

**BELIZE:**

**OCCUPATIONAL SAFETY AND HEALTH BILL, 2025**

ARRANGEMENT OF CLAUSES

PART I

*Preliminary*

1. Short title.
2. Interpretation.
3. Application.

PART II

*Establishment and Functions of the National Occupational Safety and Health Advisory Committee*

4. Establishment and composition of the Advisory Committee.
5. Functions and powers of the Advisory Committee.
6. Subcommittees.

PART III

*Establishment and composition of the Occupational Safety and Health Inspectorate and Functions and Powers of Inspectors*

7. Establishment and composition of the Occupational Safety and Health Inspectorate.
8. Duties of the Chief Inspector.
9. Conflict of interest of inspectors.
10. Powers of inspectors.
11. Preservation of records for inspection by an inspector.

12. Confidentiality.
13. Identification of inspectors.

#### PART IV

*Duties of employers, workers, self-employed persons, manufacturers, suppliers, installers, and other persons at work*

14. Duties of employers to workers.
15. Duties of self-employed persons.
16. Duties of employers and self-employed persons to persons other than workers.
17. Duties of persons in control of workplaces.
18. Duties of designers, manufacturers, importers, suppliers, and installers.
19. Additional duties of suppliers.
20. Professional accountability for advice and certification.
21. Duties of workers.
22. Duties of a property owner at a construction site.
23. Duties of an employer at a construction site.
24. Duties of directors and officers of a company.
25. Duty to make annual risk assessment.

#### PART V

*Safety and Health Committee*

26. Duty of employer to establish committee.
27. Composition of the committee.
28. Functions of the committee.
29. Disqualification of committee members.

- 30. Responsibilities of employers to committees.
- 31. Safety and health representatives.

PART VI

*Prohibitions Against Reprisals and Related Activities*

- 32. Reprisal against workers.
- 33. Obstruction in respect of injured workers.
- 34. Prohibition of false creation of safety and health fears.
- 35. Remedies for discrimination against workers.

PART VII

*Grounds for Refusal to Work and Investigations*

- 36. Circumstances where a worker may refuse to work.
- 37. Circumstances where a worker may not refuse to work.
- 38. Reporting a refusal to work and investigation.
- 39. Inspector to conduct investigation where refusal to work persists after employer's investigation.
- 40. Appeal against decisions relating to refusal to work.
- 41. Responsibility of the captain of registered or Government owned ship or aircraft.

PART VIII

*Hazardous Substances, Chemicals, Biological Agents, and Physical Agents*

- 42. Powers to prohibit or restrict hazardous substances, chemicals, biological agents, or physical agents.
- 43. New hazardous substances, chemicals, biological agents, or physical agents.

44. Inventory of hazardous substances, chemicals, biological agents, and physical agents.
45. Employer to supply information on hazardous substances, chemicals, biological agents, and physical agents to workers.
46. Access to information on hazardous substances, chemicals, biological agents, and physical agents.
47. Hazardous substances, chemicals, biological agents, and physical agents' assessment.
48. Notice regarding hazardous substances, chemicals, biological agents, and physical agents.
49. Hazardous substances, chemicals, biological agents, and physical agents training.
50. Exemption from disclosure of certain information.
51. Notification and assessment of new hazardous substances, chemicals, biological agents, and physical agents.
52. Declaration of hazardous substances, chemicals, biological agents, or physical agents for priority assessment.
53. Assessment reports for hazardous substances, chemicals, biological agents, or physical agents.
54. Publication of assessment reports.

#### PART IX

*Notification of Occupational Safety and Health Accidents and Diseases and  
Duty to keep Record and Register of Accidents and Diseases*

55. Notification of accidents and other diseases.
56. Duty of employer to give notice of occupational disease.
57. Duty of medical practitioner to give notice of occupational disease.
58. Notification of conditions of the workplace.
59. Record of accidents and other matters.
60. Employers to maintain registers.

PART X

*Notices issued by Inspectors*

61. Inspector may issue improvement notice.
62. Inspector may issue prohibition notice.
63. Inspector may issue penalty notice and include a penalty fee.
64. Closure notice in cases of immediate threats.
65. Post closure actions.
66. Issuing of notices.
67. Notices may include directions.
68. Appeals against notices.

PART XI

*Offences, Penalties, and Legal Proceedings*

69. Offences in relation to investigations.
70. General offences and penalties.
71. Power to prosecute.
72. Limitation of proceedings.
73. Defence to employer's liability for acts or omission done by workers.
74. Documentary evidence.
75. Protection against civil and criminal proceedings.
76. Aiding and abetting.
77. Forgery, false declarations, etc.
78. Offence of failure to furnish information required in a notice.

## PART XII

*Miscellaneous*

- 79. This Act to prevail.
- 80. More favourable provisions to prevail.
- 81. Regulations.
- 82. Code of practice.
- 83. Use of code of practice in proceedings.
- 84. Repeal and savings.
- 85. Commencement.

## SCHEDULE

**BELIZE:**

**BILL**

**for**

**AN ACT** to establish the National Occupational Safety and Health Advisory Committee and the Occupational Safety and Health Inspectorate; to provide for improved standards for occupational safety and health of workers and other persons at work; to provide for duties and obligations of employers, workers, self-employed persons, manufacturers, suppliers, installers, inspectors, and other persons at work; to repeal the Factories Act, Chapter 296 of the Substantive Laws of Belize, Revised Edition 2020; and to provide for matters connected therewith or incidental thereto.

*(Gazetted....., 2025)*

**BE IT ENACTED**, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the Advisory Committee of the same, as follows:

**PART I**

*Preliminary*

1. This Act may be cited as the

Short title.

**OCCUPATIONAL SAFETY AND HEALTH BILL, 2025.**

2. In this Act—

Interpretation.

“accident” means an event occurring at, or a situation arising in, a workplace which results in—

(a) bodily injury or occupational disease; or

(b) bodily injury due to a dangerous occurrence to or from a workplace;

“article” means an object which is formed to a specific shape or design during its manufacture and the use of that object is dependent in whole or in part on its shape or design;

“associated safety and health legislation” means—

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- CAP. 221. (a) the Electricity Act;
- CAP. 225. (b) the Petroleum Act;
- CAP. 226. (c) the Mines and Mineral Act;
- CAP. 131. (d) the Belize Building Act; and
- (e) any other legislation which the Advisory Committee may prescribe;

“biological agent” means any microorganisms, cell cultures, human endoparasites, or other biological entities, including bacteria, viruses, fungi, prions, and biological toxins, which have the potential to cause infections, allergic reactions, toxicity, or other adverse health effects in humans, and this term encompasses both naturally occurring and genetically modified organisms, as well as biological substances arising from work processes, environmental exposures, or human or animal sources, that may present a hazard to occupational safety and health;

“bodily injury” means any injury to a person's body, including injury to physical health, mental health, or psychological well-being, resulting from an accident or exposure to hazardous conditions at a workplace or work-related stress;

“chemical” means a chemical element, compound, or mixture thereof, whether natural or synthetic, that has a distinct molecular structure or composition, and includes substances in solid, liquid, gas, or vapor form, and any materials that may release chemical agents, vapours, fumes, or dust during their handling, use or processing in the workplace;

“Chief Inspector” means the head of the Occupational Safety and Health Inspectorate within the Labour Department;

CAP. 297. “Commissioner” means the Labour Commissioner appointed in accordance with section 3 of the Labour Act;

“construction” means—

- (a) building, excavation and structural altering, renovating, repairing, maintenance, cleaning, painting, or demolishing of all types of buildings or structures;
- (b) civil engineering, excavation, structural alteration, repair, maintenance, or demolition of airports, docks, harbours, inland water ways, dams, rivers, avalanche and sea defence works, roads and highways, railways, bridges, tunnels, viaducts, oil operations and services such as

communications, drainage, sewerage, water and energy supplies;

- (c) the erection or dismantling of prefabricated buildings and structures, as well as the manufacturing of prefabricated elements on the construction site; and
- (d) electrical, plumbing, or installation of air conditioning and cable workings;

“domestic work” means work or services performed in or for a household;

“domestic worker” means a person engaged in domestic work under the terms of an employment relationship;

“employer” means an employer as defined under section 2 of the Labour Act; CAP. 297.

“engineer” means a person who holds a certificate of registration pursuant to the Professional Engineers (Registration) Act; CAP. 326:03.

“hazard” means a potential source of harm or adverse health effect on a person;

“hazardous substance” means–

- (a) a chemical including ionizing radiation, physical agent or biological agent, or a combination thereof prescribed as hazardous substance, to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled by this Act or any other law, and any agent or situation capable of potentially injuring or compromising the health and safety of a person or causing damage to plant or premises;
- (b) any chemical which has been classified as hazardous in accordance with Article 6 of the International Labour Organization Convention No.170 or for which relevant information exists to indicate that the chemical is considered hazardous by the International Atomic Energy Agency; or
- (c) any substance, physical condition, ergonomic factor, or psychological hazard that, by virtue of its chemical, physical, toxicological, safety, ergonomic, or psychological properties, either alone or in combination with other substances or conditions, poses a risk of injury, illness, or compromised well-being in the workplace and this

includes, but is not limited to, repetitive motion risks, excessive noise, or vibration, thermal extremes, improper workstation design, work-related stress, harassment, bullying, and other psychosocial factors that negatively impact mental health;

“incident” means any unplanned event or occurrence arising out of or in the course of work that has the potential to cause harm, injury, illness, damage, or disruption, whether or not it actually results in injury or property damage and includes, near misses, dangerous occurrences, accidents, and unsafe conditions that could adversely affect the health and safety of workers or workplace operations;

“industrial establishment” means any place, building, or premises where industrial operations are carried out such as manufacturing, production, processing, or assembly of goods, materials, or products, including factories, workshops, refineries, mines, and other facilities involved in industrial processes; industrial establishments also encompass activities such as the generation of energy, or the provision of services directly linked to the production process, but excludes offices, retail establishments, or agricultural activities, unless they are directly related to industrial production;

“inspector” means a person who is an occupational safety and health inspector;

“Inspectorate” means the Occupational Safety and Health Inspectorate established under section 7;

CAP. 297.

“Labour Complaints Tribunal” means the Labour Complaints Tribunal established under section 200 of the Labour Act;

“medical officer” means a—

- (a) medical practitioner who is employed by the Government and who is responsible for monitoring, investigating and making recommendations to the Government on matters respecting the health of the public; and
- (b) private medical practitioner;

“Minister” means the Minister responsible for Labour;

“Ministry” means the Ministry responsible for Labour;

“National Occupational Safety and Health Advisory Committee” or “Advisory Committee” means the National Safety and Health Advisory Committee established under section 4;

“near miss” means a potential hazard or incident in which no property was damaged, and no personal injury was sustained, but where, given a slight shift in time or position, damage or injury easily could have occurred;

“non-domestic premises” means any premises that is not used as a private residence;

“occupational disease” means a prescribed disease based on standards of International Labour Conventions dealing with occupational safety and health;

“owner” means a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or intended to be used as a workplace, and a person who has right of title to, and management of, or control over the plant for use in a workplace or plant intended to be used in a workplace, and includes a person who acts for or on behalf of an owner as an agent or otherwise;

“penalty notice” means a notice issued under section 63 for the payment of a penalty fee within a specified time;

“physical agent” means electromagnetic radiation, ionizing radiation, lighting, noise, vibration, heat, cold, humidity, and pressure;

“plant” means—

- (a) any machinery, equipment, appliance, implement, or tool;
- (b) any component, material, fitting or accessory used in conjunction with any machinery, equipment, appliance, implement, or tool;
- (c) steam boilers, pressure vessels, hoists, lifts, cranes, lifting equipment, handling devices, amusement rides, or scaffolding;
- (d) apparatus, tackle, gear, or any technology; and
- (e) any combination of mechanical parts that transmits from one part to another, or otherwise modifies, force, motion or produces energy that arises from any source including hydraulic, pneumatic, chemical, or electric reaction;

“practicable” means reasonably practicable having regard, where the context permits, to—

- (a) the severity of any potential injury or harm to health that may be involved, and the degree of risk of it occurring;

