

BARBADOS

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION)

CHAPTER 338

ARRANGEMENT OF SECTIONS

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An Act to provide for the notification of accidents and occupational diseases.

Commencement: [1st March, 1952]

Short title.

1. This Act may be cited as the Accidents and Occupational Diseases (Notification) Act.

Interpretation.

2. For the purposes of this Act, the expression

“Chief Labour Officer” includes any person authorised by the Chief Labour Officer in writing to exercise any particular power, or to perform any particular duty or function, of the Chief Labour Officer under this Act;

“employer” includes any manager, attorney and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the worker whilst he is working for that other person;

“Minister” means the Minister responsible for Labour;

“occupational disease” means any disease mentioned in the Third Schedule;

“outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

“worker” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise and whether the contract is expressed or implied, is oral or in writing, but does not include

(a) an outworker;

(b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer’s trade, occupation or business; or

(c) a domestic servant employed in a private house.

Notification of accidents.

3. (1) Where any accident arising out of and in the course of the employment of any worker occurs and

(a) causes loss of life to such worker; or

(b) disables such worker, for more than 3 days, from doing the work at which he was employed at the time of such accident,

written notice of the accident, in the form, and accompanied by the particulars, set out in the First Schedule shall forthwith be sent by the employer to the Chief Labour Officer.

3. (2) Where any accident causing disablement has been notified under this section and, after such notification, the accident results in the death of the

person disabled, notice in writing of the death shall be sent by the employer to the Chief Labour Officer.

3. (2A) Every employer shall keep a book in which he shall record the occurrence of every accident at the work place; and the book shall, at all reasonable times, be kept open for inspection by the Chief Labour Officer.

3. (2B) In respect of the accident mentioned in subsection (2A) the following shall be recorded in the book mentioned in that subsection:

- (a) the name and address of any person injured in the accident;
- (b) the occupation of the person;
- (c) the date and time of the occurrence of the accident;
- (d) the place of the occurrence of the accident;
- (e) the type of machinery involved in the accident; and
- (f) the nature and extent of any injury suffered by any person involved in the accident.

3. (3) Any employer who fails to comply with the requirements of subsection (1), (2), (2A) or (2B) shall be guilty of an offence against this Act.

3. (4) Where any accident to which this section applies occurs to a worker whose services are for the time being temporarily lent or let on hire to another person by the employer, such other person shall, if he fails to report the accident to the employer immediately, be guilty of an offence against this Act and the employer shall not be liable under subsection (3) unless it is established that he knew of the accident.

Power of Minister to extend to dangerous occurrences provisions as to notification of accidents.

4. When the Minister considers that, by reason of the risk of serious bodily injury to workers, it is expedient that notice should be given in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant or other occurrences in places where workers are employed, he may, by regulations extend the provisions of section 3 with such adaptations as may be specified in the regulations to any such class of occurrences, whether death or disablement is caused or not, and may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

Notification of occupational diseases and other diseases.

5. (1) Every registered medical practitioner attending on or called in to visit a patient whom he believes to be suffering from any occupational disease contracted in the course of his employment as a worker shall, unless such a notice has been previously sent, forthwith send addressed to the Chief Labour Officer a notice stating the name and full postal address of the patient and the disease from which, in the opinion of such medical practitioner, the patient is suffering and the name and address of the place at which, and of the employer by whom, he is or was last employed.

5. (2) Any registered medical practitioner who fails to send any notice in accordance with the requirements of this section shall be guilty of an offence against this Act and liable to a fine of ten dollars.

5. (3) Any employer who believes or suspects, or has reasonable grounds for believing or suspecting, that a case of occupational disease has occurred among the workers employed by him shall forthwith send written notice of such case in the form, and accompanied by the particulars, set out in the Second Schedule to the Chief Labour Officer and to the Chief Medical Officer, and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

5. (4) The Minister may, as respects any class or description of place where workers are employed, by regulations, apply the provisions of this section to any disease other than an occupational disease.

