



اوتوريٽي كېڄسائڻ كسلامتن
كصحتين دان عالم سكيتر
Safety, Health and Environment
National Authority

INDUSTRY GUIDANCE NOTE

TOPIC: GUIDANCE ON ESTABLISHMENT OF WORKPLACE SAFETY AND HEALTH COMMITTEE IN A WORKPLACE			Reference Number: 2023/IGN/02
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1. INTRODUCTION

The establishment of a Workplace Safety and Health Committee in a workplace is a legal requirement under the WSHO, 2009 and the WSH Committee Regulations. Every workplace with 50 or more persons excluding persons who carry out any work which is temporary nature and is not ordinarily carried out in the workplace is required to establish this committee.

2. GLOSSARY OF TERMS AND ABBREVIATIONS

HSE	Health, Safety and Environment
PPE	Personal Protective Equipment
WSH	Workplace Safety and Health
WSHO, 2009	Workplace Safety and Health Order, 2009
WSH Committee Regulations	Workplace Safety and Health (Workplace Safety and Health Committee) Regulations, 2014

3. PURPOSE

This IGN serves as a guidance and reference on any matter pertaining to the establishment of the WSH Committee in the workplace to ensure a consistent approach is adopted by organisations in performing their legal duties under the WSHO, 2009.

4. SCOPE

This document provides general information based on the legal requirements to establish a WSH Committee in the organisation, where applicable, providing details on the formation, functions, roles, and responsibilities as well as the powers of the WSH Committee in the workplace.

5. OFFENCE

Anyone who contravenes the WSH Committee Regulations shall be liable to a fine of not exceeding BND10,000 for the first offence, and, for second and subsequent offence, liable to a fine not exceeding BND20,000 or imprisonment not exceeding a period of six (6) months or both.

6. FORMATION OF THE WSH COMMITTEE

The Occupier¹ is responsible to set up the WSH Committee. This committee shall comprise of representatives of employees and the management of the workplace.

6.1. Appointment and Composition

The composition of WSH Committee shall consist of a Chairman, the Secretary, and the Committee Members.

6.1.1 Chairman

The Occupier is responsible to appoint a chairman of the committee. The chairman should be a person who is authorised by the Occupier i.e., a person from the Workplace whom the Occupier reasonably believes to be competent to perform the functions and duties as the chairman of the committee.

6.1.2 Secretary

The Secretary of this WSH Committee shall be a competent person who has adequate knowledge in WSH matters and shall be appointed by the Occupier based on the following order:

- 1) The appointed WSH Officer in the workplace; or
- 2) If there is no appointed WSH Officer in the workplace, a competent person from among the WSH Committee members.

Note: For building operations or works of engineering construction (worksites) with a value of less than B\$10M, and if there is no appointed WSH Officer, the WSH Coordinator is recommended to be appointed as the secretary.

¹ "occupier", in relation to any premises or part of any premises, means –

(a) in the case of a factory where a certificate of registration or a factory permit must be obtained in relation to the premises pursuant to any regulations, the person who is, or is required to be, the holder of that certificate or permit; and
(b) in the case of any other premises, the person who has charge, management or control of those premises either on his own account or as agent of another person, whether or not he is also the owner of those premises.

6.1.3 Committee Members

Members shall consist of workers from various areas and levels within the organisation that represent both management and operational functions. These include:

- a) Representatives of workers in the workplace can be appointed from personnel who holds leading or supervisory roles such as the head of department, head of unit, team lead and supervisors from the various technical functions or activities; or personnel who hold responsibilities based on work area, block, building or floor level as deemed applicable by the organisation.
- b) Representatives of workers from the management of the organisation, such as administration, human resource, finance, auditor etc.
- c) Representatives from emergency responders such as fire marshals, first aiders and security personnel.

Note:

The number of representatives of workers in the workplace in a) above must be higher than the number of representatives from the management of the workplace in b) when selecting the committee members.

An example to illustrate a typical composition of an HSE Committee in a workplace can be found in Figure 1 below.

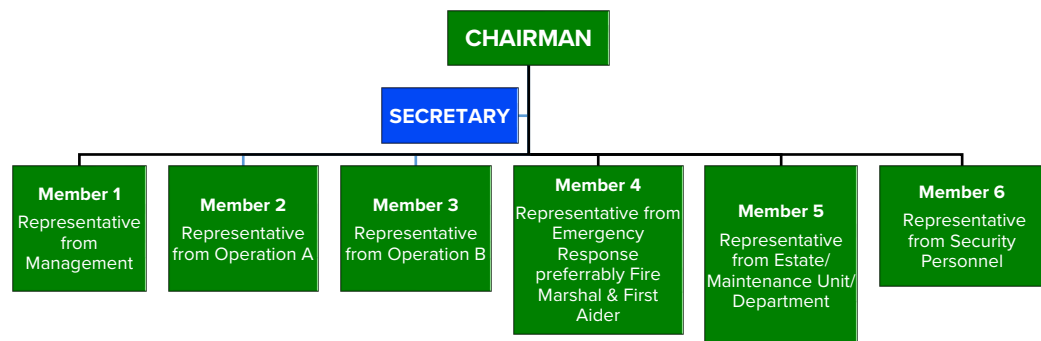


Figure 1: Typical Example of Organisation Structure and Composition of a WSH Committee in A Workplace

6.2. Competency Development of WSH Committee Members

The Occupier of the workplace must ensure that members of the committee have a basic understanding and knowledge of their roles and responsibilities in executing their functions. In addition, the competency of the committee members in Health and Safety at workplace is required to be continuously developed via training from any SHENA Authorised Training Providers.

