

OCCUPATIONAL SAFETY AND HEALTH BILL, 2016

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A BILL

FOR

AN ACT TO REPEAL THE FACTORIES ACT AND MAKE COMPREHENSIVE PROVISIONS FOR OCCUPATIONAL SAFETY AND HEALTH IN WORKPLACES AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Duro Faseyi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

PART I — PRELIMINARY PROVISIONS

1. The objectives and the underlining principles of this Act shall include, to-

Objectives and
basic principles

(a) promote safe and healthy work environment for employees and protect them from injury and illness at the workplaces;

(b) develop and promote public awareness and enlightenment on the measures to prevent accidents and injuries at the workplaces;

(c) develop consultative arrangements between employers and employees on the safety, health and welfare of employees at the workplaces;

(d) achieve constant improvement of the well-being of employees at workplaces;

(e) provide preventive mechanisms and measures for occupational safety and health with greater emphasis on the prevention of injury or accidents and the elimination of hazards at workplaces;

(f) ensure the safety of life and property at workplaces;

(g) provide a legal basis for a national policy on occupational safety and health;

(h) promote the safety, health and welfare of employees at workplaces;

(i) provide a legal framework consisting of higher standards of

1 occupational safety and health that shall take account of changes in technology
2 and work practices; and

3 (j) provide regulatory framework for compliance with safety and
4 health standards by employers, their agents and employees at workplaces.

5 2.—(1) The provisions of this Act shall apply to all workplaces,
6 employees and employers except those whose occupational safety and health
7 conditions are governed by specific laws.

8 (2) Where the provisions of any specific law referred to in subsection
9 (1) of this section do not meet the minimum standards contained in this Act, this
10 Act shall apply.

11 3. The Council established under section 5 of this Act shall keep a
12 register of workplaces in which it shall cause to be entered, such particulars in
13 relation to every workplace required to be registered under this Act, as the
14 Council may consider necessary or desirable.

15 4.—(1) As from the commencement of this Act, every employer shall
16 apply to the Council for registration of the workplace in such form and upon
17 payment of such fees as the Council may, from time to time, determine.

18 (2) The Council may, if satisfied that the premises are suitable for use
19 as workplace of the nature in the application, cause the workplace to be
20 registered and shall issue to the applicant a certificate of registration.

21 (3) Any workplace that is registered under this Act shall be subject to
22 renewal every two years in such form and upon payment of such fees as the
23 Council may, from time to time, determine.

24 (4) Any employer who fails to register a workplace shall, be liable to
25 administrative penalty of an amount equal to ten times of the registration fee for
26 the first case of non-compliance or an amount equal to twenty five times of the
27 registration fees for every subsequent case of non-compliance and in addition,
28 the Council may seal up the workplace.

29 (5) For the purposes of this section, a workplace shall not include

Scope and
application

Register of
workplaces

Registration of
workplaces

1 residential premises where no commercial, professional or business activity
2 is carried on.

3 PART II — ESTABLISHMENT AND COMPOSITION OF THE NATIONAL
4 COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

5 5.—(1) There is hereby established, a body to be known as the
6 National Council for Occupational Safety and Health (in this Act referred to
7 as "the Council").

Establishment of
the National
Council for
Occupational
Safety and Health

8 (2) The Council —

9 (a) shall be a body corporate with perpetual succession and a
10 common seal; and

11 (b) may sue or be sued in its corporate name.

12 6.—(1) There is hereby established for the Council, a governing
13 board (in this Act referred to as "the Board") which shall consist of —

Establishment
and composition
of the Governing
Board of the
Council

14 (a) a part-time Chairman;

15 (b) a representative each of —

16 (i) the Federal Ministry of Employment, Labour and Productivity,

17 (ii) the Federal Ministry of Environment,

18 (iii) the Federal Ministry of Health,

19 (iv) the Federal Ministry of Agriculture and Rural Development,

20 (v) the Federal Ministry of Solid Minerals Development,

21 (vi) the Federal Ministry of Petroleum Resources,

22 (vii) the Federal Ministry of Power and Steel,

23 (viii) the Federal Ministry of Transport,

24 (ix) the Federal Ministry of Works;

25 (c) six representatives of the State Governments, one each to be
26 appointed from the each geopolitical zone in Nigeria, on rotation for a term
27 of four years at a time;

28 (d) six representatives of the most representative employers'
29 associations at least two of whom shall be women;

30 (e) six representatives of the most representative labour

1 organizations, at least two of whom shall be women;

2 (f) one representative each of-

3 (i) the Society of Occupational Health Physicians of Nigeria,

4 (ii) the Nigerian Institute of Safety Professionals; and

5 (g) the Executive Secretary of the Council.

6 (2) The Chairman and members of the Board shall each be—

7 (a) appointed by the President on the recommendation of the Minister

8 after consultation with the National Labour Council;

9 (b) a person of proven integrity who possesses cognate experience in

10 occupational safety and health or related matters; and

11 (c) on part-time basis.

First Schedule

12 (3) The supplementary provisions set out in the First Schedule to this

13 Act shall, have effect with respect to the proceedings of the Board and other

14 matters contained therein.

Tenure of office

15 7. The Chairman and members of the Board, other than the ex-officio

16 members and those mentioned in section 6 (1) (b) and (c) of this Act, shall each

17 hold office-

18 (a) for a term of 4 years in the first instance and may be re-appointed

19 for a further term of 4 years and no more; and

20 (b) on such terms and conditions as may be specified in his letter of

21 appointment.

Cessation of
office

22 8.—(1) Notwithstanding the provisions of section 7 of this Act, a

23 member of the Board shall cease to hold office as a member of the Board, if—

24 (a) he resigns his appointment as a member of the Board by notice,

25 under his hand, addressed to the President; or

26 (b) he becomes of unsound mind; or

27 (c) he becomes bankrupt or make a compromise with his creditors; or

28 (d) he is convicted of a felony or any offence involving dishonesty or

29 corruption;

30 (e) he becomes incapable of carrying on the functions of his office

1 either arising from an infirmity of mind or body; or

2 (f) the President is satisfied that it is not in the interest of the
3 Council or of the public for the person to continue in office and the President
4 removes him from office.

5 (2) Where a vacancy occurs in the membership of the Board, it
6 shall be filled by the appointment of a successor to hold office for the
7 remainder of the term of office of his predecessor, howsoever that, the
8 successor shall represent the same interest as his predecessor.

9 9. The Chairman and members of the Board shall be paid such
10 emoluments, allowances and benefits as the Federal Government may, from
11 time to time, determine. Emoluments and
allowances of
members, etc.

12 10. The Board shall-

Functions of the
Board

13 (a) formulate policies and approve strategies and procedures to be
14 adopted by the Council on occupational safety and health;

15 (b) review, from time to time, the occupational strategies and
16 measures being implemented by the Council; and

17 (c) perform such other functions as may be expedient or necessary,
18 from time to time, for the achievement of the objectives of this Act and the
19 efficient performance of the functions of the Council under this Act.

20 11. The Council shall-

Functions of the
Council

21 (a) develop and promote occupational safety and health standards
22 including occupational exposure limits for chemical substances, physical
23 and biological agents and other technical standards for workplaces;

24 (b) enforce and implement occupational safety and health
25 measures at the workplace in accordance with the provisions of this Act;

26 (c) carry out inspection and monitor compliance with occupational
27 safety and health measures prescribed under this Act, any regulations made
28 thereunder and any other enactment or law;

29 (d) promote public awareness on occupational safety and health
30 measures to be undertaken by employers and employees;

1 (e) promote the protection of life, safety and health of employees at
2 workplaces;

3 (f) in collaboration with appropriate academic, research institutions
4 or professional bodies, promote training and capacity building on matters
5 relating to occupational safety and health;

6 (g) promote the teaching of occupational safety and health in primary,
7 secondary and tertiary institutions in Nigeria;

8 (h) in collaboration with relevant agencies and bodies, formulate and
9 periodically review occupational safety and health policies, strategies and
10 action plans; and

11 (i) perform such other duties which in its opinion are required for the
12 effective implementation of its functions under this Act.

Power of the
Council

13 12. The Council shall have the power to —

14 (a) carry out inspection of all workplaces covered by the provisions of
15 this Act;

16 (b) prohibit or restrict, on the grounds of occupational safety and
17 health, the use of certain hazardous chemicals;

18 (c) require advance notification and authorization before hazardous
19 chemicals are used in a workplace and to determine the siting of any major
20 hazard installation;

21 (d) acquire, hold and dispose of any property whether movable or
22 immovable; and

23 (e) do anything in respect of any matter as may be specifically
24 conferred upon it under this Act or any other enactment or law.

25 PART III — MANAGEMENT AND STAFF OF THE COUNCIL

Executive
Secretary and
other staff of
the Council

26 13.—(1) There shall be for the Council, an Executive Secretary who
27 shall-

28 (a) be appointed by the President on the recommendation of the
29 Minister after consultation with the National Labour Council;

1 (b) be knowledgeable and experienced in occupational safety and
2 health;

3 (c) be the chief executive and accounting officer of the Council;

4 (d) be responsible for the day-to-day administration of the affairs
5 of the Council;

6 (e) be the Chief Inspector of occupational safety and health in
7 Nigeria;

8 (f) make recommendations to the Board on compliance levels of
9 employers in respective industries or sectors and the attendant appropriate
10 administrative sanctions prescribed under this Act; and

11 (g) perform such other duties as may be assigned to him by the
12 Board.

13 (2) The Executive Secretary shall hold office-

14 (a) for a term of 5 years in the first instance and may be re-
15 appointed for a further term of 5 years and no more; and

16 (b) on such terms and conditions as may be contained in his letter of
17 appointment.

18 (3) The Board may appoint for the Council, occupational safety
19 and health officers or other inspectors and such other categories of staff of
20 whatever title as the Council may deem necessary for the efficient
21 performance of the functions of the Council under this Act.

22 (4) Any inspector to be appointed under this section shall have such
23 qualifications necessary and appropriate for the performance of his duties
24 under this Act as the Council may, from time to time, determine.

25 (5) The Council shall train and re-train any inspector appointed
26 under this section and shall provide such inspector with appropriate tools
27 and facilities for the proper performance of his duties under this Act.

28 (6) Notwithstanding the provisions of subsection (3) of this
29 section, the Council may, in writing, authorize any expert in occupational
30 safety and health to carry out any of its functions under this Act.

Salaries and
allowances of
staff

1 **14.** The officers and staff of the Council shall be paid such salary,
2 emolument and allowances as may be approved, from time to time, by the
3 Board.

Staff regulations

4 **15.**—(1) Subject to the provisions of this Act, the Council may make
5 staff regulations relating generally to the conditions of service of the staff and,
6 in particular, such regulations may provide for—

7 (a) the appointment, promotion, termination, dismissal and
8 disciplinary control of staff or employees of the Council; and

9 (b) appeals by staff or employees against dismissal or other
10 disciplinary measures, and until such regulations are made, any instrument
11 relating to conditions of service in the public service of the Federation shall be
12 applicable, with such modifications as may be necessary, to the employees of
13 the Council.

14 (2) The staff regulations made under subsection (1) of this section
15 shall not have effect until approved by the Board, and when so approved, they
16 need not be published in the Federal Gazette, but the Council shall cause a
17 notice of the staff regulations to be issued to all affected staff in such manner as
18 the Council may, from time to time, determine.

Pensions
2005 No. 2

19 **16.** The terms and conditions of service of employment in the
20 Council shall be subject to the provisions of the Pension Reform Act and
21 accordingly, officers and employees of the Council shall be entitled to pensions
22 and other retirement benefits as are prescribed under the Pension Reform Act.

23 **PART IV — FINANCIAL PROVISIONS**

Fund of the
Council

24 **17.** The Council shall establish and maintain a fund into which shall
25 be credited—

26 (a) annual subventions from the Federal Government and grants from
27 State Governments;

28 (b) fees charged by the Council pursuant to its functions under this Act
29 or any other enactment or law;

30 (c) gifts and grants-in-aid from any national or international

1 organizations; and

2 (d) any other monies that may accrue to the Council from any other
3 source.

4 **18.** The Council may, from time to time, apply the proceeds of the Expenditure of
the Council
5 fund established under section 17 of this Act-

6 (a) to the cost of administration of the Council;

7 (b) to the payment of the emoluments, allowances and benefits of
8 members of the Board and for reimbursing members of the Board or of any
9 committee set up by the Board and for such expenses as may be expressly
10 authorised by the Board;

11 (c) to the payment of the salaries, fees or other remuneration or
12 allowances and pensions, and other benefits payable to the staff and other
13 employees of the Council;

14 (d) for the development and maintenance of any property vested in
15 or owned by the Council;

16 (e) for maintaining general financial reserves subject to general or
17 special directive that may be given in that behalf by the President in
18 accordance with the provisions of this Act; and

19 (f) for and in connection with all or any of its functions under this
20 Act.

21 **19.** The Council shall cause to be prepared, not later than the 30th Estimates
22 day of September in each year, an estimate of its income and expenditure for
23 the succeeding year.

24 **20.** The Council shall cause to be kept, proper accounts and Accounts and
audits
25 records, and such account shall, not later than 6 months after the end of each
26 year, be audited by auditors appointed by the Board from the list and in
27 accordance with the guidelines supplied by the Auditor-General for the
28 Federation.

29 **21.** The Council shall, not later than 30th September in each year, Annual reports,
etc.
30 submit to the President, a report of its activities during the immediately

1 preceding year and shall include in such report, the audited accounts of the
2 Council.

Power to accept
gifts

3 **22.**—(1) The Council may, accept gifts of land, money or other
4 property on such terms and conditions, if any, as may be specified by the person
5 or organisation making the gift.

6 (2) The Agency shall not accept any gift, if the conditions attached
7 thereto are inconsistent with the functions of the Council.

Power to borrow

8 **23.** The Council may, with the approval of the President, borrow by
9 way of loan, overdraft or otherwise from any source, such sums as it may
10 require for the performance of its functions and meeting its obligations under
11 this Act.

Exemption
from tax

12 **24.**—(1) The Council shall be exempted from the payment of income
13 tax.

14 (2) The provisions of any enactment relating to the taxation of
15 companies or trust funds shall not apply to the Council or the Board.

16 **PART V — GENERAL OBLIGATIONS OF EMPLOYERS, EMPLOYEES AND**
17 **OTHER PERSONS**

Workplace safety
and health
committees

18 **25.**—(1) Every employer who regularly has more than 10 employees
19 in any workplace shall, establish an occupational safety and health committee
20 of not less than 3 members (in this Act referred to as "safety and health
21 committee") and as the Council may, by regulations, prescribe, from time to
22 time.

23 (2) Unless as otherwise required by any regulations or by an order of
24 an inspector, a safety and health committee shall inspect the physical condition
25 of the workplace at least once in 3 months and submit the report of its findings
26 to the employer, who shall forward a copy each of such report to the Council
27 and the social partners.

28 (3) A safety and health committee shall, have power to identify
29 situations that may be a source of danger or hazard to employees and make
30 recommendations or report its findings thereon to the employer, the employees

1 and the trade union or trade unions representing the employees.

2 (4) The employer and employees shall provide a safety and health
3 committee with such information and assistance as the members may
4 require for the purposes of carrying out an inspection of the workplace.

5 (5) A safety and health committee shall have power to-

6 (a) request and obtain information from the employer concerning
7 the conducting or taking of tests of any equipment, machine, device, article,
8 material, chemical, physical agent or biological agent in or about a
9 workplace for the purpose of occupational safety and health;

10 (b) request that it be consulted and be present when any test
11 referred to in paragraph (a) of this subsection is being conducted in or about
12 the workplace; and

13 (c) obtain information from the employer in respect of-

14 (i) the identification of potential or existing hazards of materials,
15 processes or equipment, and

16 (ii) safety and health experience and work practices and standards
17 in similar or other industries of which the employer has knowledge.

