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**BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

**NOTIFICATION.**

Dated Quetta, the 24<sup>th</sup> November, 2022.

**No.PAB/Legis:V(37)/2022/9369.** The Balochistan Occupational Safety & Health Bill, 2022, (Bill No. 37 of 2022), having been passed by the Provincial Assembly of Balochistan on 14<sup>th</sup> November, 2022 and assented to by the Governor Balochistan, on 18<sup>th</sup> November, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

**THE BALOCHISTAN OCCUPATIONAL SAFETY & HEALTH ACT 2022,  
ACT NO. XXXIII OF 2022.**

**AN**

**ACT**

*to make provision for the occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of the activities at work places and for the promotion of safe, healthy and decent working environment adapted to the physical, physiological and psychological needs of all persons at work.*

**Preamble.**

WHEREAS it is expedient to make provision for occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of the activities at workplaces and for the promotion of safe, healthy and decent working environment and to provide for all matters connected therewith or ancillary thereto.

It is hereby enacted as follows:-

**Chapter-I**

**PRELIMINARY.**

**Short title,  
extent,  
commencement  
and  
Applicability.**

1. (1) This Act may be called as the Balochistan Occupational Safety and Health Act, 2022.
- (2) It shall come into force at once.
- (3) It shall be applicable to all workplaces in the whole of Balochistan:

Provided that the Government may by order exempt specified workplaces either wholly or to such extent during such period as may be specified in the order published in the official gazette:

Provided further that in the event of any conflict or inconsistency between the provisions of this Act and any other law, for the time being in force, pertaining to occupational safety and health, the provisions of this Act shall prevail and the conflicting or inconsistent provisions of such other laws shall, to the extent of the conflict or inconsistency, be construed as superseded.

**Definition.**

**2.** In this Act, unless there is anything repugnant in the subject or context-

- (a) **“Accident”** means an incident that—
  - (i) causes loss of life; or
  - (ii) causes any person to be harmed; or
  - (iii) in different circumstances, might have caused any person to be harmed;
- (b) **“bodily injury”** includes physical or mental injury to a person at workplace;
- (c) **“Chief Inspector”** means chief Inspector notified under Section-19 (3) of this Act;
- (d) **“child”** means a person who has not completed the age of fourteenth year;
- (e) **“Certifying Surgeon”** means a medical practitioner appointed as “Certifying Surgeon” under Section-20 (1) of this Act;
- (f) **“Code of practice”** means a set of rules relating to the methods to be applied or the procedure to be adopted in connection with the construction, installation, testing, operating, or use of any article, apparatus, instrument, device or process;
- (g) **“Competent”** means someone who by virtue of training and experience has attained the necessary ability and skills to undertake the job;
- (h) **“Contractor”** means any person or a body whether incorporated or not, who contracts with a principal to carry out the whole or any part or any work undertaken for the

principal's trade or business; and includes sub-contractor and sub-contractor for labour;

- (i) **“Contravention”** includes, in relation to any provision, a failure to comply with that provision;
- (j) **“Due Diligence”** means doing all acts that are reasonably practicable;
- (k) **“Duty Holder”** means a person with duty in relation to health and safety as provided under this Act;
- (l) **“Employer”** means a person or agent that employs, contracts or engages in any manner whatsoever one or more person for wage or salary;
- (m) **“Enforcing Authority”** means an authority engaged under Section-21(1) of this Act and responsible for enforcement of this Act;
- (n) **“Establishment”** means any business, trade, profession, service, office, firm, factory, society; undertaking, company, educational institution, hospital, shop, premises, enterprise or organization of what so ever nature or a mine which employs workers directly or through a contractor for the purpose of carrying on any business, industry or excavation and includes all its departments and branches, whether situated in the same place or in the different places;
- (o) **“Factory”** means any premises, including the precincts thereof, where on five or more workers are working, or were working on any day of the proceeding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily carried on with or without the aid of power, but does not include a mine;
- (p) **“Fall”** includes refuse; and “failure” includes refusal;
- (q) **“Government”** means the Provincial Government of Balochistan;
- (r) **“Harm”** means illness, injury, or both and includes physical and mental harm caused by work-related stress;
- (s) **“Hazard”** means an activity, arrangements, circumstances, event, occurrence, phenomenon, process, situation, or

substance (Whether arising or used within or outside a place of work) that is an actual or potential cause or source of harm; and includes—

