SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 27th September, 2012

1. The Senate met at 10:09 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 26th September, 2012 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcements:**

(a) ***Notice of Meeting:***
The Senate President read a letter from Senator Ike Ekweremadu (*Enugu West*) as follows:

THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on the Review of the 1999 Constitution
National Assembly

27th September, 2012

His Excellency
The Senate President
Senate Chamber
National Assembly Complex
Abuja

My dear brother,

ANNOUNCEMENT

The Senate Committee on the Review of the 1999 Constitution will meet today Thursday, 27th September 2012, at 2:00pm at Conference Meeting Room 231, Senate Building (New Wing).

(Signed)
Senator Ike Ekweremadu
DSP/Chairman

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(b) ***Acknowledgment:***
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:
(*i*) Association of Plateau State Corps Members, Abuja Chapter; and

(*ii*) Members of the Students' Parliament, Capital Science Academy, Kuje, Abuja.

4. Motion:
Congratulations to Nigeria and Nigerians on her 52nd Independence Anniversary:

Consideration of Motion deferred to another Legislative Day.

5. Joint Committee on Banking, Insurance and Other Financial Institutions; and Judiciary, Human Rights and Legal Matters:
Report on the Central Bank of Nigeria Act, Cap, C4 LFN, 2007 (Amendment) Bill 2012 (SB. 75):

Consideration of Report deferred to another Legislative Day.

6. Joint Committee on Employment, Labour and Productivity; Health; and Establishment and Public Services:
Report on the Occupational Safety and Health Bill 2012 (SB. 04):
Motion made: That the Senate do consider the Report of the Joint Committee on Employment, Labour and Productivity; Health; and Establishment and Public Services, on the Occupational Safety and Health Bill 2012 (*Senator Wilson Ake — Rivers West*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT OF THE JOINT COMMITTEE ON EMPLOYMENT, LABOUR AND PRODUCTIVITY; HEALTH; AND ESTABLISHMENT AND PUBLIC SERVICE, ON A BILL FOR AN ACT TO MAKE COMPREHENSIVE PROVISIONS FOR SECURING THE SAFETY, HEALTH AND WELFARE OF PERSONS AT WORK, FOR PROTECTING OTHERS AGAINST RISKS TO SAFETY AND HEALTH IN CONNECTION WITH ACTIVITIES OF PERSONS AT WORK, TO ESTABLISH THE NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH AND FOR RELATED MATTERS, 2012.

PART 1: PRELIMINARY PROVISIONS

Clause 1: The Occupational Safety and Health Bill, 2012 is applicable to all workplaces in Nigeria, formal and informal sectors.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 1 *do stand part of the Bill, put and agreed to.*

Clause 2: **Objectives and Basic Principles.**
The underlining principles of this Bill shall include to—

Amendment Proposed:
Leave out the word "include" and *insert* the word "be" instead thereof (*Senator Umaru Dahiru — Sokoto South).*

Question that the amendment be made, put and agreed to.

(*a*) promote safe and healthy work environment for employees and protect them from injury and illness at the workplaces;

(*b*) to make provisions for protecting others against risks to safety or health in connection with activities of persons at work;

(*c*) to provide preventive mechanisms and measures for occupational safety and health with greater emphasis on the prevention of injury or accidents and the elimination of hazards at workplaces;

(*d*) to ensure the provisions of Occupational Safety and Health Services to workers in all sectors of economic activity;

(*e*) develop consultative arrangements between employers and employees on the safety, health and welfare of employees at the workplaces;

(*f*) achieve constant improvement of the well-being of employees at the workplace;

(*g*) develop and promote public awareness and enlightenment on the measures to prevent accidents and injuries at the workplace;

(*h*) provide a legal basis for a national policy on occupational safety and health;

(*i*) provide a legal framework consisting of higher standards of occupational safety and health that shall take account of changes in technology and work practices; and

(*j*) provide regulatory framework for compliance with safety and health standards by employers, their agents and employees at workplaces (*Senator Wilson Ake — Rivers West*).

Question that Clause 2 as amended do stand part of the Bill, put and agreed to.

Clause 3: Scope and Application.
The provisions of this Bill shall apply to all workplaces, employees and employers except those whose occupational safety and health conditions are governed by specific international agreements or diplomatic conventions.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: **Register of Workplace.**

The Council established under section 5 of This Bill shall keep a register of workplaces in which it shall cause to be entered such particulars in relation to every workplace required to be registered under this Bill as the council may consider necessary or desirable.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 4 *do stand part of the Bill, put and agreed to.*

Clause 5: **Registration of workplace.**

(1) As from the commencement of this Bill, every employer shall apply to the Council for registration of the workplace in such form and upon payment of such fees as the Council may from time to time determine.

(2) The Council may, if satisfied that the premises are suitable for use as workplace of the nature in the application cause the workplace to be registered and shall issue to the applicant a certificate of registration.

(3) Any workplace that is registered under this Bill shall be subject to renewal every two years in such form and upon payment of such fees as the Council may from time to time determine.

(4) Any employer who fails to register a workplace shall be liable to administrative penalty of an amount equal to 5 times of the registration fees for the first case of non-compliance or any amount equal to Ten times of the registration for every subsequent case of non-compliance and or addition, the Council may seal up the workplace.

(5) For the purposes of this section, a workplace shall not include residential premises where no commercial, professional or business activity is carried on.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 5 *do stand part of the Bill, put and agreed to.*

Clause 6: **Establishment of the National Council for Occupational Safety and Health.**

(1) There is hereby established a body to be known as the National Council for Occupational Safety and Health (in this Bill referred to as the "the Council").

(2) The Council—

(*a*) shall be a body corporate with perpetual succession and a common seal; and

(*b*) may sue or be sued in its corporate name.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 6 *do stand part of the Bill, put and agreed to.*

Clause 7: Establishment and Composition of the Governing Board of the Council.

(1) There is hereby established for the Council a Governing Board (in this Bill referred to as "the Board") which shall consist of—

(*a*) a part-time Chairman;

(*b*) a part-time representative each of—

(*i*) the Federal Ministry Employment, Labour and Productivity

(*ii*) the Federal Ministry of Environment

(*iii*) the Federal Ministry of Health

(*iv*) the Federal Ministry of Agriculture and Rural Development

(*v*) the Federal Ministry of Solid Minerals Development

(*vi*) the Federal Ministry of Petroleum Resources

(*vii*) the Federal Ministry of Power and Steel

(*viii*) the Federal Ministry of Transport

(*ix*) the Federal Ministry of Works

(*c*) six part-time representatives of State Governments, one each to be appointed from each geo-political zone in Nigeria on rotation basis for a term of four years at a time;

(*d*) two part-time representatives of the most relevant employers' associations one of whom Shall be a woman;

(*e*) one part-time representative each of —

(*i*) the Society of Occupational Health Physicians of Nigeria

(*ii*) the Nigerian Institute of Safety Professionals

(*iii*) the Nigerian Occupational Hygiene Association and

(*iv*) the Nigerian Bar Association.

(*v*) Nigerian Union of Journalists (NUJ)

(*vi*) Civil Society groups

(*f*) The Executive Secretary of the Council

(2) The Chairman of the Board shall be—

(*a*) appointed by the President on the recommendation of the Minister. The members of the Board shall each be appointed by the President on the recommendation of the Minister after consultation with the relevant interest group they represent.

(*b*) a person of proven integrity who possesses cognate experience in occupational safety and health or related matters; and

(3) The supplementary provision set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: **Tenure of office.**

The Chairman and members of Board other than the ex-officio members and those mentioned in Section 6(1)(b) and (c) of this Bill shall each hold office—

(*a*) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and

(*b*) on such terms and conditions as may be specified in the letter of appointment.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: **Cessation of Office.**

(1) Notwithstanding the provisions of Section 7 of this Bill, a member of the Board shall cease to hold office as a member of the Board, if —

(*a*) he resigns his appointment as a member of the Board by notice under his hand addressed to the President; or

(*b*) he becomes of unsound mind; or

(*c*) he becomes bankrupt or makes a compromise with his creditors; or

(*d*) he is convicted of a felony or any offence involving dishonesty or corruption;

(*e*) he becomes incapable of carrying on the functions of his office either arising from an infirmity of mind or body; or

(*f*) the President is satisfied that it is not in the interest of the Council or of the public for the person to continue in office and the President removes him from office.

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor however that the successor shall represent the same interest as his predecessor.

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 9 *do stand part of the Bill, put and agreed to.*

Clause 10: Emoluments and Allowances of Members, etc.
The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Federal Government may from time to time determine.

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 10 *do stand part of the Bill, put and agreed to.*

Clause 11: Functions of the Board.
The Board shall—

(*a*) formulate national policies and approve strategies on occupational safety and health of workers in Nigeria;

(*b*) designate, establish and approve quality specifications in respect of safety of workplace necessary for their certification;

(*c*) establish the relevant guidelines and measures for optimum safety and health of workers and workplaces in conformity with the Council's standard specifications;

(*d*) appoint, promote and discipline staff necessary for the proper discharge of the functions of the Council;

(*e*) establish Committees as may be expedient which shall be charged with specific functions as delegated by the Board;

(*f*) establish appropriate programmes for the regulations of optimum workplace safety and occupational health and safety of workers in the work environment;

(*g*) encourage and promote activities related to this process, standard specification on the safety of workplaces and guidelines for implementing them;

(*h*) utilize and promote the expansion of research, surveys and studies by public or private agencies, institutions and organizations concerning the quality, and safety of other matters related to this Bill as the Council may, from time to time, determine as necessary or useful;

(*i*) establish, encourage and promote training programmes for the employees of the Council and other appropriate persons from public or private organizations;

(*j*) open and operate ordinary and domiciliary accounts for the Council in recognized banking institutions in Nigeria;

(*k*) subject to section 14 of this Bill, specify the management system of the Council, including financial approval ceilings for officers of the Council;

(*l*) review from time to time the occupational strategies and measures being implemented by the Council; and

(*m*) perform such other functions as may be expedient or necessary from time to time for the achievement of the objectives of this Bill and the efficient performance of the functions of the Council under this Bill.

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 11 *do stand part of the Bill, put and agreed to.*

Clause 12: Functions of the Council.
The Council shall —

(*a*) act as a regulatory agency by setting and issuing occupational safety and health standards including occupational exposure limits for chemical substances, physical and biological agents and other technical standards for workplaces;

(*b*) enforce compliance with the set occupational safety and health standards at the workplace in accordance with the provisions of this Bill;

(*c*) promote best practices in occupational safety and health for the protection of lives, safety and health of employees at work places;

(*d*) carry out inspection and monitor compliance with occupational safety and health measures prescribed under this Bill; and regulations made there-under and any other enactment or law;

(*e*) promote public awareness on occupational safety and health measures to be undertaken by employers and employees;

(*f*) develop and put in place emergency preparedness and response plan for the curtailment of major hazards and disasters;

(*g*) in collaboration with appropriate academic research institutions or professional bodies, promote training and capacity building on matters relating to occupational safety and health;

(*h*) promote the teaching of occupational safety and health in primary, secondary and tertiary institutions in Nigeria;

(*i*) in collaboration with relevant agencies and bodies, formulate and periodically review occupational safety and health policies, strategies and action plans;

(*j*) maintain liaison with relevant national, international institutions playing roles in occupational health and safety of workers;

(*k*) publish annually information or measures taken in pursuance of promoting and enforcing occupational safety and health of workers, occupational accidents, occupational diseases and other injuries to health which arose in the period at the workplace ;

(*l*) establish a National Information Management System (NIMS) on occupational accidents, injuries and diseases so as to provide a databank linked with the National Health Information Systems (NHIS);

(*m*) hold enquiries where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;

(*n*) establish and apply procedures for notification of occupational accidents and diseases by employers and, when appropriate, insurance institutions and others directly concerned and the production of annual statistics on occupational accidents and diseases.

(*o*) review from time to time, the safety of technical equipment used at work, application of procedures as defined by the body; issuance of regulations and codes of practice on occupational safety and health, the legislation and regulations concerning occupational safety and health in conformity with experiences and advances in science and technology;

(*p*) determine work processes and substances and agents, the exposure to which is to be prohibited, limited or made subject to authorization or control by the competent regulatory authority

(*q*) perform such other duties which in its opinion are required for the effective implementation of its functions under This Bill.

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 12 *do stand part of the Bill, put and agreed to.*

Clause 13: Powers of Council.
The Council shall have the power to—

(*a*) carry out inspection of all workplaces covered by the provisions of this Bill;

(*b*) prohibit or restrict on the grounds of occupational safety and health, the use of certain hazardous chemicals, equipments and materials;

(*c*) require advance notification and authorization before hazardous chemicals are used in the workplace and to determine the siting of any major hazard installation;

(*d*) acquire, hold and dispose of any property whether movable or immovable, and

(*e*) do anything in respect of any matter as may be specifically conferred upon it under this Bill or any other enactment or law.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 13 *do stand part of the Bill, put and agreed to.*

PART III: MANAGEMENT AND STAFF OF THE COUNCIL

Clause 14: Executive Secretary and other Staff of the Council.

(1) There shall be for the Council an Executive Secretary who shall—

(*a*) be appointed by the President on the recommendation of the Minister;

(*b*) be knowledgeable and experienced in occupational safety and health;

(*c*) be the Chief Executive and Accounting Officer of the Council;

(*d*) be responsible for the day-to-day administration of the affairs of the Council;

(*e*) make recommendations to the Board on compliance levels of employers in respective industries or sectors and the attendant appropriate administrative sanctions prescribed under This Bill; and

(*f*) perform such other duties as may be assigned to him by the Board.

(2) The Executive Secretary shall hold office —

(*a*) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and

(*b*) on such terms and conditions as may be contained in his letter of appointment.

(3) The Board may appoint for the Council, occupational safety and health officers or other inspectors and such other categories of staff of whatever title as the Council may deem necessary for the efficient performance of the functions of the Council under This Bill.

(4) Any inspector to be appointed under this section may be a labour officer in line with International Labour Organization Convention, 1947 (No. 81) who shall have such qualifications necessary and appropriate for the performance of his/her duties under This Bill as the Council may from time to time determine, provided that persons with specialized expertise necessary for the conduct of inspections in special areas may from time to time be engaged.

(5) The Council shall train and re-train any inspector appointed under this section and shall provide such inspector with appropriate tools and facilities for the proper performance of his duties under this Bill.

(6) Notwithstanding the provisions of sub-section (3) of this section, the Council may in writing authorize any expert in occupational safety and health to carry out any of its functions under this Bill.

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 14 *do stand part of the Bill, put and agreed to.*

Clause 15: Salaries and allowances of staff.

The officers and staff of the Council shall be paid such salary; emolument and allowances as may be approved from time to time by the Board.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 15 *do stand part of the Bill, put and agreed to.*

Clause 16: Staff regulations.

(1) Subject to the provisions of This Bill, the Council may make staff regulations relating generally to the conditions of service of the staff and in particular, such regulations may provide for—

(*a*) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Council; and

(*b*) appeals by staff or employees against dismissal or other disciplinary measures, and until such regulations are made any instrument relating to conditions of service in the public service of the Federation shall be applicable with such modifications as may be necessary to the employees of the Council.

(2) The staff regulations made under sub-section (1) of this section shall not have effect until approved by the Board and when so approved they need not be published in the Federal Gazette but the Council shall cause a notice of the staff regulations to be issued to all affected staff in such manner as the Council may from time to time determine.

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 16 *do stand part of the Bill, put and agreed to.*

Clause 17: Pensions.

The terms and conditions of service of employment in the Council shall be subject to the provisions of the Pension Reform Act and accordingly officers and employees of the Council shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act,2004.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 17 *do stand part of the Bill, put and agreed to.*

PART IV: FINANCIAL PROVISIONS

Clause 18: Funds of the Council.

The Council shall establish and maintain a fund into which shall be credited—

(*a*) annual subventions from the Federal Government and grants from the State Governments;

(*b*) fees charged by the Council pursuant to its functions under this Bill or any other enactment or law;

(*c*) all sums accruing to the Council by way of gifts, endowments, bequests or other voluntary contributions by persons and organizations;

(*d*) grant-in-aid from any national or international organization; and

(*e*) any other monies that may accrue to the Council from any other source(*Senator Wilson Ake — Rivers West*).

Amendment Proposed:

Leave out the provision in Clause 18(e) (*Senator Abdul A. Ningi — Bauchi Central*).

Question that the amendment be made, put and agreed to.

Question that Clause 18 *as amended do stand part of the Bill, put and agreed to.*

Clause 19: Expenditure of the Council.

The Council may from time to time apply the proceeds of the fund established under section 18 of this Bill—

(*a*) to the cost of administration of the Council;

(*b*) to the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board and for such expenses as may be expressly authorized by the Board.

(*c*) to the payment of the salaries, fees or other remuneration or allowances and pensions and other benefits payable to the staff and other employees of the Council;

(*d*) for the development and maintenance of any property vested in or owned by the Council;

(*e*) for maintaining general financial reserves subject to general or special directive that may be given on behalf of the President in accordance with the provisions of this Bill; and

(*f*) for and in connection with all or any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 19 *do stand part of the Bill, put and agreed to.*

Clause 20: **Estimates.**
The Council shall cause to be prepared and presented to the National Assembly not later than 30th day of September in each year an estimate of its income and expenditure for the succeeding year.

Committee's Recommendation:
That the provision in Clause 20 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 20 *do stand part of the Bill, put and agreed to.*

Clause 21: **Accounts and audit.**
The Council shall cause to be kept proper accounts and records, and such account shall not be later than 6 months after the end of each year be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:
That the provision in Clause 21 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 21 *do stand part of the Bill, put and agreed to.*

Clause 22: **Annual reports, etc.**
The Council shall, not later than 30th September in each year submit to the President and the National Assembly a report of its activities during the preceding year and shall include in such report the audited accounts of the Council (*Senator Wilson Ake — Rivers West*).