18 (6) An employer who receives written recommendations from a
19 safety and health committee shall respond in writing within 21 days of the
20 receipt of such recommendations.

21 (7) A response of an employer pursuant to subsection (6) of this
22 section shall contain a time table for implementing any of the
23 recommendation the employer agrees with, and the employer shall give
24 reasons for rejection of any of the recommendations.

25 (8) In the event of any death or serious injury at a workplace from
26 any cause, the safety and health committee shall, subject to this Act,
27 complete investigation within 48 hours in the place where the accident
28 occurred and any machine, device or article, and shall report its findings in
29 writing to the employer, the Council and the appropriate trade union.

30 (9) Any member of the safety and health committee is entitled to

1 take such time from work as is reasonably necessary, to carry out the duties or
2 functions conferred on the safety and health committee under this Act and the
3 time spent shall, be deemed to be work time for which such member shall be
4 paid by the employer.

5 (10) Any safety and health committee appointed or selected under the
6 provisions of a collective agreement or other agreement or arrangement
7 between the employer and the employees, shall, in addition to his or her
8 functions and powers under the provisions of such collective agreement, other
9 agreement or arrangement, carry out the functions and exercise the powers
10 conferred upon a safety and health committee under this Act.

11 (11) Every safety and health committee shall maintain and keep a
12 record of the exercise of its functions and powers pursuant to this Act and shall
13 make such records available for examination by an inspector or any authorised
14 officer of the Council.

15 (12) Whenever two or more employers engage in activities
16 simultaneously in a workplace, they shall collaborate in applying the
17 provisions regarding occupational safety and health and the working
18 environment and without prejudice to the responsibility of each employer, for
19 the safety and health of his or her employees.

20 (13) For the purposes of this section, an employer shall include a
21 ministry, agency or department of Government.

22 **26.—**(1) Where the number of employees is less than 10, the
23 employer shall cause the employees to select at least one safety and health
24 representative from among the employees in the workplace who do not
25 exercise management functions.

26 (2) If no safety and health representative is required under subsection
27 (1) of this section and no committee is required under section 27 of this Act for
28 a workplace, the Council may, by order in writing, require an employer to cause
29 the employees to select one or more safety and health representatives from
30 among the employees who do not exercise managerial functions at the

1 workplace or part thereof, and the Council may provide, in the order, for the
2 qualifications of such representatives.

3 (3) Every order made under subsection (2) of this section may,
4 contain directions as the Council considers necessary with respect to the
5 carrying out of the functions of a safety and health representative.

6 (4) In exercising the power conferred on it by subsection (2) of this
7 section, the Council shall consider the matters set out in subsection (7) of
8 section 25 of this Act.

9 (5) The selection of a safety and health representative shall be
10 made by those employees who do not exercise managerial functions and
11 who will be represented by the safety and health representative in the
12 workplace, or the part or parts thereof, as the case may be.

13 (6) Where there is a trade union or trade unions representing the
14 category of employees referred to in subsection (5) of this section, the
15 selection of a safety and health representative may be delegated by a
16 majority of such employees to the trade union or trade unions.

17 (7) Unless otherwise required by the regulations or by an order by
18 an inspector, a safety and health representative shall inspect the physical
19 condition of the workplace at least once in 3 months and submit the report of
20 the findings to the employer who shall forward a copy each of the report to
21 the Council and the social partners.

22 (8) A safety and health representative shall have power to identify
23 situations that may be a source of danger or hazard to employees and to
24 make recommendations or report his or her findings thereon to the
25 employer, the employees and the trade union or trade unions representing
26 the employees.

27 (9) The inspection required by subsection (7) of this section shall
28 be undertaken in accordance with a schedule agreed upon by the employer
29 and the safety and health representative.

30 (10) The employer and employees shall provide a safety and health

1 representative with such information and assistance as the representative may
2 require for the purpose of carrying out an inspection of the workplace.

3 (11) A safety and health representative shall have power to-

4 (a) obtain information from the employer concerning the conducting
5 or taking of tests of any equipment, machine, device, article, material,
6 chemical, physical agent or biological agent in or about a workplace for the
7 purpose of occupational safety and health;

8 (b) be consulted about, and be present at the beginning of, testing
9 referred to in paragraph (a) of this subsection conducted in or about the
10 workplace if the representative believe his or her presence is required to ensure
11 that valid testing procedures are used or to ensure that the test results are valid;
12 and

13 (c) obtain information from the employer relating to —

14 (i) the identification of potential or existing hazards of materials,
15 processes or equipment, and

16 (ii) safety and health experience and work practices and standards in
17 similar or other industries of which the employer has knowledge.

18 (12) An employer who receives written recommendation from a
19 safety and health representative shall respond in writing within 21 days.

20 (13) A response of an employer under subsection (12) of this section
21 shall, contain a timetable for implementing the recommendations the employer
22 agrees with and the employer shall, give reasons for the rejection of any
23 recommendation.

24 (14) In the event of any death or critical injury at a workplace from
25 any cause, the safety and health representative may, subject to this Act, inspect
26 the place where the accident occurred and any machine, device or article, and
27 shall report his or her findings in writing to the Council.

28 (15) A safety and health representative is entitled to make such time
29 from work as is necessary, to carry out his or her duties under subsections (7),
30 (8) and (14) of this section and section 27 of this Act, and the time so spent shall,

1 be deemed to be work time for which the representative shall be paid by the
2 employer at the representative's regular or premium rate as may be proper.

3 (16) A safety and health representative or representatives of the
4 like nature appointed or selected under the provisions of a collective
5 agreement or other agreement or arrangement between the employer and the
6 workers, has, in addition to his or her functions and powers under the
7 provisions of the collective agreement or other agreement or arrangement,
8 the functions and powers conferred upon a safety and health representative
9 by this section.

10 (17) A safety and health representative shall maintain and keep a
11 record of exercise of his or her functions and powers conferred upon him or
12 her by this section and shall make the same available for examination by an
13 inspector.

14 27.—(1) The safety and health committee or representative shall
15 ensure that the employer provides and properly maintains sanitary
16 conveniences and other welfare facilities at the workplace.

Role of safety and
health committee
or representative
in workplace
hygiene, etc.

17 (2) The employer at a workplace shall consult the safety and health
18 committee or representative, with respect to proposed strategies for the
19 provision and maintenance of hygienic conditions at the workplace.

20 28. Without prejudice to any other obligation or duty conferred on
21 an employer under this Act, any regulations made thereunder or any other
22 enactment or law, an employer shall have the general obligation or duty to
23 ensure the safety and health of all employees at workplace and in carrying
24 out any obligation under this Act, the employer shall-

General obligations
of the employer

25 (a) ensure that any premises controlled by the employer where the
26 employees work are safe without risks to life and health;

27 (b) ensure that any plant, equipment, instrument, machinery or
28 substance provided for use by the employees at the workplace is safe and,
29 when properly used, shall not expose the employee to risks of injury to
30 health or any other risk;

1 (c) ensure that systems or tools of work at the workplace and the
2 working environment are safe and without risks to health;

3 (d) ensure that the equipment, materials and the prescribed protective
4 devices and clothing are provided and used in accordance with the provisions
5 of this Act, any regulations made thereunder or any other enactment or law;

6 (e) ensure that the equipment, materials and protective devices and
7 clothing provided by the employer are suitable, adequate and maintained in
8 good condition;

9 (f) ensure the safety and health measures and procedures prescribed
10 under this Act, any regulations made thereunder or any other enactment or law,
11 are carried out and complied with at the workplace;

12 (g) ensure that the floor, wall, pillar, roof or any other part of a
13 workplace is capable of supporting all loads to which it may be subjected
14 without causing the materials therein to be stressed beyond its prescribed safe
15 working load or established under any enactment or law;

16 (h) provide information, instruction, supervision and training to an
17 employee to ensure the safety and protect the health of the employee;

18 (i) in a medical emergency for the purposes of diagnosis or treatment,
19 provide upon request, information in the possession of the employer, including
20 confidential business information, to a legally qualified medical practitioner
21 and to such other persons as may be prescribed;

22 (j) ensure that employees performing supervisory functions
23 especially in factories, agricultural farms, construction sites, mines and such
24 other high risk workplaces are trained in occupational safety and health;

25 (k) designate a competent person trained in occupational safety and
26 health to supervise safety and health conditions at the workplace especially in
27 factories, agricultural farms, construction sites, mines and such other high risk
28 workplaces;

29 (l) acquaint employees or any person in authority over an employee
30 with any hazard in the workplace and in handling, storage, use, disposal and

1 transport of any article, device, equipment, chemical, physical or biological
2 agent;

3 (m) assist and cooperate with any safety and health committee or its
4 representative to carry out any of their functions;

5 (n) provide training for members of the safety and health
6 committee or the safety and health representative in occupational safety and
7 health, as the Council may, from time to time, prescribe;

8 (o) in consultation with the safety and health committee, formulate
9 and periodically review, a corporate policy on occupational safety and
10 health and design strategies for the implementation of such policy;

11 (p) provide adequate sanitary facilities and other conveniences for
12 the workplace in accordance with such standards or specifications as may be
13 prescribed by the Council pursuant to this Act or any regulations made
14 thereunder;

15 (q) provide potable water for use in the workplace;

16 (r) install guards, guard-rails, barricades and fences to ensure
17 reasonable safety;

18 (s) maintain standard levels of ventilation, lighting, temperature,
19 humidity, sound and vibration in the workplace in accordance with such
20 standards as may be prescribed under or pursuant to this Act or any other
21 enactment or law;

22 (t) ensure, in the prescribed manner, that the employees have safe
23 entry into, exit from and occupancy of the workplace, including evacuation
24 measures in the event of an emergency;

25 (u) take adequate measures to prevent exposure of employees to
26 special risks to health such as bacteria and viruses at the workplace and
27 ensure the protection of the employees from such risks; and

28 (v) take such safety and health measures as may be prescribed,
29 from time to time, by the Council.

Duties of employer
in relation to
environmental
monitoring of the
workplace, health
surveillance and
training

29.—(1) In addition to the general obligations of the employer under section 28 of this Act, and in relation to occupational health, exposure and training, an employer shall-

(a) in every workplace where employees are exposed to biological, chemical or physical agents or hazards, carry out monitoring in accordance with best practices in occupational hygiene and health standards through environmental monitoring, assessment and health surveillance;

(b) keep accurate records of any monitoring carried out under paragraph (a) of this subsection and submit annually occupational safety and health audit report to the Council;

(c) keep and maintain record of the handling, storage, use and disposal of chemical, physical or biological agents or chemical wastes in such manner as the Council may, by order published in the Federal Gazette, from time to time, prescribe;

(d) establish and maintain an occupational health service, including first aid facilities for employees in the workplace in such manner as the Council may, in consultation with the relevant health agency or body, prescribe;

(e) keep and maintain accurate records of the exposure of every employee to chemical, physical or biological agents and make such records available to be employee or the employee's representative;

(f) comply with any regulations or standards limiting the exposure of employees to chemical, physical or biological agents, including the Nigeria Basic Ionizing Radiation Regulations 2003; and

(g) take measures to protect the privacy of employees and ensure that the medical surveillance is not used by the employer or employees for discriminatory purposes in a workplace.

(2) Every employer shall carry out training and capacity building programmes for employees, on matters relating to occupational safety and health of the employees, at regular intervals and submit annual reports on such training and capacity building to the Council.

Duties of employers
in relation to
pregnant and
nursing employees

1 30.—(1) An employer shall, after being notified by a female
2 employee that she is pregnant, adapt the working conditions of the female
3 employee in such manner as to prevent occupational exposure, so as to
4 ensure that the embryo or the foetus is afforded the same broad level of
5 protection as required for members of the public, and the employer shall not
6 consider the notification of pregnancy as a reason to exclude the female
7 employee from work.

8 (2) An employer, in any workplace where there is ionizing
9 radiation, shall-

10 (a) ensure that any female employee that is pregnant or nursing a
11 baby is not exposed to ionizing radiation; and

12 (b) provide protective clothing and put in place measures to protect
13 any female employee that is pregnant or nursing a baby from ionizing
14 radiation,

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15 in accordance with the Nigeria Basic Ionizing Radiation Regulations 2003
16 or other enactment or law for the time being in force.

17 (3) Any female employee that is pregnant or nursing a baby may,
18 give notice to the employer of her intention to temporarily cease to perform
19 her job, if she reasonably believes that, by reason of the pregnancy or
20 nursing a baby, continuing any of her current job or functions might pose a
21 risk to her health or the foetus or the child.

22 (4) Upon the receipt of the notice mentioned in subsection (3) of
23 this section, the employer shall, with the consent of the workplace safety and
24 health committee or, if there is no such committee, the safety and health
25 representative arrange for the employee to consult a registered medical
26 practitioner of her choice to establish whether continuing any of her current
27 job or function might pose risk to the health of the female employee or the
28 foetus or the child.

29 (5) Without prejudice to any other right conferred by any collective
30 agreement, this Act or any other enactment or law relating to terms and

1 conditions of employment, once a registered medical practitioner has
2 established under subsection (4) of this section that there is no risk to the health
3 of the female employee, the foetus or the child, the female employee shall no
4 longer cease to perform her job or duties on the ground of pregnancy or nursing
5 a baby.

6 (6) Where a female employee ceases to perform her job pursuant to
7 subsection (2) of this section, the employer shall, in consultation with the
8 female employee concerned, reassign her to another job that would not pose
9 risk to her health, the foetus or the child.

10 (7) The female employee shall, whether or not she has been assigned
11 to another job, be deemed to have continued to hold office and perform her job
12 or functions and shall continue to receive the remuneration and benefits that are
13 attached to that job for the period during which she did not perform the job.

Prevention of
fire in a workplace

14 31.—(1) In every workplace, there shall be correctly installed, in
15 appropriate places, effective means for detecting fire, and such means shall be
16 provided and maintained, so as to be readily accessible, in the case of a manual
17 device, for alerting occupants therein of the occurrence of a fire and for
18 extinguishing same, which means shall be adequate, suitable and approved by
19 the Council having regard to the circumstances of each workplace.

20 (2) All stocks of highly flammable substances shall be kept, either in a
21 fire-resisting store or in a safe place outside any building, except that, no such
22 store shall be so situated as to endanger the means of escape from a workplace
23 or from any part thereof, in the event of a fire occurring in the store.

24 (3) Every employer in respect of a workplace shall, ensure that
25 persons employed in the factory are adequately trained to enable them operate
26 the extinguishing apparatus provided in such workplace.

27 (4) The Council may, impose such conditions as it may determine, in
28 connection with-

29 (a) any store or place used for the storage of highly inflammable
30 substance; and

1 (b) the training of persons employed in the workplace in the
2 operation of any extinguishing apparatus in the workplace.

3 (5) The Council shall, in imposing such conditions mentioned in
4 subsection (4) of this section, have regard to the provisions of the Fire
5 Service Act.

Cap. 9,
LFN, 1990

6 32.—(1) Every workplace shall be provided with adequate means
7 of escape in case of fire for the persons employed therein, having regard to
8 the circumstances of each case.

Safety provisions
in case of fire

9 (2) All such means of escape mentioned in subsection (1) of this
10 section shall be properly maintained and kept free from obstruction.

11 (3) The contents of any room in which persons are employed shall
12 be so arranged or exposed that there is a free passage-way for all persons
13 employed in the room to a means of escape in case of fire.

14 (4) While any person is within a workplace for the purpose of
15 employment or meals, the doors of the workplace and of any room therein in
16 which the person is and any door which affords a means of exit for persons
17 employed in the workplace from any building or from any enclosure in
18 which the workplace is situated, shall not be locked or fastened in such
19 manner that they cannot be easily and immediately opened from the inside.

20 (5) All doors affording a means of exit from a workplace for the
21 persons therein shall, except in the case of sliding doors, open outwards.