- (i) A situation where a person’s behavior may be an actual or potential cause or source of harm to the person or another person; *and*
- (ii) Without limitation, a situation described in sub paragraph- resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affect a person’s behavior;
- (t) **“Health”** means free from illness, disease or injury attributes to occupational causes;
- (u) **“Imminent Danger”** means any hazard or condition that could reasonably be expected to cause injury or illness to a person exposed before the hazard or condition can be corrected;
- (v) **“Inspector”** means Inspector notified under Section-19 (1) of this Act;
- (w) **“Labour Court”** means the court established under Balochistan Industrial Relations Act, 2010;
- (x) **“Machinery”** means an engine, motor or other appliances that provides mechanical energy derived from compressed air, the combustion of fuel, electricity, gas gaseous products, steam, water, wind, or any other source; and includes—
  - (i) Any plant by or to which the motion of any machinery is transmitted; *and*
  - (ii) A lifting machine, a lifting vehicle, a machine whose motive power is wholly or partly generated by the manually, and a tractor;
- (y) **“Maintained”** means maintained in an efficient state, in efficient working order, in good repair, and in an up-to-date manner;
- (z) **“Medical Practitioner”** means a medical practitioner explained in Section-20 of the Act;
- (aa) **“Mine”** means any workplace where any operations for the purpose of searching for obtaining minerals from earth crust

(sea and land) has been or is being carried on, and includes all works, machinery, plants, compressing units, tramways, drilling rigs and sidings, weather above or below ground, in or adjacent to or belonging a mine:

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for **coak** making or the processing of minerals.

**Explanation, —**

- (i) All preparatory work i.e. site development prior to a mining operation, construction of roads and other infrastructure shall also be a part of mine;
  - (ii) Searching includes all techniques of searching minerals like exploratory **adits**, pits, geophysical techniques like, seismic, Survey, electrical resistivity survey, Magnetic survey and mapping of the area under search; *and*
  - (iii) Processing includes all processes of handling, transportation, dressing, Purification, compressing, and storage of Minerals in or adjacent to or belonging to a Mine inside the leased area;
- (bb) **“Occupational Health”** means not merely the absence of disease or infirmity but also includes the physical, mental, and social elements affecting health which are directly related to safety, hygiene and welfare at work and includes occupational medicine and biological monitoring;
  - (cc) **“Order”** means an order made by the Government under Act for specific purpose, for a specific period of time and published in the Government Gazette;
  - (dd) **“Owner”** means the person for the time being receiving the rent of the premises of the tools, machinery, equipment or substance for use at work in connection with which the work is used, whether on the account of that person or as agent or trustee for any other person, or who would so receive the rent if the premises were let to a tenant, or tools, machinery, equipment or substance hired to another person;
  - (ee) **“Person in control of a workplace”** means the person who has ultimate control over the workplace, it may or may not include the employer, contractor, less or, tenant, or managing agent;

- (ff) **“Possible Practices”** or **“Possible practicable measures”** means all risk prevention measures unless the cost of those prevention measures is disproportionate to the risk;
- (gg) **“Premises”** means any place, and in particular, includes—
- (i) Any land, building or part of any building;
  - (ii) Any vehicle;
  - (iii) Any installation on land including the foreshore and other land intermittently covered by water), and off shore installation, and any other installation (whether floating, or resting on the sea-bed or the sub-soil therefore or resting on other land covered with water or the sub-soil therefore); *and*
  - (iv) Any tent or moveable structure;
- (hh) **“Prescribed”** means prescribed by rules, regulations or by-laws;
- (ii) **“Principal”** means an ultimate employer who contracts with a contractor or sub-contractors;
- (jj) **“Regulation”** means a regulation made under this Act;
- (kk) **“Risks”** means the probability that injury or damage will occur;
- (ll) **“Safe”** means free from any hazard;
- (mm) **“Self-Employed Person”** means an individual who works for gain or reward otherwise than under a contract of employment, whether or not that person employs others;
- (nn) **“Supplier”** means person who provides for fee or reward, whether in hire or otherwise;
- (oo) **“Worker”** means any person employed, whether directly or indirectly any other person, for wages, to do any skilled or unskilled, technical, clerical, manual, or other work, or in connection with the affairs of an establishment under any contract of service or apprenticeship, whether written or oral, express or implied and includes such a person when laid off or terminated; retrenched; dismissed and or removed from employment, for the purpose of recovery of dues under this Act, and includes any person or class of persons which the

Government may specify by notification in official gazette, but does not includes person employed in the Federal Government or the provincial Governments, District Government or Armed Forces;

- (pp) **“Workplace”** or **“Place of Work”** means any premises where work is carried out, by one or more persons and includes premises used for the storage of tools, machinery, equipment or substance.