- (b) the state of knowledge about–
  - (i) the injury or harm to health referred to in paragraph (a);
  - (ii) the risk of that injury or harm to health occurring; and
  - (iii) the means of removing or mitigating the risk or mitigating the potential injury or harm to health; and
- (c) the availability, suitability, and cost of the means referred to in paragraph (b) (iii);

“premises” means any–

- (a) land, building, or part of any building;
- (b) vehicle, ship, or aircraft;
- (c) installation on land, on the bed of any water, or floating on any water;
- (d) tent or movable structure; and
- (e) workplace;

“risk” means the likelihood or probability of harm, injury, or occupational disease occurring as a result of exposure to identified hazards in the workplace, combined with the severity or consequences of such harm, and it involves evaluating the potential for adverse effects on the health, safety, and well-being of workers due to exposure to hazardous substances, conditions, or activities;

“risk assessment” means the systematic process of identifying hazards, evaluating the risks associated with those hazards, and assessing the likelihood and severity of harm or occupational disease resulting from exposure to these hazards, and includes considering the probability, consequences, and potential impact on the health and safety of workers from exposure to hazardous substances, conditions, or activities, and determining appropriate control measures to mitigate those risks;

“safety and health committee” or “committee” means the committee required to be established under section 26;

“Safety Data Sheets” means a document that provides comprehensive information about the composition, physical and chemical properties, health effects, and environmental impacts of a substance or mixture; it also contains guidance on the safe handling, use, storage, transporting and

disposal of all hazardous substances, chemicals, biological agents and physical agents, and materials;

“self-employed person” means a person who works for gain or reward otherwise than under a contract of employment or apprenticeship, whether or not that person employs one or more other persons;

“substance” means any natural or artificial substance, whether in the form of solid, liquid, gas, vapour or aerosol, alone or in any combination;

“supervisor” means a person who has charge of a workplace or authority over a worker;

“telecommuting” means a form of work arrangement where workers use information and communication technology to perform work activities away from the premises of the employer on a regular basis and includes telework, remote work or working from home;

“trade union” means a trade union as defined in section 2 of the Trade Unions and Employers’ Organisations (Registration, Recognition and Status) Act;

CAP. 304.

“utter” means the passing or making use of a forged document with knowledge of its forged nature and with an intent to deceive;

“worker” means any person who performs work for an employer under a contract of employment, whether written or oral, express or implied, and who receives or is entitled to remuneration in exchange for their services, including employees in both the public and private sectors, irrespective of whether the work is permanent, temporary, part-time, full-time, casual, or seasonal, as well as apprentices, trainees, interns, and individuals in similar positions working for the purpose of gaining experience or training in a workplace; and

“workplace” means—

- (a) any place, whether or not in a building or structure, including industrial establishments, mines, businesses, vehicles, and mobile or temporary work locations, where workers go to work or which is under the direct or indirect control of the employer; and
- (b) any place where a worker performs work remotely or from home, using information and communication technologies, as part of a telecommuting arrangement with the employer.

3.—(1) This Act shall apply to all workplaces where any person is at work, whether temporarily or permanently.

Application.

(2) Notwithstanding sub-section (1), this Act does not apply to any owner or occupier of a private residence, a private residence, the surrounding land, or any associated property where a domestic worker provides domestic work.

## PART II

### *Establishment and Functions of the National Occupational Safety and Health Advisory Committee*

Establishment and composition of the Advisory Committee.

4.—(1) There is hereby established, under the Ministry for the time being responsible for labour, the National Occupational Safety and Health Advisory Committee, which shall serve as the consultative and advisory body on occupational safety and health matters.

Schedule.

(2) The organisation and constitution of the Advisory Committee shall be as set out in the Schedule.

Functions and powers of the Advisory Committee.

5. The functions of the Advisory Committee shall include the following—

- (a) advise the Minister or the Inspectorate on matters relating to occupational safety and health, including policy development and implementation strategies;
- (b) recommend national safety and health standards and codes of practice in consultation with relevant stakeholders and the Inspectorate;
- (c) review and provide input on the effectiveness of existing occupational safety and health legislation;
- (d) advise on strategies for improving safety and health standards in the workplace;
- (e) provide expert advice on reports or studies related to occupational safety and health;
- (f) assist in the identification of emerging safety and health risks and recommending appropriate preventive measures;
- (g) review and advise on the development and dissemination of awareness and training programs related to occupational safety and health; and
- (h) perform any other advisory function as may be necessary to give effect to the purposes of this Act.

6.—(1) The Advisory Committee may establish subcommittees and specify such terms of reference as necessary or expedient to assist in the performance of their functions.

Subcommittees.

(2) A subcommittee established pursuant to sub-section (1) may be established from among the members of the Advisory Committee or any other persons who the Advisory Committee believes to be qualified for such appointment.

### PART III

#### *Establishment and Composition of the Occupational Safety and Health Inspectorate and Functions and Powers of Inspectors*

7.—(1) There is hereby established, under the Ministry for the time being responsible for labour, the Occupational Safety and Health Inspectorate, which shall be responsible for carrying out the administrative, management, and enforcement functions under this Act.

Establishment and composition of the Occupational Safety and Health Inspectorate.

(2) The Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Public Services Commission, may appoint a Chief Inspector to lead the Inspectorate, and section 107(2) of the Belize Constitution shall apply *mutatis mutandis* to such an appointment.

CAP. 4.

(3) The Public Services Commission may appoint Deputy Chief Inspectors, inspectors, and other personnel as it considers necessary to effectively carry out the functions of the Inspectorate.

(4) The Inspectorate shall consist of the following persons—

- (a) a Chief Inspector;
- (b) one or more Deputy Chief Inspectors who shall deputise for and assist the Chief Inspector in the daily administration of the inspectorate;
- (c) inspectors who shall conduct inspections and enforce the provisions of this Act; and
- (d) such other persons considered necessary, possessing the required training, qualifications and expertise to support the effective operation of the Inspectorate.

(5) Every inspector appointed under this section shall be furnished with a letter of the appointment of that inspector.

Duties of the  
Chief Inspector.

**8.**—(1) The Chief Inspector shall be responsible for the administration and operation of the Inspectorate and shall report to the Commissioner on matters concerning the administration, enforcement, and furtherance of the purposes of this Act, as requested by the Commissioner.

(2) Without prejudice to the generality of sub-section (1), the Chief Inspector shall—

- (a) oversee the activities of inspectors and other officers appointed under section 7(4)(b) to (d);
- (b) evaluate the performance of inspectors and other officers on an annual basis;
- (c) ensure that prescribed standards for inspectors and investigations are adhered to by inspectors, and where appropriate, conduct inspections and investigations to monitor the performance of inspectors against such standards;
- (d) respond to complaints from employers, workers, committees or union representatives about the standard of inspections or investigations performed by an inspector;
- (e) issue an identity card to every inspector, bearing the signature of that inspector or a facsimile thereof, and the identity card shall—
  - (i) state that it was issued under this Act;
  - (ii) give the name of the inspector;
  - (iii) contain a facial photograph of the inspector; and
  - (iv) state the date, if any, on which it expires;
- (f) advise the Advisory Committee on national, regional and international matters relating to safety and health administration and policy as well as any related matters affecting Belize;
- (g) guide the Advisory Committee in its deliberation on matters referred to the Advisory Committee by the Minister;
- (h) provide periodic information to the Advisory Committee relating to—

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- (i) the annual number of fatal and non-fatal accidents or occupational diseases that required the attention of a medical practitioner;
  - (ii) the annual number of lost workday cases caused by work-related accidents, work related injuries, and other work-related illnesses; and
  - (iii) standards for the promotion of occupational safety and health of workers generally;
- (i) issue a Certificate of Registration to workplaces, including mines and construction businesses where prescribed by regulations by the Advisory Committee;
  - (j) publish a register of workplaces, including industrial establishments, mines and construction businesses annually;
  - (k) display the register of workplaces, including industrial establishments, mines and construction businesses as public documents for inspection by the members of the public at its office premises during normal working hours and free of cost to the public;
  - (l) monitor the level of chemicals, physical or biological agents in a workplace and keep and post accurate records thereof;
  - (m) act upon any recommendations provided by the Advisory Committee, as appropriate, to promote and support the objectives and provisions of this Act;
  - (n) oversee and supervise the occupational safety and health matters across the country;
  - (o) advise the Minister, the Commissioner and the Advisory Committee on the effectiveness and implementation of this Act;
  - (p) ensure the implementation of the provisions of this Act;
  - (q) carry out any directions issued by the Commissioner in pursuance of the functions of the Inspectorate; and
  - (r) if requested by the Minister, provide the Minister with information on the activities of the Inspectorate or any other related matter.

Conflict of interest of inspectors.

**9.** The Chief Inspector, Deputy Chief Inspector, or any other inspector or officer shall ensure that they are not in conflict of interest arising out of direct or indirect pecuniary interest or any other reason whatsoever when discharging their duties under this Act.

Powers of inspectors.

**10.-(1)** Every inspector shall, for the purposes of the enforcement of this Act, have the power to do the following—

- (a) enter an industrial establishment or workplace to which any of the provisions of this Act applies after producing an identity card in accordance with section 13;
- (b) upon giving a receipt thereof, remove in any such workplace, any applicable machine, device, article, material, chemical, physical agent or biological agent or any equipment as that inspector considers appropriate for the furtherance of the provisions of this Act;
- (c) require the production of any relevant drawings, specifications, licences, documents, records or reports and inspect, examine and copy the same;
- (d) upon giving a receipt thereof, remove required certified copies of any drawing, specifications, licences, documents, records or reports inspected or examined;
- (e) in the presence of the employer or a representative on behalf of the employer, inspect, take photographs of and examine a workplace, at all reasonable times, together with such other person possessing technical or specialized knowledge as the Chief Inspector may authorise in writing;
- (f) conduct, at the expense of the employer, on written notice to that employer, such examination, tests or inquiry of any equipment, machine, device, article, material, chemical, physical agent or biological agent in or about a workplace including examination of any plant, substance or thing, or take and carry away such samples for such purposes as the inspector considers necessary to ascertain whether there is compliance with this Act;
- (g) direct in writing that any equipment, machine or device not be used pending the testing described in paragraph (f);
- (h) when onsite testing is reasonably impossible, take or remove samples of any substance or thing as may be required for analysis for a duration of time consistent with industry-specific best practices;

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- (i) when onsite testing is reasonably impossible, take possession of any plant or thing for further examination or testing or for use as evidence for a duration of time consistent with industry-specific best practices;
  - (j) direct that the workplace, or any part of it, be left undisturbed for as long as the inspector considers necessary;
  - (k) interview, in the course of an inspection or investigation, either in private or otherwise, as the inspector considers appropriate, any person at a workplace or any person who that inspector has reasonable grounds to believe is, or was at any time during the past, a worker working at that workplace;
  - (l) require any person interviewed under paragraph (k) to answer any questions put to that person and if the inspector considers it appropriate, require that person to verify any such answer by declaration;
  - (m) request any person having special, expert or professional knowledge of any matter to assist the inspector in any examination, inquiry or tests under this Act;
  - (n) require the employer or any person who works at a workplace to render such assistance to the inspector as the inspector considers necessary for the performance of the functions of that inspector under this Act;
  - (o) by notice in writing, require a person to furnish to that inspector such information, in such form, as that inspector reasonably requires for the purposes of this Act; and
  - (p) exercise such other powers conferred on an inspector as may be prescribed or as may be necessary for the performance of the functions of an inspector under this Act.

(2) On concluding an investigation, inspection or examination at a workplace, an inspector may give to the employer, and any safety and health representative or safety and health committee concerned, information about the investigations, inspections or examinations and the steps, if any, that inspector proposes to take as a result of that investigation, inspection or examination.

(3) An inspector may be accompanied by any other person when exercising any of the functions of that inspector under this Act, including a Police Officer, whose assistance the inspector considers necessary, and that

person may do such things as are necessary to assist the inspector in the performance of the functions of that inspector, and anything so done shall be deemed to have been done by the inspector.

(4) It shall be an offence for any person interviewed under sub-section (1)(k) to knowingly provide false information to the inspector or any delegates of that inspector.

(5) A person shall not be required to answer a question or give information incriminating that person, and an inspector shall, when questioning any person, inform such person of this right.

