



NOTE TO INDUSTRY (NTI)

TOPIC REQUIREMENTS OF WORKPLACE SAFETY AND HEALTH OFFICER & WORKPLACE SAFETY AND HEALTH CO-ORDINATOR			Reference Number 2022/NTI/03
Approved by: Head of Compliance & International Division	Issue date: 04 July 2022	Expiry date: None	Revision No: 1

Purpose: This Note to Industry (NTI) seeks to remind all stakeholders, in particular employers and occupiers of the legal requirements for the appointment of Workplace Safety and Health Officer (WSH Officer) and Workplace Safety and Health Co-Ordinator (WSH Co-Ordinator) as stipulated under the Workplace Safety and Health Order, 2009 and its regulations as well as to outline the administrative conditions of these appointments as set by the Safety, Health and Environment National Authority (SHENA).

This Note to Industry supplements previous Notes to Industry issued by SHENA on WSH Officers and Co-Ordinators which **continue to remain valid and in effect** namely:

- I. Criteria for approval to Act as a Workplace Safety and Health Co-Ordinator appointed under section 28 of the WSHO, 2009 and commencement of the registration and approval process for Workplace Safety and Health Co-Ordinators (2021/NTI/04).
- II. Approval to Act as a Workplace Safety and Health Officer – Implementation of Fees Prescribed under the Workplace Safety and Health (Workplace Safety Health Officers) Regulations, 2014 (2021/NTI/03).
- III. Workplace Safety and Health Officer Notification of Appointment (2019/NTI/02).
- IV. Workplace Safety and Health Order 2009: HSE Training Requirements for the MAH Industry Sector (2016/NTI/04).

Section 28 of the Workplace Safety and Health Order, 2009, states that every workplace within the prescribed class or description of workplaces shall have a WSH Officer or a WSH Co-Ordinator appointed in respect thereof. Meanwhile, Section 32 (b) and Section 32(c) stipulate that no person shall act as a WSH Officer or a WSH Co-Ordinator except with the approval of the Authority, respectively. This means that any WSH Officer or WSH Co-Ordinator appointed at any workplace requires approval from SHENA before the person can carry out his/her duty.

To obtain approval to act as a WSH Officer or WSH Co-Ordinator, an individual will require a relevant workplace safety and health-related qualification as prescribed by SHENA and **at least two (2) years** of practical experience relevant to the work to be performed that demonstrates his/her roles and responsibilities in workplace safety and health. The minimum qualification required for a WSH Officer and Co-Ordinator is contained in the table below:

	WSH OFFICER	WSH CO-ORDINATOR
MINIMUM QUALIFICATION	<ul style="list-style-type: none"> ▪ National Examination Board in Occupational Safety and Health International General Certificate (NEBOSH IGC) 	<ul style="list-style-type: none"> ▪ Institution of Occupational Safety (IOSH) - Managing Safely OR ▪ National Examination Board in Occupational Safety and Health (NEBOSH) Award in Health and Safety at Work
OTHER HIGHER OR EQUIVALENT QUALIFICATIONS	There are also other equivalent or higher qualifications that are acceptable for the purpose of registration. For more information, please visit the SHENA website.	

Under the Workplace Safety and Health (Workplace Safety and Health Officers) Regulations, 2014 and the Workplace Safety and Health (Construction) Regulations, 2014 respectively, **workplaces** that require the appointment of a WSH Officer and WSH Co-Ordinator are as follows:

WSH OFFICER	WSH CO-ORDINATOR
<ul style="list-style-type: none"> ▪ Shipyards in which any ship, tanker and other vessels are constructed, reconstructed, repaired, refitted, finished or broken up. ▪ Factories used for processing petroleum or petroleum products. ▪ Factories and Worksites in which building operations or works of engineering construction of a contract sum of BND10 million or more are carried out. ▪ Any other factories as below where 100 or more persons are employed, except those which are used for manufacturing garments. 	<p>Every worksite where the contract sum of the building operations or work of engineering construction work is less than BND10 million.</p>

NOTE

Building operations or work of engineering construction refers to any building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking (i.e., building construction activities), or by or on behalf of the Government or any statutory authority and to any line or siding which is used in connection therewith and for the purposes thereof. A **factory** is defined as any premises within which persons are employed in any of the following processes:

- Handling, sorting, packing, storing, altering, repairing, construction, processing or **manufacturing of any goods or products**;
- Handling, sorting, packing, storing, processing, manufacturing, use, and disposal of any **hazardous substance**;
- The repair, construction or manufacturing of any **vessel or vehicle**;
- Any building operation or work of engineering construction; and
- The operation or maintenance of any facility or system related to the provision of any public utility.

SHENA would like to remind all stakeholders that an individual’s appointment as WSH Officer is not automatically transferrable from one employer to another new employer. If an individual is leaving one company to work in another company as a WSH officer, the individual will have to submit a new application for approval by SHENA to act as the WSH Officer of the new company.

A WSH Co-Ordinator, on the other hand, is currently not required to be attached to a company and those individuals who intend to apply for approval to act in the role may do so individually and independently.

Any occupier of a workplace within the prescribed class or description of workplaces specified in the Second Schedule of the Workplace Safety and Health (Workplace Safety and Health Officers) Regulations, 2014 who fails to have a WSH Officer appointed is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

Similarly, any occupier of a worksite who does not appoint a WSH Co-Ordinator as stipulated under the Workplace Safety and Health (Construction) Regulations, 2014 is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

In addition, no person shall act as a WSH Officer or WSH Co-Ordinator without seeking approval from SHENA beforehand. Any person found to be acting in such positions without granted approval from SHENA is liable to a penalty of a fine **not exceeding BND5,000**, imprisonment for a term not exceeding 6 months or both.

In the event further clarifications on WSH Officer are required, you may email your enquiries to wshofficer@shena.gov.bn and for WSH Co-Ordinator, you may send your email to wshcoordinator@shena.gov.bn or contact SHENA Office general line at 238 2000 anytime during office hours.

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