22 (6) Every hoistway or liftway inside a building shall, subject to this
23 subsection, be completely enclosed with fire-resisting materials, except that
24 any such hoistway or liftway shall be enclosed at the top only by some
25 material easily broken by fire or be provided with a vent at the top.

26 (7) Every window, door or exit affording means of escape in case of
27 fire or giving access thereto, other than the means of exit in ordinary use,
28 shall be distinctively and conspicuously marked by a notice printed in red
29 letters of an adequate size and all such notices shall be in such form, and in
30 English and in such Nigerian languages as an inspector may direct.

1 (8) In every workplace, effective steps shall be taken to ensure that all
2 the persons employed are familiar with the means of escape in case of fire and
3 the routine to be followed in case of fire.

Ergonomics at
the workplace

4 33.—(1) Every employer shall ensure that machinery equipment,
5 personal protective equipment, appliance or hand tool used in his workplace
6 complies with the prescribed safety and health standards and be appropriately
7 installed, maintained and safeguarded.

8 (2) Every employer shall, provide and maintain suitable and
9 comfortable seats for the employee-

10 (a) whose work is carried out while sitting, so as to avoid any adverse
11 effect to their health as a result of long hours of sitting at the workplace;

12 (b) whose work is carried out while standing, so as to enable them to
13 take advantage of any rest period which may occur during the working hours.

14 (3) Every employer shall, take necessary step or measures to ensure
15 workstations, equipment and work tasks are adapted to fit the employee and the
16 ability of the employee, including protection against physical or mental strain.

17 (4) No employer shall, require or permit the employee to engage in the
18 manual handling, lifting or transportation of a load which by reason of its
19 weight is likely to cause any bodily injury to the employee.

Duty of employer
to report accidents,
diseases, etc.

20 34.—(1) The employer shall not later than 31st March in each year,
21 submit to the Council, a report of any occupational accident that incapacitated
22 any employee for 3 or more days, near misses, dangerous occurrences or any
23 occupational diseases which occurred at the workplace in the preceding year.

24 (2) The employer shall, apart from the annual report of accidents or
25 diseases required to be submitted under subsection (1) of this section, report
26 every incident of occupational accident or disease that results in death or
27 permanent disability within 7 days of such accident, death or disability.

Second Schedule

28 (3) The occupational diseases that the employer shall report pursuant
29 to subsection (1) of this section shall, be such as specified in the Second
30 Schedule to this Act.

(4) Notwithstanding the provisions of subsection (3) of this section, an employer shall report any occupational disease not contained in the Second Schedule to this Act.

35.—(1) The employer shall issue a permit to work to any employee likely to be exposed to hazardous work processes or hazardous working environment, including such work diseases as well as the maintenance and repair of boilers, dock work, confined spaces, maintenance of machinery and equipment, electrical energy installations, major hazard installations, indicating the necessary precautions to be taken.

Permit to work,
confined spaces,
etc.

(2) Where employees are required to enter any confined space in which toxic or harmful substances are liable to be present or in which there is liable to be an oxygen deficiency, the employer shall take adequate measures to prevent accidents or injury to health of the employees.

(3) For the purposes of this section, the expression "permit to work" means a written notice to the employee (for which the employee has consented) which sets out the work to be done, the hazards involved and the precautions in order to secure the safety of the employee.

36. No employer shall engage any young person in any hazardous work including-

Prohibition of
hazardous work
by young persons

(a) work which exposes such young person to physical, psychological or sexual abuse;

(b) work underground, under water, at dangerous heights or in confined spaces;

(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

(d) work in an unhealthy environment which may expose such young person to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and

(e) work under particularly difficult conditions such as work for long hours or during the night or work where the young person is

- 1 unreasonably confined to the premises of the employer.
- General rights
of an employee 2 **37.** Every employee shall have a right to-
- 3 (a) be informed about any hazardous conditions at the workplace;
- 4 (b) be instructed, trained and supervised with respect to safe methods
- 5 of work; and
- 6 (c) be provided, without any cost to the employee, adequate personal
- 7 protective clothing and equipment which are necessary when hazards cannot
- 8 be otherwise prevented or controlled.
- Duties of an
employee 9 **38.—(1)** An employee shall-
- 10 (a) work in compliance with the provisions of this Act, any
- 11 regulations made thereunder or any other enactment or law;
- 12 (b) use correctly the safety devices and personal protective equipment
- 13 and clothing provided by the employer;
- 14 (c) report to the employer or supervisor the absence of or defect in any
- 15 equipment or protective device and clothing of which the employee is aware
- 16 may cause harm to himself, herself or another employee;
- 17 (d) report to the employer or supervisor on the existence of any
- 18 occupational hazard in the workplace or any contravention of this Act or any
- 19 regulations made thereunder or any other relevant enactment or law;
- 20 (e) take care of safety devices, personal protective equipment and
- 21 clothing that the employer provided;
- 22 (f) use equipment or substances, in accordance with any instructions
- 23 given by the employer, consistent with their safe and proper use necessary to
- 24 protect the safety and health of the employee or of other persons, whether
- 25 employee or not at or near the workplace;
- 26 (g) while at the workplace, take reasonable care to ensure that he or
- 27 she does not take any action or make any omission that is likely to create a risk
- 28 or increase an existing risk to the safety or health of the employee or other
- 29 persons, whether or not employees, at the workplace; and
- 30 (h) in respect of any duty or obligation imposed on the employer

1 under this Act, cooperate with the employer to the extent necessary to enable
2 the employer to fulfil such duty or obligation.

3 (2) An employee shall not-

4 (a) remove or make ineffective any protective device required
5 under this Act, any regulations made thereunder, any other enactment or law,
6 or by the employer, without providing an adequate temporary protective
7 device and when the need for removing or making ineffective the protective
8 device has ceased, the protective device shall be replaced immediately;

9 (b) use or operate any equipment, machine, device or article or
10 work in a manner that may endanger himself, herself or any other employee
11 or person;

12 (c) engage in any prank, contest, feat of strength, unnecessary
13 running or rough and boisterous conduct; or

14 (d) intentionally or recklessly interfere with or misuse anything
15 provided in the interest of safety and health.

16 (3) An employee shall not be required to use equipment or
17 machinery without any protective device required by the employer or by this
18 Act, any regulations made thereunder, or any other enactment or law.

19 (4) Nothing in this section shall, relieve an employer from any duty
20 imposed on the employer under this Act, any regulations made thereunder or
21 any other enactment or law relating to occupational safety and health of
22 employees.

23 (5) An employer shall, be required to participate and cooperate
24 with occupational health professionals and the employer in the
25 implementation of employee's health surveillance.

26 PART VI — SAFETY OF MACHINERY, EQUIPMENT, CHEMICALS, ETC.

27 39. Any plant, machinery or equipment whether fixed or mobile
28 for use either at the workplace or as a workplace shall only be used for work,
29 which such plant, machinery or equipment is designed for and be operated
30 by a competent person.

Safe use of plant,
machinery or
equipment

Prime movers

1 40.—(1) Every flywheel directly connected to any prime mover and
2 every moving part of any prime mover, except any prime mover mentioned in
3 subsection (3) of this section, shall be securely fenced, whether the flywheel or
4 prime mover is situated in an engine-house or not.

5 (2) The head and tail race of every water wheel and of every water
6 turbine shall be securely fenced.

7 (3) Every part of any electric generator, motor or rotary converter, and
8 every flywheel directly connected thereto, shall be securely fenced, unless it is
9 in such a position or of such construction as to be safe to every person
10 employed or working on the premises, as it would be if securely fenced.

Transmission
machinery

11 41.—(1) Every part of any transmission machinery shall be securely
12 fenced, unless it is in such position or of such construction as to be safe to every
13 person employed or working on the premises, as it would be if security fenced.

14 (2) Efficient devices or appliances shall be provided and maintained
15 in every room or workplace if the power can promptly be cut off from the
16 transmission machinery in that room or workplace.

17 (3) No driving-belt when not in use shall be allowed to rest or ride
18 upon a revolving shaft which forms part of any transmission machinery.

19 (4) Suitable striking gear or other efficient mechanical appliances
20 shall be provided and maintained and used to move driving-belts to and from
21 fast and loose pulleys which form part of the transmission machinery, and such
22 gear or appliances shall be constructed, placed and maintained as to prevent the
23 driving-belt from creeping back on to fast pulley.

24 (5) The Council may, by certificate in writing grant, subject to any
25 conditions specified in the certificate, exemption from compliance with any of
26 the requirements of subsections (2), (3) and (4) of this section, in any case
27 where it is satisfied that compliance with the requirement is unnecessary or
28 impracticable.

Powered
machinery

29 42.—(1) Every power driven machine having its individual sources

1 of power shall, be provided with an efficient starting and stopping appliance
2 or control.

3 (2) Every electrical equipment or appliance intended for use in a
4 workplace shall, be of such construction as to be safe for use by all persons
5 required to use same or who come into contact with same and shall be
6 maintained at all times in a safe condition.

7 43.—(1) Every dangerous part of any machinery, other than prime
8 movers and transmission machinery, shall be securely fenced, unless it is in
9 such a position or of such construction as to be as safe to every person
10 employed or working on the premises as it would be if securely fenced,
11 except that, in so far as the safety of a dangerous part of any machinery
12 cannot by reason of the nature of the operation be secured by means of a
13 fixed guard, the requirements of this subsection shall be deemed to have
14 been complied with if a device is provided which in the opinion of the
15 Council satisfactorily protects the operator or other persons from coming
16 into contact with that part or prevent that part from coming into contact with
17 any person.

Fencing of other
machinery

18 (2) Any part of a stock-bar which projects beyond the headstock of
19 a lathe shall, be securely fenced, unless it is in such a position as to be safe to
20 every person employed or working on the premises, as it would be if
21 securely fenced.

22 44.—(1) In determining for the purposes of the provisions of
23 sections 32 to 36 of this Act, whether any part of any machinery is in such a
24 position or of such construction as to be as safe to every person employed or
25 working on the premises, as it would be if securely fence-

Provisions as to
unfenced machinery

26 (a) no account shall be taken of any person carrying out, while the
27 part of the machinery is in motion, an examination thereof or any lubrication
28 or adjustment shown by such an examination to be necessary, being an
29 examination or adjustment which it is necessary to carry out while the part of
30 machinery is in motion; and

1 (b) in the case of any part of transmission machinery used in any
2 process in any workplace with respect to which the Council has declared by
3 certificate in writing, that he is satisfied that, owing to the continuous nature of
4 such process, the stopping of that part would seriously interfere with the
5 carrying on of the process in such workplace, no account shall be taken of any
6 person carrying out in the workplace by such methods and in such
7 circumstances and subject to such conditions as may be specified in the
8 certificate, any lubrication or any mount-in or shipping of belts.

9 (2) The provisions of subsection (1) of this section shall only apply
10 where-

11 (a) the examination, lubrication or other operation is carried out by a
12 person who-

13 (i) has attained the age of 18 years,

14 (ii) has been appointed by the employers, by certificate attached to the
15 general register, to carry out such examination, lubrication or other operation,
16 and has been furnished by the employer with a copy of such certificate signed
17 by the employer,

18 (iii) has been sufficiently trained for the purposes of the work entailed
19 by, and is acquainted with the dangers of moving machinery arising in
20 connection with such examination, lubrication or other operation, and

21 (iv) has been provided, by the employer, with and is wearing a close
22 fitting single piece overall suit in good repair, which is fastened by means
23 having no exposed loose ends and has no external pockets other than a hip
24 pocket;

25 (b) another person, instructed as to the steps to be taken in case of
26 emergency, is immediately available within sight or hearing of any person
27 carrying out such examination, lubrication or other operation;

28 (c) such steps as may be necessary, including where appropriate and
29 reasonably practicable the erection of a barrier, are taken to prevent any person,
30 other than a person carrying out the operation, from being in a position where

1 he or she is exposed to risk of injury from the machinery; and

2 (d) any ladder in use for the carrying out of such examination,
3 lubrication or other operation is securely fixed or lashed, or is firmly held by
4 a person stationed at the foot of the ladder.

5 45. All fencing or other safeguards provided in pursuance of the
6 provisions of sections 39 to 43 of this Act shall be of substantial
7 construction, and constantly maintained and kept in position while the parts
8 required to be fenced or safeguarded are in motion or in use, except when
9 any such parts are necessarily exposed for examination and for any
10 lubrication or adjustment shown by such examination to be immediately
11 necessary, and all the conditions specified in section 44(2) of this Act are
12 complied with.

Construction
and maintenance
of fencing

13 46.—(1) Where any machine or equipment in a workplace is
14 intended to be driven by mechanical power-

Construction and
disposal of
machinery

15 (a) every set-screw, bolt or key or any revolving shaft, spindle,
16 wheel or pinion shall be so sunk, encased or otherwise effectively guarded as
17 to prevent danger; and

18 (b) all spur and other toothed or friction gearing, which does not
19 require frequent adjustment while in motion, shall be completely encased,
20 unless it is so situated as to be safe as it would be if completely encased.

21 (2) Any person who manufactures, assembles, sells or lets on hire
22 or who as an agent of the manufacturer, assembler, seller or hirer causes or
23 procures to be sold or let on hire for use in a workplace in Nigeria, any
24 machine intended to be driven by mechanical power which does not comply
25 with the requirements of this section shall be liable to administrative penalty
26 of ₦10,000,000 for the first case of non-compliance and ₦50,000,000 for
27 every subsequent case of non-compliance.

28 47.—(1) Every fixed vessel, structure, sump or pit of which the
29 edge is level with or less than 91 centimetres above the adjoining ground or
30 platform shall, if it contains any hazardous substances, either be securely

Vessels containing
hazardous
substances

1 covered or be securely fenced to at least that height or where by reason of the
2 nature of the work neither secure covering nor secure fencing to that height is
3 practicable, all practicable steps shall be taken by covering, fencing or other
4 means to prevent any person from falling into the vessel, structure, sump or pit.

5 (2) With respect to any plant mentioned in subsection (1) of this
6 section, a warning notice in English and in such Nigerian languages as the
7 Council may direct, indicating the nature of the danger, shall be marked on or
8 attached to the plant or, if this is not reasonably practicable, be posted nearby.

Chains, ropes
and lifting tackle

9 **48.—**(1) The following provisions shall be complied with, with
10 respect to every chain, rope or lifting tackle used for the purpose of raising or
11 lowering persons, goods or materials, that is—

12 (a) no chain, rope or lifting tackle shall be used unless it is of good
13 construction, sound material, adequate strength and free from patent defect;

14 (b) a table showing the safe working loads of every kind and size of
15 chain, rope or lifting tackle in use and, in the case of a multiple sling, the safe
16 working load at different angles of the legs, shall be prominently displayed on
17 the premises, so however, that the provisions of this paragraph shall not apply
18 in relation to any lifting tackle if the safe working load thereof or, in the case of
19 a multiple sling, the safe working load at different angles of the legs, is plainly
20 marked upon it;

21 (c) no chain, rope or lifting tackle shall be used for any load exceeding
22 the safe working load thereof as shown by the table mentioned in paragraph (b)
23 of this subsection or marked upon it;

24 (d) all chains, ropes and lifting tackles in use shall be thoroughly
25 examined at least once in every period of 6 months, or at such longer intervals
26 as the Council may permit in any particular case, by a person approved for the
27 purposes of this section by the Council by certificate in writing;

28 (e) no chains, ropes or lifting tackle shall be taken into use in any
29 workplace for the first time in that workplace unless it has been tested and
30 thoroughly examined by a person approved by the Council for the purposes of

1 this section and a certificate of such a test and examination has been
2 obtained and a report for each chain, rope or lifting tackle in the prescribed
3 form shall be filed by the Council and the certificate shall be kept available
4 for inspection; and

5 (f) every chain or lifting tackle, except a rope sling, shall, unless or
6 a class or description exempted by the Council by notice published in the
7 Federal Gazette, be annealed at least once in every 14 months, or in the case
8 of chains or slings of half-inch bar or smaller, or chains used in connection
9 with molten metal or molten slag, in every 6 months so however that chains
10 and lifting tackles not in regular use need be annealed only when necessary.