Amendment Proposed:
Leave out Words "and the National Assembly" (*Senator Ahmad I. Lawan — Yobe North).*

Question that the amendment be made, put and agreed to.

Question that Clause 22 *as amended do stand part of the Bill, put and agreed to.*

Clause 23: **Powers to accept Gift.**
(1) The Council may accept gifts of land, money or other property on such terms and conditions if any as may be specified by the person or organization making the gift.

(2) The Agency shall not accept any gift if the conditions attached thereto are inconsistent with the functions of the Council.

Committee's Recommendation:
That the provision in Clause 23 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 23 *do stand part of the Bill, put and agreed to.*

Clause 24: **Powers to borrow.**
The Council may with the approval of the President borrow by way of loan, overdraft or otherwise from any source such sum as it may require for the performance of its functions and meeting it so obligations under this Bill (*Senator Wilson Ake — Rivers West*).

Amendment Proposed:
Leave out Words "and meeting it so" and *insert* the words "in order to meet its" instead thereof *(Senator Umaru Dahiru — Sokoto South).*

Question that the amendment be made, put and agreed to.

Question that Clause 24 *as amended do stand part of the Bill, put and agreed to.*

Clause 25: Exemptions from tax.

(1) The Council shall be exempted from the payment of income tax;

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Council or the Board.

Committee's Recommendation:
That the provision in Clause 25 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 25 *do stand part of the Bill, put and agreed to.*

PART V:GENERAL OBLIGATIONS OF EMPLOYERS, EMPLOYEES AND OTHER PERSONS

Clause 26: Workplace safety and health committees.

(1) Every employer who at any time has more than 10 employees in any workplace shall establish an occupational safety and health committee of not less than 3 members (in this Bill referred to "safety and health committee") and as the Council may by regulations prescribe from time to time.

(2) Unless as otherwise required by any regulations or by an order of an inspector, a safety and health committee shall inspect the physical condition of the workplace at least once in 3 months and submit the report of its findings to the employer who shall forward a copy each of such report to the Council and the social partners.

(3) A safety and health committee shall have power to identify situations that may be a source of danger or hazard to employees and make recommendations or report its findings thereon to the employer, the employees and the trade union or trade unions representing the employees.

(4) The employer and employees shall provide a safety and health committee with such information and assistance as the members may require for the purposes of carrying out an inspection of the workplace.

(5) A safety and health committee shall have power to—

(*a*) request and obtain information from the employer concerning the conducting or taking of tests of any equipment, machine, device, article, material, chemical, physical agent or biological agent in or about a workplace for the purpose of occupational safety and health;

(*b*) request that it be consulted and be present when any test referred to in paragraph (a) of this sub-section is being conducted in or about the workplace; and

(*c*) obtain information from the employer in respect of —

(*i*) the identification of potential or existing hazards of materials, processes or equipment; and

(*ii*) safety and health experience and work practices and standards in similar or other industries of which the employer has knowledge. (6) An employer who receives written recommendations from a safety and health committee shall respond in writing within 14 days of the receipt of such recommendations.

(6) An employer who receives written recommendations from a safety and health committee shall respond in writing within 14 days of the receipt of such recommendations.

(7) A response of an employer pursuant to sub-section (6) of this section shall contain a time table for implementing any of the recommendations the employer agrees with and the employer shall give reasons for rejection of any of the recommendations.

(8) In the event of any death or serious injury at a workplace from any cause, the safety and health committee shall, subject to This Bill, immediately investigate the incident, enter its findings in its book and report the incident in writing to the employer, the Council, the appropriate trade union and the police.

(9) Any member of the safety and health committee is entitled to take such time from work as it reasonably necessary to carry out the duties or functions conferred on the safety and health committee under this Bill and the time spent shall be deemed to be work time for which such members shall be paid by the employer.

(10) Any safety and health committee appointed or selected under the provisions of a collective agreement or other agreement or arrangement between the employer and the employees shall in addition to his or her functions and powers under the provisions of such collective agreement, other agreement or arrangement, carry out the functions and exercise the powers conferred upon a safety and health committee under this Bill.

(11) Every safety and health committee shall maintain and keep a record of the exercise of its functions and powers pursuant to This Bill and shall make such records available for examination by an inspector or any authorized officer of the Council.

(12) Whenever two or more employers engage in activities simultaneously in a workplace, they shall collaborate in applying the provisions regarding occupational safety and health and the working environment and without prejudice to the responsibility of each employer for the safety and health of his or her employees.

(13) For the purposes of this section, an employer shall include a ministry, agency or department of Government.

Committee's Recommendation:
That the provision in Clause 26 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Safety and health representative.

(1) Where the number of employees is less than 10, the employer shall cause the employees to select at least one safety and health representative from among the employees in the workplace who do not exercise management functions.

(2) If no safety and health representative is required under sub-section (1) of this section and no committee is required under section 27 of this Bill for a workplace, the Council may issue an order in writing requiring an employer to cause the employees to select one or more safety and health representatives from among the employees who do not exercise managerial functions at the workplace or part thereof and the Council may provide in the order for the qualifications of such representatives.

(3) Every order made under sub-section (2) of this section may contain directions as the Council considers necessary with respect to the carrying out of the functions of a safety and health representative.

(4) In exercising the power conferred on it by sub-section (2) of this section, the Council shall consider the matters set out in sub-section (7) of section 25 of this Bill.

(5) The selection of safety and health representative shall be made by those employees who do not exercise managerial functions and who will be represented by the safety and health representative in the workplace or the part or parts thereof as the case may be.

(6) Where there is a trade union or trade unions representing the category of employees referred to in sub-section (5) of this section, the selection of a safety and health representative may be delegated by a majority of such employees to the trade union or trade unions.

(7) Unless otherwise required by the regulations or by an order or by the inspector, a safety and health representative shall inspect the physical condition of the workplace at least once in 3 months and submit the report of the findings to the employer who shall forward a copy of the report to the Council and the social partners.

(8) A safety and health representative shall have power to identify situations that may be a source of danger or hazard to employees and to make recommendations or report his or her findings thereon to the employer, the employees and the trade union or trade unions representing the employees.

(9) The inspection required by sub-section (7) of this section shall be undertaken in accordance with a schedule agreed upon by the employer and safety and health representative.

(10) The employer and employees shall provide a safety and health representative with such information and assistance as the representative may require for the purpose of carrying out an inspection of the workplace.

(11) A safety and health representative shall have power to —

(*a*) obtain information from the employer concerning the conducting or taking of tests of any equipment, machine, device, article, material, chemical, physical agent or biological agent in or about a workplace for the purpose of occupational safety and health.

(*b*) Be consulted about and be present at the beginning of testing referred to in paragraph (a) of this sub-section conducted in or about the workplace if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid; and ensure that the test results are valid; and

(*c*) Obtain information from the employer relating to—

(*i*) the identification of potential or existing hazards of material processes or Equipment and

(*ii*) safety and health experience and work practices and standards in similar or other industries of which the employer has knowledge.

(12) An employer who received written recommendation from a safety and health representative shall respond in writing within 14 days.

(13) A response of an employer under sub-section (12) of this section shall contain a time table for implementing the recommendations the employer agrees with. The employer shall give reasons for the rejection of any recommendations.

(14) In the event of any death or critical injury at a workplace from any cause the safety and health representative may subject to this Bill inspect the place where the accident occurred and any machine device or article and shall report his or her findings in writing to the employers, Council, trade union and police.

(15) A safety and health representative is entitled to make such time from work as is necessary to carry out his or her duties under sub-section (7) (8) and (14) of this section and section 27 of this Bill and the time so spent shall be deemed to be work time for which the representative shall be paid by the employer at the representative's regular or premium rate as may be proper.

(16) A safety and health representative or representatives of the like nature appointed or selected under the provisions of a collective agreement or other agreement or arrangement between employer and the workers has in addition to his or her functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a safety and health representative by this section.

(17) A safety and health representative shall maintain and keep a record of exercise of his or her functions and powers conferred upon him or her by this section and shall make the same available for examination by an inspector.

Committee's Recommendation:
That the provision in Clause 27 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Role of safety and health committee or representative in workplace hygiene, etc.

(1) The safety and health committee or representative shall ensure that the employer provides and properly maintains sanitary conveniences and other welfare facilities at the workplace;

(2) The employer at a workplace shall consult the safety and health committee or representative with respect to proposed strategies for the provision and maintenance of hygienic conditions at the workplace.

Committee's Recommendation:
That the provision in Clause 28 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: General obligation of the employer.

Without prejudice to any other obligations or duty conferred on an employer under this Bill, any regulations made thereunder or any other enactment or law an employer shall have the general obligation or duty to ensure the safety and health of all employees at workplace and in carrying out any obligation under this Bill, the employer shall—

(*a*) ensure that any premises controlled by the employer where the employees work are safe without risks to life and health;

(*b*) ensure that any plant, equipment, instrument, machinery or substance provided for use by the employees at the workplace is safe and when properly used shall not expose the employee to risks of injury to health or any other risks;

(*c*) ensure that systems or tools of work at the workplace and the working environment are safe and without risks to health;

(*d*) ensure that the equipment, materials and the prescribed protective devices and clothing are provided at no cost to employees and used in accordance with the provisions of this Bill, any regulations made thereunder or any other enactment or law;

(*e*) ensure that the equipment, materials and protective devices and clothing provided by the employer are suitable, adequate and maintained in good condition;

(*f*) ensure the safety and health measures and procedures prescribed under this Bill, any regulations made thereunder or any other enactment or law are carried out and complied with at the workplace;

(*g*) ensure that the floor, wall, pillar, roof of any other part of a workplace is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond its prescribed safe working load or established under any enactment or law;

(*h*) provide information, instruction, supervision and training to an employee to ensure the safety and protect the health of the employees;

(*i*) in a medical emergency for the purposes of diagnosis or treatment, provide upon request information in the possession of the employer including confidential business information to a legally qualified medical practitioner and to such other persons as may be prescribed.

(*j*) ensure that employees performing supervisory functions have the capacity and are equipped to supervise safety and health conditions at the workplace especially in factories, agricultural farms, construction sites, mines and such other high risk workplaces;

(*k*) acquaint employees or any person in authority over an employee with any hazard in the workplace and in handling storage, use disposal and transport of any article device equipment, chemical, physical or biological agent;

(*l*) assist and cooperate with any safety and health committee or its representative to carry out any of their functions

(*m*) provide training for members of the safety and health committee or the safety and health representative in occupational safety and health as the Council may from time to time prescribe;

(*n*) in consultation with the safety and health committee formulate and periodically review a corporate policy on occupational safety and health and design strategies for the implementation of such policy;

(*o*) provide adequate sanitary facilities and other conveniences for the workplace in accordance with such standards as may be prescribed under or pursuant to this Bill or any other enactment or law;

(*p*) provide adequate water for use in the workplace;

(*q*) maintain standard levels of ventilation, lighting, temperature, humidity, sound and vibration in the workplace in accordance with such standards as may be prescribed under or pursuant to this Bill or any other enactment or law;

(*r*) ensure in the prescribed manner, that the employees have safe entry into, exits from and occupancy of the workplace including emergency exits and evacuation measures;

(*s*) provide adequate First Aid facilities

(*t*) take adequate measures to prevent exposure of employees to special risks to health such as bacteria and viruses at the workplace and ensure the protection of the employees from such risks;

(*u*) ensure that no measures prejudicial to a worker should be taken by reference to the fact that, in good faith, he complained of what is considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment;

(*v*) take such safety and health measures as may be prescribed from time to time by the Council.

Committee's Recommendation:
That the provision in Clause 29 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 29 *do stand part of the Bill, put and agreed to.*

Clause 30: Duties of employers in relation to environmental monitoring of the workplace, health surveillance and training.

(1) In addition to the general obligations of the employers under section 28 of this Bill and in relation to occupational health, exposure and training an employer shall —

(*a*) in every workplace where employees are exposed to biological chemical or physical agents or hazards carry out monitoring in accordance with best practices in occupational hygiene and health standards through environmental monitoring assessment and health surveillance;

(*b*) keep accurate records of any monitoring carried out under paragraph (a) of this sub-section and submit annually occupational safety and health audit report to the Council;

(*c*) keep and maintain record of the handling, storage, use and disposal of chemical, physical or biological agents or chemical wastes in such manner as the Council may order published in the Federal Gazette from time to time;

(*d*) establish and maintain an occupational health service including first aid facilities for employees in the workplace in such manner as the Council may in consultation with the relevant health agency or body;

(*e*) keep and maintain accurate records of the exposure of every employee to chemical, physical or biological agents and make such records available to the employee or the employee's representative;

(*f*) verify the effectiveness of applicable standards on occupational safety and health; periodically using safety audits, environmental monitoring and health screening of workers and keep records of such verification including records of all notifiable occupational accidents, injuries and occupational diseases, records of authorizations and exemptions and data concerning exposure to specialized substances, agents and work processes;

(*g*) provide compensation for work-related disabilities and rehabilitation of such workers as prescribed by the Employee Compensation Act, 2010;

(*h*) comply with any regulations or standards limiting the exposure of employees to chemical, physical or biological agents including the Nigeria Basic Ionizing Radiation Regulations 2003; and

(*i*) take measures to protect the privacy of employees and ensure that the medical surveillance is not used by the employer or employees for discriminatory purposes in a workplace.

(*j*) Notify the Council in writing within seven (7) days of its occurrence, occupational poisoning and diseases that manifest in his workers and accidents that occur in his workplace

(2) Every employer shall carry out training and capacity building programmes for employees on matters relating to occupational safety and health of the employees at regular intervals and submit annual reports on such training and capacity building to the Council;

(3) The provisions of this Bill as it relates to the duties of employers and self-employed persons shall also apply mutatis mutandis to occupiers of a place of work and persons other than employees provided he/she retains the legal and equitable rights to make use of or come in contact with the work environment, instruments, machinery, plants, chemicals, place of work, etc.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 30 *do stand part of the Bill, put and agreed to.*

Clause 31: Duties of employers in relation to pregnant and nursing employees.

(1) An employer shall after being notified by a female employee that she is pregnant, adapt the working conditions of the female employee in such manner as to prevent occupational exposure so as to ensure that the embryo or the foetus is afforded the same broad level of protection as required for members of the public and the employer shall not consider the notification of pregnancy as a reason to exclude the female employee from work.

(2) An employer in any workplace where there is ionizing radiation shall—

(*a*) Ensure that any female employee that is pregnant or nursing a baby is not exposed to ionizing radiation; and

(*b*) Provide protective clothing and put in place measures to protect any female employee that is pregnant or nursing a baby from ionizing radiation in accordance with the Nigeria Basic Ionizing Radiation Regulations 2003 or other enactment or law for the time being in force.

(3) Any female employee that is pregnant or nursing a baby may, give notice to the employer of her intention to temporarily cease to perform her job, if she reasonably believes that by reason of the pregnancy or nursing a baby continuing any of her current jobs or functions might pose a risk to her health or the foetus or the child.

(4) Upon the receipt of the notice mentioned in sub-section (3) of this section, the employer shall with the consent of the workplace safety and health committee or if there is no such committee, the safety and health representative arrange for the employee to consult a registered medical practitioner of her choice to establish whether continuing her current job or function might pose risk to the health of the female employee or the foetus or the child.

(5) Without prejudice to any other right conferred by an collective agreement, this Bill or any other enactment or law relating to terms and conditions of employment, once a registered medical practitioner has established under sub-section (4) of this section that there is no risk to the health of the female employee, the foetus or the child, the female employee shall not cease to perform her job or duty on the ground of pregnancy or nursing a baby.

(6) Where a female employee ceases to perform her job pursuant to sub-section (2) of this section, the employer shall in consultation with the female employee concerned, reassign her to another job that would not pose risk to her health, the foetus or the child.

(7) The female employee shall whether or not she has been assigned to another job be deemed to have continued to hold office and perform her job or functions and shall continue to receive the remuneration and benefits that are attached to that job for the period during which she did not perform the job.

Committee's Recommendation:
That the provision in Clause 31 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 31 *do stand part of the Bill, put and agreed to.*

Clause 32: **Prevention of fire in a workplace.**

(1) In every workplace, there shall be correctly installed in appropriate places effective means of detecting fire and such means shall be provided and maintained so as to be readily accessible in the case of a manual device for alerting occupants therein of the occurrence of a fire and for extinguishing same which means shall be adequate suitable and approved by the Council having regard to the circumstances of each workplace.

(2) All stocks of highly flammable substances shall be kept either in a fire-resting store or in a safe place outside any building except that no such store shall be so situated as to endanger the means of escape from a workshop or from any part thereof in the event of a fire occurring in the store.

(3) All employer in respect of a workplace shall ensure that persons employed in the factory are adequately trained to enable them operate the extinguishing apparatus provided in such workplace.

(4) The Council may impose such conditions as it may determine in connection with—

(*a*) Any store or place used for the storage of highly flammable substance; and

(*b*) The training of persons employed in the workplace in the operation of any extinguishing apparatus in the workplace.

(5) The Council shall in imposing such conditions mentioned in sub-section (4) of this section, have regard to the provisions of the Fire Service Act.

Committee's Recommendation:
That the provision in Clause 32 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 32 *do stand part of the Bill, put and agreed to.*

Clause 33: **Safety provisions in case of fire.**

(1) Every workplace shall be provided with adequate means of escape in case of fire for the persons employed therein having regard to the circumstances of each case.

(2) All such means of escape mentioned in sub-section (1) of this section shall be properly maintained and kept free from obstruction.

(3) The contents of any room in which persons are employed shall be so arranged or exposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

(4) While any person is within a workplace for the purpose of employment or meals, the doors of the workplace and of any room therein in which the person is and any door which affords a means of exit for persons employed in the workplace from any building or from any enclosure in which the workplace is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(5) All doors affording a means of exit from a workplace for the persons therein shall except in the case of sliding doors open outwards.