(6) Where an inspector acts outside of the authority given under this Act, a person aggrieved by such action may seek redress from the Chief Inspector.

(7) Where an inspector takes possession of a substance, plant or thing from a workplace, the employer at the workplace may appeal to the court against that action or the continued possession by the Inspectorate of that substance, plant or thing.

(8) An inspector may delegate any of the functions of that inspector under this Act to a person authorised in writing by the Chief Inspector where such delegation is documented and the delegate is qualified to perform the delegated functions.

Preservation of records for inspection by an inspector.

**11.**—(1) Every register or record kept in pursuance of this Act shall be preserved and kept available for inspection by an inspector for at least five years after the date of the last entry in the register or record, or for such other period as may be prescribed for any class or description of register or record.

(2) Notwithstanding sub-section (1), every health record shall be kept for at least twenty-five years.

(3) Where an employer who holds health records in accordance with sub-section (2) ceases to trade before the end of twenty-five years, that employer shall immediately notify the Inspectorate in writing and submit the records to the Inspectorate.

Confidentiality.

**12.**—(1) An inspector or other person employed for the purposes of this Act shall not disclose—

- (a) information relating to commercial operations or trade processes;
- (b) information relating to the personal affairs of a person; or

(c) the name of a person who has made a complaint to an inspector in relation to health and safety.

(2) An inspector or other person employed for the purposes of this Act shall not disclose any information referred to in sub-section (1) unless the disclosure is—

(a) necessary for the proper performance of official duties;

(b) made with the consent of the person who furnished the information; or

(c) required by a court or tribunal constituted by law.

(3) Any person who contravenes this section commits an offence.

**13.** Every inspector shall, upon visiting a workplace, produce to the employer the prescribed identity card under section 8(2)(e), which identifies that person as an inspector.

Identification of inspectors.

#### PART IV

##### *Duties of employers, workers, self-employed persons, manufacturers, suppliers, installers, and other persons at work*

**14.-(1)** Every employer shall ensure, as far as is reasonably practicable, the safety, health, and welfare of all workers at work.

Duties of employers to workers.

(2) Without prejudice to the generality of sub-section (1), an employer shall—

(a) provide and maintain a workplace, plant, or systems of work that is safe and without risks to health or bodily injury as far as reasonably practicable;

(b) make arrangements for safety and absence of risks to health, as far as reasonably practicable, in connection with the use, handling, storage, or transport of plant and substances;

(c) provide—

(i) adequate and suitable protective clothing or devices to workers who in the course of employment are likely to be exposed to the risk of head, eye, ear, hand or foot injury, injury from air contaminant, or any other bodily injury;

- (ii) personal protective equipment to workers at no cost to them and during paid work hours; and
    - (iii) adequate instructions in the use of such protective clothing or devices;
  - (d) provide such information, instruction, training, consultation, and supervision as is necessary to ensure the safety and health of workers, and ensure that this includes information on the proper use, maintenance, and disposal of personal protective equipment;
  - (e) provide and maintain means of access to and egress from the work premises that are safe and without risks to safety and health;
  - (f) provide and maintain a working environment for a worker that is safe, without risks to health, and that is adequate with regard to facilities, amenities and arrangements for welfare of workers at work;
  - (g) develop, implement, and review a safety and health policy in consultation with workers and with other relevant persons or bodies, which ensures the ongoing promotion of worker safety and health, and this policy shall include specific measures for emergency preparedness, including evacuation plans and first aid procedures;
  - (h) take appropriate measures to ensure the safety of persons who design, provide, or transfer equipment used by workers, including proper training, monitoring, and safety measures related to equipment handling; and
  - (i) do such other duties as may be imposed on the employer by this Act or any other law.
- (3) Any information required under sub-section (2) to be supplied to a worker shall be in a language understood by the worker, ensuring clear understanding of the safety and health risks, instructions, and the use of protective equipment.
- (4) A policy under sub-section (2)(g) shall–
- (a) enable effective cooperation between the employer and the workers in promoting and developing measures to ensure the safety and health of the worker at work; and

(b) provide adequate review mechanisms for the effectiveness of the policy on a continuous basis.

(5) An employer who contravenes this section commits an offence.

**15.–(1)** A self-employed person shall–

Duties of self-employed persons.

(a) take all reasonable steps to ensure that the safety and health of that person and all other persons are not adversely affected by work undertaken at the workplace;

(b) at all times, use appropriate safe systems of work, preventive and control measures and where not practicable, use suitable personal protective appliances and clothing;

(c) comply with safety and health legislation, standards, and procedures; and

(d) report to the Chief Inspector–

(i) any situation which that person reasonably believes presents imminent danger or hazard and which that person cannot correct; and

(ii) any incident or injury that arises in the course of or in connection with the work of that person, as required.

(2) A self-employed person who contravenes this section commits an offence.

**16.–(1)** Every employer shall conduct all undertakings in such a way as to ensure, so far as is reasonably practicable, that persons other than workers, who may be affected by the actions of that employer, are not thereby exposed to risks to their safety or health while they are at a workplace of that employer.

Duties of employers and self-employed persons to persons other than workers.

(2) Every self-employed person shall conduct all undertakings in such a way as to ensure, so far as is reasonably practicable, that the self-employed person, their employees and other persons not employed by the self-employed person, who may be affected by the actions of the self-employed person, are not thereby exposed to risks to their safety or health while at the workplace of that self-employed person.

(3) A person who contravenes this section commits an offence.

**17.–(1)** Every person in control of a workplace shall ensure that all premises, the means of access or egress from the premises or the plant or substance, as the case may be, are safe and without risks to health, and this

Duties of persons in control of workplaces.

shall include a person who has, to any extent, control of—

- (a) non-domestic premises which have been made available to persons, other than workers of that person, as a workplace, or by means of access to or egress from that premises; or
- (b) any plant or substance in any non-domestic premises which has been provided for the use or operation of persons, other than workers of that person, at work.

(2) A person shall be treated, for the purposes of sub-section (1), as being a person who has control where that person has, by virtue of any contract or lease, an obligation of any extent in relation to—

- (a) the maintenance or repair of any premises referred to in sub-section (1)(a) or any means of access to or egress from such premises; or
- (b) the safety of, or the absence of risks to health arising from, any plant or substance referred to sub-section (1)(b).

(3) A reference in this section to a person having control of anything is a reference to a person having control of the thing in connection with the carrying on by that person of a trade, business or other undertaking, whether for profit or not.

(4) A person who contravenes this section commits an offence.

**18.—(1)** A person who designs, manufactures, imports, supplies, or transfers any plant, machinery, equipment, or substance for use at a workplace shall—

- (a) ensure that the plant, machinery, equipment, or substance is safe and without risks of bodily injury when used as intended;
- (b) obtain necessary approvals, permits, or certificates from relevant authorities, as required by law, for the plant, machinery, equipment, or substance;
- (c) ensure that independent, comprehensive safety audits of workplaces utilising the plant or equipment are conducted every four years; and
- (d) ensure that any plant, machinery, equipment, or substance is designed, constructed, and installed in a way that minimises risks and meets safety standards appropriate for its intended workplace use.

Duties of designers, manufacturers, importers, suppliers, and installers.

(2) A person who manufactures, imports, or supplies any plant, machinery, equipment, or substance shall undertake, or arrange for, any necessary research to identify and, where reasonably practicable, eliminate or minimise risks to safety or bodily injury that may arise from its use.

(3) A person who erects or installs any plant or machinery in a workplace shall ensure it is done in a safe manner, without exposing persons to risks of injury or harm when properly used.

(4) This section does not require a person to duplicate any testing, examination, or research already performed by a qualified entity, provided that reliance on such prior work is reasonably practicable and aligned with safety standards.

(5) Where a person provides plant, machinery, equipment, or substance based on a written undertaking by the recipient to take specified steps to ensure safe use, the original provider is relieved from the duty imposed in sub-section (1) to such extent practicable, per the terms of the undertaking.

(6) In cases where plant, machinery, or equipment is supplied under a hire purchase, conditional sale, or credit-sale agreement and the supplier—

- (a) carries on the business of financing the acquisition of goods by others by means of such agreements; and
- (b) in the course of that business acquired interest in the plant supplied to the customer as a means of financing its acquisition by the customer from a third person,

the third person and not the supplier shall be treated for the purpose of this section as supplying the plant to the customer, and any duty imposed by the preceding provisions of this section on suppliers shall accordingly fall on the third person and not on the supplier.

(7) For the purpose of this section, plant, machinery, or equipment is not regarded as properly used if it is used without adhering to relevant safety information provided by the manufacturer, importer, or supplier.

(8) A person who manufactures, imports, supplies, or transfers any substance or chemical product for workplace use shall provide Safety Data Sheets to purchasers.

(9) Any person who contravenes this section commits an offence.

**19.—(1)** Every person who supplies any machinery, device, tools, equipment, or substance under a sale agreement or any rental, leasing or similar arrangement for use in or about a workplace shall ensure that—

Additional duties of suppliers.

- (a) the machinery, device, tools, equipment or substance is in good condition and is without risks to safety or bodily injury when properly used;
- (b) the standard of the machinery, device, tools, equipment, or substance comply with the standards prescribed under this Act;
- (c) the machinery, device, tools, equipment or substance is maintained in good condition by the supplier where it is the responsibility of the supplier under the sale, rental, lease or other similar arrangement to do so; and
- (d) adequate information about the machinery, device, tools, equipment or substance is provided to the person to whom it is supplied to ensure its safe use.

(2) A person who contravenes this section commits an offence.

Professional  
accountability  
for advice and  
certification.

**20.**—(1) Any architect, engineer, or other duly qualified professional who provides advice, approval, certification, or other professional services in connection with the design, installation, use, or maintenance of machinery, devices, tools, equipment, or substances intended for use in a workplace shall ensure that—

- (a) such advice, approval, or certification is founded upon sound professional judgment, and complies with the standards prescribed by this Act;
- (b) the advice, approval, or certification does not, in any way, compromise or endanger the health, safety, or welfare of any worker or other persons in the workplace; and
- (c) all necessary and relevant information required for the safe use, operation, or maintenance of the machinery, devices, tools, equipment, or substances is accurately and comprehensively communicated to the persons or entities to whom the professional services are rendered.

(2) A person who contravenes sub-section (1) commits an offence.

(3) Any architect, engineer, or other duly qualified professional who, through negligence, incompetence, or lack of due care, provides advice, approval, certification, or professional services that results in injury, harm, or endangerment of any worker or person in the workplace commits an offence.

Duties of  
workers.

**21.**—(1) A worker, while at work, shall—

- 
- (a) take all reasonable care not to take any action or make any omission that creates risk or increases an existing risk to the safety and health of that worker or any other worker or person;
  - (b) co-operate with the employer of that worker or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act;
  - (c) use equipment in accordance with any instructions given by the employer of that worker consistent with its safe and proper use that is—
    - (i) supplied to the worker by the employer; and
    - (ii) necessary to protect the safety and health of the worker or other persons;
  - (d) at all times wear or use any protective equipment or clothing provided by the employer for the purpose of preventing risks to safety and health;
  - (e) comply with the safety and health procedure requirements and instructions given by a supervisor for the safety and health of that worker or any other person;
  - (f) report to the supervisor any situation which that worker has reason to believe would cause accident or present a hazard and which that worker cannot correct;
  - (g) immediately report to a supervisor any accident or injury that arises in the course of or in connection with work;
  - (h) have regard to any duty or requirement imposed on the employer of that worker or any other person by or under any other relevant law; and
  - (i) co-operate with the employer of that worker or any other person to enable that duty or requirement to be performed or complied with.

(2) A worker who contravenes this section commits an offence.

**22.—(1)** Before beginning construction work, the owner of the property shall conduct an assessment of the construction site and shall prepare a list of all hazardous substances that are present at the site.

Duties of a  
property owner  
at a construction  
site.

(2) 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 referred to in sub-section (1).

(3) Upon leasing a property for the conducting of business to a prospective employer, the owner of the property shall ensure that the prospective employer has received a copy of the list referred to in sub-section (1) before entering into a binding contract with the employer.