11 (2) For the purposes of this section, "lifting tackle" means chain
12 slings, rope slings, rings, hooks, shackles and swivels.

13 **49.—**(1) All parts and working gear whether fixed or movable,
14 including the anchorage and fixing appliances of every lifting machine shall
15 be of good construction, sound material, adequate strength and free from
16 patent defect, and shall be properly maintained.

Cranes and other
lifting machines

17 (2) All such parts and gear mentioned in subsection (1) of this
18 section shall be thoroughly examined, at least once in every period of 12
19 months, or after any modifications or extensive repairs or within a shorter
20 period, by a person approved for the purposes of this section by the Council
21 by a certificate in writing.

22 (3) No lifting machine shall be taken into use in any workplace for
23 the first time in the workplace unless it has been tested and all such parts and
24 working gear of the machine as are specified in subsection (1) of this section
25 have been thoroughly examined by a person approved by the Council for the
26 purpose of this section and a certificate of such test and examination
27 specifying the safe working load or loads of the machine and signed by the
28 person making the test and examination, has been obtained and is kept
29 available for inspection:

30 Provided that the provisions of this subsection shall not apply with respect to

1 any lifting machine with regard to which there has been obtained, and is kept
2 available for inspection, a certificate of test and thorough examination issued
3 by the manufacturer of the machine.

4 (4) All rails on which a travelling crane moves and every track on
5 which the carriage of a transporter or runway moves shall be of proper size and
6 adequate strength, and have an even running surface, and any such rails or track
7 shall be properly laid, adequately supported or suspended and properly
8 maintained.

9 (5) There shall be plainly marked on every lifting machine, the safe
10 working load or loads thereof, except that in the case of a jib crane so
11 constructed that the safe working load may be varied by the raising or lowering
12 of the jib, there shall be attached thereto, either an automatic indicator of safe
13 working loads or a table indicating the safe working loads, at corresponding
14 inclinations of the jib or corresponding radii of the load.

15 (6) No lifting machine shall, except for the purpose of a test, be loaded
16 beyond the safe working load as marked or indicated under subsection (5) of
17 this section.

18 (7) If any person is employed or working on or near the wheel-rack of
19 an overhead travelling crane in any place where he would be liable to be struck
20 by the crane, effective measures shall be taken to ensure that the crane does not
21 approach within a 6 metre of that place.

22 (8) A lifting machine shall not be operated except by a person trained
23 and possesses a certificate in writing to that effect from a recognized
24 institution, to operate that machine, except that it shall be permissible for such
25 machine to be operated by a person who is under the direct supervision of a
26 qualified person for the purposes of training and no person under the age of 18
27 years shall be employed to operate any lifting machine driven by mechanical
28 power or to give signals to the operator of any such machine.

29 (9) For the purposes of this section, "lifting machine" includes a
30 crane, crab, which teagle, pully block, gin wheel, transporter or runway used

1 for raising or lowering of goods.

2 50.—(1) Every steam boiler and all its fittings and attachments Steam boiler
3 shall be of good construction, sound material, adequate strength and free
4 from patent defect, and shall be properly maintained.

5 (2) Every boiler, whether separate or one of a range shall-

6 (a) have attached to it-

7 (i) a suitable safety valve (separate from and incapable of being
8 isolated by any stop-valve), which shall be so adjusted as to prevent the
9 boiler being worked at a pressure greater than the maximum permissible
10 working pressure and shall be fixed directly to, or as close as practicable to
11 boiler,

12 (ii) a suitable stop-valve connecting the boiler to the steam pipe,

13 (iii) a correct steam pressure gauge, connected to the steam space
14 and easily visible by the boiler attendant, which shall indicate the pressure of
15 steam in the boiler in kilogramme per square centimetre and have marked
16 upon it, in a distinctive colour, the maximum permissible working pressure,

17 (iv) at least one water gauge, of transparent material or other type
18 approved by the Council, to show the water level in the boiler, and if the
19 gauge is of the glass tubular type and the working pressure in the boiler
20 normally exceeds 30 kilogrammes per square centimetre, the gauge shall be
21 provided with an efficient guard but not so as to obstruct the reading to the
22 gauge, and

23 (v) where it is one of two or more boilers, a plate bearing a
24 distinctive number which shall be easily visible;

25 (b) be provided with means for attaching a test pressure gauge; and

26 (c) be provided with a suitable fusible plug or an efficient low-
27 water alarm device:

28 Provided that, subparagraph (a) (i) of this subsection shall not apply with
29 respect to economizers, and subparagraphs (iii), (iv) and (v) of paragraph (a)
30 of this subsection shall not apply with respect to either economizers or

1 superheaters.

2 (3) For the purposes of subsection (2) of this section, a lever-valve
3 shall not be deemed a suitable safety valve unless the weight is secured on the
4 level in the correct position.

5 (4) Every steam boiler attendant shall be properly instructed as to his
6 duties.

7 (5) No person shall enter or be in any steam boiler which is one of a
8 range of two or more steam boiler unless-

9 (a) all inlets through which steam or hot water might otherwise enter
10 the boiler from any other part of the range are disconnected from that part; or

11 (b) all valves or taps controlling such entry are closed and securely
12 locked and, where the boiler has a blow-off vessel or sump, the blow-off valve
13 or tap on each such boiler is to be constructed that it can only be opened by a key
14 which cannot be removed until the valve or tap is closed and is the only key in
15 use for that set of blow-off valves or taps.

16 (6) No work shall be permitted in any boiler-furnace or boiler-flue
17 until it has been sufficiently cooled by ventilation or otherwise to make work
18 safe for the employees.

19 (7) The boiler room shall be kept always clean and shall not be used as
20 a resting place, or storeroom or for any other unauthorized purpose at any given
21 time.

22 (8) Every boiler and all its fittings and attachments shall be
23 thoroughly examined by an authorised boiler inspector at least once in every
24 period of 12 months and also after any modifications or extensive repairs,
25 except that the person making any such examination may specify in writing a
26 period exceeding 12 months but not exceeding 16 months within which the
27 next examination is to be made.

28 (9) Any examination made in accordance with subsection (8) of this
29 section shall consist, in the first instance, of an examination of the boiler when
30 it is cold and the interior or exterior have been prepared in the prescribed

1 manner, and secondly, except in the case of an economizer or superheater, of
2 an examination under steam pressure shall be made as soon as possible after
3 the examination shall see that the safety valve is so adjusted as to prevent the
4 boiler being worked at a pressure greater than the maximum permissible
5 working pressure.

6 (10) A report of the result of every examination made under
7 subsection (8) of this section shall, not later than 28 days after the
8 completion of the examination, be entered in or attached to the general
9 register and the report shall be signed by the person making the examination
10 and submitted to the Council.

11 (11) No steam boiler which has been previously used shall be taken
12 into use in any workplace or premises for the first time in that workplace or
13 premises until it has been examined and reported on in accordance with the
14 provisions of subsections (8), (9) and (10) of this section.

15 (12) No new steam boiler shall be taken into use for the first time in
16 any workplace unless there has been obtained in respect thereof-

17 (a) the manufacturer's complete specifications which shall include
18 details of the composition and physical properties of all rivets, plates,
19 sections, tubes, bars and electrodes used for pressure part;

20 (b) dimensional drawings of the complete boiler showing the
21 thickness of plates, details of riveting and the position and extent of all
22 welds;

23 (c) the manufacturer's test certificate; and

24 (d) a certificate specifying the maximum permissible working
25 pressure of the boiler, stating the nature of the tests to which the boiler,
26 attachments and fittings have been submitted, issued and signed by the
27 person making the examination.

28 (13) Any person conducting any examination or making a report
29 under subsections (11) and (12) of this section shall, within 7 days after the
30 completion of the examination, submit a copy of the report to the Council, in

1 every case where the maximum permissible working pressure is reduced or
2 where the boiler cannot continue to be used with safety unless certain repairs
3 are carried out immediately or within a specified time and the Council may, on
4 the basis of the report, issue an improvement notice or prohibition notice as
5 appropriate.

6 (14) Any person making an examination under this section who-

7 (a) fails to make thorough examination as required by this section or
8 makes a report which is false or deficient in any material particular; or

9 (b) fails to submit to the Council a copy of any report of any such
10 examination,

11 commits an offence and shall be liable on conviction to imprisonment for a
12 term not exceeding 6 months.

Steam receivers
and steam
containers

13 **51.—(1)** Every steam receiver and all its fittings shall be of good
14 construction, sound material and adequate strength, and free from patent
15 defect, and shall be properly maintained.

16 (2) Every steam receiver, not so constructed and maintained as to
17 withstand with safety the maximum permissible working pressure of the boiler
18 or the maximum pressure which can be obtained in the pipe connecting the
19 receiver with any other source of supply, shall be fitted with-

20 (a) a suitable reducing valve or other suitable automatic appliance to
21 prevent the safe working pressure of the receiver being exceeded;

22 (b) a suitable safety valve so adjusted as to permit the steam to escape
23 as soon as the safe working pressure is exceeded or a suitable appliance for
24 cutting off automatically the supply of steam as soon as the safe working
25 pressure is exceeded;

26 (c) a correct steam pressure gauge, which shall indicate the pressure
27 of steam in the receiver in kilogrammes per square centimetre;

28 (d) a suitable stop valve;

29 (e) except where only one steam receiver is in use, a plate bearing a
30 distinctive number which shall be easily visible; and

1 (f) the safety valve and pressure gauge which shall be fitted either
2 on the steam receiver or on the supply pipe between the receiver and the
3 reducing valve or other appliance to prevent the safe working pressure being
4 exceeded.

5 (3) For the purposes of the provisions of subsection (2) of this
6 section, except paragraph (e) thereof, any set of receivers supplied with
7 steam through a single pipe and forming part of a single machine may be
8 treated as one receiver, and except paragraph (d) and (e) of the said
9 subsection, any other set of receiver supplied with steam through a single
10 pipe may be treated as one receiver:

11 Provided that, this section shall not apply to any such set of receivers, unless
12 reducing valve or other appliance to prevent the safe working pressure being
13 exceeded is fitted on the single pipe mentioned in this subsection.

14 (4) Every steam receiver and all its fittings shall be thoroughly
15 examined by an authorised boiler inspector so far as the construction of the
16 receiver permits, at least once in every period of 24 months or after repairs.

17 (5) A report of the result of every such examination, in the
18 prescribed form and containing the prescribed particulars (including
19 particulars of the safe working pressure), shall be entered in or attached to
20 the general register, and the person making the examination shall sign the
21 report.

22 (6) No steam receiver which has previously been used shall be
23 taken into use in any workplace for the first time in the workplace until it has
24 been examined and reported on in accordance with the provisions of
25 subsections (4) and (5) of this section, and no new steam receiver shall be
26 taken into use unless there has been obtained from the manufacturer of the
27 receiver or from any authorized boiler inspector, a certificate specifying the
28 safe working pressure of the receiver and stating the nature of the tests to
29 which the receiver and fittings have been submitted, and the certificate is
30 made available for inspection and the receiver is so marked as to enable it to

1 be identified as the receiver to which the certificate relates.

2 (7) Every steam container shall be so maintained as to secure that the
3 outlet is at all times kept open and free from obstruction.

4 (8) For the purposes of this section-

5 (a) "authorized boiler inspector" means any person, whether or not a
6 public officer, who is authorized by the Council, by certificate in writing, to
7 carry out examinations of steam receivers in accordance with the provisions of
8 this section and to issue the certificate referred to in subsection (6) of this
9 section;

10 (b) "safe working pressure" means, in the case of a new steam
11 receiver, that pressure specified in the certificate referred to in subsection (6) of
12 this section, and, in the case of a steam receiver which has been examined in
13 accordance with the provisions of this section, that pressure specified in the
14 report of the last examination;

15 (c) "steam container" means any vessel, other than a steam pipe or
16 coil, constructed with a permanent outlet into the atmosphere or into a space
17 where the pressure does not exceed atmosphere pressure, and through which
18 steam is passed at atmospheric pressure, or at approximately that pressure, for
19 the purpose of heating, boiling, drying, evaporating or other similar purpose;
20 and

21 (d) "steam receiver" means any vessel or apparatus (other than a
22 steam boiler, a steam container, a steam pipe or coil, or a part of a prime mover)
23 used for containing steam under pressure greater than atmospheric pressure.

Air receivers

24 52.—(1) Every air receiver shall-

25 (a) have marked upon it, so as to be plainly visible, the safe working
26 pressure;

27 (b) in the case of a receiver connected with an air compressing plant
28 either be so constructed as to withstand with safety the maximum pressure
29 which can be obtained in the compressor, or be fitted with a suitable reducing
30 valve or other suitable appliance to prevent the safe working pressure of the

1 receiver being exceeded;

2 (c) be fitted with a suitable safety valve so adjusted as to permit the
3 air to escape as soon as the safe working pressure is exceeded;

4 (d) be fitted with a correct pressure gauge indicating the pressure in
5 the receiver in kilogrammes per square centimetre;

6 (e) be fitted with a suitable appliance for draining the receiver;

7 (f) be provided with a suitable manhole, hand hole or other means
8 which will allow the interior to be thoroughly cleaned; and

9 (g) in a case where more than one receiver is in use in the
10 workplace, bear a distinguishing mark which shall be easily visible.

11 (2) No air receiver shall be registered under this section unless it
12 complies with the standards set out in subsection (1) of this section.

13 (3) For the purposes of the provisions of subsection (1) of this
14 section relating to safety valves and pressure gauges, any set of air receivers
15 supplied with air through a single pipe may be treated as one receiver:

16 Provided that, in a case where a suitable reducing valve or other suitable
17 appliance to prevent the safe working pressure being exceeded is required to
18 be lifted, this subsection shall not apply, unless the valve or appliance is
19 fitted on the single pipe.

20 (4) Every air receiver and its fittings shall be of sound construction
21 and properly maintained.

22 (5) Every air receiver shall be thoroughly cleaned and examined at
23 least once in every period of 24 months or after any extensive repairs, except
24 that in the case of a receiver of solid drawn construction-

25 (a) the person making such examination may specify in writing a
26 period exceeding 12 months but not exceeding 4 years within which the next
27 examination is to be made;

28 (b) if it so constructed that the internal surface cannot be
29 thoroughly examined, a suitable hydraulic test of the receiver shall be
30 carried out in lieu of internal examination and every such examination and

1 test shall be carried out by an approved person, and a report of the result of
2 every such examination and test, in the prescribed form and containing the
3 prescribed particulars (including particulars of the safe working pressure),
4 shall be entered in or attached to the general register, and the report shall be
5 signed by the person making examination or test.

6 (6) For the purposes of this section, "approved person" means any
7 person, whether or not a public officer, who is approved by the Council, by
8 certificate in writing for the purpose of carrying out examinations and tests of
9 air receivers in accordance with this section.

Safe use of
chemicals at work

10 53.—(1) Every employer shall—

11 (a) ensure that employees are not exposed to chemicals to an extent
12 which exceeds exposure limits or other exposure criteria for the evaluation and
13 control of the working environment established by the Council, or by a body
14 approved or recognized by the competent authority, in accordance with
15 national or international standards;

16 (b) assess the exposure of employees to hazardous chemicals and
17 maintain a record of same;

18 (c) monitor and record the exposure of employees to hazardous
19 chemicals when this is necessary to safeguard their safety and health or as may
20 be prescribed by the Council;

21 (d) ensure that the records of the monitoring of the working
22 environment and of the exposure of employees using hazardous chemicals are
23 kept for such period as may be prescribed by the Council and the employer
24 shall make such records accessible to the employees and their representatives.