(6) Every hoistway or liftway inside a building shall subject to this sub-section be completely enclosed with fire-resistant materials except that any such hoistway or liftway shall be enclosed at the top only by some material easily broken in case of fire or be provided with a vent at the top.

(7) Every window, door or exit affording means of escape in case of fire or giving access thereto other than the means of exit in ordinary use shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size and all such notice shall be in such form and in English and in such Nigerian languages as an inspector may direct.

(8) In every workplace, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and the routine to be followed in case of fire through periodic fire drills.

Committee's Recommendation:
That the provision in Clause 33 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 33 *do stand part of the Bill, put and agreed to.*

Clause 34: Ergonomics at the workplace.

(1) Every employer shall ensure that machinery, equipment, personal protective equipment, or hand tool used in his workplace complies with the prescribed safety and health standards and is appropriately installed, maintained and safeguarded.

(2) Every employer shall provide and maintain suitable and comfortable seats for the employee—

(*a*) Whose work is carried out while sitting so as to avoid any adverse effect on their health as a result of long hours of sitting on unsuitable seats in the workplace;

(*b*) Whose work is carried out while standing so as to enable them to take advantage of rest period which may occur during the work hours;

(3) Every employer shall take necessary steps or measures to ensure workstations, equipment and work tasks are adapted to fit the employee and the ability of the employee including protection against physical or mental strain especially workers who have disabilities.

(4) No employer shall require or permit the employee to engage in the manual handling, lifting or transportation of a load which by reason of its weight is likely to cause any bodily injury to the employee.

Committee's Recommendation:
That the provision in Clause 34 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 34 *do stand part of the Bill, put and agreed to.*

Clause 35: Duty of employer to report accidents, diseases, etc.

(1) The employer shall not later than 31st March in each year, submit to the Council, a report of any occupational accident that incapacitated any employee for 3 or more days, near misses, dangerous occurrences, or any occupational diseases which occurred at the workplace in the preceding year.

(2) The employer shall apart from the annual report of accidents or diseases required to be submitted under sub-section (1) of this section, report every incident of occupational accident or disease that resulted in death or permanent disability within 7 working days of such accident death or disability.

(3) The occupational diseases that the employer shall report pursuant to sub-section (1) of this section shall be such as specified in the Second Schedule to this Bill.

(4) Notwithstanding the provisions of sub-section (3) of this section, an employer shall report any occupational disease not contained in the Second Schedule of this Bill.

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 35 *do stand part of the Bill, put and agreed to.*

Clause 36: Permit to work in confined spaces, etc.

(1) The employer shall issue a permit to work to any employee likely to be exposed to hazardous work processes or hazardous working environment including such work diseases as well as the maintenance and report of boilers, dock work confined spaces, maintenance of machinery and equipment electrical energy installations, major hazard installations, indicating the necessary precautions to be taken.

(2) Where employees are required to enter any confined space in which toxic or harmful substances are liable to be present or in which there is liable to be an oxygen deficiency, the employer shall take adequate measures to prevent accidents or injury to health of the employees.

(3) For the purposes of this section, the expression "permit to work" means a written notice to the employee (for which the employee has consented) which sets out the work to be done, the hazards involved and the precautions in order to secure the safety of the employee.

Committee's Recommendation:
That the provision in Clause 36 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 36 *do stand part of the Bill, put and agreed to.*

Clause 37: **Prohibition of hazardous work by young persons.**
No employer shall engage any young person in any hazardous work including—

(*a*) work which exposes such young person to physical, psychological or sexual abuse;

(*b*) work underground, under water, at dangerous heights or in confined spaces;

(*c*) work with dangerous machinery, equipment and tools or which involves the manual handling or transport of heavy loads;

(*d*) work in an unhealthy environment which may expose such young persons to hazardous substances, agents, reagents, or processes, or to temperatures, noise levels or vibrations damaging to their health; and

(*e*) work under particularly difficult conditions such as work for long hours or during the night or work where the young person is unreasonably confined to the premises of the employer.

Committee's Recommendation:
That the provision in Clause 37 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 37 *do stand part of the Bill, put and agreed to.*

Clause 38: **General rights of an employee.**
Every employee shall have a right to—

(*a*) be informed about any hazardous conditions at the workplace;

(*b*) be instructed, trained and supervised with respect to safe methods of work; and

(*c*) be provided without any cost to the employee, adequate personal protective clothing and equipment which are necessary when hazards cannot be otherwise prevented or controlled.

Committee's Recommendation:
That the provision in Clause 38 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 38 *do stand part of the Bill, put and agreed to.*

Clause 39: (1) Any employee shall—

(*a*) work in compliance with the provisions of this Bill any regulations made thereunder or any other enactment or law;

(*b*) use correctly the safety devices and personal protective equipment and clothing provided by the employer;

(*c*) report to the employer or supervisor the absence of or a defect in any equipment, protective device or clothing of which the employee is aware that may cause harm to himself, herself or another employee;

(*d*) report to the employer or supervisor on the existence of any occupational hazard in the workplace or any contravention of this Bill or any regulations made thereunder or any other relevant enactment of law;

(*e*) take care of safety devices, personal protective equipment and clothing that the employer provided;

(*f*) use equipment or substances in accordance with any instructions given by the employer consistent with their safe and proper use necessary to protect the safety and health of the employee or of other persons whether employee or not at or near the workplace.

(*g*) While at the workplace, take reasonable care to ensure that he or she does not take any action or make any omission that is likely to create a risk or increase an existing risk to the safety of health of the employee or other persons whether or not employees at the workplace; and

(*h*) In respect of any duty or obligation imposed on the employer under this Bill, cooperate with the employer to the extent necessary to enable the employer to fulfill such duty or obligation.

(2) (*a*) remove or make ineffective any protective device required under this Bill, any regulations made thereunder, any other enactment or law by the employer without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;

(*b*) use or operate any equipment, machine, device or article of work in a manner that may endanger himself, herself or any other employee or person;

(*c*) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct; or

(*d*) intentionally or recklessly interfere with or misuse anything provided in the interest of safety and health.

(3) An employee shall not be required to use equipment or machinery without any protective device required by the employer or by this Bill, any regulations made thereunder or any other enactment or law.

(4) Nothing in this section shall relieve an employer from any duty imposed on the employer under this Bill any regulations made thereunder or any other enactment or law relating to occupational safety and health of employees.

(5) An employer shall be required to participate and cooperate with occupational health professionals and the employer in the implementation of employee's health surveillance.

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 39 *do stand part of the Bill, put and agreed to.*

Clause 40: Responsibilities of Federal Ministries, Agencies, Parastatals, Departments, etc.

(1) It shall be the responsibility of the head of Federal Agency, Ministry, Commission, Parastatal, Department, etc to establish and maintain an effective and comprehensive occupational safety and health programme which is consistent with the standards promulgated under this Bill or in pursuant of the powers conferred by this Bill. The head of each Ministry, Agency, Parastatal or Department shall (after consultation with representatives of employees thereof)—

(*a*) provide safe and healthy places and conditions of employment consistent with the standards set in This Bill;

(*b*) acquire, maintain and require the use of safety equipment, and devices reasonably necessary to protect employees;

(*c*) keep adequate records of all occupational accidents and illness as for proper evaluation and necessary corrective action;

(*d*) consult with the Minister or his representative on the adequacy as to form and content of records kept pursuant to sub-section (1)(c) of this section; and

(*e*) make annual report to the Minister on occupational accidents, injuries and diseases and the Ministry's or Agency's programme under this section.

(2) The Minister or representative shall have access to records and reports kept and filed by the Federal Ministries, Agencies, Parastatals and Departments pursuant to sub-section (1) and (e) of this section unless those records and reports are specifically required by presidential order to be kept secret in the interest of national security or foreign policy, in which case the Minister shall have access to such information as will not jeopardize national security or foreign policy.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 40 *do stand part of the Bill, put and agreed to.*

Clause 41: Consultation with the Ministry of Labour and Productivity.

(1) The Minister of Labour, after consultation with the Council and other appropriate federal departments and agencies, shall conduct, directly or by grants or contracts—

(*a*) education programmes to provide an adequate supply of qualified personnel to carry out the purposes of this Bill, and

(*b*) information programmes on the importance of and proper use of adequate safety and health equipment.

(2) The Council, in consultation with the Ministry of Labour shall—

(*a*) provide for the establishment and supervision of programmes for the education and training of employers and employees in the recognition, guidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Bill, and;

(*b*) consult and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illness.

Committee's Recommendation:
That the provision in Clause 41 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 41 *do stand part of the Bill, put and agreed to.*

Clause 42: Inspections.

(1) The Council shall establish and support cooperative agreements with the States under which employers subject to this Bill may consult with State personnel with respect to—

Amendment Proposed:
Leave out Words "under which employer subject to this Bill may consult with State personnel" (*Senator Umaru Dahiru — Sokoto South).*

Question that the amendment be made, put and agreed to.

(*a*) the application of occupational safety and health requirements under This Bill; and

(*b*) voluntary efforts that employers may undertake to establish and maintain safe and health employment and places of employment.

(2) Pursuant to such agreements, the States shall provide on-site consultation at the employer's worksite to employers who request such assistance. The state shall also provide other education and training programmes for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

(3) Activities under this sub-section shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate (*Senator Wilson Ake — Rivers West*).

Question that Clause 42 *do stand part of the Bill, put and agreed to.*

Clause 43: **Delegation of functions.**
The Council shall, by regulation after notice and opportunity for comment, establish rules under which an employer—

(*a*) which requests and undergoes an on-site consultative visit provided under this sub-section;

(*b*) which corrects the hazards that have been identified during the visit within the time frame established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace; and

(*c*) which is implementing procedures for regularly identifying and preventing hazards regulated under this Bill and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthy working conditions, may be exempt from an inspection (except an inspection requested by workers or their representative or any inspector to determine the cause of a workplace accident, disease which resulted in the infirmity or following a consultative visit.

Committee's Recommendation:
That the provision in Clause 43 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 43 *do stand part of the Bill, put and agreed to.*

Clause 44: **Training and employee education.**
A State shall provide worksite consultations under Section 53(2) at the request of the employer. Priority in scheduling such consultations shall be assigned to requests from small business which are in high danger industries or have the most hazardous conditions at issue in the request.

Committee's Recommendation:
That the provision in Clause 44 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 44 *do stand part of the Bill, put and agreed to.*

PART VI: SAFETY OF MACHINERY, EQUIPMENT, CHEMICALS, ETC.

Clause 45: **Safety use of plant machinery or equipment.**
Any plant, machinery or equipment whether fixed or mobile for use either at the workplace or as a workplace shall only be used for work which such plant, machinery or equipment is designed for and be operated by a competent person.

Committee's Recommendation:
That the provision in Clause 45 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 45 *do stand part of the Bill, put and agreed to.*

Clause 46: **Prime movers.**
(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover except any prime mover mentioned in sub-section (3) of this section shall be securely fenced whether the flywheel or prime mover is situated is an engine-house or not.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of any electric generator, motor or rotary converter and every flywheel directly connected thereto shall be securely fenced unless it is in such a position or of such construction as to be safe to every person employed or working on the premises as it would be if securely fenced.

Committee's Recommendation:
That the provision in Clause 46 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 46 *do stand part of the Bill, put and agreed to.*

Clause 47: Transmission machinery.

(1) Every part of any transmission machinery shall be securely fenced unless it is in such position or of such construction as to be safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or workplace if the power can promptly be cut off from the transmission machinery in that room or workplace.

(3) No driving-belt when not in use shall be allowed to rest or rise upon a revolving shaft which forms part of any transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving-belts to and from fast and loose pulleys which form part of the transmission machinery and such tear or appliances shall be constructed, placed and maintained as to prevent the driving-belt from creeping back on to fast pully.

(5) The Council may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any part of the requirements of sub-sections (2), (3) and (4) of this section in any case where it is satisfied that compliance with the requirement is unnecessary or impracticable.

Committee's Recommendation:
That the provision in Clause 47 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 47 *do stand part of the Bill, put and agreed to.*

Clause 48: Powered machinery.

(1) Every power driven machine having its individual sources of power shall be provided with an efficient starting and stopping appliance or control.

(2) Every electrical equipment or appliance intended for use in a workplace shall be of such construction as to be safe for use by all persons required to use same or who come into contact with same and shall be maintained at all times in a safe condition.

Committee's Recommendation:
That the provision in Clause 48 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 48 *do stand part of the Bill, put and agreed to.*

Clause 49: Fencing of other Machinery.

(1) Every dangerous part of any machinery other than prime movers and transmission machinery shall be securely fenced, unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced except that in so far as the safety of a dangerous part of any machinery cannot be reason of the nature of the operation be secured by means of a fixed guard, the requirements of this sub-section shall be deemed to have been complied with if a device is provided which in the opinion of the Council satisfactorily protects the operator or other persons from coming into contact with that part or prevent that part from coming into contact with any person.

(2) Any part of a stock-bar which projects beyond the headstock of a lathe shall be securely fenced unless it is in such a position as to be safe to every person employed or working on the premises as it would be if securely fenced.

Committee's Recommendation:
That the provision in Clause 49 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 49 *do stand part of the Bill, put and agreed to.*

Clause 50: Provisions as to unfenced machinery.

(1) In determining for the purposes of the provisions of sections 32 to 36 of this Bill whether any part of any machinery is in such a position or of such construct as to be as safe to every person employed or working on the premises as it would be if securely fenced—

(*a*) no account shall be taken of any person carrying out while the part of the machinery is in motion, an examination thereof or any lubrication or adjustment shown by such an examination to be necessary being an examination to carry out while the part of machinery is in motion; and

(*b*) in the case of any part of transmission machinery used in any process in any workplace with respect to which the Council has declared by certificate in writing that he is satisfied that owing to the continuous nature of such process, the stopping of that part would seriously interfere with the carrying out in the workplace by such methods and in such circumstances and subject to such conditions as may be specified in the certificate any lubrication or any mount-in or shipping of belts.

(2) The provisions of sub-section (1) of this section shall only apply where—

(*a*) the examination, lubrication or other operation is carried out by a person who—

(*i*) has attained the age of 18 years;

(*ii*) has been appointed by the employers by certificate attached to the general register to carry out such examination, lubrication or other operation and has been furnished by the employer with a copy of such certificate signed by the employer;

(*iii*) has been sufficiently trained for the purposes of the work entailed and is acquainted with the dangers of moving machinery arising in connection with such examination lubrication or other operation; and

(*iv*) has been provided by the employer with and is wearing a close fitting single piece overall suit in good repair which is fasted by means having no exposed loose ends and has no external pockets other than a hip pocket.

(*b*) another person instructed as to the steps to be taken in case of emergency is immediately available within sight or hearing of any person carrying out such examination, lubrication or other operation;

(*c*) such steps as may be necessary including where appropriate and reasonably practicable in creation of a barrier are taken to prevent any person other than a person carrying out the operation from being in a position where he or she is exposed to risk of injury from the machinery, and

(*d*) any ladder in use for the carrying out of such examination lubrication or other operation is securely fixed or lashed or is firmly held by a person stationed at the foot of the ladder.

Committee's Recommendation:
That the provision in Clause 50 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 50 *do stand part of the Bill, put and agreed to.*

Clause 51: **Construction and maintenance of fencing.**
All fencing or other safeguards provided in pursuance of the provisions of sections 39 to 43 of this Bill shall be of substantial construction and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary and all the condition specified in section 44(2) of this Bill are complied with.

Committee's Recommendation:
That the provision in Clause 51 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 51 *do stand part of the Bill, put and agreed to.*

Clause 52: **Construction and disposal of machinery.**
(1) Where any machine or equipment in a workplace is intended to be driven by mechanical power —

(*a*) every set-screw bolt or key of any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and

(*b*) all spur and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased unless it is so situated as to be safe as it would be if completely encased.

(2) Any person who manufactures, assembles, sells or lets on hire or who as an agent of the manufacturer, assembler, seller or hirer causes or procures to be sold or let on hire for use in a workplace in Nigeria any machine intended to be driven by mechanical power which does not comply with the requirements of this section, shall be liable to administrative penalty of ₦2,500,000 for the first case of non-compliance and ₦10,000,000 for every subsequent case of non-compliance.

Committee's Recommendation:
That the provision in Clause 52 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 52 *do stand part of the Bill, put and agreed to.*

Clause 53: Vessels containing hazardous substances.

(1) Every fixed vessel, structure, sump or pit of which the edge is level with or less than 91 Centimeters above the adjoining ground or platform shall if it contains any hazardous substances either be securely covered or be securely fenced to at least that height or where by reason of the nature of the work nether secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering fencing or other means to prevent any person from falling into the vessel structure sump or pit.

(2) With respect to any plant mentioned in sub-section (1) of this section, a warning notice in English and in such Nigerian languages as the Council may direct indicating the nature of the danger shall be marked on or attached to the plant or if this is not reasonably practicable be posted nearby.

Committee's Recommendation:
That the provision in Clause 53 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 53 *do stand part of the Bill, put and agreed to.*

Clause 54: Chains, ropes and lifting tackle.

The following provisions shall be complied with regarding every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods, or materials—

(*a*) no chain, rope or lifting tackle shall be used unless it is of good construction sound material adequate strength and free from patent defect;

(*b*) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use and in the case of a multiple sling, the safe working load at different angles of the legs, shall be prominently displayed on the premises. However, the provisions of this paragraph shall not apply in relation to any lifting tackle if the safe working load thereof or in the case of multiple sling, the safe working load at different angles of the legs is plainly marked upon it;

(*c*) no chain, rope or lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table mentioned in paragraph (b) of this sub-section or marked upon it;

(*d*) all chains, ropes and lifting tackles in use shall be thoroughly examined at least once in every period of 6 months or at such longer intervals as the Council may permit in any particular case by a person approved for the purposes of this section by the Council by certificate in writing;

(*e*) no chains, ropes or lifting tackle shall be taken into use in any workplace for the first time in that workplace unless it has been tested and thoroughly examined by a person approved by the Council for the purposes of the section and a certificate of such a test and examination has been obtained and a report for each chain, rope or lifting tackle in the prescribed form shall be filed by the Council and the certificate shall be kept available for inspection; and

(*f*) every chain or lifting tackle except a rope sling shall unless or a class or description exempted by the Council by notice published in the Federal Gazette be annealed at least once in every 14 months or in the case of chains or slings of half-inch bar or smaller or chains used in connection with molten metal or molten slag in every 6 months so however that chains and lifting tackles not in regular use need the annealed only when necessary.