(4) Where a hazardous substance is discovered on a construction site that the owner of the property ought reasonably to have known about but that was not included in the list prepared under sub-section (1), that owner commits an offence and is liable on conviction for all loss or damages suffered by the employer at the construction site and by every contractor and subcontractor.

Duties of an employer at a construction site.

**23.**—(1) An employer shall ensure that—

- (a) the measures and procedures prescribed in accordance with this Act are carried out on the construction site;
- (b) the safety and health of workers on the construction site is protected;
- (c) each prospective contractor or subcontractor for the construction of work has received a copy of the list referred to in section 22(1) before the prospective contractor or subcontractor enters into a binding contract to perform work on the construction site; and
- (d) before commencing any work on the construction site, the Chief Inspector is given notice in writing of the construction work containing such information as may be prescribed.

(2) The employer at a construction site who fails to comply with this section is liable on conviction for any loss or damage suffered by every contractor or subcontractor.

Duties of directors and officers of a company.

**24.**—(1) Every director, manager or other officer of a company shall take all reasonable steps to ensure that the company complies with this Act and orders and directives of the inspectorate.

Act No. 11 of 2022.

(2) For the purposes of sub-section (1), a company means a company registered under the Belize Companies Act.

Duty to make annual risk assessment.

**25.**—(1) Every employer shall make a suitable and sufficient annual assessment of—

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- (a) the safety and health risks which workers are exposed to at work; and
  - (b) the risks to the safety and health of persons other than workers arising out of or in connection with the environmental impact of the undertaking of that employer, for the purpose of identifying what measures are necessary for compliance with this Act or any other law.
- (2) Any assessment referred to in sub-section (1) shall be reviewed by the employer who made it if—
- (a) there is reason to suspect that it is no longer valid; or
  - (b) there has been a significant change in the matters to which it relates.
- (3) Where, as a result of any such review, changes to an assessment are required, the employer or self-employed person concerned shall make any such changes as is necessary.

PART V

*Safety and Health Committee*

- 26.**—(1) An employer who employs twenty or more workers at a workplace shall establish a safety and health committee for that workplace for the purpose of promoting cooperation between the employer and the workers and achieving and maintaining safe and healthy working conditions.
- (2) An employer shall appoint a senior member of the management staff to be responsible for safety, health, and welfare at the workplace, if the employer is unable to perform such duties personally.
- (3) Notwithstanding sub-section (1), where an employer has less than twenty workers at a workplace and it appears to the Chief Inspector that the nature of the plant, process or substances used by the employer, poses great danger and exposes the workers to high risks to safety and health, the Chief Inspector may direct, in writing, that the employer establish a safety and health committee.
- (4) An employer shall provide a safety and health committee with such facilities and assistance as are reasonably required for the purpose of carrying out its functions, including the inspection of the work premises and machinery.

Duty of Employer to establish committee.

Composition of  
the Committee.

**27.**—(1) A committee established under section 26 shall consist of an equal number of representatives for the employer and representatives for the workers of that workplace and shall include—

- (a) a chairperson, who shall be an employer or a senior member of the management staff;
- (b) where applicable, at least one safety and health practitioner; and
- (c) at least one safety and health representative.

(2) The secretary of a safety and health committee shall either be a safety and health practitioner or a safety and health representative.

(3) A safety and health committee meeting shall, where the circumstances justify, be held during working hours at least once every three months or at any earlier time at the request of a representative of the employers or workers on that committee.

(4) A worker shall not lose payment of wages or allowances for time spent on functions of a health and safety committee.

(5) The committee may determine its own procedures and quorum of meeting.

(6) Any person who contravenes this section commits an offence.

Functions of the  
committee.

**28.**—(1) For the purpose of safety and health at a workplace, a committee may—

- (a) monitor all safety and health matters in the whole or any part of the workplace;
- (b) inspect the workplace at any time after giving reasonable notice to the employer;
- (c) in the event of any accident, hazardous situation, dangerous occurrence or immediate threat or risk to the safety and health of any person, immediately facilitate necessary procedures under Part IX;
- (d) accompany any inspector during an inspection of a workplace;
- (e) with the consent of the workers, be present at any interview between a worker and an inspector or between the

employer or the representative of the employer and a worker concerning safety and health;

- (f) investigate on behalf of the inspector complaints relating to occupational safety and health made by workers in the workplace;
- (g) consult and cooperate with the employer on all matters relating to the safety and health of persons in the workplace;
- (h) liaise with the workers regarding matters concerning their safety and health in the workplace;
- (i) facilitate cooperation between the employer and the workers in relation to safety and health at the workplace;
- (j) assist in the formulation, review, and dissemination in such languages as are appropriate the safety and health practices, procedures and policies that are to be followed at the workplace; and
- (k) investigate any matter at the workplace which has been brought to the attention of the employer.

(2) A committee member shall not incur any civil liability arising from the performance of, or failure to perform, any function of the committee by that committee member.

**29.**—(1) Any employer or worker may apply to the Chief Inspector for the removal of a committee member on any one or more of the following grounds—

Disqualification  
of committee  
members.

- (a) the committee member has misused their role by performing any function or duty under this Part—
  - (i) with the intent of causing harm to the employer or the operations of the employer; or
  - (ii) in an unreasonable, arbitrary, or improper manner, deviating from the intended purpose of the role;
- (b) the committee member has intentionally misused or disclosed information acquired from the employer, where such information is unrelated to the legitimate performance of the duties of that committee member under this Part; or

(c) the committee member is no longer representative of the majority of the workers.

(2) Where the Chief Inspector is satisfied that a committee member has acted in the manner referred to in sub-section (1), the Chief Inspector may disqualify the committee member for a specified period or permanently.

(3) For the purpose of determining what action, if any, the Chief Inspector should take under sub-section (2), the Chief Inspector shall take into account—

- (a) what harm, if any, was caused to the employer or the undertaking of the employer by or as a result of the action of the committee member;
- (b) the past record of the committee member in performing any functions and duties under this Part;
- (c) whether the action of the committee member was contrary to the public interest;
- (d) the submission of the committee member; or
- (e) other matters the Chief Inspector considers relevant.

(4) The Chief Inspector shall respond to and determine an application made in accordance with sub-section (1) within twenty-eight days from the date of receipt of the application.

Responsibilities  
of employers to  
committees.

**30.**—(1) An employer shall—

- (a) consult the committee on the occupational safety and health practices, procedures or policies that are to be followed at the workplace and on proposed changes to these practices, procedures or policies;
- (b) at the request of the worker, permit a committee member to be present at any interview concerning occupational safety or health between the employer, or a representative of the employer, and a worker in the workplace that the committee represents;
- (c) permit a safety and health representative or committee member to accompany an inspector during an inspection of the workplace;

- (d) subject to sub-section (2), permit committee members to have access to such information as the employer possesses relating to hazard and associated risks that arise at work and when requested to do so, supply a copy of that information to the committee;
- (e) immediately notify the committee members of the occurrence of an accident, injury, dangerous occurrence, threat, risk, or hazardous substance in the workplace; and
- (f) provide such other facilities and assistance to the committee as are necessary to enable them to perform their functions under this Act.

(2) An employer shall not be required to give to a committee member under sub-section (1)(d)–

- (a) information that is privileged on the ground of legal professional privilege; or
- (b) information that is relevant to proceedings that have been commenced under this Act.

(3) An employer shall permit the committee, or any of its members which the employer manages, to take such time off from work with pay as is necessary for the purposes of performing their functions or duties or for taking part in any course of training relating to occupational safety and health which is approved by the Minister on the recommendation of the Advisory Committee.

**31.–(1)** At a workplace where no committee is required, and where the number of workers regularly exceeds five but does not exceed nineteen, the employer shall cause the workers to select at least one safety and health representative from among the workers at the workplace who does not exercise managerial functions.

Safety and health representatives.

(2) All matters relating to the selection and appointment of a safety and health representative shall be in accordance with regulations prescribed under this Act.

(3) A person shall cease to be a safety and health representative upon–

- (a) ceasing to be a worker;
- (b) resigning as a safety and health representative; or

- (c) being disqualified by the employer on application by a worker for the removal of the safety and health representative on any of the grounds listed under section 29(1).

## PART VI

*Prohibitions Against Reprisals and Related Activities*

Reprisal against  
workers.

**32.**—(1) An employer shall not dismiss a worker or act in any way detrimental to a worker for the reason only that the worker—

- (a) assists or has assisted an inspector;
- (b) gives or has given information to an inspector;
- (c) has made a reasonable complaint in relation to safety and health to the employer, the Chief Inspector or the inspectors;
- (d) ceases work in accordance with section 36; or
- (e) has exercised the functions of that worker as a member of a workplace safety and health committee or is a safety and health representative.

(2) Where a worker believes that an employer or person acting on behalf of an employer has contravened sub-section (1), the employer may have the matter dealt with by final and binding settlement, or the worker may file a complaint with the Chief Inspector for redress.

(3) Where a worker elects to file a complaint for redress against an employer in accordance with sub-section (2), the Chief Inspector shall, after consideration of any relevant labour law, investigate the complaint and make a determination on the complaint within ninety days of the receipt of the complaint.

(4) An employer may provide evidence or arguments in writing to the Chief Inspector to show that there was no reprisal against the worker.

(5) An employer shall have the onus of addressing any complaint referred to in sub-section (1)(c) during an inquiry by the Chief Inspector pursuant to sub-section (3).

Obstruction in  
respect of injured  
workers.

**33.**—(1) A person shall not, by intimidation or by any other act or omission, intentionally hinder or obstruct or attempt to hinder or obstruct, without reasonable excuse—

- (a) the giving or receiving of aid in respect of the injury or illness of a person at work; or
  - (b) any act done to avoid or prevent a risk to the safety or health of a person at work.
- (2) A person at work shall not, without reasonable excuse, refuse any reasonable request for—
- (a) assistance in the giving or receiving of aid in respect of the injury or illness of any person at work; or
  - (b) any act done to assist in the avoidance or prevention of a risk to the safety or health of any person at work.
- (3) Any person who contravenes this section commits an offence.

**34.—(1)** A person shall not, without reasonable excuse, deliberately create a risk, falsely create fear of a risk or create the appearance of a risk to the committee at a place of work with the intention of causing a disruption of work at the workplace.

Prohibition of false creation of safety and health fears.

(2) Any person who contravenes this section commits an offence.

**35.** Where a person is convicted of an offence under sections 32 or 33, the court by which that person is convicted may, in addition to imposing a penalty on the person—

Remedies for discrimination against workers.

- (a) order the convicted person to pay within a specified period such amount as it thinks fit to compensate the person against whom the offence was committed; or
- (b) order that the worker be reinstated or re-employed in the former position of that worker or, where that position is not available, in a similar position.

## PART VII

### *Grounds for Refusal to Work and Investigations*

**36.** Without prejudice to any provision of this Act providing otherwise, a worker may refuse to work or do particular work where that worker has reasonable grounds to believe that—

Circumstances where a worker may refuse to work.

- (a) any equipment, machinery, device or article the worker is to use or operate presents an imminent and serious danger

to the safety, health or life of that worker, another worker, or the general public;

(b) the physical condition of the workplace or the part thereof in which that worker works or is to work presents an imminent and serious danger to the life or health of that worker, another worker, or the general public; or

(c) any equipment, machinery, device or article that worker is to use or operate or the physical condition of the workplace or the part thereof in which that worker works or is to work is in contravention of this Act, and such contravention presents an imminent and serious danger to the life or health of that worker, another worker, or the general public.

Circumstances where a worker may not refuse to work.

**37.-(1)** Section 36 may not apply—

(a) where the circumstances described in that section are inherent in the work of that worker, or are a normal condition of the employment of that worker;

(b) where the refusal of that worker to work would directly endanger the life, safety, or health of another person;

CAP 298.

(c) to workers performing essential services as defined in the Settlement of Disputes in Essential Services Act;

CAP 4.

(d) to members of the security services as defined in section 110D (2) of the Belize Constitution;

(e) to prison officers and officers of the fire department;

(f) to workers of a hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health institution, ambulance service, first aid clinic or station, food service, power plant, technical service or facility, or a telecommunications service or facility; or

(g) in restricted circumstances as may be prescribed.