25 (2) Every employer that uses any chemical in the workplace shall
26 make an assessment of the risks arising from the use of chemicals at work and
27 shall protect employees against such risks by appropriate means, such as—

28 (a) the choice of chemicals that eliminate or minimize the risk;

29 (b) the choice of technology that eliminates or minimizes the risk;

30 (c) the use of adequate engineering control measures;

(d) the adoption of working systems and practices that eliminate or minimize the risk;

(e) the adoption of adequate occupational hygiene measures;

(f) where recourse to the measures in paragraphs (a) to (e) of this subsection do not suffice, the provision and proper maintenance of personal protective equipment and clothing at no cost to the employee, and the implementation of measures to ensure their use.

(3) Every employer shall-

(a) limit exposure to hazardous chemicals so as to protect the safety and health of employees;

(b) provide first aid; and

(c) make arrangements to deal with emergencies.

(4) Hazardous chemicals which are no longer required and containers which have been emptied but which may contain residues of hazardous chemicals, shall be handled or disposed of in a manner which eliminates or minimizes or minimizes the risk to safety and health and to the environment, in accordance with this Act or any other enactment or law.

(5) Every employer shall-

(a) inform the employees of the hazard associated with exposure to chemicals used at the workplace;

(b) instruct the employees on how to obtain and use the information provided on labels and chemical safety data sheets;

(c) use the chemical safety data sheets, along with information specific to the workplace, as a basis for the preparation of instructions to employees, which should be written if appropriate in a language understood by the employees; and

(d) train the employees on a continuing basis in the practices and procedures to be followed for safety in the use of chemicals at work.

(6) No importer or supplier shall import or supply any hazardous chemical which is prohibited in the country of export for reasons of safety

1 and health at work, unless the reasons for such prohibition are communicated
2 by the exporting country to the Council for approval prior to importation.

3 (7) For the purposes of this section, the expression "use of chemicals
4 at work" includes any work activity which may expose an employee to a
5 chemical, including-

- 6 (a) the production of chemicals;
- 7 (b) the handling of chemicals;
- 8 (c) the storage of chemicals;
- 9 (d) the transportation of chemicals;
- 10 (e) the disposal and treatment of waste chemicals;
- 11 (f) the release of chemicals resulting from work activities; and
- 12 (g) the maintenance, repair and cleaning of equipment and containers
13 for chemicals.

14 PART VII — OCCUPATIONAL SAFETY AND HEALTH IN SPECIFIC
15 WORKPLACES AND MAJOR HAZARD INSTALLATIONS

Special provisions
on occupational
safety and health
in specific
workplace

16 54.—(1) Any provisions of any enactment or any regulations made
17 thereunder relating to occupational safety and health in any specific workplace
18 covered by the provisions of this Part of this Act shall be read subject to this Act
19 and any provisions of such enactment or regulations that is inconsistent with
20 the provisions of this Act or any regulations made thereunder, the provisions of
21 this Act or regulations shall be deemed to have been amended by this Act.

22 (2) The Minister may, on the recommendation of the Council, make
23 regulations, standards and guidelines in respect of occupational safety and
24 health in any specific workplace or major hazard installation covered by the
25 provisions of this Part of this Act.

26 (3) Notwithstanding any provisions to the contrary in any other
27 enactment or law, the Council shall have power to carry out inspection on
28 occupational safety and health in any specific workplace or major hazard
29 installation covered by this Part of this Act.

30 (4) The Council shall, in carrying out its functions under this Part of

1 this Act, have power to request for any information relating to occupational
2 safety and health from any employer to whom this Part of this Act relates and
3 it shall be the duty of the employer to comply with such request for
4 information made by the Council.

5 *Occupational Safety and Health Provisions in the Oil and Gas*

6 *Operations including Petrochemicals*

7 55.—(1) Every person or body corporate that is granted a licence or
8 a lease pursuant to the Petroleum Act shall, in relation to his or its workplace,
9 comply with the occupational safety and health provisions-

Compliance with
occupational
safety and health
provisions in the
course of oil and
gas operations or
activities

- 10 (a) under this Act or any regulations made thereunder;
11 (b) the Petroleum Act or any regulations made thereunder; or
12 (c) any other enactment or law having occupational safety and
13 health provisions.

14 (2) Every employer engaged in the business of oil and gas shall-

15 (a) develop and implement contingency plan to protect the safety
16 and health of employees and those in the immediate environment to deal
17 with issues of emergencies relating to release or gas, oil spillage, fire,
18 explosions or other potential risk factors in the exploration, operation,
19 transportation or marketing of oil and gas;

20 (b) ensure that pipelines and valves used in the operation,
21 transportation or marketing of oil and gas are designed, constructed and
22 maintained in conformity with national and international standards; and

23 (c) carry out regular inspections and conduct safety tests on the
24 installations and fitting to ensure that they are functioning properly and
25 without risk to safety and health of the employees and every person in the
26 surrounding environment.

27 *Occupational Safety and Health Provisions in Agricultural Activities*

28 56.—(1) Subject to this Act, every employer that engages in
29 agriculture or carrying on agricultural activities shall-

Special provisions
relating to
occupational safety
and health in
agricultural
activities

- 30 (a) take measures aimed at preventing accidents and injury to

1 health arising out of, linked with or occurring in the course of work, by
2 eliminating, minimizing or controlling hazards in the agricultural working
3 environment;

4 (b) carry out appropriate risk assessments in relation to the safety and
5 health of employees and, on the basis of these results, adopt preventive and
6 protective measures to ensure that under all conditions of their intended use, all
7 agricultural activities, workplaces, machinery, equipment, chemicals, tools
8 and processes under the control of the employer are safe and comply with
9 prescribed safety and health standards;

10 (c) ensure that adequate and appropriate training and comprehensible
11 instructions on safety and health and any necessary guidance or supervision are
12 provided to employees in agriculture, including information on the hazards and
13 risks associated with their work and the action to be taken for their protection,
14 taking into account their level of education and differences in language;

15 (d) not require or permit any employee to be engaged in the manual
16 handling or transport of a load which by reason of its weight or nature is likely
17 to jeopardize the safety or health of employee; and

18 (e) take immediate steps to stop any operation where there is an
19 imminent and serious danger to safety and health and evacuate employees as
20 appropriate.

21 (2) Every employee working in agriculture or carrying out
22 agricultural activities shall have the right to-

23 (a) be informed and consulted on safety and health matters including
24 risks from new technologies;

25 (b) participate in the application and review of safety and health
26 measures and, in accordance with this Act and any regulations made
27 thereunder, to select members of workplace and safety and health committee or
28 safety and health representatives;

29 (c) remove himself or herself from danger resulting from work
30 activity when he or she has reasonable ground to believe that there is imminent

1 and serious risk to his or her safety and health and so informs the supervisor
2 immediately and no employee who takes such action shall be placed at any
3 disadvantage as a result of such action.

4 (3) Any employer who uses any chemical in agriculture shall take
5 preventive and protective measures in-

6 (a) the preparation, handling, application, storage and
7 transportation of chemicals;

8 (b) agricultural activities leading to the dispersion of chemicals;

9 (c) the maintenance, repair and cleaning of equipment and
10 containers for chemicals; and

11 (d) the disposal of empty containers and the treatment and disposal
12 of chemical wastes and obsolete chemicals.

13 (4) In agricultural activities involving animals, livestock, stabling
14 areas or the handling of biological agents, every employer shall take
15 measures to prevent infection, allergy or poisoning in accordance with this
16 Act, any regulations made thereunder or any other relevant health and safety
17 standards.

18 *Occupational Safety and Health Provisions in Construction Activities*

19 57.—(1) Every owner or employer at a construction site shall, in
20 addition to complying with the provisions of this Act, comply with the
21 occupational safety and health provisions set out in this section.

Duties of owners
and employers at
a construction site

22 (2) Before the commencement of construction work, the owner of
23 the site shall determine whether or not any critical agents are present at the
24 construction site and shall prepare a list of all such critical agents that are
25 present at the site.

26 (3) If any work on a construction site is tendered, the person issuing
27 the tenders shall include, as part of the tendering information, a copy of the
28 list of critical agents referred to in subsection (2) of this section.

29 (4) Every owner shall ensure that a prospective contractor or
30 employer at a construction site on the owner's property has received a copy

1 of the list referred to in subsection (2) of this section before entering into a
2 binding contract with the employer for carrying out any construction activity in
3 the site.

4 (5) An employer at a construction site shall ensure that-

5 (a) the measures and procedures prescribed by this Act and any
6 regulations made thereunder or in any other enactment or law are carried out on
7 the construction site;

8 (b) every employee or any other employer or sub-contractor
9 performing work at the construction site complies with the provisions of this
10 Act or any regulations made thereunder or with any other relevant enactment or
11 law relating to occupational safety and health; and

12 (c) the safety and health of employees on the construction site is
13 protected.

14 (6) The employer at a construction site shall ensure that each
15 prospective contractor and sub-contractor for the construction work has
16 received a copy of the list referred to in subsection (2) of this section before the
17 prospective contractor or sub-contractor enters into a binding contract for the
18 supply of work on the construction site.

19 (7) Where so prescribed, an employer shall, before commencing any
20 work on a construction site, give to the Council, notice in writing of the
21 construction work containing such information as may be prescribed by the
22 Council, from time to time.

23 (8) An owner who fails to comply with the provisions of this section
24 shall be liable to the employer at the construction site and every contractor or
25 sub-contractor who suffers any loss or damage as a result of the subsequent
26 discovery on the construction site of a critical agent that the owner ought
27 reasonably to have known of but that was not contained on the list prepared
28 under subsection (2) of this section.

29 (9) An employer at a construction site who fails to comply with the
30 provisions of this Act shall be liable to the contractor or sub-contractor who

1 suffers any loss or damages as the result of the subsequent discovery on the
2 construction site of a critical agent that was not on the list prepared under
3 subsection (2) of this section.

4 (10) In this section, "owner" means the owner of the project and
5 "employer" means the contractor or sub-contractor carrying out the
6 construction works at the construction site.

7 **58.—**(1) Where there are two or more employers undertaking
8 activities simultaneously at one construction site-

Two or more
employers in a
construction site

9 (a) the employer who is the principal contractor, or other person or
10 body corporate with actual control over or primarily responsible for the
11 overall construction site activities, shall be responsible for co-ordinating
12 and ensuring compliance with the prescribed safety and health measures;

13 (b) Subject to this Act, where the principal contractor or other
14 person or body corporate with actual control over or primarily responsible
15 for the overall construction site activities is not present at the site, the
16 principal contractor, person or body corporate shall nominate a competent
17 person or body corporate at the site with the authority and means necessary
18 to ensure on his behalf co-ordination and compliance with the measures
19 mentioned in paragraph (a) of this subsection; and

20 (c) each employer shall remain responsible for the application of
21 the prescribed measures in respect of the employees placed under his
22 authority.

23 (2) Whenever employees or self-employed persons undertake
24 activities simultaneously at one construction site, they shall have the duty to
25 cooperate in the application of the prescribed occupational safety and health
26 measure.

27 **59.** The Minister may, on the recommendation of the Council,
28 make regulations, standards and guidelines on occupational safety and
29 health measures relating to construction activities.

Regulations on
construction
activities

Special provisions
relating to
occupational
safety and health
in mines and
mining activities

1 *Occupational Safety and Health Provisions in Mines*
2 *and Mining Activities*

3 **60.** Every employer who operates a mine or carries out any mining
4 activity shall take all necessary measures to eliminate or minimize the risks to
5 safety and health of employees in the mines under his control, and in particular
6 shall-

7 (a) ensure that the mine is designed, constructed and provided with
8 electrical, mechanical and other equipment, including a communication
9 system, to provide conditions for safe operation and a healthy working
10 environment;

11 (b) ensure that the mine is commissioned, operated, maintained and
12 decommissioned in such a way that employees can perform the work assigned
13 to them without endangering their safety and health or that of other persons;

14 (c) where practicable, provide, in every underground workplace, two
15 exits, each of which shall be connected to separate means of egress to the
16 surface;

17 (d) take steps to maintain the stability of the ground in areas to which
18 persons have access in the context of their work;

19 (e) in respect of zones susceptible to particular hazards, draw up and
20 implement an operating plan and procedures to ensure a safe system of work
21 and the protection of employees;

22 (f) ensure adequate ventilation for all underground workings to which
23 access is permitted;

24 (g) ensure the monitoring, assessment and regular inspection of the
25 working environment to identify the various hazards to which the employees
26 may be exposed and to assess their level of exposure;

27 (h) ensure medical fitness of the miners through pre-placement and
28 periodic medical examination;

29 (i) take measures and precautions appropriate to the nature of a mine
30 operation to prevent, detect and combat the start and spread of fires and

1 explosion; and

2 (j) ensure that when there is serious danger to the safety and health
3 of employees, operations are stopped and employees are evacuated to a safe
4 location.

5 *Occupational Safety and Health Provisions Relating to Electricity*

6 61.—(1) Every employer shall ensure that every electrical
7 apparatus, fitting or conductor is adequate in size and power for the work it is
8 meant for and shall be so constructed, installed, protected, worked and
9 maintained so as to prevent danger to any employee or any other person in a
10 workplace.

Special
occupational
safety and health
provisions relating
to electricity

11 (2) Any employer who fails to comply with the provisions of
12 subsection (1) of this section, commits an offence under this Act and shall be
13 dealt with accordingly under the law.

14 *Occupational Safety and Health Provisions in Transportation*
15 *and Dock work*

16 62.—(1) Every employer who engages in any form of
17 transportation shall design and implement comprehensive awareness
18 programme for the employees in relation to the range of hazards that exist in
19 the course of their duties and the preventive measures to be taken.

Special provisions
relating to
occupational
safety and health
in workplaces of
transportation

20 (2) It shall be the duty of any employer engaged in the business of
21 road transportation to ensure that the drivers-

22 (a) do not drive any vehicle when they are under the influence of
23 alcohol or drugs;

24 (b) take enough rests between journeys;

25 (c) takes a rest of not less than 10 minutes after a continuous
26 driving of 3 hours;

27 (d) know and understand road signs including safety precautions
28 required in handling of cargos, vehicle breakdowns and accidents or other
29 emergencies;

30 (e) who are engaged in haulage of chemicals or other hazardous

1 substances, know and understand the hazards associated with transportation of
2 such chemicals or substances and take necessary precautionary measures
3 including the wearing of personal protective equipment or clothing;

4 (f) are competent and medically fit; and

5 (g) take along first aid boxes in their vehicles during every journey.

6 (3) It shall be the duty of every employee who is a driver to comply
7 with the measures and standards put in place by the employer pursuant to the
8 provisions of subsection (2) of this section.

Special safety
and health
provisions relating
to dock work

9 **63.—**(1) All surfaces used for vehicle traffic or for the stacking of
10 goods or materials shall be suitable for the purpose and properly maintained.

11 (2) Where goods or materials are stacked, showed, unstacked or
12 unstowed, the work shall be done in a safe and orderly manner having regard to
13 the nature of the goods or materials and their packing.

14 (3) Passageways of adequate space shall be left to permit the safe use
15 of vehicles and cargo-handling appliances.

16 (4) Separate passageways for pedestrian use shall be provided where
17 necessary and practicable, and such passageways shall be of adequate width
18 and, as far as is practicable, separated from passageways used by vehicles.

19 (5) When a ship is being loaded or unloaded alongside a quay or
20 another ship, adequate and safe means of access to the ship, properly installed
21 and secured, shall be provided and kept available.

22 (6) When employees have to be transported to or from a ship or other
23 place by water, adequate measures shall be taken to ensure their safe
24 embarking, transport and disembarking, and the conditions to be complied
25 with by the vessels used for this purpose shall be specified.