Inquest in case of death by accident or occupational disease.

6. (1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless the Chief Labour Officer (or some person authorised on his behalf) is present to watch the proceedings and shall, at least four days before holding the adjourned inquest, send to the Chief Labour Officer notice in writing of the time and place of holding the adjourned inquest :

Provided that the coroner, before the adjournment, may take evidence to identify the body and may order the internment thereof.

6. (2) With respect to any such inquest, the following persons, that is to say -

- (a) the Chief Labour Officer or an officer of the Ministry of Labour nominated by the Chief Labour Officer;

(b) any relative of the person in respect of whose death the inquest is being held;

(c) the employer in whose employment the accident or disease occurred or was contracted;

(d) any person appointed in writing by the majority of the workers employed in the place of employment in which the deceased was employed;

(e) any person appointed in writing by any organisation of workers or other association of persons to which the deceased at the time of his death belonged or to which any worker employed in the said place of employment belongs ;

(f) any association of employers of which the said employer is a member,

shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel or solicitor.

6. (3) Where at any such inquest at which the Chief Labour Officer or an officer of the Ministry of Labour is not present evidence is given of any neglect as having caused or contributed to the accident or disease or of any defect in or about the place of employment appearing to the coroner to require a remedy, the coroner shall send to the Chief Labour Officer notice in writing of the neglect or defect.

6. (4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of the Coroners Act. [Cap. 113.]

Power of Minister to direct formal investigation of accidents and cases of occupational disease.

7. (1) The Minister may, where he considers it expedient so to do, direct a formal investigation to be held into any accident arising out of and in the course of the employment of any worker or case of occupational disease contracted or suspected to have been contracted in the course of the employment of any worker and of its causes and circumstances, with respect to any such investigation the following provisions shall have effect, that is to say-

(a) the Minister may appoint a competent person to hold the investigation and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;

(b) the person or persons so appointed (hereafter in this section referred to as the court) shall hold the investigation in open court in such manner

and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of occupational disease and for enabling the court to make the report in this section mentioned;

(c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction and, in addition, power-

(i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;

(ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes and to require answers or returns to such enquiries as it thinks fit to make;

(iii) to require the production of all books, papers and documents which it considers relevant;

(iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;

(d) persons attending as witnesses before the court shall be allowed such attendance allowances, travelling expenses and fees as would be allowed to witnesses attending in any magistrate's court in its civil jurisdiction;

(e) the court shall make a report to the Minister stating the causes and circumstances of the accident or case of occupational disease and adding any observations which the court thinks right to make;

(f) the court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of occupational disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses properly incurred in the administration of this Act.

7. (2) Any person who, without reasonable excuse (proof whereof shall lie on him), either fails, after having had the detention allowances, travelling expenses and fees (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and shall be liable to a fine of

fifty dollars or imprisonment for one month or to both such penalties, and, in the case of a failure to comply with the requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable to a fine of \$50 for every day on which the failure was so continued.

7. (3) The Minister may cause the report of the court to be made public at such time and in such manner as he thinks fit.

Penalties.

8. (1) Any person guilty of an offence against this Act or any regulations for which no special penalty is provided by this Act shall be liable to a fine of \$500, or imprisonment for 3 months, or to both such penalties.

8. (2) Where an offence against this Act or any regulations thereunder committed by a company or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, president, chairman, manager, secretary or other officer of the company, or other body of persons, he, as well as the company or body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Power of Minister to make regulations.

9. (1) The Minister may make regulations generally for carrying into effect this Act and in particular may by regulations alter the **Third Schedule** by making additions thereto or deletions therefrom or otherwise amending it and the Third Schedule, as thus altered, shall be deemed to have been enacted by and to form part of this Act.

9. (2) Any regulations shall be subject to negative resolution.

Application of Act to Government, etc.