(2) Notwithstanding sub-section (1), an employer shall take reasonable precaution in the circumstances for the protection of workers, including providing—

(a) personal and general safety gears or equipment; and

(b) appropriate and relevant training for workers.

**38.**—(1) Where a worker refuses to work or to do particular work, the worker shall immediately report the refusal to the employer or supervisor who shall immediately investigate the report in the presence of the worker and—

Reporting a refusal to work and investigation.

- (a) at least one other party representing the committee;
- (b) the safety and health representative or the representative of the employer, if any; or
- (c) another worker who is selected by—
  - (i) a trade union because of the knowledge, experience and training of that other worker; and
  - (ii) the worker refusing to work to represent that worker.

(2) Until the investigation referred to in sub-section (1) is completed, the worker shall remain in a safe place near the work station of that worker.

(3) Upon completion of the investigation referred to in sub-section (1), if the investigation identifies any hazards or unsafe conditions, the employer shall take immediate remedial actions to eliminate or mitigate those hazards and communicate the actions taken to the worker and relevant representatives.

(4) A worker who refuses to work under sub-section (1) shall be deemed to be at work, and the employer shall pay the regular or premium rate of emoluments of that worker, as may be proper, for the period during which the investigation is being carried out.

**39.**—(1) Following the investigation done under section 38 or any remedial action taken by the employer or supervisor to deal with the circumstances that caused the worker to refuse to work under section 36, the employer or the worker, or a person on behalf of the employer or the worker, shall immediately notify the inspector if the worker continues to refuse to work and there remains an imminent and serious danger to the life or health of that worker, another worker or the general public, as the case may be.

Inspector to conduct investigation where refusal to work persists after employer's investigation.

(2) Subject to the provisions of sub-section (3), an inspector shall investigate the worker's refusal to work in the presence of the employer or a person representing the employer, the worker and, if there is such, any person referred to in section 38(1).

(3) An inspector may proceed with an investigation in the absence of any person referred to in section 38(1) if that person chooses not to be present.

(4) The inspector shall determine whether the equipment, machinery, device, article or the place or part thereof presents an imminent and serious danger to the life or health of the worker or another person and shall give a decision in writing to the employer, the worker and, if there is such, any person referred to in section 38(1).

(5) A decision in writing made under sub-section (4) shall be made within seven working days of the notification of the refusal of the worker to work unless additional time is needed due to the complexity of the investigation, in which case the inspector shall communicate the reasons for the extension and provide an estimated timeframe for the decision.

(6) During the investigation and decision of the inspector—

(a) the worker shall remain at a safe place near the workstation during the normal working hours of that worker unless the employer, subject to the provisions of a collective agreement, if any, assigns to the worker any reasonable alternative work during such hours, or where an assignment or reasonable alternative work is not practicable, gives other directions to the worker; and

(b) no worker shall be assigned to use or operate the equipment, machinery, device or article or to work in the workplace or in the part of the workplace being investigated as long as there is continuing imminent and serious danger to the life or health of any worker or other person until after the employer or supervisor has taken remedial action to deal with the circumstances that caused the worker to refuse to work.

(7) Subject to sub-section (8), a worker who refuses to work under this section shall be deemed to be at work and the employer shall pay that worker the regular or premium rate of the emoluments, as may be proper, for the period when the worker refused to work to the time the inspector gives a decision.

(8) If the inspector determines that the equipment, machinery, device, article or workplace or part thereof does not present an imminent and serious danger to the life, health or safety of the worker, another person or the general public, then the worker shall not be paid emoluments under sub-section (7).

**40.—(1)** A committee, an employer, or a worker who is aggrieved with any decision of an inspector made in accordance with section 39(4) may appeal against such decision in writing to the Chief Inspector.

(2) An appeal under sub-section (1) shall be made within fourteen working days after the inspector gives a decision in writing to the employer, worker or committee.

(3) The Chief Inspector shall make a decision and give notice in writing of that decision in respect of the appeal, and may make any order in that decision as the Chief Inspector considers just and appropriate in the circumstances.

(4) Where any party is aggrieved with the decision of the Chief Inspector made under sub-section (3), such aggrieved party may appeal to the Labour Complaints Tribunal within ten days after receiving notice of the decision of the Chief Inspector.

(5) The Labour Complaints Tribunal shall make a decision in respect of the appeal made to it and make such order or orders as it considers just and appropriate in the circumstances.

**41.**—(1) Where any registered or Government owned ship or aircraft is moving within or outside the territorial waters or airspace of Belize or when berthed in a seaport or airport not within the territorial waters or airspace, the inspector or supervisor referred to under this Act shall be the captain of the ship or the pilot of the aircraft, whichever is applicable.

Responsibility of the captain of registered or Government owned ship or aircraft.

(2) The captain of a ship or the pilot of an aircraft shall, in the interim, resolve, as best as is reasonably practicable, any imminent or serious danger to life or health of the worker.

(3) The captain of a ship or the pilot of an aircraft shall relay to the Chief Inspector the information on the interim resolution taken by the captain on the matter as soon as possible on arrival in Belize at a seaport or airport.

(4) The Chief Inspector shall deliver a substantive decision or order on the interim resolution made by the captain of the ship or the pilot of the aircraft as the Chief Inspector considers just and appropriate in the circumstances.

(5) Where any party is aggrieved with the decision or order of the Chief Inspector made under sub-section (4), such aggrieved party may appeal to the Labour Complaints Tribunal within twenty-one working days after the decision of the Chief Inspector was relayed to that party.

(6) The Labour Complaints Tribunal shall make a decision in respect of the appeal made to it and make such order as it considers just and appropriate in the circumstances.

## PART VIII

*Hazardous Substances, Chemicals, Biological Agents, and Physical Agents*

Powers to prohibit or restrict hazardous substances, chemicals, biological agents, or physical agents.

42.—(1) Where a hazardous substance, chemical, biological agent, or physical agent is used or is intended to be used in a workplace and its presence in the workplace or the manner and extent of its use in the workplace is, in the opinion of the Chief Inspector, likely to endanger the safety or health of a worker, the Chief Inspector shall instruct the inspector to notify the employer, in writing, and order that the use, intended use, presence or manner of use of such hazardous substance, chemical, biological agent, or physical agent, as the case may be, shall be—

- (a) prohibited;
- (b) limited or restricted in such manner and to the extent prescribed; or
- (c) subject to such conditions regarding administrative control, work practices, engineering controls and standards, and time limits for compliance as may be prescribed for that purpose.

(2) Before an order referred to in sub-section (1) is made, the Chief Inspector shall consider—

- (a) whether the hazardous substance, chemical, biological agent, or physical agent or a by-product thereof is known to be a source of danger to safety or health;
- (b) the quantities of the hazardous substance, chemical, biological agent, or physical agent intended to be used, or a combination thereof that is used or present at the workplace;
- (c) the number of workers exposed or to be exposed to the hazardous substance, chemical, biological agent, or physical agent, or a combination thereof, and the extent of such exposure;
- (d) the availability of an alternative process, hazardous substance, chemical, biological agent, physical agent or equipment which may achieve or produce the same or a substantially similar result achieved or produced by the hazardous substance, chemical, biological agent, or physical agent, or a combination thereof;

- (e) available data and information regarding the effect of the hazardous substance, chemical, biological agent, or physical agent, or a combination thereof on safety or health; and
  - (f) any criteria or guidelines with respect to the exposure of a worker to the hazardous substance, chemical, biological agent, or physical agent, or a combination or by-product thereof that are prescribed for that purpose.
- (3) An order under sub-section (1) shall—
  - (a) identify the type of hazardous substance, chemical, biological agent, or physical agent and the manner and extent of its use;
  - (b) state the findings, if any, of the Chief Inspector in respect of the risk to health or safety of workers posed by the hazardous substance, chemical, biological agent, or physical agent or the combination thereof; and
  - (c) state the reasons of the Chief Inspector in directing the making of the order, including the matters or causes that gave rise to the order.
- (4) On receipt of the order made under sub-section (1), the employer shall—
  - (a) provide a copy of the order to the committee, and to the trade union, if any; and
  - (b) cause a copy of the order to be posted in a conspicuous place in the workplace of the employer where it is most likely to come to the attention of the workers who may be affected by the use, presence or intended use of the hazardous substance, chemical, biological agent, or physical agent, or a combination thereof.
- (5) An employer, worker, or trade union aggrieved by an order made under sub-section (1) may appeal in writing to the Labour Complaints Tribunal within fourteen days of the making of the order.

**43.**—(1) No person shall manufacture, distribute or supply, for commercial, agricultural or industrial use in a workplace, any new hazardous substance, chemical, biological agent, or physical agent except with the prior written permission of the Chief Inspector.

New hazardous substances, chemicals, biological agents, or physical agents.

- (2) For purposes of research and development, a person may

manufacture, distribute or supply, for commercial, agricultural or industrial use in a workplace, any new hazardous substance, chemical, biological agent, or physical agent by first submitting to the Chief Inspector—

- (a) notice in writing of the intention to manufacture, distribute or supply such hazardous substance, chemical, biological agent, or physical agent; and
- (b) a copy of an official certification from a relevant authority indicating compliance with safety and health standards, including but not limited to risk assessments, safety data sheets, and relevant testing results.

(3) The Chief Inspector may designate a suitably qualified person, at the expense of the manufacturer, distributor, or supplier, to assess any new hazardous substance, chemical, biological agent, or physical agent, and to make a report of the same for consideration by the Chief Inspector.

(4) For the purposes of this section, a hazardous substance, chemical, biological agent, or physical agent is new if it is manufactured, distributed or supplied for the first time in Belize after the commencement of this Act.

**44.**—(1) An employer shall make and maintain an inventory, in the prescribed form, of all hazardous substances, chemicals, biological agents, physical agents, materials and any combinations thereof that are present at the workplace of the employer.

(2) The inventory required by sub-section (1) shall—

- (a) contain such information as may be prescribed, including—
  - (i) toxic properties, including both acute and chronic health effects in all parts of the body;
  - (ii) hazardous substance with characteristics of chemicals, biological agents, or physical agents, including flammable, explosive, oxidizing, and dangerously reactive properties;
  - (iii) corrosive and irritant properties;
  - (iv) allergic and sensitising effects;
  - (v) carcinogenic effects;
  - (vi) teratogenic and mutagenic effects; and
  - (vii) effects on the reproductive system;

Inventory of hazardous substances, chemicals, biological agents and physical agents.

- (b) be prepared in consultation with the inspectorate and the committee, or a worker selected by the workers to represent them, if there is no committee;
- (c) be kept current at all times; and
- (d) be open to examination by a worker or an inspector.

(3) The employer shall keep readily accessible at the right-to-know station of a workplace a floor plan, as prescribed, showing the names of all hazardous substances, chemicals, biological agents, and physical agents and their locations.

45.–(1) An employer shall–

- (a) ensure that all hazardous substances, chemical, biological agents, and physical agents present in the workplace are labeled in a way easily understandable to the workers, or are identified in a manner as may be prescribed;
- (b) obtain or prepare, as may be prescribed, unexpired Safety Data Sheets for all hazardous substances, chemical, biological agents, and physical agents present in the workplace;
- (c) ensure that the identification required in paragraph (a) and Safety Data Sheets required in paragraph (b) are communicated to employees by reasonable means of communication and are available in English and such other languages as may be prescribed;
- (d) ensure that when hazardous substances, chemicals, biological agents and physical agents are transferred into other containers or equipment, the contents are indicated in a manner which will make known to workers their identity, any hazards associated with their use, and any safety precautions to be observed in accordance with regulations prescribed for the transportation of dangerous goods; and
- (e) ensure that information is provided on the handling and disposal of hazardous substances, chemicals, biological agents, and physical agents which are no longer required or are expired, and containers which have been emptied but which may contain residues of hazardous substances, chemicals, biological agents, or physical agents so that the risk to safety and health and to the environment is eliminated or minimised.

Employer to supply information on hazardous substances, chemicals, biological agents, and physical agents to workers.

(2) A person who removes a label or identification required under sub-section (1)(a) commits an offence.

(3) An employer shall ensure that a hazardous substance, chemical, biological agent, or physical agent is not used, handled or stored at a workplace unless the prescribed requirements concerning identification, Safety Data Sheets, and worker instructions and trainings are met.

