

HEALTH AND SAFETY AT WORK ACT, 1996
(No. 4 OF 1996)

HEALTH AND SAFETY AT WORK (TRAINING) REGULATIONS 1997

PURSUANT to Section 62 of the Health and Safety at Work Act, 1996, the Minister for Labour and Industrial Relations, acting on the recommendation of the Permanent Secretary, after consultation with the National Occupational Health and Safety Advisory Board, hereby makes the following Regulations.

Short title

1. These Regulations may be cited as the Health and Safety at Work (Training) Regulations 1997.

Commencement

2. These Regulations shall come into force on the 18th day of December 1997.

Application

3. These Regulations shall apply to all workplaces to which the provisions of Part III of the Act apply, with respect to workplace arrangements.

Definition

4. "accredited trainer" means a person for the time being approved by the Board under Section 35(1)(c) of the Act to conduct an accredited training course.

"accredited training course" means any training course for the time being approved by the Board under Section 35(1)(c) of the Act and conducted by an accredited trainer.

"health and safety committee" means a health and safety committee established under the Act and Health and Safety at Work (Representatives and Committees) Regulations.

"health and safety representative" means a health and safety representative appointed under the Act and Health and Safety at Work (Representatives and Committees) Regulations.

"OHS" means Occupational Health and Safety.

"the Act" means the Health and Safety at Work Act 1996.

For all other definitions, reference should be made to Part I Section 5 of the Act.

Accreditation of courses and trainers for special OHS training

5.-(1) The Board may, on application, from a person or an organisation, approve as an accredited training course any special training course in connection with the exercise of the functions of health and safety representatives and committee members.

(2) The Board may, on application, approve any person as an accredited trainer to conduct any such accredited training course.

(3) An application for an approval under this regulation shall be in writing and addressed to the Secretary of the Board.

(4) An approval under this regulation may be granted subject to such terms and conditions as the Board thinks fit to impose.

(5) An approval under this regulation may be revoked or suspended by the Board at any time.

General training in OHS

6. For the purpose of section 9(2) (c) of the Act, all persons working at a workplace shall undergo health and safety training so as to perform their task safely and without risk to health including:

- (1) Workers without managerial or supervisory responsibilities;
- (2) Workers with supervisory responsibilities; and

(3) Persons with managerial responsibilities either as a worker or owner of a business.

Special training to be provided for Health and Safety Representatives and Committee Members

7.-(1) For the purpose of section 21(3) of the Act, the training to be provided to health and safety representatives and members of a health and safety committee established at a place of work shall be provided by an accredited trainer and in accordance with an accredited course.

(2) Any such training shall consist of:

(a) attendance by each representative and each member of the health and safety committee as soon as practicable after being appointed or elected to the committee at an accredited training course which provides training in his or her functions and duties as a representative or member of the committee and;

(b) attendance by each health and safety representative and each member of a health and safety committee at further training courses which provide

(i) training in connection with the industry or business with which the health and safety representative or committee member is concerned and in the hazards or risks to which workers are exposed in that industry or business; and

(ii) necessary refresher training in his or her functions and duties as a health and safety representative or member of a health and safety committee.

(3) The Board may, on application made in writing, exempt an employer from the requirement of sub-regulation (2)(a) in respect of a safety representative or member of a health and safety committee-

(a) who has attended since 1996 a course which has subsequently become an accredited training course; or

(b) who has received training referred to in sub-regulation (7) hereof.

(4) An employer, in consultation with his or her health and safety representative or committee members, may determine-

(a) which accredited training course his or her health and safety representative or committee members should attend under sub-regulation 2(a);

(b) which further training course (if any) his or her health and safety representative or committee members should attend under sub-regulation 2(b);

(c) whether the committee members should be trained together or separately and;

(d) the time for attending such course.

(5) If a dispute arises on a matter referred to in sub-regulation (4) hereof:

(a) between the employer and the health and safety committee; or

(b) between workers representatives and employers' representatives on a health and safety committee, the dispute may be referred to the Board under section 35 of the Act for resolution.

(6) The decision of the Board in relation to such a dispute shall be binding on the parties and shall be given effect to by the parties within fourteen days of such decision.

(7) Nothing in this clause shall affect any workers entitlement to relevant training under any award, collective agreement or other agreement applicable to that worker, but an employer shall not be required to provide training under this regulation if the training has been provided under any such award or agreement.

(8) Where a person employed at a place of work is a workers representative or an employers representative or is a member of a health and safety committee established at that place of work, the person-

(a) shall be deemed to be engaged in the person's usual work at that place while attending any training course under sub-regulation (2) hereof and shall be paid for such time at his or her ordinary rate of pay; and

(b) shall be entitled to attend any such training course during the person's ordinary hours of work at such other time as is convenient to the employer and the worker involved.

Accredited special courses in OHS

8. Accredited special courses to be undertaken by accredited trainers for special OHS training under these regulations shall be in accordance with the accredited course specifications in the Health and Safety (Training) Code of Practice.

Offence and Penalties

9. Any person who contravenes a provision of these Regulations commits an offence and, unless otherwise provided, shall be liable for a fine not exceeding \$1,000.00 in the case of a worker or \$20,000.00 in any other case.

Made this 18th day of December 1997

V. W. LOBENDHAN
Minister for Labour and Industrial Relations.