Committee's Recommendation:
That the provision in Clause 54 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 54 *do stand part of the Bill, put and agreed to.*

Clause 55: Cranes and other lifting machines.

(1) All parts and working gear whether fixed or movable, including the anchorage and fixing appliances of every lifting machine shall be of good construction sound materials adequate strength and free from patent defect and shall be properly maintained.

(2) All such parts and gear mentioned in sub-section (1) of this section shall be thoroughly examined at least once in every period of 12 months or after any modifications or extensive repairs or within a shorter period by a person approved for the purposes of this section by the Council by a certificate in writing.

(3) No lifting machine shall be taken into use in any workplace for the first time in the workplace unless it has been tested and all such parts and working gear of the machine as are specified in sub-section (1) of this section have been thoroughly examined by a person approved by the Council for the purpose of this section and a certificate of such test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection. Provided that the provisions of this sub-section shall not apply with respect to any lifting machine with regard to which there has been obtained and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the machine.

(4) All rails on which a traveling crane moves and every track on which the carriage of a Transporter or runway moves shall be of proper size and adequate strength and have an even running surface and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.

(5) There shall be plainly marked on every lifting machine, the safe working load or loads thereof except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the job or corresponding radii of the load.

(6) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under sub-section (5) of this section.

(7) If any person is employed or working on or near the wheel-rack of an overhead traveling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within a 6 metre of that place.

(8) A lifting machine shall not be operated except by a person trained and possesses a certificate in writing to that effect from a recognized institution to operate that machine except that it shall be permissible for such machine to be operated by a person who is under the direct supervision of a qualified person for the purposes of training and no person under the age of 18 years shall be employed to operate any lifting machine driven by mechanical power or to given signals to the operator of any such machine.

(9) For the purposes of this section "lifting machine" includes a crane, crab, which regale, pully block gin wheel, transporter or runway used for raising or lowering of goods.

Committee's Recommendation:
That the provision in Clause 55 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Steam boiler.

(1) Every steam boiler and all its fittings and attachment shall be of good construction sound material adequate strength and free from patent defect and shall be of good construction sound material adequate strength and free from patent defect and shall be properly maintained.

(2) Every boiler whether separate or one of a range shall—

(*a*) have attached to it —

(*i*) a suitable safety valve (separate from and incapable of being isolated by any stop valve), which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to or as close as practicable to boiler;

(*ii*) a suitable stop-valve connecting the boiler to the steam pipe;

(*iii*) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in kilogramme per square centimeter and have marked upon it in a distinctive colour the maximum permissible working pressure;

(*iv*) at least one water gauge of transparent material or other type approved by the Council to show the water level in the boiler and if the gauge is of the glass tubular and the working pressure in the boiler normally exceeds 30 kilogrammes per square centimeter, the gauge shall be provided with an efficient guard but not so as to obstruct the reading to the gauge; and

(*v*) where it is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.

(*b*) be provided with means for attaching a test pressure gauge; and

(*c*) be provided with a suitable fusible plug or efficient low-water alarm devices;

Provided that sub-paragraph (a)(i) of this sub-section shall not apply with respect to economizers and sub-paragraphs (iii), (iv) and (v) of paragraph (a) of this sub-section shall not apply with respect to either economizers or superheaters.

(3) For the purposes of sub-section (2) of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secure on the level in the correct position.

(4) Every steam boiler attendant shall be properly instructed as to his duties.

(5) No person shall enter or be in any steam boiler which is one of a range of two or more steam boiler unless—

(*a*) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from the part; or

(*b*) all valves or taps controlling such entry are closed and securely locked and where the boiler has a blow-off vessel or sump the blow-off valve or tap on each such boiler is to be constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(6) No work shall be permitted in any boiler furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the employees.

(7) The boiler room shall be kept always clean and shall not be used as a resting place or storeroom or for any other unauthorized purpose at any given time.

(8) Every boiler and all its fittings and attachments shall be thoroughly examined by an authorized boiler inspector at least once in every period of 12 months and also after any modification or extensive repair except that the person making any such examination may specify in writing a period not exceeding 12 months within which the next examination is to be made.

(9) An examination made in accordance with sub-section (8) of this section shall consist in the first instance of an examination of the boiler when it is cold and the interior or exterior have been prepared in the prescribed manner and secondly except in the case of an economizer or superheater of an examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(10) A report of the result of every examination made under sub-section (8) of this section shall not later than 7 days after the completion of the examination be entered in or attached to the general register and the report shall be signed by the person making the examination and submitted to the Council.

(11) No steam boiler which has been previously used shall be taken into use in any workplace or premises for the first time in that workplace or premises until it has been examined and reported on in accordance with the provisions of sub-section (8), (9) and (10) of this section.

(12) No new team boiler shall be taken into use for the first time in any workplace unless there has been obtained in respect thereof—

(*a*) the manufacturer's complete specifications which shall include details of the composition and physical properties of all rivets, plates, sections, tubes, bars and electrodes used for pressure part;

(*b*) dimensional drawings of the complete boiler showing the thickness of plates, details of riveting and the position and extent of all welds;

(*c*) the manufacturer's test certificate; and

(*d*) certificate specifying the maximum permissible working pressure of the boiler stating the nature of the tests to which the boiler attachments and fitting have been submitted, issued and signed by the person making the examination.

(13) Any person conducting any examination or making a report under sub-sections (11) and (12) of this section shall within 7 days after the completion of the examination submit a copy of the report to the Council in every case where the maximum permissible working pressure is reduced or where the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time and the council may on the basis of the report issue an improvement notice or prohibition notice as appropriate.

(14) Any person making an examination under this section who—

(*a*) fails to make thorough examination as required by this section or make a report which is false or deficient in any material particular; or

(*b*) fails to submit to the Council a copy of any report of any such examination, commits an offence and shall be liable on conviction to imprisonment for a term not exceeding one (1) year.

Committee's Recommendation:
That the provision in Clause 56 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 56 *do stand part of the Bill, put and agreed to.*

Clause 57: Steam receivers and steam containers.

(1) Every steam receiver and all its fittings shall be of good construction, sound material and adequate strength and free from pattern defect and shall be properly maintained.

(2) Every steam receiver not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

(*a*) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure of the receiver being exceeded;

(*b*) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded;

(*c*) a correct steam pressure gauge which shall indicate the pressure of steam in the receiver in kilogrammes per square centimeter;

(*d*) a suitable stop valve;

(*e*) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible; and

(*f*) the safety valve and pressure guage which shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(3) For the purposes of the provision of sub-section (2) of this section, except paragraph (e) thereof any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver and except paragraph (d) and (e) of the said sub-section, any other set of receiver supplied with steam through a single pipe may be treated as one receiver.

Provided that, this section shall not apply to any set of receivers, unless reducing valve or other appliance to prevent the safe working pressure being exceeded fitted on the single pipe mentioned in this sub-section.

(4) Every steam receiver and all its fittings shall be thoroughly examined by an authorized boiler inspector so far as the construction of the receiver permits at least once in every period of 24 months of after repairs.

(5) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register and the person making the examination shall sign the report.

(6) No steam receiver which has previously been used shall be taken into use in any workplace for the first time in the workplace until it has been examined and reported on in accordance with the provisions of sub-section (4) and (5) of this section and no new steam receiver shall be taken into use unless there has been obtained from the manufacturer of the receiver or from any authorized boiler inspector, a certificate specifying the safe working pressure of the receiver and stating the nature of the tests to which the receiver and fittings have been submitted and the certificate is made available for inspection and the receiver is so marked as to enable it to be identified as the receiver to which the certificate relates.

(7) Every steam receiver and all its fittings shall be of good construction sound material and adequate strength and free from pattern defect and shall be properly maintained.

(8) For the purposes of this section—

(*a*) "authorized boiler inspector" means any person whether or not a public officer who is authorized by the Council by certificate in writing to carry out examinations of steam receivers in accordance with the provisions of this section and to issue the certificate referred to in sub-section (6) of this section;

(*b*) "safe working pressure" means in the case of a new steam receiver that pressure specified in the certificate referred to in sub-section (6) of this section and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that pressure specified in the report of the last examination;

(*c*) "steam container" means any vessel, other than a steam pipe or coil constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmosphere pressure and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purposes; and

(*d*) "steam receiver" means any vessel or apparatus (other than steam boiler, a steam container, a steam pipe or coil or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure.

Committee's Recommendation:
That the provision in Clause 57 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: (1) Every steam receiver and all its fittings shall be of good construction sound material and adequate strength and free from pattern defect and shall be properly maintained.

(2) Every steam receiver not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply shall be fitted with—

(*a*) a suitable reducing valve or other suitable automatic appliance to prevent the sale working pressure of the receiver being exceeded;

(*b*) a suitable reducing valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded;

(*c*) a correct steam pressure gauge which shall indicate the pressure of steam in the receiver in kilogrammes per square centimeter;

(*d*) a suitable stop valve;

(*e*) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible; and

(*f*) the safety valve and pressure gauge which shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(3) For the purposes of the provisions of subsection (2) of this section, except paragraph (e) thereof any set of receivers supplied with steam though a single pipe and forming part of a single machine may be treated as one receiver and except paragraph (d) and (e) of the said subsection any other set of receiver supplied with steam through a single pipe may be treated as one receiver.

Provided that this section shall not apply to any such set of receivers, unless reducing valve or other appliance to prevent the safe working pressure being exceeded fitted on the single pipe mentioned in this subsection.

(4) Every steam receiver and all its fittings shall be thoroughly examined by an authorized boiler inspector so far as the construction of the receiver permits at least once in every period of 24 months or after repairs.

(5) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register and the person making the examination shall sign the report.

(6) No steam receiver which has previously been used shall be taken into use in any workplace for the first time in the workplace until it has been examined and reported on in accordance with the provisions of subsection (4) and (5) of this section and no new steam receiver shall be taken into use unless there has been obtained from the manufacturer of the receiver or from any authorized boiler inspector a certificate specifying the safe working pressure of the receiver and stating the nature of the tests to which the receiver and fittings have been submitted and the certificate is made available for inspection and the receiver is so marked as to enable it to be identified as the receiver to which the certificate relates.

(7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(8) for the purposes of this section—

(*a*) "authorized boiler inspector" means any person whether or not a public officer who is authorized by the Council by certificate in writing to carry out examinations of steam receivers in accordance with the provisions of this section and to issue the certificate referred to in subsection (6) of this section;

(*b*) "safe working pressure" means in the case of a new steam receiver that pressure specified in the certificate referred to in subsection (6) of this section and in the case of a steam receiver which has been examined in accordance with the provisions of this section that pressure specified in the report of the last examination;

(*c*) "steam container" means any vessel, other than a steam pipe or coil constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmosphere pressure and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating boiling drying evaporating or other similar purpose; and

(*d*) "steam receiver" means any vessel or apparatus so (other than a steam boiler a steam container a steam pipe or coil or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure.

Committee's Recommendation:
Leave out the provision in Clause 58 (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Clause 59: Air receiver.

(1) Every air receiver shall—

(*a*) have marked upon it so as to be plainly visible, the safe working pressure;

(*b*) in the case of a receiver connected with an air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded;

(*c*) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded;

(*d*) be fitted with a correct pressure gauge indicating the pressure in the receiver in kilogrammes per square centimeter;

(*e*) be fitted with a suitable appliance for draining the receiver;

(*f*) be provided with a suitable manhole, hand hole or other means which will allow the interior to be thoroughly cleaned; and

(*g*) in case where more than one receiver is in use in the workplace bear a distinguishing mark which shall be easily visible.

(2) No air receiver shall be registered under this section unless it complies with the standards set out in sub-section (1) of this section.

(3) For the purposes of the provisions of sub-section (1) of this section, relating to safety valves and pressure gauges any set of air receivers supplied with air through a single pipe may be treated as one receiver.

(4) Every air receiver and its fittings shall be of sound construction and properly maintained.

(5) Every air receiver shall be thoroughly cleaned and examined at least once in every period of 12 months or after any extensive repairs except that in the case of a receiver of solid drawn construction —

(*a*) the person making such examination may specify in writing a period not exceeding 18 months within which the next examination is to be made;

(*b*) if it so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination and every such examination and test shall be carried out by an approved person and a report of the result of every such examination and test in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register and the report shall be signed by the person making examination or test.

(6) For the purposes of this section "approved person" means any person whether or not a public officer who is approved by the Council by certificate in writing for the purpose of carrying out examinations and tests of air receivers in accordance with this section.

Committee's Recommendation:
That the provision in Clause 59 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 59 *do stand part of the Bill, put and agreed to.*

Clause 60: Safe use of chemicals at work.

(1) Every employer shall—

(*a*) ensure that employees are not exposed to chemicals to an extent which exceeds exposure limits or other exposure criteria for the evaluation and control of the working environment established by the Council or by a body approved or recognized by the competent authority in accordance with national or international standards;

(*b*) assess the exposure of employees to hazardous chemicals and maintain a record of same;

(*c*) monitor and record the exposure of employees to hazardous chemicals when this is necessary to safeguard their safety and health or as may be prescribed by the Council;

(*d*) ensure that the records of the monitoring of the working environment and of the exposure of employees using hazardous chemicals are kept for such period as may be prescribed by the Council and the employer shall make such records accessible to the employees and their representatives.

(2) Every employer that uses any chemical in the workplace shall make an assessment of the risks arising from the use of chemicals at work and shall protect employees against such risks by appropriate means such as—

(*a*) the choice of chemicals that eliminate or minimize the risk;

(*b*) the choice of technology that eliminates or minimizes the risk;

(*c*) the use of adequate engineering control measures;

(*d*) the adoption of working systems and practices that eliminate or minimize the risk;

(*e*) the adoption of adequate occupational hygiene measures;

(*f*) where recourse to the measures in paragraph (a) to (e) of this subsection does not suffice, the provision and proper maintenance of personal protective equipment and clothing at no cost to the employee and the implementation of measures to ensure their use.

(3) Every employer shall—

(*a*) limit exposure to hazardous chemicals so as to protect the safety and health of employees;

(*b*) provide first aid; and

(*c*) make arrangements to deal with emergencies.

(4) Hazardous chemicals which are no longer required and containers which have been emptied but which may contain residues of hazardous chemicals shall be handled or disposed of in a manner which eliminates or minimizes the risk to safety and health and to the environment in accordance with this Bill or any other enactment or law.

(5) Every employer shall—

(*a*) inform the employees of the hazard associated with the exposure to chemicals used at the workplace;

(*b*) instruct the employees on how to obtain and use the information provided on labels and chemicals safety data sheets;

(*c*) use the chemical safety data sheets along with information specific to the workplace as a basis for the preparation of instructions to employees which should be written if appropriate in a language understood by the employees; and

(*d*) train the employees on a continuing basis in the practices and procedures to be followed for safety in the use of chemicals at work.

(6) No importer or supplier shall import or supply any hazardous chemical which is prohibited in the country of export for reasons of safety and health at work.

(7) For the purposes of this section, the expression "use of chemicals at work" includes any work activity which may expose an employee to a chemical including—

(*a*) the production of chemicals;

(*b*) the handling of chemicals;

(*c*) the storage of chemicals;

(*d*) the transportation of chemicals;

(*e*) the disposal and treatment of waste chemicals;

(*f*) the maintenance, repair and cleaning of equipment and containers for chemicals.

Committee's Recommendation:
That the provision in Clause 60 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 60 *do stand part of the Bill, put and agreed to.*

PART VIII - OCCUPATIONAL SAFETY AND HEALTH IN SPECIFIC WORKPLACES AND MAJOR HAZARD INSTALLATIONS

Clause 61: Special provisions on occupational safety and health in specific workplaces.

(1) Any provisions of any enactment or any regulations made thereunder relating to occupational safety and health in any specific workplace covered by the provisions of this Part of this Bill shall be read subject to this Bill and any provisions of such enactment or regulations that is inconsistent with the provisions of This Bill or any regulations made thereunder the provisions of this Bill or regulations shall be deemed to have been amended by this Bill.

(2) The Minister may on the recommendation of the Council make regulations, standards and guidelines in respect of occupational safety and health in any specific workplace or major hazard installation covered by the provisions of this Part of this Bill.

(3) Notwithstanding any provisions to the contrary in any other enactment or law, the Council shall have power to carry out inspection on occupational safety and health in any specific workplace or major hazard installation covered by this Part of this Bill.

(4) The Council shall in carrying out its functions under this Part of this Bill have power to request for any information relating to occupational safety and health from any employer to whom this Part of this Bill relates and it shall be the duty of the employer to comply with such request for information made by the Council.

Committee's Recommendation:
That the provision in Clause 61 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 61 *do stand part of the Bill, put and agreed to.*

OCCUPATIONAL SAFETY AND HEALTH PROVISIONS IN THE OIL AND GAS OPERATIONS INCLUDING PETROCHEMICALS

Clause 62: Compliance with occupational safety and health provisions in the course of oil and gas operations or activities.

(1) Every person or body corporate that is granted a licence or a lease pursuant to the Petroleum Act shall in relation to his or its workplace under this Bill or any regulations made thereunder;

with the occupational safety and health provision

(*a*) the Petroleum Act or any regulations made thereunder; or

(*b*) any other enactment or law having occupational safety and health provisions.