Access to information on hazardous substances, chemicals, biological agents, and physical agents.

**46.** A copy of the inventory of the hazardous substances, chemicals, biological agents and physical agents and any copy of the information an employer is required under this Part to provide to a worker shall be—

- (a) made available by the employer in the workplace in such a manner as to allow examination by the workers;
- (b) furnished by the employer to the committee or the safety and health representative, as the case may be;
- (c) furnished by the employer on request or, if so prescribed, to a designated medical officer of health;
- (d) furnished by the employer on request or, if so prescribed, to the fire department which serves the location in which the workplace is located; and
- (e) filed by the employer with the Chief Inspector on request or if so prescribed.

Hazardous substances, chemicals, biological agents, and physical agents' assessment.

**47.—(1)** The Chief Inspector may direct the Inspectorate to require an employer, prior to manufacturing and producing any hazardous substances, chemicals, biological agents, or physical agents in a workplace, to cause a hazardous substance, chemical, biological agent, or physical agent assessment to be done by a suitably qualified person or organisation at the workplace at the expense of the employer.

(2) The Inspectorate may rely on an assessment carried out by another Government Agency on the same matter without requiring the employer to repeat the assessment.

(3) A report of an assessment referred to in sub-section (1) shall be in writing and a copy shall be—

- (a) made available by the employer to the workers in a workplace;
- (b) posted by the employer in the right-to-know station;

- (c) furnished by the employer to the committee, or the safety and health representative, as the case may be; and
- (d) furnished by the employer to the Inspectorate.

**48.**—(1) A person who distributes or supplies, directly or indirectly, or manufactures, produces, or designs an article for use in the workplace that causes, emits or produces a hazardous substance, chemical, biological agent, or physical agent when the article is in use or operation shall ensure that such information is contained in the Safety Data Sheets.

Notice regarding hazardous substances, chemicals, biological agents, and physical agents.

(2) Where an employer has an article described in sub-section (1) in the workplace, the employer shall ensure that the information referred to in that sub-section is available at the right-to-know station.

(3) An employer shall post notices in a conspicuous place identifying and warning all persons of the hazardous substance, chemical, biological agent, or physical agent in the part of the workplace in which the article is used or operated, or is to be used and operated.

(4) A notice referred to in sub-section (3) shall contain such information as may be prescribed and shall be in English, Spanish, and such other language as may be prescribed.

**49.**—(1) In addition to providing information and instructions to a worker as required under this Act, an employer shall also ensure that a worker exposed or likely to be exposed to a hazardous substance, chemical, biological agent, or physical agent receives or participates in such training as may be prescribed and identified in the Safety Data Sheets.

Hazardous substances, chemicals, biological agents and physical agents training.

(2) The instructions and training referred to in sub-section (1) shall be developed and implemented by the employer in consultation with the Chief Inspector, the Ministry responsible for Health and the committee for the workplace.

(3) An employer shall review, at least once a year, in consultation with the Chief Inspector and the committee, the instructions and training provided to a worker and ensure the familiarity of the worker with such instructions and training.

(4) The review referred to in sub-section (3) shall be held more frequently if—

- (a) the employer, on the advice of the Chief Inspector and the committee for the workplace, if any, determines that such review is necessary;

- (b) there is a change in circumstances that may affect the safety or health of a worker; or
- (c) there is risk of bodily injury, an accident, or a near miss.

Exemption from disclosure of certain information.

**50.**—(1) An employer may make an application to the Chief Inspector for an exemption under this Act from disclosing any information required under this Act in an inventory, label, Safety Data Sheets, or form disclosing the name of a toxicological study used by the employer to prepare a Safety Data Sheet on the grounds that it is confidential business information and that disclosure of such information to a competitor would likely cause harm to the business of the employer so long as—

- (a) the safety and health of a worker is not compromised;
- (b) the ability of emergency and medical personnel to diagnose and treat cases of exposure to hazardous substances, chemicals, biological agents, or physical agents, or a combination thereof is not compromised; and
- (c) there is no adverse effect on the environment.

(2) The Chief Inspector shall consider every application made under sub-section (1), and shall make a decision on the application, which shall be communicated to the employer.

(3) Upon making an application under sub-section (1), the information contained in the application shall be deemed to be confidential business information until a decision is made under sub-section (2) and shall continue to be confidential business information if the Chief Inspector determines that the application is valid.

Notification and assessment of new hazardous substances, chemicals, biological agents and physical agents.

**51.**—(1) The Chief Inspector shall establish a Belize Hazardous Substances, Chemicals, Biological Agents, and Physical Agents Inventory.

(2) The Chief Inspector, with the approval of the Minister, may direct that any person importing, manufacturing, or supplying a hazardous substance, chemical, biological agent, or physical agent, which is not listed on the inventory, shall notify the Chief Inspector and provide information on the safety, health or environmental effects of the hazardous substance, chemical, biological agent, or physical agent not listed on the Inventory to the Chief Inspector as may be prescribed.

(3) A notification under sub-section (2) shall be accompanied by payment of a prescribed fee.

(4) The Chief Inspector shall ensure that the Belize Hazardous Substances, Chemicals, Biological Agents, and Physical Agents Inventory is available for inspection by the public.

**52.**—(1) Where the Chief Inspector has reasonable grounds to believe that the manufacture, handling, storage, use, or disposal of a hazardous substance, chemical, biological agent, or physical agent gives or may give rise to a risk of adverse health effects or adverse environmental effects, the Chief Inspector may recommend to the Advisory Committee that the hazardous substance, chemical, biological agent, or physical agent be declared a priority existing hazardous substance, chemical, biological agent, or physical agent.

Declaration of hazardous substances, chemicals, biological agents, or physical agents for priority assessment.

(2) Where the Chief Inspector makes a recommendation under sub-section (1) about a hazardous substance, chemical, biological agent, or physical agent, the Minister may, by notice in the *Gazette*, declare such to be a priority existing hazardous substance, chemical, biological agent, or physical agent, as the case may be.

(3) A declaration under sub-section (2) may be expressed to apply to a material deemed to be a hazardous substance, chemical, biological agent, or physical agent either generally or only when the material is—

- (a) used for a specified purpose; or
- (b) manufactured, handled, stored, used or disposed of in a specified geographical area or a specified circumstance.

(4) The Chief Inspector shall maintain a list of priority existing hazardous substances, chemicals, biological agents and physical agents and shall publish the list in the *Gazette* at least once a year.

**53.**—(1) After a declaration is made under section 52(2), the Chief Inspector shall make an assessment report about the priority existing hazardous substance, chemical, biological agent, or physical agent.

Assessment reports for hazardous substances, chemicals, biological agents, or physical agents.

(2) The matters to be addressed in an assessment report may be as prescribed.

(3) For the purposes of assessing a priority existing hazardous substance, chemical, biological agent, or physical agent, the Chief Inspector may, by notice in the *Gazette*, require a person to provide information for the assessment about the hazardous substance, chemical, biological agent, or physical agent as may be prescribed.

(4) A person to whom the notice under sub-section (3) applies shall not, without reasonable excuse, refuse or fail to comply with the notice.

(5) Assessment reports published under a nominated foreign assessment scheme as may be prescribed shall be accepted assessment reports for the purposes of this Act.

(6) Assessment reports published under a nominated foreign assessment scheme may be varied by the Chief Inspector to ensure that the report and the recommendations in the report properly reflect local conditions and that any recommended control measures are relevant and practicable.

(7) Any person who contravenes sub-section (4) commits an offence.

Publication of  
assessment  
report.

**54.**—(1) An assessment report for hazardous substances, chemicals, biological agents and physical agents shall be published no later than ninety days after a declaration is made under section 52(2).

(2) The Chief Inspector may extend the time specified in sub-section (1) by six months if the Chief Inspector considers that special circumstances exist and an extension of time is necessary.

(3) The Chief Inspector shall make arrangements to publish assessment reports on a designated platform, ensuring transparency and public access to the information, and shall provide notice in the *Gazette* that a report is published.

(4) A hazardous substance, chemical, biological agent, or physical agent shall no longer be a priority hazardous substance, chemical, biological agent, or physical agent once notice of its publication is made in the *Gazette* informing that the priority no longer exists.

## PART IX

### *Notification of Occupational Safety and Health Accidents and Diseases and Duty to keep Record and Register of Accidents and Diseases*

**55.**—(1) In this Part—

Notification of  
accidents and  
other diseases.

- (a) “critical injury” means an injury of a serious nature that—
- (i) places a life in jeopardy or produces unconsciousness;
  - (ii) results in substantial loss of blood;
  - (iii) involves the fracture of a leg or arm but not a finger or toe;

- (iv) involves the amputation of a leg, arm, hand or foot but not a finger or toe;
  - (v) consists of burns to a major portion of the body;
  - (vi) causes the loss of sight in an eye; or
  - (vii) causes death; and
- (b) “critically injured” means a person who has received a critical injury of any nature described in paragraph (a).

(2) Where a person dies or is critically injured from any cause at a workplace, the employer shall immediately notify the Chief Inspector, committee and trade union, if any, of the accident by the most reliable means or other direct means and the employer shall, immediately after the occurrence, send to the Chief Inspector a written report of the circumstances of the accident containing such information and particulars as may be prescribed.

(3) Where an employer notifies the Chief Inspector of a critical injury in accordance with sub-section (2), and after such notification, the critical injury results in the death of the person who received the critical injury, the employer shall—

- (a) notify the Chief Inspector, committee, and trade union, if any, of the death by telephone, electronic mail or other direct means as soon as the fact of the death comes to the knowledge of the employer; and
- (b) immediately after learning of the death, send to the Chief Inspector a written notification of the death containing such information and particulars as may be prescribed.

(4) Where any critical injury occurs to a worker whose services are, for the time being, contracted out to another person by the employer, the duties specified in this section for the employer apply to that person, and the employer shall not be subject to the provisions of sub-sections (2) and (3) unless it is established that the employer knew of the incident that caused the death or critical injury of the worker.

(5) Where a person dies as a result of a critical injury or is critically injured at a workplace, no person shall interfere with, disturb, destroy, alter, or carry away any wreckage or article at the scene of or connected with the death until permission so to do has been given by an inspector or police officer in command, who may be investigating the cause of death, as the case may be, except for the purpose of—

- (a) saving life or relieving human suffering;
- (b) maintaining an essential public utility or service; or
- (c) preventing unnecessary damage to plant, equipment or other property.

(6) Where an accident, explosion or fire causes injury to a person at a workplace and that person is unable to perform the usual work of that person or requires medical attention, and such accident, explosion or fire does not cause death or critical injury leading to the disability of any person, the employer shall give notice in writing within four days of the occurrence of such accident, explosion or fire to the Chief Inspector, committee, and trade union, if any, containing such information and particulars as may be prescribed.

(7) Where an incident mentioned in sub-section (6) has occurred at a workplace which did not cause death, no person shall interfere with, disturb, destroy, alter, or carry away any wreckage of the equipment, machinery, device, or article at the scene of or connected with the occurrence until permission so to do has been given by an inspector, except for the purposes of—

- (a) saving life or relieving suffering;
- (b) maintaining an essential public utility service or a public transportation system; or
- (c) preventing unnecessary damage to equipment machinery, device, article, or other property.

Duty of employer to give notice of Occupational disease.

**56.**—(1) Where an employer is advised by or on behalf of a worker, former worker, or company that a—

- (a) worker or former worker has an occupational disease; or
- (b) claim in respect of an occupational disease is filed with the Belize Social Security Board by or on behalf of a worker or former worker,

the employer shall give notice in writing, within four days of being so advised, to the Chief Inspector, committee, and to the trade union, if any, containing such information and particulars as may be prescribed.

(2) Notwithstanding sub-section (1), any employer who believes or suspects or has reasonable grounds for believing or suspecting that a case of occupational disease has occurred among the workers employed by that employer shall immediately send a written notice of such case, in the

prescribed form and accompanied by such particulars as prescribed, to the Chief Inspector and to the committee or trade union, if any, and the provisions of this Act relating to the notification of occupational disease shall apply to any such case.