26 (7) When employees have to be transported to or from a workplace on
27 land, means of transport provided by the employer shall be safe.

28 (8) Access to a ship's hold or cargo deck shall be by means of-

29 (a) a fixed stairway, or where this is not practicable, a fixed ladder or
30 cleats or cups of suitable dimensions, of adequate strength and proper

1 construction; or

2 (b) by other means acceptable to the Council.

3 (9) So far as is reasonably practicable, the means of access
4 specified in this section shall be separate from the hatchway opening.

5 (10) Employees shall not use, or be required to use, any other
6 means of access to a ship's hold or cargo deck than those specified in this
7 section.

8 (11) No hatch cover or beam shall be used unless it is of sound
9 construction, of adequate strength for the use to which it is to be put and
10 properly maintained.

11 (12) Hatch covers handled with the aid of a lifting appliance shall
12 be fitted with readily accessible and suitable attachments for securing the
13 slings or other lifting gear.

14 (13) Where hatch covers and beams are not interchangeable, they
15 shall be kept plainly marked to indicate the hatch to which they belong and
16 their position therein.

17 (14) Only an authorised person (whenever practicable a member of
18 the ship's crew) shall be permitted to open or close power-operated hatch
19 covers, the hatch covers shall not be opened or closed while any person is
20 liable to be injured by the operation of the covers.

21 (15) The provisions of subsection (14) of this section shall apply,
22 mutatis mutandis, to power-operated ship's equipment such as a door in the
23 hull of a ship, a ramp, a retractable car deck or similar equipment.

24 (16) Adequate measures shall be taken to protect any opening in or
25 on a deck where employees are required to work, through which opening
26 employees or vehicles are liable to fall.

27 (17) Every hatchway not fitted with a coaming of adequate height
28 and strength shall be closed or its guard replaced when the hatchway is no
29 longer in use, except during short interruptions of work, and a responsible
30 person shall be charged with ensuring that these measures are carried out.

Other safety and
health provisions
at the dock

1 64.—(1) All necessary measures shall be taken to ensure the safety of
2 employees required to be in the hold or on a cargo deck of a ship when power
3 vehicles operate in the hold or loading or unloading operations are taking place
4 with the aid of power-operated appliances.

5 (2) Hatch covers and beams shall not be removed or replaced while
6 work is in progress in the hold under the hatchway and before loading or
7 unloading takes place, any hatch cover or beam that is not adequately secured
8 against displacement shall be removed.

9 (3) Adequate ventilation shall be provided in the hold or on a cargo
10 deck by the circulation of fresh air to prevent risks of injury to health arising
11 from the fumes emitted by internal combustion engines or from other sources.

12 (4) Adequate arrangements, including safe means of escape, shall be
13 made for the safety of persons when dry bulk cargo is being loaded or unloaded
14 in any hold or between deck or when an employee is required to work in a bin or
15 hopper on board ship.

16 (5) Every ship's derrick (other than a derrick crane) shall be clearly
17 marked with the safe working loads applying when the derrick is used—

18 (a) in single purchase;

19 (b) with a lower cargo block; and

20 (c) in union purchase in all possible block positions.

21 (6) Every ship shall carry rigging plans and any other relevant
22 information necessary to permit the safe rigging of its derricks and accessory
23 gear.

24 (7) Pallets and similar devices for containing or supporting loads shall
25 be of sound construction, of adequate strength and free from visible defects
26 liable to affect their safe use.

27 (8) Loads shall not be raised or lowered unless slung or otherwise
28 attached to the lifting appliance in a safe manner.

29 (9) Every freight container terminal shall be so laid out and operated
30 as to ensure so far as is reasonably practicable the safety of the employees.

(10) In the case of ships carrying containers, means shall be provided for ensuring the safety of employees lashing or un-lashing the containers.

(11) Any dangerous cargo shall be packed, marked and labelled, handled, stored and stowed in accordance with the requirements of any relevant enactment or law for the time being in force in Nigeria or of any international regulations applicable to transportation of dangerous goods by water and those dealing specifically with the handling of dangerous goods in ports.

(12) Dangerous substances shall not be handled, stored or stowed, unless they are packed, marked and labelled in compliance with any relevant enactment or law for the time being in force in Nigeria or of any international regulations relating to transportation of such substances.

(13) If receptacles or containers of dangerous substances are broken or damaged to a dangerous extent, dock work, other than that necessary to eliminate danger, shall be stopped in the area concerned and the employees removed to a safe place until the danger has been eliminated.

(14) Adequate measures shall be taken to prevent exposure of employees to toxic or harmful substances or agents, or oxygen-deficient or flammable atmospheres.

(15) Where employees engaged in dock work are required to enter any confined space in which toxic or harmful substances are liable to be present or in which there is liable to be an oxygen deficiency, adequate measures shall be taken to prevent accidents or injury to health.

65.—(1) Every employer shall, in respect of any major hazard installation, establish and maintain a documented system of control which includes provision for-

Major hazard
installations

(a) the identification and analysis of hazards and the assessment of risks including consideration of possible interactions between substances;

(b) technical measures, including design, safety systems,

1 construction, choice of chemicals, operation, maintenance and systematic
2 inspection of the installation;

3 (c) organizational measures, including training and instruction of
4 personnel, the provision of equipment in order to ensure their safety, staffing
5 levels, hours of work, definition of responsibilities, and controls on outside
6 contractors and temporary employees on the site of the installation;

7 (d) emergency plans and procedures, including-

8 (i) the preparation of effective site emergency plans and procedures,
9 including emergency medical procedures, to be applied in case of major
10 accidents or threat thereof, with periodic testing and evaluation of their
11 effectiveness and revision as necessary,

12 (ii) the provision of information on potential accidents and site
13 emergency plans to authorities and bodies responsible for the preparation of
14 emergency plans and procedures for the protection of the public and the
15 environment outside the site of the installation,

16 (iii) any necessary consultation with such authorities and bodies;

17 (e) measures to limit the consequences of a major accident;

18 (f) consultation with employees and their representatives; and

19 (g) improvement of the system, including measures for gathering
20 information and analyzing accidents and near misses.

21 (2) Every employer shall, in respect of any major hazardous
22 installation, put in place measures to-

23 (a) prevent major accidents;

24 (b) minimize the risks and effects of major accidents; and

25 (c) ensure the causes of major accidents including organisational
26 errors, the human factor, component failures, deviation from normal
27 operational conditions outside interference and natural forces are minimised.

28 (3) This section shall not apply to-

29 (a) nuclear installations and plants processing radioactive substances
30 except for facilities handling non-radioactive substances at these installations;

- 1 (b) military installations; and
2 (c) transport outside the site of an installation other than by
3 pipeline.

4 *Second Schedule. Part A*

5 (4) For the purposes of this section, a major hazard installation
6 shall be identified using the chemicals listed in Part A of the Second
7 Schedule to this Act.

8 *Second Schedule. Part B*

9 (5) Any employer that operates any of the major hazard
10 installations listed in Part B of the Second Schedule to this Act shall notify
11 the Council in such form as the Council may, from time to time, specify.

12 (6) The Council may, by notice published in the Federal Gazette,
13 modify or add to the lists in the Second Schedule to this Act.

14 PART VIII — GENERAL PROVISIONS

15 66.—(1) There shall be kept in every workplace a register, in the
16 prescribed form, called the general register, and there shall be entered in or
17 attached to the register-

18 (a) the certificate of registration of the workplace granted pursuant
19 to section 4 of this Act;

20 (b) every other certificate issued in respect of the workplace by the
21 Council under this Act;

22 (c) the prescribed particulars as to the washing, whitewashing,
23 colour-washing, painting or varnishing of the workplace;

24 (d) the prescribed particulars as to every accident, near miss,
25 dangerous occurrence or case of disease occurring in the workplace of
26 which notice is required to be sent to the Council under the provisions of any
27 law for the time being in force;

28 (e) all reports and particulars required by any other provision of
29 this Act to be entered in or kept with the general register; and

1 (f) such other matters as the Council may, from time to time,
2 prescribe.

3 (2) An employer shall submit to the Council such extracts from the
4 general register as the Council may, from time to time, require for the purposes
5 of the performance of the functions of the Council under this Act.

Limitation of suits
against the Council,
etc. Cap. 379 LFN

6 67.—(1) Subject to the provisions of this Act, the provisions of the
7 Public Officers Protection Act shall apply in relation to any suit instituted
8 against any member, officer or employee of the Council.

9 (2) Notwithstanding anything contained in any other law or
10 enactment, no suit against a member of the Board, the Executive Secretary of
11 the Council or any other officer or employee of the Council for any act done in
12 pursuance or execution of this Act or any other law or enactment, or of any
13 public duties or authority or in respect of any alleged neglect or default in the
14 execution of this Act or any other law or enactment, duties or authority, shall lie
15 or be instituted in any court unless it is commenced-

16 (a) within three months next after the act, neglect or default
17 complained of; or

18 (b) in the case of a continuation of damage or injury, within six
19 months next after the ceasing thereof.

20 (3) No suit shall be commenced against a member of the Board, the
21 Executive Secretary of the Council or any other officer or employee of the
22 Council before the expiration of a period of one month after written notice of
23 the intention to commence the suit shall have been served on the Council by the
24 intending plaintiff or his agent.

25 (4) The notice referred to in subsection (3) of this section shall clearly
26 and explicitly state-

27 (a) the cause of action;

28 (b) the particulars of the claim;

29 (c) the name and place of abode of the intending plaintiff; and

30 (d) the relief which he claims.

68. A notice, summons or other document required or authorised to be served on the Council under the provisions of this Act or any other law or enactment may be served by delivering it to the Executive Secretary of the Council or by sending it by registered post addressed to the Executive Secretary of the Council at the principal office of the Council.

Service of documents

69. A member of the Board, the Executive Secretary or any officer or employee of the Council shall be indemnified out of the assets of the Council against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Executive Secretary or officer or other employee of the Council, as the case may be.

Indemnity of officers

PART IX — ENFORCEMENT POWERS

70.—(1) An inspector may, for the purposes of carrying out his or her duties and exercising the powers under this Act or any regulations made thereunder or pursuant to any other enactment or law—

Powers of inspector

(a) enter in or upon any workplace at any time with or without warrant or notice;

(b) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy same;

(c) upon giving a receipt therefor, remove any drawings, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom, and upon making copies thereof or extracts therefrom, shall promptly return the same to the person who produced or furnished them;

(d) test any equipment, machine, device, article, material and test for chemical, physical agent, or biological agent in or about a workplace and, for such purposes, take and carry away such samples as may be necessary;

Provided that the inspector shall—

(i) inform the employer or other responsible person of the sample

1 taken and to be carried away,

2 (ii) deliver one part of the sample to the employer or other responsible
3 person,

4 (iii) retain one part for future comparison and submit the third part for
5 analysis;

6 (e) require, in writing, an employer to cause any tests described in
7 paragraph (d) of this subsection to be conducted or taken, at the expense of the
8 employer, by a person possessing such special expert or professional
9 knowledge or qualifications as are specified by the inspector and to provide, at
10 the expense of the employer, a report or assessment by that person;

11 (f) in any inspection, examination, inquiry or test, be accompanied
12 and assisted by any police officer or other person or persons having special,
13 expert or professional knowledge of any matter in respect of which inspection
14 is being carried out;

15 (g) take instant photographs in any workplace;

16 (h) make inquiries of any person who is or was in a workplace either
17 separate and apart from another person or in the presence of any other person
18 that are or may be relevant to an inspection, examination, inquiry or test;

19 (i) require that a workplace or part thereof not be disturbed for a
20 reasonable period of time for the purpose of carrying out an examination,
21 investigation or test;

22 (j) require that any equipment, machine, device, article or process be
23 operated or set in motion or that a system or procedure be carried out that may
24 be relevant to an examination, inquiry or tests;

25 (k) require in writing an employer to have equipment, machinery or
26 devices tested, at the expense of the employer, by an engineer and to provide, at
27 the expense of employer, a report, bearing the seal and signature of the engineer
28 stating that the equipment, machine or device is not likely to endanger an
29 employee;

30 (l) require in writing that any equipment, machinery or device not be

1 used pending testing described in paragraph (k) of this subsection;

2 (m) require in writing an owner or employer to provide, at the
3 expense of the owner or employer, a report bearing the seal and signature of
4 an engineer stating-

5 (i) the safe working load of a floor, roof or temporary structure or
6 part of a building or structure,

7 (ii) that a floor, roof or temporary structure is capable of supporting
8 or withstanding the loads being applied to it or likely to be applied to it, or

9 (iii) that a floor, roof or temporary structure, or part of a building or
10 structure is capable of supporting or withstanding all loads to which it may
11 be subjected without causing the materials therein to be stressed beyond the
12 safe working load established under the building code standards applicable
13 or established by regulation;

14 (n) require in writing an owner of a mine or part thereof to provide,
15 at the expense of the owner, a report in writing bearing the seal and signature
16 of an engineer stating that the ground stability of, the mining methods and
17 the support or rock reinforcement used in the mine or part thereof is such that
18 an employee is not likely to be endangered;

19 (o) require in writing, within such time as is specified, a person
20 who is an employer, manufacturer, producer, importer, distributor or
21 supplier to produce records or information, or to provide, at the expense of
22 the person, a report or evaluation made or to be made by a person or
23 organization having special, expert or professional knowledge or
24 qualifications as are specified by the inspector of any process, chemical,
25 physical agent, or biological agent or a combination of such chemical or
26 biological agents present, used or intended for use in a workplace and the
27 manner of use, including-

28 (i) ingredients thereof and their common or generic name or
29 names,

30 (ii) the composition and the properties thereof,

- 1 (iii) the toxicological effect thereof,
- 2 (iv) the effect of exposure thereto whether by contact, inhalation or
- 3 ingestion,
- 4 (v) the protective measures used or to be used in respect thereof,
- 5 (vi) the emergency measures used or to be used to deal with exposure
- 6 in respect thereof, and
- 7 (vii) the effect of the use, transport and disposal thereof; and
- 8 (p) require the production of any materials concerning the content,
- 9 frequency and manner of instruction of any training program and inspect,
- 10 examine and copy the materials and attend any such program.

11 (2) Where an inspector makes an inspection of a workplace under the

12 powers conferred under subsection (1) of this section, the employer or group of

13 employers shall afford a committee member representing employees or a

14 safety and health representative or an employee selected by a trade union or

15 trade unions, if any, because of knowledge, experience or training, to represent

16 it or them and, where there is no trade union, an employee selected by the

17 employees because of knowledge, experience or training to represent them, the

18 opportunity to accompany the inspector during his or her physical inspection of

19 a workplace, or any part or parts thereof.

20 (3) Where there is no committee member representing employees, no

21 safety and health representative or employee selected under subsection (2) of

22 this section, the inspector shall endeavour to consult during his or her physical

23 inspection with a reasonable number of the employees concerning matters of

24 safety and health at their workplace.

25 (4) The time spent by a committee member representing employees, a

26 safety and health representative or an employee selected in accordance with the

27 provisions of subsection (2) of this section in accompanying an inspector

28 during his or her physical inspection, shall be deemed to be work time for

29 which the employer shall pay at regular or premium rate as may be proper.

30 (5) Subject to this Act, an inspector may in writing, direct a safety and

1 health representative to inspect the physical condition of all or part of a
2 workplace at specified intervals.

3 (6) An inspector may require a person whom the inspector
4 reasonably suspects has committed an offence against this Act or its
5 regulations to state the person's full name and residential address.

6 (7) The inspector may request any person to provide reasonable
7 proof of the person's identity.

8 (8) The inspector shall verify the existence of a functional
9 workplace safety and health committee or safety and health representative
10 in any workplace.

11 71.—(1) An inspector may apply to a court of competent Search warrant
12 jurisdiction for a search warrant if the inspector has reasonable grounds to
13 believe that a provision of this Act or any regulations made thereunder has
14 been or is being or is about to be contravened in or about the premises.