(2) Every employer engaged in the business of oil and gas shall—

(*a*) develop and implement contingency plan to protect the safety and health of employees and those in the immediate environment to deal with issues of emergencies relating to release of gas, oil spillage, fire, explosions or other potential risk factors in the exploration, operation, transportation or marketing of oil and gas;

(*b*) ensure that pipelines and valves used in the operations, transportation or marketing of oil and gas are designed, constructed and maintained in conformity with national and international standards; and

(*c*) carry out regular inspections and conduct safety tests on the installations and fittings to ensure that they are functioning properly without risk to safety and health of the employees and every person in the surrounding environment.

Committee's Recommendation:
That the provision in Clause 62 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 62 *do stand part of the Bill, put and agreed to.*

OCCUPATIONAL SAFETY AND HEALTH PROVISIONS IN AGRICULTURAL ACTIVITIES

Clause 63: Special provisions relating to occupational safety and health in agricultural activities.

(1) Subject to this Bill, every employer that engages in agriculture or carrying on agricultural activities shall —

(*a*) take measures aimed at preventing accidents and injury to health arising out of, linked with or occurring in the course of work by eliminating, minimizing or controlling hazards in the agricultural working environment;

(*b*) carry out appropriate risk assessment in relation to the safety and health of employees and on the basis of these results adopt preventive and protective measures to ensure that under all conditions of their intended use all agricultural activities workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;

(*c*) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to employees in agriculture including information on the hazards and risks associated with their work and the measures to be taken for their protection taking into account their level of education and differences in language;

(*d*) not require or permit any employee to be engaged in the manual handling or transport of a load which by virtue of its weight or nature is likely to jeopardize the safety or health of employees;

(*e*) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and evacuate employees as appropriate; and

(*f*) ensure that in the case of employees handling herbicides, protective clothing and covering of other body parts such as eyes, ears and nose are provided employees without additional cost to such employees and that they are adequately trained on their usage.

(2) Every employee working in agriculture or carrying out agricultural activities shall have the right to—

(*a*) be informed and consulted on safety and health matters including risks from new technologies;

(*b*) participate in the application and review of safety and health measures and in accordance with this Bill and any regulations made thereunder to select members of workplace and safety and health committee or safety and health representatives;

(*c*) remove himself or herself from danger resulting from work activity when he or she has reasonable grounds to believe that there is imminent and serious risk to his or her safety and health and so informs the supervisor immediately and no employee who takes such actions shall be placed at any disadvantage as a result of such action.

(3) Any employer who uses any chemical in agriculture shall take preventive and protective measures in—

(*a*) the preparation, handling, application storage and transportation of chemicals;

(*b*) agricultural activities leading to the dispersion of chemicals;

(*c*) the maintenance, repair and cleaning of equipment and containers for chemicals; and

(*d*) the disposal of empty containers and the treatment and disposal of chemical wastes and obsolete chemicals.

(4) In agricultural activities involving animals livestock stabling areas or the handling of biological agents, every employer shall take measures to prevent infection allergy or poisoning in accordance with this Bill, any regulations made thereunder or any other relevant health and safety standards.

Committee's Recommendation:
That the provision in Clause 63 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 63 *do stand part of the Bill, put and agreed to.*

OCCUPATIONAL SAFETY AND HEALTH PROVISIONS IN CONSTRUCTION ACTIVITIES

Clause 64: Duties of owners and employers at a construction site.

(1) Every owner or employer at a construction site shall in addition to complying with the provisions of this Bill comply with the occupational employers safety and health provisions set out in this section.

(2) Before the commencement of construction work, the owner of the site shall determine whether or not any critical agents are present at the construction site and shall prepare a list of all such critical agents that are present at the site.

(3) If any work on a construction site is tendered, the person issuing the tenders shall include as part of the tendering information, a copy of the list of critical agents referred to in subjection (2) of this section.

(4) Every owner shall ensure that a prospective contractor or employer at a construction site on the owner's property has received a copy of the list referred to in subsection (2)of this section before entering into a binding contract with the employer for carrying out any construction activity in the site.

(5) An employer at a construction site shall ensure that—

(*a*) the measures and procedures prescribed by this Bill and any regulations made thereunder or in any other enactment or law are carried out on the construction site;

(*b*) every employee or any other employer or sub-contractor performing work at the construction site complies with the provisions of this Bill or any regulations made thereunder or with any other relevant enactment or law relating to occupational safety and health; and

(*c*) the safety and health of employees on the construction site is protected.

(6) The employer at a construction site shall ensure that each prospective contractor and sub-contractor for the construction work has received a copy of the list referred to in subsection (2) of this section before the prospective contractor or sub-contractor enters into a binding contract for the supply of work on the construction site.

(7) Where so prescribed an employer shall before commencing any work on a construction site give to the Council notice in writing of the construction from time to time.

(8) An owner who fails to comply with the provisions of this section shall be liable to the employer at the construction site and every contractor or sub-contractor who suffers any loss or damage as a result of the subsequent discovery on the construction site of a critical agent that the owner ought reasonably to have known of but that was not contained on the list prepared under subsection (2) of this section.

(9) An employer at a construction site who fails to comply with the provisions of this Bill shall be liable to the contractor or sub-contractor who suffers any loss or damages as a result of the subsequent discovery on the construction site of a critical agent that was not on the list prepared under subsection (2) of this section.

(10) In this section "owner" means the owner of the project and "employer" means the contractor or sub-contractor carrying out the construction works at the construction site.

(11) When employees have to be transported to and from worksite, the means of transportation provided by the employer shall be safe and provide sufficient comfort acceptable to the Council.

Committee's Recommendation:
That the provision in Clause 64 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 64 *do stand part of the Bill, put and agreed to.*

Clause 65: Two or more employers in a construction site.

(1) Where there are two or more employers undertaking activities simultaneously at one construction site—

(*a*) the employer who is the principal contractor or other person or body corporate with actual control over or primarily responsible for the overall construction site activities shall be responsible for coordinating, ensuring compliance with the prescribed safety and health measures;

(*b*) subject to this Bill where the principal contractor or other person or body corporate with actual control over or primarily responsible for the overall construction site activities is not present at the site, the principal contractor, person or body corporate shall nominate a competent person or body corporate at the site with the authority and means necessary to ensure on his behalf coordination and compliance with the measures mentioned in paragraph (a) of this subsection; and

(*c*) each employer shall remain responsible for the application of the prescribed measures in respect of the employees placed under their authority.

(2) Whenever employees or self-employed persons undertake activities simultaneously at one construction site, they shall have the duty to cooperate in the application of the prescribed occupational safety and health measure.

Committee's Recommendation:
That the provision in Clause 65 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 65 *do stand part of the Bill, put and agreed to.*

Clause 66: **Regulations on construction activities.**
The Minister may, on the recommendation of the Council, make regulations, standards and guidelines on occupational safety and health measures relating to construction activities.

Committee's Recommendation:
That the provision in Clause 66 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 66 *do stand part of the Bill, put and agreed to.*

OCCUPATIONAL SAFETY AND HEALTH PROVISIONS IN MINES AND MINING ACTIVITIES

Clause 67: **Special Occupational Safety & Health provisions in mining places.**
Every employer who operates a mine or carries out any mining activity shall take all necessary measures to eliminate or minimize the risks to safety and health of employees in the mines under his control and in particular shall—

(*a*) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment including a communication system to provide conditions for safe operation and a healthy working environment;

(*b*) ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that employees can perform the work assigned to them without endangering their safety and health or that of other persons;

(*d*) take steps to maintain the stability of the ground in areas of which persons have access in the context of their work;

(*e*) in respect of zones susceptible to particular hazards, draw up and implement operating plans and procedures to ensure a safe system of work and the protection of employees;

(*f*) ensure adequate ventilation for all underground workings to which access is permitted;

(*g*) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the employees may be exposed and to assess their level of exposure;

(*h*) ensure medical fitness of the miners through pre-placement and periodic medical examination;

(*i*) take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires and explosions; and

(*j*) ensure that when there is serious danger to the safety and health of employees, operations are stopped and employees are evacuated to a safe location.

Committee's Recommendation:
That the provision in Clause 67 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 67 *do stand part of the Bill, put and agreed to.*

OCCUPATIONAL SAFETY AND HEALTH PROVISIONS RELATING TO ELECTRICITY

Clause 68: Special occupational safety and health provisions relating to electricity.

(1) Every employer shall ensure that every electrical apparatus fitting or conductor is adequate in size and power for the work it is meant for and shall be so constructed, installed, protected, worked and maintained so as to prevent danger to any employee or any other person in a workplace and that employees involved in hazardous installation, repair works wear protective clothing.

(2) Any employer who fails to comply with the provisions of subsection (1) of this section commits an offence under This Bill and shall be liable to 6 months imprisonment and or a fine of ₦300,000.

Committee's Recommendation:
That the provision in Clause 68 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 68 *do stand part of the Bill, put and agreed to.*

OCCUPATIONAL SAFETY AND HEALTH PROVISIONS IN TRANSPORTATION AND DOCK WORK

Clause 69: **Special provisions relating to occupational safety and health in workplaces of transportation.**

(1) Every employer who engages in any form of transportation shall design and implement comprehensive awareness programme for the employees in relation to the range of hazards that exist in the course of their duties and the preventive measures to be taken.

(2) It shall be the duty of any employer engaged in the business of road transportation to ensure that the drivers—

(*a*) do not drive any vehicle when they are under the influence of alcohol or drugs;

(*b*) take a rest of not less than 3 hours after a journey of 7 hours.

(*c*) take a rest of not less than 10 minutes after a continuous driving of 3 hours;

(*d*) know and understand road signs including safety precautions required in handling of cargos, vehicles breakdowns and accidents or other emergencies;

(*e*) who are engaged in haulage of chemicals or other hazardous substances know and understand the hazards associated with the transportation of such chemicals or substances and take necessary precautionary measures including the wearing of personal protective equipment or clothing;

(*f*) are competent and medically fit;

(*g*) take along first aid boxes in their vehicles during every journey;

(*h*) pass an eye test not less than once every 2 years; and

(*i*) pass a driving test for commercial drivers office once every 2 years.

(*j*) put their seat belt on at all times while driving.

(3) It shall be the duty of every employee who is a driver to comply with the measures and standards put in place by the employer pursuant to the provisions of subsection (2) of this section.

Committee's Recommendation:
That the provision in Clause 69 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 69 *do stand part of the Bill, put and agreed to.*

Clause 70: **Special safety and health provisions relating to dock work.**

(1) All surfaces used for vehicle traffic or for the stacking of goods or materials shall be suitable for the purpose and properly maintained.

(2) Where goods or materials are stacked, showed unstacked or unstowed, the work shall be done in a safe and orderly manner having regard to the nature of the goods or materials and their packing.

(3) Passageways of adequate space shall be left to permit the safe use of vehicles and cargo-handling appliances.

(4) Separate passageway for pedestrian use shall be provided where necessary and practicable and such passageways shall be of adequate width and as far as is practicable separated form passageway used by vehicles.

(5) When a ship is being loaded or unloaded alongside a quay or another ship, adequate and safe means of access to the ship properly installed and secure shall be provided and kept available.

(6) When employees have to be transported to or from a ship or other place by water, adequate measures shall be taken to ensure their safe embarking transport and disembarking and the conditions to be complied with by the vessels used for this purpose shall be specified.

(7) When employees have to be transported to or from a workplace on land; means of transport provided by the employer shall be safe.

(8) Access to a ship's hold or cargo dock shall be by means of —

(*a*) a fixed stairway or where this is not practicable, a fixed ladder or cleats or cups of suitable dimensions, of adequate strength and proper construction; or

(*b*) by other means acceptable to the Council.

(9) So far as is reasonably practicable, the means of access specified in this section shall be separate from the hatchway opening.

(10) Employees shall not use or be required to use any other means of access to a ship's hold or cargo dock than those specified in this section.

(11) No hatch cover to beam shall be used unless it is of sound construction, of adequate strength for the use to which it is to be put and properly maintained.

(12) Hatch covers handled with the aid of a lifting appliance shall be fitted with readily accessible and suitable attachments for securing the slings or other fitting gear.

(13) Where hatch covers and beams are not interchangeable, they shall be kept plainly marked to indicate the hatch to which they belong and their position therein.

(14) Only an authorized person (whenever practicable, a member of the ship's crew) shall be permitted to open or close power - operated hatch covers. The hatch covers shall not be opened or closed while any person is liable to be injured by the operation of the covers.

(15) The provisions of subsection (14) of this section shall apply mutatis mutandis to power-operated ship's equipment such as a door in the hull of a ship, a ramp, a retractable car deck or similar equipment.

(16) Adequate measures shall be taken to protect opening in or on a deck where employees are required to work through which opening employees or vehicles are liable to fall.

(17) Every hatchway not fitted with a coaming of adequate height and strength shall be closed or its guard replaced when the hatchway is no longer in use except during short interruption of work and a responsible person shall be charged with ensuring that these measures are carried out.

Committee's Recommendation:
That the provision in Clause 70 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 70 *do stand part of the Bill, put and agreed to.*

Clause 71: Major hazard installations.

(1) All necessary measures shall be taken to ensure that safety of employees required to be in the hold or on a cargo deck of a ship when power vehicles operate in the hold or loading and or unloading operations, are taking place with the aid of power - operated appliances.

(2) Hatch covers and beams shall not be removed, replaced while work is in progress in the hold under the hatchway and before loading or unloading takes place. Any hatch cover or beam that is not adequately secured against displacement shall be removed.

(3) Adequate ventilation shall be provided in the hold or on a cargo deck by the circulation of fresh air to prevent risks of injury to health arising from the fumes entitled by internal combustion engines or form other sources.

(4) Adequate arrangements including safe means of escape shall be made for the safety of persons when dry bulk cargo is being loaded or unloaded in any hold or between deck or when an employee is required to work in a bin or hopper on board ship.

(5) Every ship's derrick (other than a derrick crane) shall be clearly marked with the safe working loads applying when the derrick is used—

(*a*) in single purchase;

(*b*) with a lower cargo deck; and

(*c*) in union purchase in all possible block positions.

(6) Every ship shall carry rigging plans and any other relevant information necessary to permit the safe rigging of its derricks and necessary gear.

(7) Pallets and similar devices for containing or supporting loads shall be of sound construction of adequate strength and free from visible defects liable to affect their safe use.

(8) Loads shall not be raised or lowered unless slung or otherwise attached to the lifting appliance in a safe manner.

(9) Every freight container terminal shall be so laid out and operated as to endure so far as is reasonably practicable, the safety of the employees.

(10) In the case of ships carrying containers, means shall be provided for ensuring the safety of employees lashing or unlashing the containers.

(11) Any dangerous cargo shall be packed, marked and labeled, handled, stored and stowed in accordance with the requirements of any relevant enactment or law for the time being in force in Nigeria or of any international regulations applicable to transportation of dangerous goods by water and those dealing specifically with the handling of dangerous goods in ports.

(12) Dangerous substances shall not be handled, stored or stowed unless they are parked, marked and labeled in compliance with any relevant enactment or law for the time being in force in Nigeria or of any international regulations relating to transportation of such substances.

(13) If receptacles or containers of dangerous substances are broken or damaged to a dangerous extent, dock work other than that which is necessary to eliminate danger shall be stopped in the area concerned and the employees removed to a safe place until the danger has been eliminated.

(14) Adequate measures shall be taken to prevent exposure of employees to toxic or harmful substances or agents or oxygen - deficient or flammable atmospheres.

(15) Where employees engaged in dock work are required to enter any confined space in which toxic or harmful substances are liable to be present or in which there is liable to be an oxygen deficiency, adequate measures shall be taken to prevent accidents or injury to health and protective cover must be provided at no cost to the employees.

Committee's Recommendation:
That the provision in Clause 71 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 71 *do stand part of the Bill, put and agreed to.*

Clause 72: General register.

(1) Every employer shall in respect of any major hazard installation establish and maintain a documented system of control which includes provision for—

(*a*) the identification and analysis of hazards and the assessment of risks including consideration of possible interactions between substances;

(*b*) technical measures including design, safety systems, construction, choice of chemicals, operation, maintenance and systematic inspection of the installation;

(*c*) organizational measures including training and instruction of personnel, the provision of equipment in order to ensure their safety, staffing levels, hours of work, definition of responsibilities and controls on outside contractors and temporary employees on the site of the installation;

(*d*) emergency plans and procedures including—

(*i*) the preparation of effective site emergency plans and procedures including emergency medical procedures to be applied in case of major accidents or threat thereof with periodic testing and evaluation of their effectiveness and revision as necessary;

(*ii*) the provision of information on potential accidents and site emergency plans to authorities and bodies responsible for the preparation of emergency plans and procedures for the protection of the public and the environment outside the site of the installation;

(*iii*) any necessary consultation with such authorities and bodies.

(*iv*) measures to limit the consequences of a major accident;

(*v*) consultation with employees and their representatives; and

(*vi*) improvement of the system, including measures for gathering information and analyzing accidents and near misses.

(*vii*) Bi-annual emergency drills in which employees learn what to do in case of emergencies by simulating such situations.

(2) Every employer shall in respect of any major hazardous installation put in place measures to—

(*a*) prevent major accidents;

(*b*) minimizing the risks and effects of major accidents; and

(*c*) ensure the causes of major accidents including organizational errors the human factor component failures, deviation from normal operational conditions, outside interference and natural forces are minimized.

(3) This Clause shall not apply to—

(*a*) nuclear installations and plants processing radioactive substances except for facilities handling non-radioactive substances at these installations;

(*b*) military installations; and

(*c*) transport outside the site of an installation other than by pipeline.

(4) For the purposes of this section, a major hazard installation shall be identified using the chemicals listed in Part A of the Second Schedule to this Bill.

(5) Any employer that operates any of the major hazard installations listed in Part B of the Second Schedule to this Bill shall notify the Council in such form as the Council may from time to time specify.