**57.** Every medical practitioner attending or called in to visit a patient who is believed to be suffering from an occupational disease contracted in the course of the employment of that patient shall, unless the notice referred to in section 56 was previously sent in respect of the patient, immediately send a notice in writing to the Chief Inspector stating the name and address of the patient and the occupational disease from which, in the opinion of such medical practitioner, the patient is suffering, and the name and address of the place at which that patient is or was last employed.

Duty of medical practitioner to give notice of Occupational disease.

**58.**—(1) Where there are more than ten persons employed at a workplace, the employer shall give notice each year of the conditions of the workplace which encompass all elements that contribute to the safety, health, and comfort of employees in the workplace in accordance with sub-section (2).

Notification of conditions of the workplace.

(2) A notice in respect of a workplace referred to in sub-section (1) shall be given to such persons, within such time and in such manner as may be prescribed.

(3) Any person who contravenes this section commits an offence.

**59.** An employer at the workplace or such other persons as may be prescribed shall maintain all records of accidents, critical injury, incidents and other matters as may be prescribed.

Record of accidents and other matters.

**60.** An employer shall maintain or cause to be maintained separate registers for accidents, incidents, and near misses in the prescribed forms as follows—

Employer to maintain registers.

- (a) Register of Accidents, Deaths, and Critical Injuries;
- (b) Register of Incidents;
- (c) Register of Near Misses; and
- (d) any other register required as may be prescribed.

## PART X

### *Notices issued by Inspectors*

Inspector may  
issue improvement  
notice.

**61.**—(1) Where an inspector is of the opinion that a person—

- (a) is contravening any of the provisions of this Act; or
- (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

that inspector may serve on that person an improvement notice, within fourteen days from date of the assessment of the inspector, specifying the provision of the law being contravened and giving particulars of the reasons why that inspector is requiring that person to remedy the contravention or the matters occasioning it, as the case may be, within twenty-one days of the date of the improvement notice.

(2) A person commits an offence who fails to comply with the improvement notice and who has not made an appeal under section 68.

Inspector may  
issue prohibition  
notice.

**62.**—(1) Where an inspector is of the opinion that an act which involves or will involve an immediate threat or risk to the safety of a person or risk of bodily injury is occurring or may occur at a workplace, the inspector may issue, to the person who has or who that inspector reasonably believes has control over the act or the activity in which the act may occur, a prohibition notice prohibiting the continuation of the act or the carrying out of the activity until the inspector certifies in writing that the immediate threat or risk has been removed or that, in the opinion of the inspector, the act will not occur.

(2) A prohibition notice shall—

- (a) state that the inspector is of the opinion that an act which involves or will involve an immediate threat or risk to the safety or health of a person is occurring or may occur in the workplace;
- (b) state the reasons for that opinion;
- (c) specify the act which, in the opinion of the inspector, involves or will involve the risk and the matters which give or will give rise to the risk; and
- (d) where in the opinion of the inspector the act involves or will involve a contravention or likely contravention of this Act, specify the relevant provision and state the reasons for that opinion.

(3) A person commits an offence who fails to comply with the prohibition notice and who has not made an appeal under section 68.

(4) Where an appeal has been made under section 68 against a prohibition notice, the inspector shall not make a certification in writing in accordance with sub-section (1) until after the appeal is decided or withdrawn.

(5) Where an inspector issues a prohibition notice in respect of an act relating to the use of any plan at a workplace, the inspector may place a mark on the plan, or any part of the plan, to indicate that the plan, or the part so marked, is not to be used until the inspector makes a certification in accordance with sub-section (1) in respect of the act which the prohibition notice was issued.

(6) A person commits an offence who—

(a) uses any plan, or part of any plan, on which a mark has been placed by an inspector in accordance with sub-section (5); or

(b) without the permission of the inspector, removes, obliterates, or otherwise interferes with a mark placed on any plan, or on a part of any plan, under sub-section (5).

**63.—(1)** An inspector may serve a penalty notice to a person if it appears to the inspector that the person has committed an offence under this Act, and include in that notice a penalty fee to be paid within a specific time.

Inspector may issue penalty notice and include a penalty fee.

(2) Where the penalty fee is paid under this section, no further legal action shall be brought against that person for the alleged offence.

(3) Payment of the penalty fee under this section shall not be regarded as an admission of liability for the purpose of, nor in any way as affecting or prejudicing, any civil claim, action, or proceedings arising out of the same occurrence.

(4) The Minister, in consultation with the Advisory Committee, may make regulations to provide for—

(a) an offence for which a penalty notice may be issued;

(b) the amount of penalty fee payable for the offence if dealt with under this section; and

(c) different amounts of penalty fees for different offences or classes of offences.

(5) The penalty fee prescribed under this section for an offence shall not exceed the maximum amount of penalty which could be imposed for the offence by a court.

Closure notice in cases of immediate threats.

**64.**—(1) Where the Chief Inspector is of the opinion that there is an act that poses an immediate threat or risk to the safety of a person or a risk of bodily injury occurring at a workplace due to full contamination or severe contamination, the inspector may issue a closure notice which shall be directed to the person who has, or whom the inspector reasonably believes has, control over the workplace, directing the immediate closure of that workplace.

(2) In this section—

(a) “full contamination” means a situation where hazardous substances have spread throughout the workplace, affecting all areas and posing a significant risk to health and safety, including contamination of surfaces, air, and materials present in the workplace; and

(b) “severe Contamination” means a situation where localised areas within the workplace are highly contaminated, posing an immediate risk to health and safety, with hazardous substances present in concentrations exceeding permissible exposure limits in specific locations.

Post closure actions.

**65.**—(1) Where a closure notice is issued under section 64, the Chief Inspector shall notify the relevant authorities and stakeholders, including the employer and affected workers, of the closure.

(2) A comprehensive assessment of the contamination shall be conducted, and the Chief Inspector shall outline appropriate remediation measures to ensure the workplace is safe for reoccupation.

(3) The employer shall implement the remediation plan developed by the Chief Inspector before the workplace can be reopened.

(4) Once remediation efforts are completed, the Chief Inspector shall conduct a reassessment of the workplace and a notice of reopening shall be issued if the workplace is deemed safe for operation.

Issuing of notices.

**66.** For the purposes of sections 61, 62, 63, 64 and 65, a notice may be issued to a person by—

(a) delivering it personally to the person;

(b) leaving it at the usual or last known place of residence or business of the person with some other person who appears

to be a resident or employed there and who appears to be in charge or in a position of authority;

(c) service by post; or

(d) electronic means as provided for under the Electronic Transactions Act.

Act No. 25 of 2021.

**67.**—(1) An inspector may include in an improvement notice, a prohibition notice, or a penalty notice, as the case may be, any directions as to the measures to be taken to remedy the matters to which the notice relates.

Notices may include directions.

(2) A direction under sub-section (1) may—

(a) refer to a code of practice; and

(b) offer the person to whom it is issued a choice of different ways in which to remedy the matters to which the notice relates.

**68.**—(1) A person to whom an improvement notice or a prohibition notice is issued, may, within twenty one working days of the date of the notice or such further time as the Chief Inspector allows, appeal in writing to the Labour Complaints Tribunal which may, after considering the appeal, by order in writing confirm, revoke, or modify the notice.

Appeals against notices.

(2) Pending the decision by the Labour Complaints Tribunal on an appeal under sub-section (1), the operation of the notice shall—

(a) in the case of an improvement notice, be suspended; or

(b) in the case of a prohibition notice, continue unless the Labour Complaints Tribunal decides otherwise.

(3) Where the Labour Complaints Tribunal affirms an improvement notice or a prohibition notice or affirms any such notice with modifications, and the person to whom the notice was issued does not comply with the notice as so affirmed or modified, that person commits an offence.

## PART XI

### *Offences, Penalties, and Legal Proceedings*

**69.** A person commits an offence who—

(a) obstructs an inspector in the exercise of that inspector's

Offences in relation to investigations.

powers under this Act or any other law or induces or attempts to induce a person to do so;

- (b) conceals the location or existence of a person or any plant or substance from an inspector; or
- (c) in any other way, hinders, impedes, or opposes an inspector in the performance of the functions or powers of that inspector under this Act or any other law.

General offences  
and penalties.

**70.**—(1) Any person who contravenes a provision of this Act, any regulations made under this Act, or any order or notice issued by the Chief Inspector for which no penalty is otherwise provided, commits an offence and is liable on conviction on indictment—

- (a) in the case of a natural person, to a fine not exceeding twenty-five thousand dollars or imprisonment for a term not exceeding twelve months;
- (b) in the case of a corporate body, to a fine not exceeding two hundred and fifty thousand dollars, or subject to the Belize Companies Act and to sub-section (3), where a member of that corporate body is found liable, to imprisonment for a term not exceeding thirty-six months; or
- (c) in the case of an unincorporated body, to a fine not exceeding two hundred and fifty thousand dollars, or where members of that unincorporated body are found liable, to imprisonment for a term not exceeding thirty-six months.

Act No. 11 of  
2022.

(2) Sub-section (1) shall not apply to offences for which a safety and health penalty notice has been issued.

(3) Where a company contravenes this Act, whether by act or omission, each person concerned with the management of the company may be taken to have contravened the same provision and that person may be liable for that person's own conduct or acts, unless the director, employer, owner or person in control of the company satisfies the Advisory Committee that—

- (a) that person was not in a position to influence the conduct of the body corporate in relation to its contravention of the provisions; or
- (b) being in such a position, that person used all due diligence to prevent the contravention.

(4) Proceedings may be brought against the director, employer, owner, or person in control of a company, and that person may be liable on conviction under sub-section (1)(a), whether or not the company has been proceeded against or convicted under this Act.

71. The Chief Inspector may undertake prosecutions in respect of offences against this Act or any regulations made under this Act and may authorise, in writing, an inspector to undertake such prosecutions.

Power to prosecute.

72. Notwithstanding the provisions of the Limitation Act, no proceedings under this Act may be instituted after a period of three years from the date of the alleged offence.

Limitation of proceedings.  
CAP. 170.

73. In any proceedings under this Act, it shall be a defence to a director, employer, owner, or a person in control of a workplace that they have taken every reasonable precaution in the circumstances and that the act or omission done by a worker, agent, representative, officer, or supervisor of the workplace was done without the knowledge of the director, employer, owner, or a person in control of a workplace.

Defence to employer's liability for acts or omission done by workers.

74.—(1) Subject to the provisions of the Evidence Act, in any proceeding under this Act—

Documentary evidence.  
CAP 95.

- (a) a copy of an order or decision purporting to have been made under this Act and purporting to have been signed by an authorised representative of the Inspectorate;
- (b) a document purporting to be a copy of a notice, drawing, record or other document, or any extract thereof given or made under this Act and purporting to be certified by an authorised representative of the Inspectorate;
- (c) a document purporting to certify the results of an environmental test or sample analysis and setting forth the concentration or amount of a chemical, hazardous substance, physical agent, or biological agent in a workplace or part of a workplace and purporting to be certified by an authorised representative of the Inspectorate; or
- (d) a document purporting to certify the result of a test or an analysis of any equipment, machinery, device, article, or substance and purporting to be certified by an authorised representative of the Inspectorate,

is evidence of the order, decision, writing, or document, and the facts appearing in the order, decision, writing, or document shall be received in

evidence without proof of the signature or official character of the person appearing to have signed the order or the certificate.

(2) In any proceeding or prosecution under this Act, a copy of an order or decision purporting to have been made under this Act and purporting to have been signed by the Chief Inspector may be served—

- (a) personally, in the case of an individual, or in the case of a partnership, upon a partner, and in the case of a company upon the president, vice president, secretary, treasurer, or a director, or upon the manager or person in charge of the workplace; or
- (b) by registered letter addressed to a person or company mentioned in paragraph (a) at the last known place of business of the person or company, and the same shall be deemed to be good and sufficient service.

Protection  
against civil and  
criminal  
proceedings.

**75.**—(1) No action or proceeding, civil or criminal, shall lie or be continued against any member of the Advisory Committee or any person appointed to perform a duty under this Act for anything done or omitted in good faith in the exercise of any function designated under this Act.

(2) Nothing in this Act is to be construed as conferring a—

- (a) right of action in any civil proceedings in respect of any contravention, whether by act or omission, of any provision of this Act; or
- (b) defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings.