7. ROLES AND RESPONSIBILITIES OF THE WSH COMMITTEE

Upon appointment of the Chairman, Secretary, and the committee members, a kick-off meeting should be held as soon as possible to determine the Terms of Reference of the committee as described in Section 8 below.

7.1. Conduct of WSH Committee Meeting

- The meeting shall be conducted, so far as is reasonably practicable, at least once a month during working hours to discuss matters related to workplace safety and health of the workers within the organisation.
- Participation of workers appointed to the committee should be considered as part of their roles and responsibilities at the workplace. Penalties such as salary deduction in amount to their absence from their work routines or station due to their participation at the meeting is deemed inappropriate.
- The WSH Committee may invite workers who have suffered bodily injury because of an accident or dangerous occurrence in the workplace to the meeting for the purpose of information gathering and sharing on incidents.

7.2. Minutes of Meeting

- The minutes of meetings is managed by the Secretary of the WSH Committee.
- Content of the minutes of meeting should at least capture the following:
 - (a) Essence of items discussed and resolved.
 - (b) Pertinent decisions made with its rationale.
 - (c) Response to questions raised including proposals by committee members and invited participants.

(d) Supporting documents relevant to the discussions.

- The Secretary shall furnish a copy of the minutes of meeting to the Occupier and all WSH Committee members that include highlights on the status of open action items from previous meeting.
- The Secretary shall provide updates/reports of the committee meeting to the Chairman prior to presenting/submitting the status of closed and open items to the Occupier (if Occupier is not the Chairman).
- Copy of the minutes of meeting shall be kept by the Occupier as evidence of the organisation's compliance with the WSH Committees Regulations which can be produced upon request during the inspection conducted by inspectors from SHENA. A copy of the minutes shall be provided to SHENA, when required.
- The Occupier is obliged to hold an overview on the status of all action items whether they are closed or otherwise.
- Clarification or verification on the progress updates of action items under the purview of the WSH Committee can be obtained from the WSH Secretary.

7.3. Other Good Practices

- Plan the meeting well by preparing a schedule of monthly meeting for the whole year.
- Send calendar invites to all members in advance of the meeting and provide timely updates on any changes that may occur approaching the meeting date.
- Prepare the meeting agenda well in advance of the meeting.
- Share discussion or presentation materials in advance of the meeting.
- Discussions during the meeting should adhere to the topics or subjects listed in the agenda.
- Instil time management on the meeting.
- All members of the committee should be given the opportunity to speak and raise their views and concerns during the meeting.
- The Chairman shall conclude all decisions made during the meeting.

8. FUNCTIONS OF THE WSH COMMITTEE

There are four main functions of the WSH Committee as prescribed in the WSH Committee Regulations:

- 1) Conduct General Inspection in the Workplace
- 2) Carry out Investigation/ Inspections following any accident or dangerous occurrences in the Workplace.
- 3) Support Safety Promotion
- 4) Issue WSH Guidelines on WSH Matters

This is confined to the workplace of the organisation in which the WSH Committee is assigned to establish.

8.1. Conduct General Inspections of the Workplace.

- The WSH Committee shall inspect the workplace at least once a month.

Examples of workplaces that are subjected to inspection by the WSH Committee are office area, storage area, construction worksite and any premises where a person is at work, i.e., workplaces as prescribed under Section 5 of the WSHO, 2009.

- Following the WSH Inspection, the Chairman of the WSH Committee ensures that the WSH Committee will execute the following:
 - 1) Discuss observations made during the inspection in the next meeting.
 - 2) Make opinions on the lack of control measures, deficiencies identified.
 - 3) Make recommendations to be taken to ensure the safety and health of the persons at work.
 - 4) Submit the inspection report to the Occupier.
- Upon receiving the inspection report from the WSH Committee, the Occupier shall:
 - 1) Discuss recommendations made by the WSH Committee with the WSH Chairman or the WSH Officer (if there is an appointed WSH Officer).
 - 2) Record decision of the Occupier in the report.
 - 3) Assign the responsible person at work to take appropriate actions the Occupier thinks necessary.
 - 4) Keep a copy of the inspection report.

- The Secretary shall perform regular follow-ups on the progress of control measures implemented based on arising issues, furnish a copy of the minutes of the meeting to the Occupier and execute its duties as per Section 7 Above.