(6) The Council through a notice published in the Federal Gazette, modify or add to the lists in the Second Schedule to this Bill.

Committee's Recommendation:
That the provision in Clause 72 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 72 do stand part of the Bill, put and agreed to.

PART IX: GENERAL PROVISIONS

Clause 73: (1) There shall be kept in every workplace a register in the prescribed form called the "general register" and there shall be entered in or attached to the register—

(*a*) the certificate of registration of the workplace granted pursuant to Section 4 of this Bill;

(*b*) every other certificate issued in respect of the workplace by the Council under this Bill;

(*c*) the prescribed particulars as to the washing, whitewashing, colour-washing, painting or varnishing of the workplace;

(*d*) the prescribed particulars as to every accident, near miss, dangerous occurrence or case of disease occurring in the workplace of which notice is required to be sent to the Council under the provisions of any law for the time being in force;

(*e*) all reports and particulars required by any other provision of this Bill to be entered in or kept with the general register; and

(*f*) such other matters as the Council may from time to time prescribe.

(2) An employer shall submit to the Council, such extracts from the general register as the Council may from time to time require for the purposes of the performance of the functions of the Council under this Bill.

Committee's Recommendation:
That the provision in Clause 73 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 73 do stand part of the Bill, put and agreed to.

Clause 74: **Limitation of suites against the council, etc.**

(1) Subject to the provisions of this Bill, provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member, officer or employee of the Council.

(2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, the Executive Secretary of the Council or any other officer or employees of the Council for any act lawfully done in pursuance or execution of this Bill or any other law or enactment or of any public duties or authority or in respect of any alleged neglect or default in the execution of This Bill or any other law or enactment duties or authority shall lie or be instituted in any court unless it is commenced—

(*a*) within three months next after the Bill, neglect or default complained of; or

(*b*) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board, the Executive Secretary of the Council or any other officer or employee of the Council before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Council by intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state—

(*a*) the cause of action;

(*b*) the particulars of the claim;

(*c*) the name and place of abode of the intending plaintiff; and the relief which he claims.

Committee's Recommendation:
That the provision in Clause 74 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: **Service of documents.**
A notice summons or other document required or authorized to be served on the Council under the provisions of this Bill or any law or enactment may be served by delivering it to the Executive Secretary of the Council or by sending it by registered post addressed to the Executive Secretary of the Council at the principal office of the Council.

Committee's Recommendation:
That the provision in Clause 75 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: A member of the Board, the Executive Secretary or any officer or indemnity of employee of the Council shall be indemnified out of assets of the Council officers against any liability incurred by him in defending any proceeding whether civil or criminal if the proceeding is brought against him in his capacity as a member, Executive Secretary or officer or other employee of the Council as the case may be.

Committee's Recommendation:
That the provision in Clause 76 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 76 *do stand part of the Bill, put and agreed to.*

PART X: ENFORCEMENT POWERS

Clause 77: Powers of inspector.

(1) An inspector may for the purposes of carrying out his or her duties and exercising the powers under this Bill or any regulations made thereunder or pursuant to any other enactment or law—

(*a*) enter (if need be by force) at any time with or without warrant or notice, any premises in which he reasonably believes that workers are engaged in any form of employment, both formal and informal employment.

(*b*) evaluate, access and examine the safety and health activities in such place of work including standards, codes of practices and general observance of optimum safety health practices.

(*c*) Require the production of any drawings, specifications, licence document, record or report;

(*d*) Examine any drawings, book, document, records, specifications, licence, or report and for purposes of making copies thereof or extracts therefrom, issue a receipt to the Employer or his representative to remove them and upon making the copies or extracts, shall promptly return the same to the person who produced or furnished them.

(*e*) Open and examine, while on the premises, any container, machinery or equipment which he reasonably believes may contain any information relevant to the enforcement of this Bill or the regulations or which may help in his investigation.

(*f*) Test any equipment machine, device, article, material and test for chemical, physical agent or biological agent in or about a workplace and for such purposes take and carry away such samples as may be necessary.

Provided that the inspector shall —

(*i*) inform the employer or other responsible person of the sample taken and to be carried away;

(*ii*) deliver one part of the sample to the employer or other responsible person;

(*iii*) retain one part for future comparison and submit the third part for analysis.

(*g*) require in writing an employer to cause any tests described in paragraph (f) of this subsection to be conducted or taken at the expense of the employer by a person possessing such special expertise or professional knowledge or qualifications as are specified by the inspector and to provide at the expense of the employer a report or assessment by that person;

(*h*) in any inspection, examination, inquiry or test be accompanied and assisted by a police officer or other person or persons having special expertise or professional knowledge of any matter in respect of which inspection is being carried out;

(*i*) take instant photographs in any workplace;

(*j*) make inquiries of any person who is or was in a workplace either separate and apart from another person or in the presence of any other persons that are or may be relevant to an inspection inquiry or test;

(*k*) require that any equipment, machine, device, article or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination inquiry or tests;

(*l*) require in writing for an employer to have equipment, machinery or devices tested at the expense of the employer by an engineer and to provide at the expense of employer a report bearing the seal and signature of the engineer stating that the equipment, machine or device is not likely to endanger an employee;

(*m*) require in writing that any equipment machinery or device not be used pending testing described in paragraph (l) of this subsection;

(*n*) require in writing an owner or employer to provide at the expense of the owner or employer, a report bearing the seal and signature of an engineer with certification to be determined by Council stating—

(*i*) the safe working load of a floor roof or temporary structure or part of a building or structure;

(*ii*) that a floor, roof or temporary structure is capable of supporting or withstanding the loads being applied to it or likely to be applied to it or;

(*iii*) that a floor, roof or temporary structure or part of a building or structure is capable of supporting or withstanding all loads to which it may be subjected without causing the materials therein to be stressed beyond the safe working load established under the building code standards applicable or established by regulation;

(*o*) require in writing an owner of a mine or part thereof to provide at the expense of the owner, a report in writing bearing the seal and signature of an engineer having special expertise or qualification as specified by the inspector stating that the ground stability of the mining methods and the support of rock reinforcement used in the mine or part thereof is such that an employee is not likely to be endangered;

(*p*) require in writing within such time as it specified a person who is an employer, manufacturer, producer, importer, distributor or supplier to produce records or information or to provide at the expense of the person a report or evaluation made or to be made by a person or organization having special expertise or professional knowledge or qualifications as are specified by the inspector of any process chemical physical agent or biological agent or a combination of such chemical or biological agents present used or intended for use in a workplace and the manner of use including—

(*i*) ingredients thereof and their common or generic name or names;

(*ii*) the composition and the properties thereof;

(*iii*) the toxicological effect thereof;

(*iv*) the effect of exposure thereto whether by contact inhalation or ingestion;

(*v*) the protective measures used or to be used in respect thereof;

(*vi*) the emergency measures used or to be used to deal with exposure in respect thereof; and

(*vii*) the effect of the use transport and disposal thereof and

(*q*) require the production of any materials concerning the content frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.

(2) Where an inspector makes an inspection of a workplace under the powers conferred under subjection (1) of this section the employer or group of employers shall afford a committee member representing employees or a safety and health representative or an employee selected by a trade union or trade unions it any because of knowledge experience or training to represent it or them and where there is no trade union, an employees selected by the employee because of knowledge experience or training to represent them, the opportunity to accompany the inspector during his or her physical inspection of a workplace or any part or parts thereof.

(3) Where there is no committee member representing employees no safety and health representative or employee selected under subsection (2) of this section, the inspector shall endeavour to consult during his or her physical inspection with a reasonable number of the employees concerning matters of safety and health at work place.

(4) The time spent by a committee member representing employees safety and health representative or an employee selected in accordance with the provisions of subsection (2) of this section in accompanying an inspection or during his or her physical inspection shall be deemed to be work time for which the employer shall pay at regular or premium rate as may be proper.

(5) Subject to this Bill an inspector may in writing direct a safety and health representative to inspect the physical condition of all or part of a workplace at specified intervals.

(6) An inspector may require a person whom the inspector reasonably suspects has committed an offence against This Bill or its regulations to state the person's full name, residential address, phone number and email address

(7) The inspector shall verify the existence of a functional workplace safety and health committee or safety and health representative in any workplace.

Committee's Recommendation:
That the provision in Clause 77 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 77 do stand part of the Bill, put and agreed to.

Clause 78: Search warrant.

(1) an inspector may apply to a court of competent jurisdiction for a search warrant if the inspector has reasonable grounds to believe that a provision of this Bill or any regulations made thereunder has been or is being or is about to be contravened in or about the premises.

(2) A court to which an application is made pursuant to subsection (1) of this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorizing the inspector named in the warrant to enter the premises and to search the premises for evidence of a contravention of this Bill or its regulations.

Committee's Recommendation:
That the provision in Clause 78 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 78 do stand part of the Bill, put and agreed to.

Clause 79: Seizures of documents or articles.

(1) While acting under the authority of this Bill, an inspector may without a warrant or court order, seize any article, materials or document that is produced to him or her or that is in plain view if the inspector reasonably believes that any provisions of this Bill or a regulation made thereunder has been contravened and that the article, material or document will afford evidence of the contravention.

(2) The inspector may remove the article material or document seized or may detain it in the place in which it is seized or in any other place as the inspector may consider necessary.

(3) Any article seized under this Bill shall be kept or stored in such a place as the officer of Council may direct and shall be returned to the owner or the person from when it was seized if the articles upon analysis or examination is found to conform with the requirements of this Bill and Regulations.

(4) The inspector shall inform the person from whom the article material or document was seized as to the reason for the seizure and shall give the person a receipt for it and the person from whom the article material or document was seized shall immediately on receiving information as to the reason for the seizure and the receipt of the article material or document seized, bring such information and receipt to the attention of the employer.

(5) The inspector shall bring an article or document seized pursuant to this Bill before the Director or if this is not reasonably possible the inspector shall report the seizure to the Director.

(6) An article seized by an inspector pursuant to this Bill may be submitted to an analyst for analysis or examination and the analyst upon making such analysis or examination shall issue a certificate or report in the prescribed form setting forth examination, and the officer of the Council shall on demand deliver a copy of such certificate to the employer.

Committee's Recommendation:
That the provision in Clause 79 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 79 do stand part of the Bill, put and agreed to.

Clause 80: Orders by an inspector.

(1) Where an inspector finds that a provision of this Bill or any regulations made thereunder is being contravened, the inspector may order orally or in writing the employer or any person who the inspector believes to be in charge of a workplace or the person who committed the contravention to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies.

(2) Where an inspector makes an oral order under sub-clause (1) of this clause the inspector shall confirm the order in writing before leaving the workplace.

(3) An order made under subclause (1) of this clause shall indicate generally the nature of the contravention and where appropriate, the location of the contravention.

(4) An order made under subclause (1) of this clause may require an employer to submit to the Council a compliance plan prepared in the manner and including such items as required by the order.

(5) The compliance plan shall specify what the employer plans to do to comply with the order and when the employer intends to achieve compliance.

(6) Where an inspector makes an order under subclause (1) of this clause and the Council finds that the contravention of this Bill or the regulations constitutes imminent danger or hazard to the safety and health of an employee, the Council may—

(*a*) order that any place, equipment, machine, device, article or any process or chemical or article that emits or produces the hazardous physical agent shall not be used until the order is complied with;

(*b*) order that the work at the workplace as indicated in the order shall stop until the order stop work is withdrawn or cancelled by an inspector after an inspection.

(*c*) order that the workplace where the contravention exists, be cleared of employees and isolated by barricades fencing or any other means suitable to prevent access thereto by an employee until the danger or hazard to the safety or health of an employee is removed.

(7) Where an order is made under subclause (6) (c) of this clause no owner, employer or supervisor shall require or permit an employee to enter the workplace except for the purpose of doing work that is necessary or required to remove the danger or hazard and only where the employee is protected from the danger or hazard.

(8) Notwithstanding subclause (6) (b) of this clause where an employer gives notice of compliance to an inspector, the employer may subject to subclause (9) of this clause, resume work after 7 working days of the receipt of such notice by the inspector if the inspector fails to inspect the workplace to determine compliance with the order.

(9) An employer shall not resume work pursuant to subclause (8) of this clause unless a committee member representing employees or a safety and health representative as the case may be, certifies in writing that the order has been complied with.

(10) In addition to the orders that may be made under subclause (6) of this clause where an inspector makes an order under subclause (1) of this clause for a contravention of any provisions of this Bill or the Council has been advised of the inability of an employer to obtain an unexpired chemical safety data sheet, the inspector may order that the hazardous

chemical shall not be used or that the article that emits or produces hazardous physical agent not be used or operated until the order is withdrawn or cancelled.

(11) Subject to subclause (8) of this clause where an inspector makes an order under this clause, the inspector may affix to the workplace or to any equipment machine device or article a copy thereof or notice in the prescribed form and no person except an inspector shall remove such copy or notice unless authorized to do so by an inspector.

(12) Where an inspector makes an order in writing or issues a report of his or her inspection to an employer or person in charge of the workplace, the employer or any person in charge of the workplace shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places at the workplace where it is most likely to come to the attention of the employees and shall furnish a copy of such order or report to the safety and health representative or committee if any and the inspector shall cause a copy thereof to be furnished to a person who has complained of a contravention of this Bill or any regulations made thereunder.

(13) Notwithstanding all the requirements specified in this clause with regard to an order of an inspector where the provision of this Bill or any regulations made thereunder is being contravened, the inspector may issue to the employer or any person who the inspector believes to be in charge of the workplace or the person whom the inspector believes to have committed the contravention, a safety and health contravention notice on the prescribed form.

(14) The safety and health contravention notice issued pursuant to subclause (13) of this clause shall specify the prescribed penalty for the contravention and such penalty shall become a debt owed for which the Council can in the event of non-payment take civil proceedings to recover from the person to whom the notice is issued.

Committee's Recommendation:
That the provision in Clause 80 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 80 *do stand part of the Bill, put and agreed to.*

Clause 81: Process for compliance.

(1) An employer who has received an order under clause 78 of this Bill and believes that compliance with the order has been achieved shall determining submit to the Council a notice of compliance.

(2) The notice shall be signed by the employer and shall be accompanied by—

(*a*) a statement of agreement or disagreement with the contents of the notice signed by a member of the committee representing employees or by a safety and health representative as the case may be or

(*b*) a statement that the member of committee or representative has declined to sign the statement referred to in paragraph (1) of this subsection.

(3) The employer shall post the notice and the order issued under clause 78 of this Bill for a period of 14 days following his or its submission to the Council in a place or places in the workplace where it is most likely to come to the attention of his employees.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 81 *do stand part of the Bill, put and agreed to.*

Clause 82: Obstruction of inspectors or authorized officers etc.

(1) Any person who obstructs, hinders, molests or interferes with or attempts to obstruct, hinder, molest or interfere with an inspector or an authorized officer of the Council in the exercise of any power or the performance of any function or duty under this Bill or any regulations made thereunder commits an offence under this Bill.

(2) Every employer or the agent of the employer shall provide all necessary means to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of the powers or performance of the functions or duties of the inspector under this Bill or any regulations made thereunder.

(*i*) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of any power or performance of any function or duty of the inspector under this Bill or any regulations made thereunder.

(*ii*) No person shall interfere with any monitoring equipment or device so as to render it incapable of producing the desired results or to disallow its use by the inspector in a workplace.

(*iii*) Any person who knowingly—

(*a*) hinders or interferes with a committee a committee member or a safety and health representative in the exercise of a power or performance of a function or duty under this Bill;

(*b*) furnishes a committee, a committee member or a safety and health representative with false information in the exercise of a power or performance of a duty under this Bill;

(*c*) hinders or interferes with an employee selected by a trade union or trade unions or an employee selected by the employees to represent them in the exercise of a power or performance of a function or duty under this Bill. Commits an offence under this Bill and shall be dealt with accordingly under the law.

(3) A police officer may accompany and take all reasonable steps to assist an inspector in the exercise of the functions or powers of the inspector or under this Bill—

(*a*) in executing a search warrant issued under section 76 of this Bills or

(*b*) if the inspector reasonably believes that there might be obstruction in the exercise of those functions.

(4) Any person whom the inspector reasonably believes to be capable of providing assistance in the exercise of the functions or powers of the inspector under this Bill may accompany the inspector and take reasonable steps to assist the inspector in the exercise of such functions or powers.

Committee's Recommendation:
That the provision in Clause 82 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 82 *do stand part of the Bill, put and agreed to.*

Clause 83: Use of confidential information etc.

(1) Except for the purposes of this Bill or and regulations made thereunder or as required by any other enactment of law —

(*a*) an inspector, a person accompanying an inspector pursuant to clause 80(7) of this Bill who at the request of an inspector makes an examination, test or inquiry shall not publish, disclose or communicate to any person any information, material, statement, report or result of any examination, test or inquiry, acquired, furnished, obtained, made or received under the powers conferred under .this Bill or any regulations made thereunder.

(*b*) no person shall publish, disclose or communicate to any person any secret manufacturing process or trade secret acquired, furnished, obtained, made or received under the provisions of This Bill or any regulations made thereunder;

(*c*) no person to whom information is communicated under this Bill or any regulations made thereunder shall divulge the name of the informant to any person; and

(*d*) no person shall disclose any information obtained in any medical examination test or X-ray of an employee made or taken pursuant to this Bill or any regulations made thereunder except in a form calculated to prevent the information from being identified with a particular person or case.

(2) No employer shall seek to gain access, by an order of the court or other tribunal or in order to comply with another statute to a health record of an employee without the written consent of such an employee.

(3) An inspector or a person who at the request of the inspector accompanies an inspector or a person who makes an examination, test, inquiry or takes samples at the request of an inspector, is not a compellable witness in a civil suit or any proceedings except an inquest under any relevant law relating to any information, material statement or test acquired, furnished, obtained, made or received under this Bill or regulation made thereunder.