Aiding and  
abetting.

**76.** A person commits an offence if that person—

- (a) aids, abets, counsels, or procures any offence under this Act; or
- (b) knowingly, in any way, directly or indirectly, by act or omission, is concerned in or party to any offence under this Act.

Forgery, false  
declarations, etc.

**77.** A person commits an offence who—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of this Act;

- (b) gives or signs any certificate knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any forged, counterfeited or false certificate;
- (d) knowingly utters or makes use of, as applying to any person, any certificate which does not so apply;
- (e) impersonates any person named in any certificate;
- (f) falsely pretends to be an inspector;
- (g) willfully connives at any counterfeiting, giving, signing, uttering, making use, impersonating, or pretending as aforesaid;
- (h) willfully makes a false entry in any register, notice, certificate or document required by, under or for the purposes of this Act to be kept, served, or sent;
- (i) willfully makes or signs a false declaration required by, under, or for the purposes of this Act; or
- (j) knowingly makes use of any such false entry or declaration.

**78.** A person required to furnish information after being served a notice under this Act who, without lawful excuse, refuses or fails to furnish the information within the time specified in the notice, commits an offence.

Offence of failure to furnish information required in a notice.

## PART XII

### *Miscellaneous*

**79.**—(1) Subject to sub-section (2), where any Act or other law is inconsistent with the provisions of this Act, the provisions of this Act shall prevail.

This Act to prevail.

(2) Notwithstanding sub-section (1), a person shall not be guilty of an offence under this Act in respect of any act or omission which is expressly required or permitted to be done under any other law.

**80.** Notwithstanding section 79, where any of the rights of a worker established by any other Act, collective agreement, contract of employment, custom, or practice are more favourable than this Act requires, the provisions so established shall prevail over this Act.

More favourable provisions to prevail.

- Regulations. **81.**—(1) The Advisory Committee may, with the approval of the Minister, make regulations—
- (a) prescribing matters—
    - (i) required or permitted by this Act to be prescribed; or
    - (ii) necessary or convenient to be prescribed for giving effect to this Act; and
  - (b) for the general administration and enforcement of the provisions of this Act.
- (2) Without limiting the generality of sub-section (1), regulations may provide for—
- (a) formulating general regulations under this Act;
  - (b) regulating or prohibiting the—
    - (i) manufacture, supply, or use of any plant;
    - (ii) manufacture, supply, use, storage, or transport of any substance; or
    - (iii) carrying on of any process or the carrying out of any operation;
  - (c) the standards of safety and health of workers engaged in particular industries or other workplaces;
  - (d) the certification of operators in prescribed plant or machinery;
  - (e) the registration of a workplace or any plant or substance;
  - (f) the licensing of a person carrying out processes or activities regulated under this Act;
  - (g) conditions applying to registrations;
  - (h) the service of notices under this Act;
  - (i) the powers of the inspectors in relation to investigations at a workplace;
  - (j) procedures for the appointment of committees at a workplace;

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- (k) composition, election or appointment of persons to committees at a workplace;
  - (l) labelling requirements for hazardous substances, chemicals, physical agents, biological agents, and Safety Data Sheets;
  - (m) notification and record keeping of accidents, occupational disease, critical injury, and other matters;
  - (n) forms for the purposes of this Act;
  - (o) the prescribing of fines and penalty fees for a contravention of the Act and any regulations made under this Act where none is specified;
  - (p) prescribing offences which may be dealt with by penalty notices;
  - (q) any matter relating to any associated safety and health legislation;
  - (r) the prescribing of fees to be paid by employers and workers to augment the expenses of administering the provisions of this Act; or
  - (s) any other matter in relation to the administration of this Act.

(3) Regulations may incorporate or adopt by reference the provisions of any document, standard, rule, specification, or method formulated, issued, prescribed, or published by any authority or body—

- (a) wholly, partly, or as amended by the regulations; or
- (b) as formulated, issued, prescribed, or published at the time the regulations are made or at any time before then,

and if the provisions of any document, standard, rule, specification, or method is amended after the making of the regulations, the Minister may amend the regulations accordingly.

(4) Regulations may provide that a prescribed employer or a member of the prescribed class of employers shall—

- (a) monitor the safety and health of workers;
- (b) keep information and records relating to the safety and health of workers;

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- (c) employ or engage a person who, being suitably qualified in relation to occupational safety and health, is able to provide advice to the employer in relation to the safety and health of workers;
  - (d) monitor conditions likely to affect the safety and health of workers under the control and management of that employer; or
  - (e) keep additional records and files.
- (5) Regulations may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
  - (b) apply differently according to different factors of a specified kind;
  - (c) authorise any matter to be from time to time determined, applied, or regulated by any specified person or body; or
  - (d) exempt any person or class of persons, either absolutely or subject to conditions, from any provision of the regulations.
- (6) Regulations may provide for the implementation of international conventions including International Labour Organization Conventions in respect of safety in the use of chemicals at work and other occupational safety and health requirements and standards.
- (7) Regulations made under this section shall be subject to negative resolution.

Code of practice.

**82.**—(1) For the purpose of providing practical guidance on any matter relating to this Act, the Minister shall, in consultation with the Advisory Committee, develop a national code of practice.

(2) The code of practice may consist of a code, standard, rule, specification, or provision relating to matters in this Act formulated or prepared by the Advisory Committee in consultation with the Inspectorate and other interested persons, and may apply, incorporate or refer to a document formulated or published by a body or authority as in force at the time the code of practice is approved, formulated, or amended.

(3) The code of practice shall take into account any current and relevant international code of practice and convention in its development.

(4) The Ministry shall make the code of practice and all documents incorporated or referenced in the code of practice be available for inspection by the public without charge.

(5) The code of practice shall be published by notice in the *Gazette*.

(6) A notice under sub-section (5) shall indicate where a copy of the approved code of practice to which it relates, and all documents incorporated or referenced in the code, may be inspected by members of the public without charge, and the times during which it may be inspected.

**83.** In proceedings for an offence under this Act, where it is alleged that a person contravened this Act and the code of practice was in force at the time of the alleged contravention—

Use of code of practice in proceedings.

(a) the code of practice shall be admissible in evidence in those proceedings; and

(b) where it is necessary for the prosecution to prove a matter in order to establish the alleged contravention, where the court is satisfied that—

(i) a provision of the code of practice is relevant to that matter; and

(ii) the person failed at a material time to observe that provision of the code of practice,

that matter shall be taken as proved unless the court is satisfied that, in respect of that matter, the person complied with that provision of this Act, or any regulations made under this Act, otherwise than by way of observance of that provision of the code of practice.

**84.—(1)** The Factories Act is repealed.

Repeal and savings.  
CAP. 296.

(2) Nothing in this Act shall affect anything done, any proceedings taken, or a right of action which has accrued, or a liability which has been incurred under the repealed Act before the coming into force of this Act, and anything done, any proceedings taken, or a right which has accrued or a liability which has been incurred under the repealed Act shall be deemed to have been done, taken, accrued, or incurred, as the case may be, under this Act.

**85.—(1)** This Act shall come into force on a date to be appointed by the Minister by an order published in the *Gazette*.

Commencement.

(2) An order under sub-section (1) may appoint different dates for the commencement of different provisions of this Act.

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SCHEDULE  
[section 4(2)]

*Organisation and Constitution of the National Safety and Health Advisory  
Committee*

*Composition of the Advisory Committee*

1.-(1) The Advisory Committee shall consist of the following members—

- (a) one member appointed by the Minister after consultation with such organisations representing workers;
- (b) one member appointed by the Minister after consultation with such organisations representing employers;
- (c) a representative who in the opinion of the Minister is qualified and suitable;
- (d) a representative of the Social Security Board who is responsible for occupational safety and health matters;
- (e) a representative of the Ministry responsible for Health who is responsible for occupational safety and health matters;
- (f) the Labour Commissioner or a representative of the Labour Commissioner;
- (g) a representative from the Central Building Authority;
- (h) a representative from the Pesticides Control Board;
- (i) a representative from the Department of the Environment;
- (j) a representative from the Belize Agricultural Health Authority; and
- (k) the Chief Inspector appointed under section 7(2) of the Act.

(2) The Minister shall appoint the Chairperson of the Advisory Committee from among its members.

(3) The members of the Advisory Committee shall elect a Deputy Chairperson from among the members.

(4) The Chief Inspector shall be an ex officio member and shall be the Secretary of the Advisory Committee.

*Term, Remuneration, and Allowances of Members of the Advisory Committee*

2.—(1) A member of the Advisory Committee shall be appointed for a term of three years and at the expiration of that period, that member may be reappointed.

(2) A person appointed as a member of the Advisory Committee shall be paid such remuneration and allowances as may be fixed by the Minister from time to time.

(3) Notwithstanding sub-section (2), all members of the Advisory Committee shall be entitled to reimbursements for reasonable expenses incurred in the discharge of their functions.

*Leave, Resignation, and Dismissal of Members of the Advisory Committee*

3.—(1) The Advisory Committee may grant leave of absence to a member on such terms and conditions as it considers appropriate.

(2) A member of the Advisory Committee shall vacate office if that member—

- (a) is declared bankrupt by a court of competent jurisdiction;
- (b) compounds with the creditors of that member or makes an assignment in whole or in part of the estate of that member for the benefit of the creditors of that member;
- (c) is absent from three consecutive meetings of the Advisory Committee without leave;
- (d) is convicted in any jurisdiction of an offence punishable by imprisonment;
- (e) is certified as being of unsound mind; or
- (f) is incapacitated and unable to perform the functions and duties of that member.

(3) The Minister may terminate the appointment of a member of the Advisory Committee for misbehaviour on the advice of the Advisory Committee and after consultation with the organisation that nominated that member.

(4) Where the Minister terminates the appointment of a member of the Advisory Committee, the Minister shall—

- (a) provide written reasons for the termination; and
- (b) request the organisation which nominated the member who is terminated to nominate another person for appointment.

(5) The person appointed pursuant to sub-section (4)(b) shall serve for the outstanding period of appointment of the member whose appointment was terminated.

(6) Any member of the Advisory Committee, other than the Chief Inspector or the Labour Commissioner, may resign from office by written notice to the Minister.

*Members of Advisory Committee to Declare Interest in Matters*

4.—(1) A member of the Advisory Committee who has a pecuniary interest in any matter coming before the Advisory Committee shall, on each and every occasion on which the matter comes before the Advisory Committee, declare such interest and, unless otherwise directed by the Chairperson, withdraw from the meeting and take no further part in the proceedings or voting of the Advisory Committee in relation to that matter.

(2) A declaration of interest, and the withdrawal of a member after any such declaration as provided in sub-section (1), shall be recorded in the minutes of the meeting of the Advisory Committee.

*Procedures and Meetings*

5.—(1) The Advisory Committee shall meet at least once a month for the performance of its business and such meetings shall be held at such places and times and on such days as the Advisory Committee may determine.

(2) The Minister may from time to time if it is necessary or expedient, direct the Advisory Committee to meet on occupational safety and health matters.

(3) The Chairperson shall preside at all meetings, but if the Chairperson is unable to attend a meeting, the Deputy Chairperson shall preside at that meeting.

(4) The quorum of the Advisory Committee shall be the Chairperson or the Deputy Chairperson and half of the other members for the time being holding office with at least one member each from the organisations of the employers and workers present.

(5) A decision of the Advisory Committee shall be by a majority of votes, and in addition to an original vote, the Chairperson or other person

presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Subject to this section, the Advisory Committee may regulate its own proceedings and meetings.

(7) The Advisory Committee shall maintain proper records of its meetings.

(8) No Act done or proceedings taken by the Advisory Committee under this Act shall be questioned or invalidated on any of the following grounds—

- (a) the existence of any vacancy in the membership;
- (b) any defect in the constitution of the Advisory Committee;  
or
- (c) any omission or irregularity.

*Period for the Appointment of the Members of the Advisory Committee*

6.—(1) The Minister shall, within a reasonable time but not exceeding three months from the coming into force of the Act, appoint members of the Advisory Committee.

(2) Where the Minister appoints members of the Advisory Committee pursuant to sub-section (1), the Advisory Committee shall commence full operations within three months of the appointment of the members of the Committee.