**Explanation,** — To avoid doubt, a person is in a place of work whenever and wherever the person perform work, including a place that—

- (i) the person moves through; or
- (ii) itself moves;

- (qq) **“Volunteer”** —

(a) means a person who—

- (i) does not expect to be rewarded for work to be performed as a volunteer; *and*
- (ii) receives no reward for work performed as a volunteer; *and*

(b) does not include a person who is in a place of work for the purpose of receiving on the job training or gaining work experience; *and*

- (rr) **“Young Person”** means a person who has attained the age of fourteen years but has not attained the age of eighteen years.

**Avoidance of doubt.**

**3.** For the avoidance of doubt, it is hereby declared that—

- (a) a person may at a time be two or more of any of the following:
- - (i) a contractor, an employer, a person who controls a place of work;
  - (ii) a principal, a self-employed person, and a subcontractor; *and*
  - (iii) this Act may impose duties on or in respect of the person accordingly;

- (b) this Act may at a time impose the same duty on two or more persons, whether in the same capacity or different capacities; *and*
- (c) a duty imposed by this Act on any person is not diminished or affected by the fact that it is also imposed on one or more other persons, whether in the same capacity or in different capacities.

## **Chapter-II**

### **DUTIES OF EMPLOYERS AND WORKERS.**

#### **General duties of Employers.**

- 4.** (1) It shall be the duty of every employer to ensure all possible practicable measures in respect of safety and health at work of all persons in the workplace and in addition, the welfare of the workers and volunteers.
- (2) Every employer shall inter-alia ensure that there are in place effective methods for—
- (a) Systematically identifying existing hazards to workers at work;
  - (b) Systematically identifying (if possible, before and otherwise as, they arise) new hazards to workers at work; and
  - (c) Regularly assessing each hazard identified, and determining whether or not it is a hazard.
- (3) Where there occurs any accident or harm in respect of which an employer is required by Section 26 of this Act to record particulars, the employer shall take all practicable steps to ensure that the occurrence is so investigated as to determine whether it was caused by or arose from a hazard.
- (4). Without prejudice to the generality of the duty of an employer under the preceding sub-sections, the matters to which that duty extends include in particular-
- (a) for the workers, the provision and application of processes, systems of work and tasks to be safe and without risks of injury to health;
  - (b) the provision and maintenance of tools, machinery, equipment and appliances which are safe and without risks of injury to employee's health;



- (c) making arrangements to ensure the safety and absence of risks of injury to health of employees in connection with the use, handling, storage, disposal and transport of articles, materials and substances;
- (d) making arrangements to control and prevent physical, chemical, biological, ergonomic, and psychosocial or any other hazards that affect the safety and health at work of workers and other persons at the workplace;
- (e) the provision of such information, instructions, training and supervision, as is necessary or required by this Act and the regulations, to ensure safety and health at work of all workers;  
*and*
- (f) the maintenance of a place of work in a condition that is safe, clean, orderly and without risks of injury to health and the provisions and maintenance of safe means of access to and egress from it.

(5) It shall be the duty of every employer to inform the workers in an understandable manner before any work commences, the hazards associated with their work, risks involved and the preventative and protective measures that need to be taken.

(6) It shall be the duty of every employer to provide where necessary to the workers, when hazards cannot be otherwise eliminated or controlled, adequate protective clothing and protective clothing and protective equipment of a type approved by the Government, to prevent every risk of injury and of adverse effects on health. Protective clothing and equipment should come at no cost to workers.

(7) For the purpose of sub-section (6) the Government may approve, by issue of orders, specific organization to approve protective clothing and equipment.

(8) It shall be the duty of every employer to maintain in the general register particulars of all accidents occurring at the workplace and submit extracts thereof to the Government. Employers should also record dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

(9) It shall be the duty of every employer to provide where necessary measures including adequate first aid arrangements to deal with emergencies, dangerous occurrences, accidents and industrial disasters.

(10) It shall be the duty of every employer to take all practical measures for the prevention of fires & explosions and for the provision of safety measures in the event of fire and explosion.

(11) Wherever two or more undertakings engage in activities simultaneously at one workplace, the employers of each undertaking shall collaborate in applying the provisions of this Act.

(12) Establish a safety committee at workplace where 10 or more workers are employed.

**General duties of self-employed and employers to persons other than their workers.**

5. (1) It shall be duty of every self-employed person and employer to conduct his/her undertaking in such a way as to ensure, so far as is reasonably practicable, that he/she himself/herself and other persons are not exposed to risks to their health or safety.