(4) The Council may communicate or allow to be communicated or disclosed information, material, statement or the result of a test acquired, furnished, obtained, made or received pursuant to this Bill or any regulations made thereunder.

(5) The Council may upon receipt of a request in writing from the owner of a workplace who has entered into an agreement to sell the same and upon payment of the fee or fees prescribed furnish to the owner or a person designated by the owner, copies of reports or orders of an inspector made under this Bill or any regulations made thereunder in respect of the workplace.

(6) Subclause (1) of this clause shall not apply so as to prevent any person from providing any information in the possession of the person including confidential business information in a medical emergency for the purpose of diagnosis or treatment.

Committee's Recommendation:
That the provision in Clause 83 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 83 *do stand part of the Bill, put and agreed to.*

PART XI: OFFENCES AND PENALTIES

Clause 84: General offences.

(1) Any employer who fails to comply with any of the provisions of Clauses 29, 30, 31, 32, 33, 34, 35, 36, 37 of this Bill relating to the duty of the employer commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine of not less than N500,000 or both such imprisonment and fine in the case of an individual or of a body corporate or both, a fine of not less than N2,000,000 and in addition each director, manager or officer of the body corporate shall be liable to imprisonment for a term not less than 1 year or to a fine of not less than N500,000.

(2) Any employer who contravenes the provision of 38(2) of this Bill commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to a fine of not less than ₦200,000 or to both such imprisonment and fine.

Committee's Recommendation:
That the provision in Clause 84 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 84 *do stand part of the Bill, put and agreed to.*

Clause 85: Any person who—

(*a*) forges any certificate required under this Bill; or

(*b*) gives or signs any certificate required under this Bill knowing it to be false in any particular material; or

(*c*) knowingly utters or makes use of any forged certificate or makes use of as applying to any person any certificate which does not so apply; or

(*d*) impersonates any person named in any certificate; or roads facilities or any infrastructure whatsoever.

(*e*) falsely pretends or impersonates an occupational safety and health inspector or offences; or

(*f*) willfully connives or conspires to commit any of the offences mentioned in paragraphs (a) to (c) of this clause; or

(*g*) willfully makes a false entry in any register, notice, certificate or any document required under this Bill; or

(*h*) willfully makes or signs a false declaration required to be made under this Bill or knowingly makes use of any such false entry or declaration, commits an offence and shall be liable on conviction to imprisonment for a term not less than 2 years or to a fine of ₦500,000 or to both.

Committee's Recommendation:
That the provision in Clause 85 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 85 *do stand part of the Bill, put and agreed to.*

Clause 86: **Failure to notify accidents, etc.**
An employer who fails to submit report of any accident, near miss, dangerous occurrence or occupational disease to the Council as required under this Bill commits an office and shall be liable on conviction to imprisonment for a term of not exceeding 3 years or to a fine of not less than ₦1,000,000 or to both such imprisonment and fine.

Committee's Recommendation:
That the provision in Clause 86 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 86 *do stand part of the Bill, put and agreed to.*

Clause 87: **Penalty in the case of death or serious bodily injury.**
Where any person is killed, or dies or suffers severe bodily injury resulting from a contravention by the employer of any of the provisions of this Bill, the employer shall without prejudice to any other penalty be liable to imprisonment for a term of not less than 3 years or a fine not less than ₦5 million or both.

Committee's Recommendation:
That the provision in Clause 87 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 87 *do stand part of the Bill, put and agreed to.*

Clause 88: Special provisions relating to criminal proceedings.

(1) In any proceedings under this Bill shall be sufficient to state in charge that the workplace is a workplace within the meaning of this Bill and to state the name of the ostensible employer of the workplace or where the employer is a firm, the name of the firm and the burden of providing that the premises is not a workplace or that the employer specified in the charge or information is not the employer in respect of the workplace shall lie on the person making the assertion.

(2) Where any offence is committed under this Bill by reason of failure to make an examination, enter a report or do any other thing at or within a time specified by this Bill or any regulations made thereunder, the offence shall be deemed to continue until the examination is made or the report entered or the other thing done as the case may be.

(3) If a person is found in a workplace at any time when work is ongoing or in progress except during the intervals for meals or rests, that person shall, until the contrary is proven, be deemed for the purposes of this Bill to have been employed in such workplace.

(4) Where any entry is required under This Bill or any regulations made thereunder to be made in the general register or any other register or record, the entry made by the employer in respect of the workplace or on behalf of the employer shall as against the employer be admissible as evidence of the facts therein stated and the fact that any entry so required with respect to the observance of any provision of this Bill or any order or regulation has not been made shall admissible as evidence that such provision has not been observed.

Committee's Recommendation:
That the provision in Clause 88 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 88 *do stand part of the Bill, put and agreed to.*

Clause 89: General Penalty, etc.

(1) Any person who contravenes or fails to comply with any provision of this Bill for which no specific penalty is provided commits an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine of ₦300.000 or both imprisonment and fine for the first case of contravention or non-compliance or imprisonment for a term not exceeding 3 years or to a fine of ₦1,000,000 or to both imprisonment and fine for every subsequent contravention or non-compliance.

(2) Except as otherwise provided under this Bill where an offence under this Bill is committed by a body corporate or firm —

(*a*) every director, manager or other similar officer of the body corporate; or

(*b*) every partner or officer of the firm;

(*c*) every person who is purporting to act in such capacity mentioned in paragraphs (a) or (b) of this subclause shall be deemed to have committed the offence and shall be proceeded against in like manner as if he or she had committed the offence and shall be liable on conviction to two times the penalty stipulated for an individual unless he or she proves that the act or omission constituting the offence took place without his knowledge, consent, connivance or neglect or that he took reasonable steps to prevent the commission of the offence.

Committee's Recommendation:
That the provision in Clause 89 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 89 *do stand part of the Bill, put and agreed to.*

Clause 90: Jurisdiction.
The National Industrial Court shall have jurisdiction to entertain civil proceedings under this Bill.

Committee's Recommendation:
That the provision in Clause 90 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 90 *do stand part of the Bill, put and agreed to.*

Clause 91: Compounding of offences.
Without prejudice to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria 1999 (with respect to the powers of the Attorney-General of the Federation to initiate or

Committee's Recommendation:
Leave out the provision in Clause 91 (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

PART XII: MISCELLANEOUS PROVISIONS

Clause 92: Power to make regulations.
The Minister may on the recommendation of the Council make regulations generally for giving full effect to the provisions of this Bill.

Committee's Recommendation:
That the provision in Clause 92 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 92 *do stand part of the Bill, put and agreed to.*

Clause 93: Amendment of Cap 126 LFN
Repeal and re-enact the Factory Act, Cap F1 Laws of the Federation 2004 (*Senator Wilson Ake — Rivers West*).

Amendment Proposed:
Leave out the words "and re-enact" and *insert* the word "of" instead thereof (*Senator Umaru Dahiru — Sokoto South*).

Question that the amendment be made, put and agreed to.

Question that Clause 93 *as amended do stand part of the Bill, put and agreed to.*

Clause 94: **Savings and traditional provisions.**

(1) The repeal of the enactment mentioned in section 88 of this Bill shall not affect anything done or purported to have been done under the repealed enactment.

(2) Any factory or workplace registered under the repealed enactment before the commencement of This Bill shall be deemed to have been registered under this Bill and shall be governed by the provisions of this Bill.

Committee's Recommendation:
That the provision in Clause 94 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 94 *do stand part of the Bill, put and agreed to.*

Clause 95: **Interpretation.**
In this Bill, unless the context otherwise requires—

"accident" means an occurrence arising out of or in the course of work which results in fatal or near fatal occupational injury.

Question: That the word "accident" be as defined in the Interpretation to this Act, put and agreed to.

"agriculture" means agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary procession of agricultural and animal products or on behalf of the appliances tools and agricultural installations including any process storage operation or transportation in an agricultural undertaking which are directly linked to agricultural production but shall not include—

(*a*) subsistence farming;

(*b*) industrial processes that use agricultural products as raw material and the related services; and

(*c*) the industrial exploitation of forests;

Question: That the word "agriculture" be as defined in the Interpretation to this Act, put and agreed to.

"air pollution" means all air contamination by chemical substances, physical or biological agents which are harmful to health;

Question: That the words "air pollution" be as defined in the Interpretation to this Act, put and agreed to.

"air receiver" means —

(*a*) any vessel (other than a pipe or coil or any necessary fitting or part of a compressor for containing compressed air and connected with an air compressing plant, or

(*b*) any fixed vessels for containing compressed air or compressed exhaust gasses and used for purpose of starting an internal combustion engine.

Question: That the words "air receiver" be as defined in the Interpretation to this Act, put and agreed to.

"article" includes any solid, liquid or gas or any combination thereof;

Question: That the word "artcle" be as defined in the Interpretation to this Act, put and agreed to.

"Board" means the governing Board of the Council for Occupational Safety and Health established under section 6 of this Bill.

Question: That the word "Board" be as defined in the Interpretation to this Act, put and agreed to.

"bodily injury" includes injury to health.

Question: That the words "Bodily injury" be as defined in the Interpretation to this Act, put and agreed to.

"chemical" means chemical elements and compounds and mixtures thereof whether natural or synthetic.

Question: That the word "chemical" be as defined in the Interpretation to this Act, put and agreed to.

"competent person" means a person who—

(*a*) is qualified because of knowledge, training and experience to organize the work and its performance;

(*b*) is familiar with the provisions of this Bill and any regulations applicable to the work ;

(*c*) has knowledge of any potential or actual danger to safety or health in the workplace; and

(*d*) has acquired through training qualification and experience or a combination of these, the knowledge and skills to perform the task required under this Bill.

Question: That the words "competent person" be as defined in the Interpretation to this Act, put and agreed to.

"construction" includes the building, excavation, civil or mechanical engineering, structural operation, renovation, repair, maintenance including cleaning and painting and demolition of all types of buildings, structures, roads facilities or any infrastructure whatsoever.

Question: That the word "construction" be as defined in the Interpretation to this Act, put and agreed to.

"contravention" includes in relation to any provision of this Bill a failure to comply with the provision and the expression "contravene" shall be construed accordingly.

Question: That the word "contravention" be as defined in the Interpretation to this Act, put and agreed to.

"Council" means the National Council for Occupational Safety and Health established under section 5 of this Bill.

Question: That the word "Council" be as defined in the Interpretation to this Act, put and agreed to.

"critical agent" means a chemical, physical or biological agent or combination thereof prescribed as a critical agent to which the exposure of an employee is prohibited regulated restricted limited or controlled.

Question: That the words "critical agent" be as defined in the Interpretation to this Act, put and agreed to.

"dangerous occurrence' includes any special class of explosion fire collapse of building accident to machinery or plant or other occurrences in a workplace capable of causing injury to an employee.

Question: That the words "dangerous occurrence" be as defined in the Interpretation to this Act, put and agreed to.

"dock work" includes all an any part of the work of loading or unloading any ship as well as any work incident thereto.

Question: That the words "dock work" be as defined in the Interpretation to this Act, put and agreed to.

"driving half" includes any driving strap rope or chain.

Question: That the words "driving half" be as defined in the Interpretation to this Act, put and agreed to.

"employee" means a person employed by another under oral or written contract of employment whether on a continuous part-time temporary or causal basis and includes a domestic servant who is not a member of the family of the employer.

Question: That the word "employee" be as defined in the Interpretation to this Act, put and agreed to.

"employer" means any individual or body corporate who has entered into a contract of employment to employ any other person as an employee or apprentice.

Question: That the word "employer" be as defined in the Interpretation to this Act, put and agreed to.

"fume" include gar or vapour.

Question: That the word "fume" be as defined in the Interpretation to this Act, put and agreed to.

"gazette" means the official Gazette of the Federal Republic of Nigeria.

Question: That the word "gazette" be as defined in the Interpretation to this Act, put and agreed to.

"general register" means the register kept in accordance with the requirements of section 66 of this Bill.

Question: That the words "general register" be as defined in the Interpretation to this Act, put and agreed to.

"hazard" means an agent or condition which under certain circumstances could cause an injury to a worker.

Question: That the word "hazard" be as defined in the Interpretation to this Act, put and agreed to.

"hazardous chemical" includes any chemical which has been classified as hazardous in accordance with this Bill or any other enactment or law.

Question: That the words "hazardous chemical" be as defined in the Interpretation to this Act, put and agreed to.

"hazardous installation" means one which produces, processes, handled, uses disposes of or stores either permanently or temporarily one or more hazardous substances in quantities which exceed the limit set by any enactment or law for the time being in force.

Question: That the words "hazardous installation" be as defined in the Interpretation to this Act, put and agreed to.

"health" means not merely the absence of disease or infirmity or physical condition but also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

Question: That the word "health" be as defined in the Interpretation to this Act, put and agreed to.

"injury" includes death or a bodily injury or disease resulting from an accident or exposure to critical agents in a workplace.

Question: That the word "injury" be as defined in the Interpretation to this Act, put and agreed to.

"inspector" means an inspector appointed pursuant to section 13(3) of this Bill.

Question: That the word "inspector" be as defined in the Interpretation to this Act, put and agreed to.

"labour office" means an officer appointed in line with International Labour Organization Convention, 1947 (No. 81) specifying the duties of labour officer as a professionals officers charged with securing and enforcing all provisions relating to hours of work, wages, child labour, safety health and welfare etc of workers in all workplaces.

Question: That the words "labour office" be as defined in the Interpretation to this Act, put and agreed to.

"machinery" includes any article or combination of articles (new second-hand or refurbished) assembled arranged or connected and which is used or intended to be used for converting any form of energy to performing work or which is used or intended to be use whether incidental thereto or not to developing receiving storing containing confirming transforming transmitting transferring or controlling any form of energy.

Question: That the word "machinery" be as defined in the Interpretation to this Act, put and agreed to.

"maintained" means to maintain in an efficient state in the efficient working order and in good repair.

Question: That the word "maintained" be as defined in the Interpretation to this Act, put and agreed to.

"major accident" means a sudden occurrence such as a major emission, fire or explosion in the course of an activity within a major hazard installation involving hazardous substances and leading to a serious danger to employees the public or the environment whether immediate or delayed.

Question: That the words "major accident" be as defined in the Interpretation to this Act, put and agreed to.

"maximum permissible working pressure" means the maximum pressure prescribe by the manufacturer of a pressure vessel.

Question: That the words "maximum permissible working pressure" be as defined in the Interpretation to this Act, put and agreed to.

"mine" includes—

(*a*) surface or underground sites where—

(*i*) The activities of exploration and extraction of minerals excluding oil and gas are carried out involving the mechanical disturbance of the ground.

(*ii*) there is preparation including crushing grinding concentration or washing of the extracted minerals or materials; and

(*b*) all machinery equipment appliances, plant, buildings and civil engineering structures used for any of the Bill activities referred to in paragraph (a).

Question: That the word "mine" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with the responsibility for matter relating to employment, labour and productivity.

Question: That the word "Minister" be as defined in the Interpretation to this Act, put and agreed to.

"near miss" means any sudden event involving one or more hazardous substances or conditions which but for mitigating effects actions or systems could have escalated to a major accident.

Question: That the words "near miss" be as defined in the Interpretation to this Act, put and agreed to.

"noise" means all sound which may result in hearing impairment or be harmful to health or otherwise dangerous.

Question: That the word "noise" be as defined in the Interpretation to this Act, put and agreed to.

"occupational disease" means a disease contracted arising out of or in the course of exposure to risk factors at work.

Question: That the words "occupational disease" be as defined in the Interpretation to this Act, put and agreed to.

"pressure vessel" include steam boiler, steam receiver and air receiver.

Question: That the words "pressure vessel" be as defined in the Interpretation to this Act, put and agreed to.

"prime mover" means every engine, motor or other appliance which provides mechanical energy derived from steam, water, win, electricity the combustion of fuel or other sources.

Question: That the words "prime mover" be as defined in the Interpretation to this Act, put and agreed to.

"quarry" means any place excavation or working other than a mine wherever, wherein or whereby any operation in connection with the extraction of sand, stone, laterite or any similar materials is carried on.

Question: That the word "quarry" be as defined in the Interpretation to this Act, put and agreed to.

"sanitary convenience" includes urinals, bidets, water-closets, earth-closets, latrines, privies, ash-pits and any similar conveniences.

Question: That the words "sanitary convinience" be as defined in the Interpretation to this Act, put and agreed to.

"securely fenced" means such fencing that is capable of preventing contact between persons and fence part of the machinery or of preventing parts of machinery or materials therefrom from making contact with persons.

Question: That the words "securely fenced" be as defined in the Interpretation to this Act, put and agreed to.

"steam boiler" means any closed vessel in which for any purpose steam is generated under pressure grater than atmosphere pressure and includes any economizer used to heat water being fed to any such vessel and any super heater used for heating steam.

Question: That the words "steam boiler" be as defined in the Interpretation to this Act, put and agreed to.

"transmission machinery" means every shaft, wheel, drum, pulley steam of fast and loss pulleys coupling clutch driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance.

Question: That the words "transmission machinery" be as defined in the Interpretation to this Act, put and agreed to.

"vibration" means any vibration which is transmitted to the human body through solid structures and is harmful to health or otherwise dangerous.

Question: That the word "vibration" be as defined in the Interpretation to this Act, put and agreed to.

"worker" has the same meaning "employee" and includes employees in the public service of the Federation of the State and the Local government.

Question: That the word "worker" be as defined in the Interpretation to this Act, put and agreed to.

"workplace" includes any premises or place where a person performs any work or needs to be or is required to be in the course of his employment.

Question: That the word "workplace" be as defined in the Interpretation to this Act, put and agreed to.

"young person" means any person under the age of 18 years.

Question: That the words "young person" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:
That the provision in Clause 95 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 95 do stand part of the Bill, put and agreed to.