10. Without prejudice to the generality of the application of this Act, it is hereby declared that this Act shall apply in the cases of accidents, occupational diseases, or diseases specified in regulations made under section 5, occurring to persons employed by or under

(a) any department of the Government of Barbados other than members of the Police Force or of Her Majesty's armed forces; or

(b) any department of Her Majesty's Government other than

(i) members of Her Majesty's naval, military or air forces; and

(ii) such persons or classes of persons (not being members of Her Majesty's naval, military or air forces) employed by or under any

department of Her Majesty's Government as may be specified by the Minister by order,

and in such cases the notice to be given under this Act by the employer shall be given by such person as the Head of the department of the Government of Barbados shall by written instructions direct.

Administration of Act.

11. The Chief Labour Officer shall be responsible for the administration of this Act.

FIRST SCHEDULE

(Section 3)

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

Cap, 338

Notice of Accident or Dangerous Occurrence

1. Name of employer

2. Address of works or place where accident or dangerous occurrence happened

3. Nature of industry, occupation or business

4. Branch or department and exactly where accident or dangerous occurrence happened

5. Injured person's

- (a) surname
- (b) other names
- (c) address
- (d) sex
- (e) age last birthday
- (f) precise occupation
(avoid the term "Labourer" where possible)

6. Date and hour of accident or dangerous occurrence

7. Hour at which injured person started work on day of accident.

8. Cause or nature of accident or dangerous occurrence

If caused by machinery

(a) give name of machine and part causing accident

(b) state whether machine was moved by mechanical power at the time of the accident

9. Nature, location and extent of injuries

10. If accident was not fatal, state whether injured person was disabled for more than 3 days from earning full wages at the work at which he was employed at the time of the accident

Date:

Signature of employer.

SECOND SCHEDULE

(Section 5)

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT Cap. 338

Notice of Occupational Disease

(To be sent to the Chief Labour Officer and to the Chief Medical Officer.)

Works

1. Name of employer _____

2. Address of place of employment_____

3. Address of office_____

(if work on the place of employment is only temporary)

4. Nature of industry, occupation, or business _____

Person affected

5. Nature of occupational disease_____

6. (a) Surname _____

(b) Other names

7. Address (Permanent) _____

8. Temporary address (if any)_____

9. Sex and age at last birthday: _____

10. Precise Occupation: _____

(avoid the term "Labourer" where possible)

Date:

Signature of employer.

THIRD SCHEDULE

(Sections 2 and 9)

Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthracosilicosis, asbestosis) and silica-tuberculosis, if silicosis is an essential factor in causing the resultant incapacity or death.

Bronchopulmonary diseases caused by hardmetal dust.

Bronchopulmonary diseases caused by cotton dust (byssinosis) or flax, hemp or sisal dust.

Occupational asthma caused by sensitising agents or irritants both recognised in this regard and inherent in the work process.

Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as may be prescribed under any enactment.

Diseases caused by beryllium or its toxic compounds.

Diseases caused by cadmium or its toxic compounds.

Diseases caused by phosphorus or its toxic compounds.

Diseases caused by chromium or its toxic compounds.

Diseases caused by manganese or its toxic compounds.

Diseases caused by arsenic or its toxic compounds.

Diseases caused by mercury or its toxic compounds.

Diseases caused by lead or its toxic compounds.

Diseases caused by fluorine or its toxic compounds.

Diseases caused by carbon disulfide.

Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.

Diseases caused by benzene or its toxic homologues.

Diseases caused by toxic nitro- and amino-derivatives of benzene or its homologues.

Diseases caused by nitroglycerin or other nitric acid esters.

Diseases caused by alcohols, glycols or ketones.

Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.

Hearing impairment caused by noise.

Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).

Diseases caused by work in compressed air.

Diseases caused by ionising radiations.

Skin diseases caused by physical, chemical or biological agents not included under other items.

Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.

Lung cancer or mesotheliomas caused by asbestos.

Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.

Baggassosis.