8.2. Carry out Investigation and/or Inspections following any accident or dangerous occurrences in the Workplace.

- In the event of any accident² or dangerous occurrence³ in the workplace, it is the duty of the Occupier or Employer to report the occurrence to SHENA not later than 10 days of the event. The report shall be submitted via Initial Incident Notification Form available on <https://shena.gov.bn/incident-reporting-form>. The instructions below apply to all reports of the incident at the workplace.



- The Occupier of the workplace shall ensure the WSH Committee immediately carries out the inspection of the workplace. At the same time, the WSH Officer to conduct an investigation the circumstances of the accident or dangerous occurrence and submit the findings in the form of an investigation report to the Chairman.

² "accident" means any unintended event which causes bodily injury to a person, but does not include any bodily injury sustained by a person-

(a) in the course of commuting to or from his workplace using a mode of transport provided by his employer;
 (b) as a result of his act or default while driving any vehicle on a public road in the course of his work; or
 (c) in the course of his work as a domestic worker;

"domestic worker" means any person employed in or in connection with the domestic services of any private premises;

³ "dangerous occurrences" are defined in Second Schedule of the WSH Order, 2009

- After the WSH Committee have carried out the inspection, then the Chairman shall ensure that the WSH Committee holds a meeting to discuss the observations of the committee members during the inspection and , if applicable, the investigation report of the WSH Officer.
- The WSH Committee shall produce a report of the inspection and investigation findings that includes:
 1. Find out the root cause or the lack of control measure or deficiencies associated with the condition of the workplace. Investigation findings from incidences should include assessments related to:
 - Procedure/ Plant/ People.
 - Underlying contributing factors.
 - Immediate cause.
 2. Make recommendations on corrective and preventive actions to be taken, conclusions and legal impacts, if any, that may arise from the incidents.
- The Chairman shall then furnish the report to the Occupier.
- Upon receiving the inspection report from the WSH Committee, the Occupier shall:
 - 1) Discuss recommendations made by the WSH Committee with the WSH Chairman or the WSH Officer (if there is an appointed WSH Officer).
 - 2) Record decision of the Occupier in the report.
 - 3) Assign the responsible person at work to take appropriate actions the Occupier thinks necessary.
 - 4) Keep a copy of the inspection report.

8.3 Support Safety Promotion

The WSH Committee may support or assist to organise activities that promote the safe conduct of work and co-operation between the employer and the employees in achieving and maintaining safe and healthy working conditions in the workplace. Promotion can be in the form of talks, presentations, web publications, posters, demonstration of good safety practices, etc. Non-exhaustive examples are as follows:

- Safety and health induction to all staff.

- Promotion of intervention of unsafe acts and conditions at the workplace.
- Promote reporting and recording of accidents, Near Misses incidents, etc.
- Highlight the hazards, risks and control measures including positive findings.
- Socialisation of Emergency management plan.
- Inclusion of safety and health matters as part of the departmental management and employees' tasks and targets.
- Demonstration of safe work practices, i.e., the use of PPE where applicable.
- Award and recognition to active participants and best practices.
- Talks and demonstration of good housekeeping practices.
- Reporting and counselling of psychosocial, i.e., mental health concerns in the workplace.
- Safety quiz, contest, or competition.
- Share good practices from other sources that is applicable to the Workplace.

8.4 Issue WSH Guidelines on WSH Matters

The WSH Committee shall produce and issue a set of guidelines on safety and health requirements of the organisation for use by its employees.

The Occupier shall approve the guidelines prior to publish and made widely available to all employees within the organisation.

9. POWERS OF THE WSH COMMITTEE

The WSH Committee Regulations grants the powers to the WSH Committee to execute the following:

- a) Enter, inspect and examine the workplace at any reasonable time.
 - The WSH Committee is recommended to arrange a suitable time with the Person in Charge of the Workplace of interest, for example, finance office, stores, etc, before entering and inspecting the workplace. This is to ensure the WSH Committee understands and respects the level of

confidentiality that needs to be exercised on the documents kept in the area before entering the workplace.

- b) Inspect and examine any machinery, equipment, plant, installation or article in the workplace.
- The WSH Committee is recommended to arrange a suitable time with the Person in Charge of the machinery, equipment, plant, installation or article, for example, machine room, electrical room or equipment, before entering and performing inspection. This is to ensure that the WSH Committee understands the hazards and risks before entering the workplace and that the WSH Committee is advised on the controls in place to mitigate the risk.
- c) Request, inspect and examine any workplace records, certificates, notices, and documents kept as required under the WSHO, 2009.
- The WSH Committee is recommended to look at relevant records such as list of fire marshalls, first aiders, or first aid kits kept in the workplace or other relevant documents that are deemed necessary for the purpose of conducting the respective duties, for example, Tender document for the purpose of investigation.
- d) Examine and enquire the workplace and any persons at work as deemed necessary.
- e) Assess the exposure levels to persons at work in terms of:
- i. Noise
 - ii. Illumination
 - iii. Heat
 - iv. Harmful/ hazardous substances.

Note: Special equipment is usually required for this activity.

- f) Conduct an investigation following an accident, dangerous occurrence or occupational disease that occurred at the workplace.

END