PART VII: RESEARCH AND RELATED ACTIVITIES

Clause 96: **Research and Development.**

The Council and all relevant agencies and the academia shall facilitate quality research and analysis of occupational safety and health data. Such research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 96 *do stand part of the Bill, put and agreed to.*

Clause 97: **Consultation with the Ministry of Labour & productivity**

(1) The Council shall from time to time consult with the Ministry of Labour, in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including identifying toxic substances, enabling the Council to meet its responsibility for the formulation of safety and health standards under this Bill, and the Minister of Labour, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Bill.

(2) The Minister of Labour together with the Council, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure level that are safe for various periods of employment, including but not limited to exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

(3) The Minister of Labour, working with the Council shall also conduct special research, experiments and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Bill. The Ministry of Health shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Council in collaboration with the Ministry of Labour, shall publish within six (6) months of enactment of this Bill, and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful groupings, and the concentrations at which such toxicity is known to occur.

(5) Upon a written request by any employer or authorized representative of employees, the Ministry of Labour shall determine, specifying with reasonable particularity, the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found, and shall submit such determination both to employers and affected employees as soon as possible.

(6) If the Minister of Labour determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety and health standard promulgated under this Bill, the Minister of Labour shall immediately submit such determination to the Council, together with all pertinent criteria.

Committee's Recommendation:
That the provision in Clause 97 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 97 *do stand part of the Bill, put and agreed to.*

Clause 98: **Annual Studies**:
Within two years of enactment of this Bill, and annually thereafter, the Minister of Labour shall conduct and publish industry wide status of the effect of chronic or low-level exposure to industrial materials, process, and stress on the potential for illness, disease, or loss of functional capacity in aging adults.

Committee's Recommendation:
That the provision in Clause 98 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 98 *do stand part of the Bill, put and agreed to.*

Clause 99: **Inspections**.

(1) The Minister of Labour is authorized to make inspections and question employers and employees as provided in Ttis Bill in order to carry out his functions and responsibilities under this Section.

(2) Information obtained by the Council and the Minister of Labour under this Section shall be disseminated by the Council to employers and employees and organizations thereof.

Committee's Recommendation:
That the provision in Clause 99 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 99 *do stand part of the Bill, put and agreed to.*

Clause 100: **Delegation of functions.**
The functions of the Minister of Labour under this Bill shall, to the extent feasible, be delegated to the Director-General of the National Institute for Occupational Safety and Health established by Clause 95 of this Bill.

Committee's Recommendation:
That the provision in Clause 100 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 100 *do stand part of the Bill, put and agreed to.*

Clause 101: Training and employee education.

(1) The Minister of Labour, after consultation with the Council and other appropriate federal departments and agencies, shall conduct, directly or by grants or contracts—

(*a*) education programmes to provide an adequate supply of qualified personnel to carry out the purposes of this Bill, and

(*b*) informational programmes on the importance of and proper use of adequate safety and health equipment.

(2) The Council, in consultation with the Ministry of Labour shall—

(*a*) provide for the establishment and supervision of programmes for the education and training of employers and employees in the recognition, guidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Bill, and;

(*b*) consult with the advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illness.

Committee's Recommendation:
That the provision in Clause 101 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 101 *do stand part of the Bill, put and agreed to.*

PART XIII: NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH)

Clause 102: Establishment of the Institute, powers and functions, appointment of Directors, etc.

(1) It is hereby established a National Institute for Occupational Safety and Health (in this Bill known as "The Institute") in the Ministry of Labour in order to carry out the policy set forth in Clause 95 of this Bill and to perform the functions of the Minister of Labour under Clause 98 and 99 of this Bill.

(2) (*a*) Director-General who shall be appointed by the President on the recommendation of the Minister of Labour

(*b*) he shall serve for a term of four (4) years and may be re-appointed for another term and no more

(3) The Institute is authorized to—

(*a*) develop and establish recommended occupational safety and health standards; and

(*b*) perform all functions of the Minister of Labour under Clauses 94 and 95 of this Bill.

Committee's Recommendation:
That the provision in Clause 102 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 102 *do stand part of the Bill, put and agreed to.*

Clause 103: Powers of Director-General.

(1) The Director-General of the Institute may, upon his own initiative, or upon the request of the Minister of Labour —

(*a*) conduct such research and experimental programmes as he determines are necessary for the development of criteria for new and improved occupational safety and health standards; and

(*b*) after considering the results of such research and experimental programmes, make recommendations concerning new and improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this Clause shall immediately be forwarded to the Minister of Labour and to the National Council for Occupational Safety and Health.

(2) In addition to any authority vested in the Institute by other provisions of this Clause, the Director-General, in carrying out the functions of the Institute, has the powers to—

(*a*) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(*b*) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(*c*) receive (and use, sell, or dispose of, in accordance with subclause (b) above, money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(*d*) in accordance with the Civil Service Laws, appoint and fix the remuneration of such personnel as may be necessary to carry out the provisions of this Clause;

(*e*) obtain the services of experts and consultants in accordance with the provisions of this Bill;

(*f*) accept and utilize the services of voluntary and non-compensated personnel and reimburse them for travel expenses, in accordance with its regulations;

(*g*) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Clause, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to any other provision of law relating to competitive bidding;

(*h*) make other necessary expenditures.

Committee's Recommendation:
That the provision in Clause 103 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 103 *do stand part of the Bill, put and agreed to.*

Clause 104: **Annual report to the Minister of Labour, President and National Assembly.**
The Director-General shall submit to the Minister of Labour, to the President, and to the National Assembly, before the 30th of September of every year, an annual report of the operations of the Institute under this Bill, which shall include a detailed statement of all private and public funds received and expended or yet to be expended, and such other recommendation that are necessary and appropriate.

Committee's Recommendation:
That the provision in Clause 104 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 104 *do stand part of the Bill, put and agreed to.*

PART XIV: DUTIES OF FEDERAL MINISTRY OF HEALTH

Clause 105: **Collaboration of the Institute with the Federal Ministry of Health.**
Collaborate with the Federal Ministry of Health in the National Information Management System (NIMS) on occupational accidents, injuries and disease by providing relevant information on all such cases in medical facilities nationwide.

Committee's Recommendation:
That the provision in Clause 105 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 105 *do stand part of the Bill, put and agreed to.*

Clause 106: **Regulate medical Practice in occupational health.**
Regulate, monitor and evaluate medical practices in the area of occupational health.

Committee's Recommendation:
That the provision in Clause 106 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 106 *do stand part of the Bill, put and agreed to.*

Clause 107: **Provide expertise where necessary.**
Collaborate where appropriate with the Federal Ministry of Labour & Productivity to provide expertise and/or advise for the effective implementation of this policy.

Committee's Recommendation:
That the provision in Clause 107 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 107 *do stand part of the Bill, put and agreed to.*

PART XV: MISCELLANEOUS

Clause 108: Consultation with the Ministry of Labour and Productivity.

(1) In order to further the purposes of this Bill, the Institute, in consultation with the Minister of Labour, shall develop and maintain an effective programme of collection, compilation, and analysis of occupational safety and health statistics. Such programmes may cover all employments whether or not subject to any other provisions of this Bill;

(2) The Institute shall compile accurate statistics on work injuries and illness which shall include all disabling, serious, or significant injuries and illness, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment, loss of consciousness, restriction of walk or motion, or transfer to another job.

Committee's Recommendation:
That the provision in Clause 108 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 108 *do stand part of the Bill, put and agreed to.*

Clause 109: Record keeping.

(1) Each recipient of a grant under This Bill shall keep such records as the Institute or the Minister of Labour shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grants, the total cost of the project or undertaken in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit;

(2) The Minister, or the Minister of Labour and the Auditor-General of the Federation, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any grant under This Bill that are pertinent to any such grant.

Committee's Recommendation:
That the provision in Clause 109 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 109 *do stand part of the Bill, put and agreed to.*

Clause 110: Annual Report.

Not later than 30th June in each year, and in addition to the responsibilities already imposed by Clause 102 of this Bill, the Institute and the Minister for Labour shall each prepare and submit to the President for transmission to the National Assembly

(1) a report on the extent of implementation of their respective responsibilities as imposed by this Bill;

(2) the needs and requirements in the field of occupational safety and health;

(3) information regarding occupational safety and health standards and criteria for such standards developed during the preceding year;

(4) evaluation of standards and criteria previously developed under this Bill;

(5) evaluation of the degree of observance of applicable occupational safety and health standards;

(6) a summary of inspection and enforcement activity undertaken;

(7) an analysis and evaluation of research activities for which results have been obtained under governmental sponsorship;

(8) an analysis of major occupational disease;

(9) a description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Bill during the preceding year;

(10) a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health;

(11) estimates of future needs and the efforts being made by Government and others to meet those needs;

(12) a list of all toxic substances in industrial usage for which labeling requirements, criteria or standards have not yet been established; and

(13) such further recommendation for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Bill.

Committee's Recommendation:
That the provision in Clause 110 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 110 *do stand part of the Bill, put and agreed to.*

Clause 111: Appropriation.
There are authorized to be appropriated to carry out this Bill for each fiscal year such sums as the National Assembly shall deem necessary.

Committee's Recommendation:
That the provision in Clause 111 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 111 *do stand part of the Bill, put and agreed to.*

Clause 112: Short Title.
This Bill may be cited as the Labour Safety, Health and Welfare Bill, 2012.

Committee's Recommendation:
That the provision in Clause 112 be retained (*Senator Wilson Ake — Rivers West*) — *Agreed to.*

Question that Clause 112 *do stand part of the Bill, put and agreed to.*

FIRST SCHEDULE

Supplementary provisions relating to the Institute and to the Board

1. Subject to this Bill and Clause 93 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board and any Committee thereof.

2. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members at the meeting shall elect one of their members to preside at the meeting.

3. The quorum at a meeting of the board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule and six other members.

4. The Board may on any special occupation, co-opt any person to be member of the Board for as many meetings as it may deem necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

5. (1) subject to its standing orders, the Board may appoint such number of standing and adhoc committees as it thinks fit to consider and report any matter with which the Institute is concerned.

(*2*) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case

6. The decision of a committee shall be of no effect until it is confirmed by the Board.

7. The fixing of the seal of the Institute shall be authenticated by the Signature of the Chairman of the Board and Director of the Institute such other members authorized generally or specially by the Board to act for that purposes.

8. Any contract or instrument, which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute by the Chairman or by any other person authorized generally or specifically by the Board to act for their purpose.

9. Any document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Institute shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been so signed or sealed.

10. The validity of a proceeding of Board or of a Committee thereof shall not be adversely affected—

(*a*) by any vacancy in the membership of the Board; or

(*b*) by any defect in the appointment of a member of the Board; or

(*c*) by reason that a person not entitled to do so took part in the proceeding.

11. A member of the Board or Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or Committee and shall not vote on any question relating to the contract or arrangement.

Question that paragraphs 1, 2,3,4,5,6,7,8,9,10 and 11 under the Head "Supplementary provisions relating to the Institute and to the Board" stand part of the First Schedule to the Bill, put and agreed to.

SECOND SCHEDULE

Transitional provisions relating to the employees, assets and liabilities of the National Institute for Occupational Safety and Health

1. By virtue of This Bill, there shall be vested in the Institute immediately at the commencement of this Bill, without further assurance, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the Factories Inspectorate department of the Federal Ministry of Labour and Productivity (in this Section referred to as "the Department").

2. As from the commencement of this Bill—

(*a*) all rights, interests, obligations and liabilities of the Department existing immediately before the commencement of This Bill under any contract or instrument, or at law or in equity apart form any contract or instrument, shall by virtue of this Bill be assigned to and vested in the Institute;

(*b*) any contract or instrument as mentioned in sub-paragraph (a) of this paragraph shall be of the same force and effect against or in favour of the Institute and shall be enforceable as fully and effectively as if, instead of the Department, the Institute has been named therein or had been a part thereto; and

(*c*) the institute shall be subject to all obligations and liabilities to which the department was subject immediately before the commencement of this Bill, and all other persons shall as from the commencement of this Bill have the same rights, powers and remedies against the Institute as they had against the Department immediately before the commencement of this Bill.

3. Any proceeding or cause or action pending or existing immediately before the commencement of this Bill or against the Department in respect of any right, interest, obligations or liability of the Department may be commenced, continued or enforced by or against the Institute as if this Bill has not been made.

4. Notwithstanding the provisions of this Bill but subject to such directions as may be issued by the Institute, any person who immediately before the date of the commencement of this Bill held office in the Department shall be deemed to have been transferred to the Institute on terms and conditions not less favourable than those obtained immediately before the commencement of this Bill, and service under the Institute for purposes of pension.

5. The Minister, if he thinks fit, may, within the twelve months after the commencement of this Bill, by other published in the gazette, make additional or saving provisions or the better implementation of the objectives of this Schedule.

Question that paragraphs 1, 2,3,4 and 5 under the Head "Transitional provisions relating to the employees, assets and liabilities of the National Institute for Occupational Safety and Health" stand part of the Second Schedule to the Bill, put and agreed to.

Supplementary provisions relating to the Council

1. Subject to this Bill and Clause 93 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committee notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may from time to time determine.

2. There shall be at least four ordinary meetings of the Board in every calendar year and subject thereto, the Board shall meet whenever it is convened by the Chairman and if the Chairman is requested to do so by notice given to him by not less than 3 other members, he shall convene a meeting of the Board to be held within 14 days from the date on which the notice was given.

3. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their member to preside at the meeting.

4. The quorum of any meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and nine other members comprising of not less than two representatives each of the Government, employers and employees respectively.

5. The Board shall meet for the conduct of its business at such places and on such days the Chairman may appoint

6. A question put before the Council at a meeting shall be decided by consensus and where this is not possible by a majority of the votes of the member present and voting.

7. The chairman shall in the case of an equality of votes have a casting vote in addition to his deliberate vote.

8. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it thinks fit, but a person who is invited by virtue of his paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

9. The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine and report on any matter with which the Board is concerned.

10. A committee appointed under paragraph 8 of this Schedule shall be presided over by a member of the Board and consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

11. A decision of a committee of the Board shall be of no effect until is confirmed by the Board.

Miscellaneous

12. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and the Executive Secretary or the Executive Secretary and such other person authorized by the Council to act for that purpose.

13. A contract or an instrument which if made or executed by any person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Council by the Chairman or the Executive Secretary or by any person generally or specifically authorized to act for that purpose by the Council.

14. A document purporting to be a contract an instrument or other document signed or sealed on behalf of the Council shall be received in evidence and unless the contrary is proved be presumed without further proof to have been properly signed or sealed.

15. The validity of any proceedings of the Council or its committees shall not be affected by—

(*a*) any vacancy in the membership of the Council or its committees; or

(*b*) reason that a person not entitled to do so took part in the proceedings; or

(*c*) any defect in the appointment of a member.

16. Any member of the Board or its committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or any committee thereof—

(*a*) shall forthwith disclose his interest to the Board or committee; and

(*b*) shall not vote on any question relating to the contract arrangement.

Question that paragraphs 1, 2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16 under the Head "Supplementary provisions relating to the Council" stand part of the Second Schedule to the Bill, put and agreed to.

THIRD SCHEDULE

Section 65(4) and (5)

List of chemicals and typical hazard installations

PART A: PRIORITY CHEMICALS USED IN IDENTIFYING MAJOR HAZARDOUS INSTALLATIONS

PART B: TYPICAL MAJOR HAZARD INSTALLATIONS

The list of major hazard installations that shall notify the Council about their installation—

(*a*) Petrochemical works and refineries
(*b*) Chemical works and chemical production
(*c*) LPG storage and terminals
(*d*) Stores and distribution centers for chemicals
(*e*) Large fertilizer stores
(*f*) Explosives factors; and

(*g*) Works in which chlorine is used in bulk quantities.

Question that Part A and B under the Head "List of chemicals and typical hazard installations" stand part of the Third Schedule to the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Employment, Labour and Productivity; Health; and Establishment and Public Services, on the Occupational Safety and Health Bill 2012 and approved as follows:

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clauses 3-17	—	As Recommended
Clause 18	—	As Amended
Clauses 19-21	—	As Recommended
Clause 22	—	As Amended
Clause 23	—	As Recommended
Clause 24	—	As Amended
Clauses 25-41	—	As Recommended
Clause 42	—	As Amended
Clauses 43- 57	—	As Recommended
Clause 58	—	As Deleted
Clauses 59- 92	—	As Recommended
Clause 93	—	As Amended
Clauses 94- 112	—	As Recommended
Schedules 1- 3	—	As Recommended

Question: That the Senate do approve the Report — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time *(Senate Leader).*

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

7. **Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption:**
Report on the Deployment of Recruits of the National Drugs Law Enforcement Agency (NDLEA) without Training:

Consideration of report deferred to another Legislative Day.

8. **Customs and Excise Management Act 2004, CAP. C45, Laws of the Federation (Repeal and Re-enactment) Bill 2012 (HB.238):**

Consideration of Bill deferred to another Legislative Day.

9. **Nigeria Customs Service (Establishment, etc) Bill 2012 (SB.148):**

Consideration of Bill deferred to another Legislative Day.

10. **Nigerian Communications Satellite Corporation Bill (HB.208):**

Consideration of Bill deferred to another Legislative Day.

11. **Corrupt Practices and Other Related Offences Act, 2010 CAP. C31 LFN (Amendment) Bill 2012 (SB.194):**

Consideration of Bill deferred to another Legislative Day.

12. **Office of the Auditor-General (Establishment, etc) Bill 2012 (SB.18):**

Consideration of Bill deferred to another Legislative Day.

13. **Petroleum Act, 2004 Cap P10 LFN (Amendment) Bill 2012 (SB.146):**

Consideration of Bill deferred to another Legislative Day.

14. **Adjournment:**
Motion made: That the Senate do now adjourn till Tuesday, 2nd October, 2012 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:32 *p.m.*

Dr. David A. B. Mark, GCON, fnim
President,
Senate of the Federal Republic of Nigeria.