

# SAFETY AND HEALTH AT WORK ACT, CAP 356

OCCUPATIONAL SAFETY & HEALTH SECTION

LABOUR DEPARTMENT



**IMPROVEMENT & PROHIBITION**

**NOTICES**

The Safety and Health at Work Act gives Safety and Health Officers in the Labour Department the authority to enforce the provisions of the Act. Officers can give verbal and written advice on how to comply with the law. However, there are circumstances in which employers have to be ordered to improve the safety and health standards by the issuing of either an Improvement Notice or a Prohibition Notice.

### What is an Improvement Notice?

An Improvement Notice is issued after a Safety and Health Officer observes an activity that poses a risk to the safety of others; or an employer or persons under his control continue to contravene the safety laws. The Improvement Notice will:

- specify the breach of law
- say what needs to be done and why
- give a time period in which to comply.

The Safety and Health Officer will discuss the details of the Improvement Notice before serving it, and try to resolve points of differences.

The Safety & Health Officer will then post the notice on an area near the unsafe activity or any prominent position in the workplace. A copy will also be given to the most senior person in the workplace.

Example of a condition in which an Improvement Notice can be issued:

Cleaning staff are working in an office building after hours, using the stairwell to move between floors. The stair treading is coming off in places, creating a tripping hazard for the cleaners (and others who might use the stairwell). Despite repeated requests from the cleaners' to the the employer and the building manager, the problem has not been fixed. The Labour Department issues an Improvement Notice to their employer and the building manager. The employer then addresses the issue with the building manager for resolution.

The Safety & Health Officer can take further legal action if the Notice is not complied with within the specified time period.

### What is a Prohibition Notice?



Where an activity involves, or will involve a **risk of serious personal injury or endanger health**, the Safety and Health Officer may serve a Prohibition Notice that stops the activity **immediately** until remedial action has been taken.

A Prohibition Notice contains a statement that in the opinion of the Safety and Health Officer that there is a risk of serious personal injury.

A Prohibition Notice only stops the activity or closes a building in order to prevent serious personal injury.

Example of a condition in which a Prohibition Notice can be issued:

A Prohibition Notice was issued to stop employees from working in a 6 foot trench next to a busy highway with 2 feet of soil deposits along the sides of the trench. The work could not recommence until the soil was removed and an access ladder was provided.

### What to do if issued a Prohibition Notice?

If issued a Prohibition Notice the following action should be taken:

- bring the notice to the attention of each person whose work is affected by the notice;
- give a copy of the notice to the relevant workplace health and safety representatives (if any);
- do not carry out any work which is related to the prohibition notice;
- do not tamper, deface or remove the Notice.

After fixing the problem the Labour Department must be contacted and a Safety and Health Officer will come to verify that the matter has been rectified.

The Labour Department will determine if the corrective measures are adequate and that it is safe to resume work.

### Appealing a Notice

If any person who is issued with a Notice disagrees, section 114 of the Act permits appealing the Notice to a magistrate.

Appealing an Improvement Notice suspends the Notice but **only a magistrate can suspend a Prohibition Notice.**

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