this Act. | Fine of up to Rs. 50,000/- |
| 31 | failure to maintain records and list/register of records mandatorily under this Act. | Fine of up to Rs. 50,000/- |
| 32 | failure to display the abstracts of this Act in workplaces. | Fine of up to Rs. 50,000/- |
| 33 | failure to give notice of accidents. | Fine of up to Rs. 50,000/- |
| 34 | failure to furnish returns and, in this Act. | Fine of up to Rs. 50,000/- |
| 35 | smoking in the presence of inflammable material or using a naked light in the presence of inflammable material without following the regulations prescribed in this behalf. | Fine of up to Rs. 50,000/- |
| 36 | violation of provisions relating to the employment of children. | Fine of up to Rs. 50,000/- |

Shajeel
SC on home