15 (2) A court to which an application is made pursuant to subsection
16 (1) of this section may, if satisfied that there are reasonable grounds for
17 doing so, issue a search warrant authorizing the inspector named in the
18 warrant to enter the premises and to search the premises for evidence of a
19 contravention of this Act or its regulations.

20 72.—(1) While acting under the authority of this Act, an inspector Seizure of
documents or
articles
21 may, without a warrant or court order, seize any article, material or
22 document that is produced to him or her or that is in plain view if the
23 inspector reasonably believes that any provisions of this Act or a regulation
24 made thereunder has been contravened and that the article, material or
25 document will afford evidence of the contravention.

26 (2) The inspector may remove the article, material or document
27 seized or may detain it in the place in which it is seized or in any other place,
28 as the inspector may consider necessary.

29 (3) The inspector shall inform the person from whom the article,
30 material or document was seized as to the reason for the seizure and shall

1 give the person a receipt for it, and the person from whom the article, material
2 or document was seized shall, immediately on receiving information as to the
3 reason for the seizure and the receipt of the article, material or document
4 seized, bring such information and receipt to the attention of the employer.

5 (4) The inspector shall bring an article or document seized pursuant to
6 this Act before the Director or, if this is not reasonably possible, the inspector
7 shall report the seizure to the Director.

Orders by an
inspector

8 73.—(1) Where an inspector finds that a provision of this Act or any
9 regulations made thereunder is being contravened, the inspector may order,
10 orally or in writing the employer or any person who the inspector believes to
11 be in charge of a workplace or the person whom the inspector believes to be the
12 person who committed the contravention to comply with the provision and
13 may require the order to be carried out forthwith or within such period of time
14 as the inspector specifies.

15 (2) Where an inspector makes an oral order under subsection (1) of
16 this section, the inspector shall confirm the order in writing before leaving the
17 workplace.

18 (3) An order made under subsection (1) of this section shall indicate
19 generally the nature of the contravention and where appropriate the location of
20 the contravention.

21 (4) An order made under subsection (1) of this section may require an
22 employer to submit to the Council a compliance plan prepared in the manner
23 and including such items as required by the order.

24 (5) The compliance plan shall specify what the employer plans to do
25 to comply with the order and when the employer intends to achieve
26 compliance.

27 (6) Where an inspector makes an order under subsection (1) of this
28 section and the Council finds that the contravention of this Act or the
29 regulations constitutes imminent danger or hazard to the safety and health of an
30 employee, the Council may-

1 (a) order that any place, equipment, machine, device, article or any
2 process or chemical or article that emits or produces the hazardous physical
3 agent shall not be used until the order is complied with;

4 (b) order that the work at the workplace as indicated in the order
5 shall stop until the order to stop work is withdrawn or cancelled by an
6 inspector after an inspection;

7 (c) order that the workplace where the contravention exists be
8 cleared of employees and isolated by barricades, fencing or any other means
9 suitable to prevent access thereto by a employee until the danger or hazard to
10 the safety or health of an employee is removed.

11 (7) Where an order is made under subsection (6) (c) of this section,
12 no owner, employer or supervisor shall require or permit an employee to
13 enter the workplace except for the purpose of doing work that is necessary or
14 required to remove the danger or hazard and only where the employee is
15 protected from the danger or hazard.

16 (8) Notwithstanding subsection (6) (b) of this section, where an
17 employer gives notice of compliance to an inspector under section 74 of this
18 Act, the employer may, subject to subsection (9) of this section and section
19 74 (4) of this Act, resume work after 2 working days of the receipts of such
20 notice by the inspector if the inspector fails to inspect the workplace to
21 determine compliance with the order.

22 (9) An employer shall not resume work pursuant to subsection (8)
23 of this section unless a committee member representing employees or a
24 safety and health representative, as the case may be, certifies in writing that
25 the order has been complied with.

26 (10) In addition to the orders that may be made under subsection
27 (6) of this section, where an inspector makes an order under subsection (1) of
28 this section for a contravention of any provisions of this Act or the Council
29 has been advised of the inability of an employer to obtain an unexpired
30 chemical safety data sheet, the inspector may order that the hazardous

1 chemical shall not be used or that the article that emits or produces hazardous
2 physical agent not be used or operated until the order is withdrawn or
3 cancelled.

4 (11) Subject to subsection (8) of this section, where an inspector
5 makes an order under this section, the inspector may affix to the workplace, or
6 to any equipment, machine, device or article, a copy thereof or a notice in the
7 prescribed form and no person, except an inspector, shall remove such copy or
8 notice unless authorized to do so by an inspector.

9 (12) Where an inspector makes an order in writing or issues a report of
10 his or her inspection to an employer or person in charge of the workplace, the
11 employer or any person in charge of the workplace shall forthwith cause a copy
12 or copies thereof to be posted in a conspicuous place or places at the workplace
13 where it is most likely to come to the attention of the employees and shall
14 furnish a copy of such order or report to the safety and health representative or
15 committee, if any, and the inspector shall cause a copy thereof to be furnished
16 to a person who has complained of a contravention of this Act or any
17 regulations made thereunder.

18 (13) Notwithstanding all the requirements specified in this section
19 with regard to an order of an inspector, where the provision of this Act or any
20 regulations made thereunder is being contravened, the inspector may issue to
21 the employer or any person who the inspector believes to be in charge of the
22 workplace or the person whom the inspector believes to have committed the
23 contravention, a safety and health contravention notice on the prescribed form.

24 (14) The safety and health contravention notice issued pursuant to
25 subsection (13) of this section shall specify the prescribed penalty for the
26 contravention and such penalty shall become a debt owed for which the
27 Council can, in the event of non-payment, take civil proceedings to recover
28 from the person to whom the notice is issued.

29 74.—(1) An employer who has received an order under section 73 of
30 this Act and believes that compliance with the order has been achieved shall

1 submit to the Council, a notice of compliance.

2 (2) The notice shall be signed by the employer and shall be
3 accompanied by-

4 (a) a statement of agreement or disagreement with the contents of
5 the notice, signed by a member of the committee representing employees or
6 by a safety and health representative, as the case may be; or

7 (b) a statement that the member or representative has declined to
8 sign the statement referred to in paragraph (a) of this subsection.

9 (3) The employer shall post the notice and the order issued under
10 section 73 of this Act for a period of 14 days following his or its submission
11 to the Council in a place or places in the workplace where it is most likely to
12 come to the attention of the employees.

13 (4) Notwithstanding the submission of a notice of compliance
14 under subsection (1) of this section, an employer shall be considered to have
15 achieved compliance with an order issued pursuant to section 73 of this Act
16 only when an inspector determines that compliance has been achieved.

17 75. In addition to any other remedy or penalty provided under this
18 Act, where an order made under section 73 (6) of this Act is contravened,
19 such contravention or further contravention may be restrained upon an Ex-
20 parte application made by the Council.

Injunction
proceedings

21 76.—(1) Any employer or person who is aggrieved by a refusal of
22 registration under section 4 of this Act or any order made by an inspector
23 under section 73 of this Act or any regulations made thereunder, may, within
24 14 days of the making of such order, appeal to the National Industrial Court
25 (in this section, referred to as "the Court") which shall hear and dispose of
26 the appeal as promptly as is practicable.

Process for
appeals

27 (2) An appeal to the Court shall be made in writing supported by the
28 grounds of appeal.

29 (3) The appellant, the Council or the inspector in charge of the
30 subject matter of the appeal and such other person or persons as the Court

1 may specify, shall be parties to an appeal under this section.

2 (4) On an appeal under this section, the Court may substitute its
3 findings for those of the Council or that of the inspector who made the order
4 appealed from and may rescind or affirm the order or make a new order in
5 substitution therefor, and for such purpose has all the powers of the Council for
6 an inspector, as the case may be, and the order of the Court shall stand in the
7 place of and have the like effect under this Act or any regulations made
8 thereunder as the decision of the Council or the order of the inspector.

9 (5) For the purposes of this section, an order of an inspector under this
10 Act or any regulations made thereunder shall include any order or decision
11 made or given or the imposition of any terms or conditions therein by an
12 inspector pursuant to this Act or any regulations made thereunder for the
13 refusal to make an order or decision by an inspector.

14 (6) A decision of the Court under this section shall be final.

15 (7) An appeal under subsection (1) of this section, shall not operate as
16 a stay of the decision or order and the decision or order shall continue to subsist,
17 except where the Council suspends the operation of the decision or order
18 pending the disposition of the appeal.

Obstruction of
inspectors or
authorised officers,
etc.

19 77.—(1) Any person who obstructs, hinders, molests or interferes
20 with or attempts to obstruct, hinder, molest or interfere with an inspector or an
21 authorised officer of the Council in the exercise of any power or the
22 performance of any function or duty under this Act or any regulations made
23 thereunder, commits an offence under this Act.

24 (2) Every employer or the agent of the employer shall provide all
25 necessary means to facilitate any entry, inspection, examination, testing or
26 inquiry by an inspector in the exercise of the powers or performance of the
27 functions or duties of the inspector under this Act or any regulations made
28 thereunder.

29 (3) No person shall knowingly furnish an inspector with false
30 information or neglect or refuse to furnish information required by an inspector

1 in the exercise of any power or performance of any function or duty of the
2 inspector under this Act or any regulations made thereunder.

3 (4) No person shall interfere with any monitoring equipment or
4 device so as to render it incapable of producing the desired results or to
5 disallow its use by the inspector in a workplace.

6 (5) Any person who knowingly-

7 (a) hinders or interferes with a committee, a committee member or
8 a safety and health representative in the exercise of a power or performance
9 of a function or duty under this Act;

10 (b) furnishes a committee, a committee member or a safety and
11 health representative with false information in the exercise of a power or
12 performance of a duty under this Act; or

13 (c) hinders or interferes with an employee selected by a trade union
14 or trade unions or an employee selected by the employees to represent them
15 in the exercise of a power or performance of a function or duty under this
16 Act,
17 commits an offence under this Act and shall be dealt with accordingly under
18 the law.

19 (6) A police officer may accompany and take all reasonable steps to
20 assist an inspector in the exercise of the functions or powers of the inspector
21 under this Act-

22 (a) in executing a search warrant issued under section 70 of this
23 Act; or

24 (b) if the inspector reasonably believes that there might be
25 obstruction in the exercise of those functions.

26 (7) Any person whom the inspector reasonably believes to be
27 capable of providing assistance in the exercise of the functions or powers of
28 the inspector under this Act may accompany the inspector and take
29 reasonable steps to assist the inspector in the exercise of such functions or
30 powers.

Use of confidential
information, etc.

1 78.—(1) Except for the purposes of this Act or any regulations made
2 thereunder or as required by any other enactment or law-

3 (a) an inspector, a person accompanying an inspector pursuant to
4 section 77 (7) of this Act who, at the request of an inspector, makes an
5 examination, test or inquiry, shall not publish, disclose or communicate to any
6 person any information, materia, statement, report or result of any
7 examination, test or inquiry acquired, furnished, obtained, made or received
8 under the powers conferred under this Act or any regulations made thereunder;

9 (b) no person shall publish, disclose or communicate to any person
10 any secret manufacturing process or trade secret acquired, furnished, obtained,
11 made or received under the provisions of this Act or any regulations made
12 thereunder;

13 (c) no person to whom information is communicated under this Act or
14 any regulations made thereunder shall divulge the name of the informant to any
15 person; and

16 (d) no person shall disclose any information obtained in any medical
17 examination, test or X-ray of an employee made or taken pursuant to this Act or
18 any regulations made thereunder except in a form calculated to prevent the
19 information from being identified with a particular person or case.

20 (2) No employer shall seek to gain access, except by an order of the
21 court or other tribunal or in order to comply with another statute, to a health
22 record of an employee without the written consent of such an employee.

23 (3) An inspector or a person who, at the request of the inspector,
24 accompanies an inspector, or a person who makes an examination, test, inquiry
25 or takes samples at the request of an inspector, is not a compellable witness in a
26 civil suit or any proceedings, except an inquest under any relevant law relating
27 to any information, material, statement or test acquired, furnished, obtained,
28 made or received under this Act or regulations made thereunder.

29 (4) The Council may communicate or allow to be communicated or
30 disclose information, material, statements or the result of a test acquired,

1 furnished, obtained, made or received pursuant to this Act or any regulations
2 made thereunder.

3 (5) The Council may, upon receipt of a request in writing from the
4 owner of a workplace who has entered into an agreement to sell the same and
5 upon payment of the fee or fees prescribed, furnish to the owner or a person
6 designated by the owner, copies of reports or orders of an inspector made
7 under this Act or any regulations made thereunder in respect of the
8 workplace.

9 (6) Subsection (1) of this section shall not apply so as to prevent
10 any person from providing any information in the possession of the person,
11 including confidential business information, in a medical emergency for the
12 purpose of diagnosis or treatment.

13 PART X — OFFENCES AND PENALTIES

14 79.—(1) Any employer who fails to comply with any of the General offences
15 provisions of sections 28, 29, 30, 31, 32, 33, 34, 35 or 36 of this Act, relating
16 to the duty of the employer, commits an offence and shall be liable on
17 conviction to imprisonment for a term not exceeding 2 years or to a fine of
18 not less than ₦200,000 or to both such imprisonment and fine in the case of
19 an individual or in the case of a body corporate, a fine of not less than
20 ₦1,000,000 and, in addition, each director, manager or officer of the body
21 corporate shall be liable to imprisonment for a term not exceeding 2 years or
22 to a fine of not less than ₦100,000 or to both imprisonment and fine.

23 (2) Any employee who contravenes the provisions of 38 (2) of this
24 Act, commits an offence and shall be liable on conviction to imprisonment
25 for a term not exceeding 3 months or to a fine of not less than ₦10,000 or to
26 both such imprisonment and fine.

27 80. Any person who-

28 (a) forges any certificate required under this Act; or

29 (b) gives or signs any certificate required under this Act knowing it
30 to be false in any particular material; or

Forgery of
certificate, false
declaration, etc.

- 1 (c) knowingly utters or makes use of any forged certificate or make
2 use of, as applying to any person, any certificate which does not so apply; or
3 (d) impersonates any person named in any certificate; or
4 (e) falsely pretends or impersonates an occupational safety and health
5 inspector or officer; or
6 (f) wilfully connives or conspires to commit any of the acts mentioned
7 in paragraphs (a) to (e) of this section; or
8 (g) wilfully makes a false entry in any register, notice, certificate or
9 any document required under this Act; or
10 (h) wilfully makes or signs a false declaration required to be made
11 under this Act or knowingly makes use of any such false entry or declaration,
12 commits an offence and shall be liable on conviction to imprisonment for a
13 term not exceeding 2 years or to a fine of not less than ₦100,000 or to both such
14 imprisonment and fine.

Failure to notify
accidents, etc.

15 81. Any employer who fails to submit report of any accident, near
16 miss, dangerous occurrence or occupational disease to the Council as required
17 under this Act, commits an offence and shall be liable on conviction to
18 imprisonment for a term of not exceeding 3 years or to a fine of not less than
19 ₦100,000 or to both such imprisonment and fine.

Penalty in the
case of death or
serious bodily
injury

20 82. Where any person is killed, or dies, or suffers any bodily injury
21 resulting from a contravention by the employer of any of the provisions of this
22 Act, the employer shall, without prejudice to any other penalty, be liable to
23 imprisonment for a term not exceeding 3 years without an option of fine:
24 Provided that, in the case of injury to health, the employer shall not be liable to
25 a penalty under this section unless such injury was caused directly by the
26 contravention.

Special provisions
relating to criminal
proceedings

27 83.—(1) In any proceedings under this Act, it shall be sufficient to
28 state in the charge that the workplace is a workplace within the meaning of this
29 Act, and to state the name of the ostensible employer of the workplace or where
30 the employer is a firm, the name of the firm, and the burden of providing that

1 the premises is not a workplace or that the employer specified in the charge
2 or information is not the employer in respect of the workplace shall lie on the
3 person making the assertion.

4 (2) Where any offence is committed under this Act by reason of
5 failure to make an examination, enter a report or do any other thing at or
6 within a time specified by this Act or any regulations made thereunder, the
7 offence shall be deemed to continue until the examination is made or the
8 report entered, or the other thing done, as the case may be.

9 (3) If a person is found in a workplace at any time when work is
10 ongoing or in progress except during the intervals for meals or rests, that
11 person shall, until the contrary is proved, be deemed for the purposes of this
12 Act to have been employed in such workplace.

13 (4) Where any entry is required, under this Act or any regulations
14 made thereunder, to be made in the general register or any other register or
15 record, the entry made by the employer in respect of the workplace or on
16 behalf of the employer shall, as against the employer, be admissible as
17 evidence of the facts therein stated, and the fact that any entry so required
18 with respect to the observance of any provision of this Act or any order or
19 regulation has not been made shall be admissible as evidence that such
20 provision has not been observed.

21 84.—(1) Any person who contravenes or fails to comply with any
22 provision of this Act for which no specific penalty is provided, commits an
23 offence and shall be liable on conviction to imprisonment for a term not
24 exceeding one year or to a fine of ₦20,000 or to both imprisonment and fine
25 for the first case of contravention or non-compliance, or imprisonment for a
26 term not exceeding 3 years or to a fine of ₦100,000 or to both imprisonment
27 and fine for every subsequent contravention or non-compliance.

General penalty,
etc.

28 (2) Except as otherwise provided under this Act, where an offence
29 under this Act is committed by a body corporate or firm—

30 (a) every director, manager, or other similar officer of the body

1 corporate; or

2 (b) every partner or officer of the firm; or

3 (c) every person who was purporting to act in such capacity

4 mentioned in paragraphs (a) or (b) of this subsection,

5 shall be deemed to have committed the offence and shall be proceeded against

6 in like manner as if he or she had committed the offence, and shall be liable on

7 conviction to three times the penalty stipulated for an individual, unless he or

8 she proves that the act or omission constituting the offence took place without

9 his knowledge, consent, connivance or neglect or that he or took reasonable

10 steps to prevent the commission of the offence.

Jurisdiction

11 85.—(1) The National Industrial Court shall have jurisdiction to

12 entertain civil proceedings under this Act.

13 (2) The Federal High Court shall have jurisdiction to entertain

14 criminal proceedings under this Act.

Compounding
of offences

15 86.—(1) Without prejudice to the provisions of section 174 of the

16 Constitution of the Federal Republic of Nigeria 1999 (with respect to the

17 powers of the Attorney-General of the Federation to initiate or discontinue

18 criminal proceedings) the Council may, compound any offence under this Act

19 by accepting a sum of money not exceeding the maximum fine specified for the

20 offence.

21 (2) The Council shall issue a treasury receipt for any money received

22 pursuant to subsection (1) of this section.

23 PART XI — MISCELLANEOUS PROVISIONS

Power to make
regulations

24 87. The Minister may, on the recommendation of the Council, make

25 regulations generally for giving full effect to the provisions of this Act.

Repeal of
Cap. 126 LFN

26 88. The Factories Act 1990 (in this Act referred to as "the repealed

27 enactment") is hereby repealed.

Savings and
transitional
provisions

28 89.—(1) The repeal of the enactment mentioned in section 88 of this

29 Act shall not affect anything done or purported to have been done under the

30 repealed enactment.

(2) Any factory or workplace registered under the repealed enactment before the commencement of this Act shall be deemed to have been registered under this Act and shall be governed by the provisions of this Act.

90. In this Act, unless the context otherwise requires-

Interpretation

"accident" means an occurrence arising out of or in the course of work which results in fatal or near fatal occupational injury;

"agriculture" includes agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the appliances, tools, and agricultural installations including any process, storage, operation or transportation in an agricultural undertaking, which are directly to agricultural production but shall not include-

(a) subsistence farming;

(b) industrial processes that use agricultural products as raw material and the related services; and

(c) the industrial exploitation of forests;

"air pollution" means all air contamination by chemical substances, physical or biological agents which are harmful to health;

"air receiver" means-

(a) any vessel (other than a pipe or coil or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant, or

(b) any fixed vessel for containing compressed air or compressed exhaust gases and used for purpose of starting an internal combustion engine;

"article" includes any solid, liquid or gas, or any combination thereof;

"Board" means the governing Board of the Council for Occupational Safety and Health established under section 6 of this Act;

- 1 "bodily injury" includes injury to health;
- 2 "chemical" means chemical elements and compounds, and mixtures thereof,
- 3 whether natural or synthetic;
- 4 "competent person" means a person who-
- 5 (a) is qualified because of knowledge, training and experience to
- 6 organize the work and its performance,
- 7 (b) is familiar with the provisions of this Act and any regulations
- 8 applicable to the work,
- 9 (c) has knowledge of any potential or actual danger to safety or health
- 10 in the workplace, and
- 11 (d) has acquired through training, qualification and experience, or a
- 12 combination of these, the knowledge and skills to perform the task required
- 13 under this Act;
- 14 "construction" includes the building, excavation, civil or, mechanical
- 15 engineering, structural operation, renovation, repair, maintenance (including
- 16 cleaning and painting) and demolition of all types of buildings, structures,
- 17 roads, facilities or any infrastructure whatsoever;
- 18 "construction site" means any workplace or place at which any of the processes
- 19 or operations of construction are carried on;
- 20 "contravention" includes, in relation to any provision of this Act, a failure to
- 21 comply with the provision, and the expression "contravene" shall be construed
- 22 accordingly;
- 23 "Council" means the National Council for Occupational Safety and Health
- 24 established under section 5 of this Act;
- 25 "critical agent" means a chemical, physical or biological agent, or combination
- 26 thereof prescribed as a critical agent to which the exposure of an employee is
- 27 prohibited, regulated, restricted, limited or controlled;
- 28 "dangerous occurrence" includes any special class of explosion, fire, collapse
- 29 of building, accident to machinery or plant or other occurrences in a workplace
- 30 capable of causing injury to an employee;

- 1 "dock work" includes all an any part of the work of loading or unloading any
2 ship as well as any work incident thereto;
- 3 "driving-belt" includes any driving strap, rope or chain;
- 4 "employee" means a person employed by another under oral or written
5 contract of employment whether on a continuous, part-time, temporary or
6 casual basis and includes a domestic servant who is not a member of the
7 family of the employer;
- 8 "employer" means any individual or body corporate who has entered into a
9 contract of employment to employ any other person as an employee or
10 apprentice;
- 11 "fume" include gas or vapour;
- 12 "gazette" means the official Gazette of the Federal Republic of Nigeria;
- 13 "general register" means the register kept in accordance with the
14 requirements of section 66 of this Act;
- 15 "hazard" means an agent or condition which, under certain circumstances,
16 could cause an injury to a worker;
- 17 "hazardous chemical" includes any chemical which has been classified as
18 hazardous in accordance with this Act or any other enactment or law;
- 19 "hazardous installation" means one which produces, processes, handles,
20 uses, disposes of or stores, either permanently or temporarily, one or more
21 hazardous substances in quantities which exceed the limit set by any
22 enactment or law for the time being in force;
- 23 "health" means not merely the absence of disease or infirmity or physical
24 condition, but also includes the physical and mental elements affecting
25 health which are directly related to safety and hygiene at work;
- 26 "injury" includes death or a bodily injury or disease resulting from an
27 accident or exposure to critical agents in a workplace;
- 28 "inspector" means an inspector appointed pursuant to section 13 (3) of this
29 Act;
- 30 "machinery" includes any article or combination of articles (new, second-

1 hand or refurbished) assembled, arranged or connected and which is used or
2 intended to be used for converting any form of energy to performing work, or
3 which is used or intended to be used, whether incidental thereto or not, for
4 developing, receiving, storing, containing, confirming, transforming,
5 transmitting, transferring or controlling any form of energy;

6 "maintained" means to maintain in an efficient state, in efficient working
7 order, and in good repair;

8 "major accident" means a sudden occurrence such as a major emission, fire or
9 explosion in the course of an activity within a major hazard installation,
10 involving hazardous substances and leading to a serious danger to employees,
11 the public or the environment whether immediate or delayed;

12 "maximum permissible working pressure" means the maximum pressure
13 prescribed by the manufacturer of a pressure vessel;

14 "mine" includes-

15 (a) surface or underground sites where-

16 (i) the activities of exploration and extraction of minerals, excluding
17 oil and gas, are carried out involving the mechanical disturbance of the ground,

18 (ii) there is preparation, including crushing, grinding, concentration
19 or washing of the extracted minerals or materials, and

20 (b) all machinery, equipment, appliances, plant, buildings and civil
21 engineering structures used for any of the activities referred to in paragraph (a);

22 "Minister" means the Minister charged with the responsibility for matters
23 relating to employment, labour and productivity;

24 "near miss" means any sudden event involving one or more hazardous
25 substances or conditions which, but for mitigating effects, actions or systems,
26 could have escalated to a major accident;

27 "noise" means all sound which may result in hearing impairment or be harmful
28 to health or otherwise dangerous;

29 "occupational disease" means a disease contracted arising out of or in the
30 course of exposure to risk factors at work;

- 1 "pressure vessels" include steam boiler, steam receiver and air receiver;
2 "prime mover" means every engine, motor or other appliance which
3 provides mechanical energy derived from steam, water, wind, electricity,
4 the combustion of fuel or other sources;
5 "quarry" means any place, excavation or working, other than a mine,
6 wherever, wherein or whereby any operation in connection with the
7 extraction of sand, stone, laterite or any similar materials is carried on;
8 "sanitary convenience" includes urinals, bidets, water-closets, earth-closets,
9 latrines, privies, ash-pits, and any similar conveniences;
10 "securely fenced" means such fencing that is capable of preventing contact
11 between persons and fenced part of the machinery or of preventing parts of
12 machinery or materials escaping therefrom from making contact with
13 persons;
14 "steam boiler" means any closed vessel in which for any purpose steam is
15 generated under pressure greater than atmospheric pressure, and includes
16 any economizer used to heat water being fed to any such vessel, and any
17 superheater used for heating steam;
18 "transmission machinery" means every shaft, wheel, drum, pulley, system
19 of fast and loose pulleys, coupling, clutch, driving-belt or other device by
20 which the motion of a prime mover is transmitted to or received by any
21 machine or appliance;
22 "vibration" means any vibration which is transmitted to the human body
23 through solid structures and is harmful to health or otherwise dangerous;
24 "worker" has the same meaning as "employee" and includes employees in
25 the public service of the Federation, of the State and the local government;
26 "workplace" includes any premises or place where a person performs any
27 work or needs to be or is required to be in the course of his employment;
28 "young person" means any person under the age of 18 years.

29 91. This Act may be cited as the Occupational Safety and Health Short Title
30 Bill, 2016.

SCHEDULE

FIRST SCHEDULE

Section 6 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Proceedings of the Board**Cap. 192 LFN.*

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time, determine.

2.-(1) There shall be at least four ordinary meetings of the Board in every calendar year and subject thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than 3 other members, he shall convene a meeting of the Board to be held within 14 days from the date on which the notice was given.

(2) Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum of any meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and nine other members comprising of not less than two representatives each of the Government, employers and employees respectively.

4. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

5. A question put before the Council at a meeting shall be decided by

1 consensus and where this is not possible, by a majority of the votes of the
2 members present and voting.

3 6. The Chairman shall, in the case of an equality of votes, have a
4 casting vote in addition to his deliberative vote.

5 7. Where the Board seeks the advice of any person on a particular
6 matter, the Board may invite that person to attend for such period as it thinks
7 fit, but a person who is invited by virtue of this paragraph shall not be
8 entitled to vote at any meeting of the Board and shall not count towards the
9 quorum.

10 *Committees*

11 8. The Board may appoint one or more committees to carry out on
12 behalf of the Board such of its functions as the Board may determine and
13 report on any matter with which the Board is concerned.

14 9. A committee appointed under paragraph 8 of this Schedule shall
15 be presided over by a member of the Board and consist of such number of
16 persons (not necessarily all members of the Board) as may be determined by
17 the Board, and a person other than a member of the Board shall hold office
18 on the committee in accordance with the terms of his appointment.

19 10. A decision of a committee of the Board shall be of no effect
20 until it is confirmed by the Board.

21 *Miscellaneous*

22 11. The fixing of the seal of the Council shall be authenticated by
23 the signature of the Chairman and the Executive Secretary or the Executive
24 Secretary and such other person authorised by the Council to act for that
25 purpose.

26 12. A contract or an instrument which, if made or executed by any
27 person not being a body corporate, would not be required to be under seal,
28 may be made or executed on behalf of the Council by the Chairman or the
29 Executive Secretary or by any person generally or specifically authorised to
30 act for that purpose by the Council.

1 13. A document purporting to be a contract, an instrument or other
2 document signed or sealed on behalf of the Council shall be received in
3 evidence and, unless the contrary is proved, be presumed without further proof,
4 to have been properly signed or sealed.

5 14. The validity of any proceedings of the Council or its committees
6 shall not be affected by-

7 (a) any vacancy in the membership of the Council or its committees;

8 (b) reason that a person not entitled to do so took part in the
9 proceedings; or

10 (c) any defect in the appointment of a member.

11 15. Any member of the Board or its committee thereof who has a
12 personal interest in any contract or arrangement entered into or proposed to be
13 considered by the Board or any committee thereof-

14 (a) shall forthwith disclose his interest to the Board or committee; and

15 (b) shall not vote on any question relating to the contract or
16 arrangement.

PART B: TYPICAL MAJOR HAZARD INSTALLATIONS

- 1
2 The list of major hazard installations that shall notify the Council about their
3 installations—
4 (a) petrochemical works and refineries;
5 (b) chemical works and chemical production;
6 (c) LPG storage and terminals;
7 (d) stores and distribution centres for chemicals;
8 (e) large fertilizer stores;
9 (f) explosives factories; and
10 (g) works in which chlorine is used in bulk quantities.

EXPLANATORY MEMORANDUM

The Bill seeks to repeal the Factories Act and to establish the National Council on Occupational Safety and Health to regulate all matters relating to occupational safety and health in all workplaces towards enhanced safety and health of employees and increased productivity at work.

SECOND SCHEDULE

Section 65 (4) and (5)

LIST OF CHEMICALS AND TYPICAL HAZARD INSTALLATIONS

PART A: PRIORITY CHEMICALS USED IN IDENTIFYING MAJOR
HAZARDOUS INSTALLATIONS

	<i>Name of Substance</i>	<i>Quantity (>)</i>	<i>EC List Serial No.</i>
7	General flammable substances:		
8	Flammable gases	200 t	124
9	Highly flammable liquids	50,000 t	125
10	Specific flammable substances:		
11	Hydrogen	50 t	24
12	Ethylene oxide	50 t	25
13	Specific explosives:		
14	Ammonium nitrate	2,500 t	146(a)
15	Nitroglycerine	10 t	32
16	2,4,6, Trinitrotoluene	50 t	146
17	Specific toxic substances:		
18	Acrylonitrile	200 t	18
19	Ammonia	500 t	22
20	Chlorine	25 t	16
21	Sulphur dioxide	250 t	148
22	Hydrogen sulphide	50 t	17
23	Hydrogen cyanide	20 t	19
24	Carbon disulphide	200 t	20
25	Hydrogen fluoride	50 t	94
26	Hydrogen chloride	250 t	149
27	Sulphur trioxide	75 t	180
28	Specific very toxic substances:		
29	Methyl isocyanate	150 kg	150
30	Carbonyl chloride (Phosgene)	750 kg	15