(2) In such cases, as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons who may be affected by the way in which he/she conducts his/her undertaking the prescribed information about such aspects of the way in which he/she conducts his/her undertaking as might affect their health or safety.

**General duties of persons concerned with premises to persons other than workers.**

6. (1) It shall be duty of every person who. -

(a) is not worker; but

(b) uses non-domestic premises made available to him/her as a place of work or as a place where he/she may use plant or substances provided for their use, to take such measures as is reasonable for a person in his/her position to take to ensure, so far as is reasonably practicable, that the premises, all means of using the premises, and any plant or substance in the premises or, as the case may be, provided for use there, is or are safe and without risks to health.

**General duties of persons in control of certain premises in relation to**

7. (1) It shall be the duty of the person having control of any premises to use the best practicable means for preventing the emission into the atmosphere from the premises of noxious or offensive substances

**harmful emissions into atmosphere.**

and for rendering harmless and inoffensive such substances as may be so emitted.

(2) Any substances or a substances of any description prescribed for the purposes of sub-section (1) above as noxious or offensive shall be noxious or, as the case may be, an offensive substance for those purposes whether or not it would be so, apart from this sub-section.

**General duties of principal.**

**8.** (1) Every principal shall take all practicable steps to ensure that no worker of a contractor or subcontractor and no contractor or subcontractor if he/she is working in individual capacity, is harmed while doing any work.

(2) Sub-section (1) of this section shall be read subject to section 3 of this Act.

**General duties of workers.**

**9.** (1) It shall be the duty of every worker and volunteer while at work to ensure-

- (a) that the worker takes reasonable care for his or her own safety and that of other persons who may be affected by his or her acts or omissions at work and shall not willfully do anything to endanger himself or others;
- (b) that the worker and any worker's representative co-operates with the employers or any other person on whom a duty or requirement in pursuance of this Act is imposed, in fulfilling such duty or requirement;
- (c) that the worker shall use any protective clothing and protective equipment provided to that worker in pursuance of this Act;
- (d) that the worker does not willfully interfere with or willfully misuse any means, appliance, convenience or equipment or any other thing provided for securing the safety, health and welfare of persons at the workplace;
- (e) protection of workers who justifiably remove themselves from dangerous situations or who report occupational accidents.

(2) If an issue arises as to unsafe work, which poses an immediate threat to the safety or health of workers, the worker shall attempt to resolve the issue in accordance with the dispute resolution procedures contained in the policy referred to under section-13. Where the threat cannot be controlled, the workers who could be affected may cease work and until remedial action is taken, the workers cannot be required to return

to a work situation where there is continuing imminent and serious danger to life or health:

Provided that where work is ceased, and employer has the right to direct the workers to undertake temporary alternative work.

(3) Workers have the duty to immediately report to their immediate supervisor any situation that they have reasonable justification to believe represents an imminent and serious danger to the worker's life or health. A worker must also report any occupational accident, occupational disease, dangerous occurrences or commuting accident in accordance with the OHS policy applying at that place of work.

**General duties of manufacturers etc. as regards articles and substances for use at work.**

**10.** (1) It shall be the duty of any person who designs, manufactures, imports or supplies any article for use at work to take specified steps sufficient. -

- (a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to health when properly used;
- (b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him/her by the preceding paragraph;
- (c) to take such steps as are necessary to secure that there will be available in connection with the installation and use of the article at work;
- (d) to ensure, so far as is reasonably practicable, that the substance is safe and without risks to health when properly used.

(2) It shall be the duty of any person who designs, manufactures or supplies any tools, machinery, equipment or substance for use to work, to ensure-

- (a) that such tools, machinery, equipment or substance is safe and without risk of injury to health when correctly used; *and*
- (b) that person to whom such tools, machinery, equipment or substance are supplied, be proved with all information as regards handling, commissioning, use and maintenance.

**Explanation,—** In this section manufacture of tools, machinery and equipment include transportation handling, assembling, installing, erecting and testing.

**Chapter-III**

**PROVISION WITH REGARD TO HEALTH AND SAFETY.**

**Health and Safety.**

- 11.** (1) The Government may, by notification in the official Gazette, make rules for the health and safety of the persons in any establishment or class of establishments.
- (2) Without prejudice to the generality of the foregoing provisions, the said rules may include, but not limited to, the following matters, namely:-
- (a) Cleanliness in the place of work and its freedom from nuisance, and maintenance of buildings;
  - (b) Illumination, ventilation, temperature, dust, artificial humidification, noise and over- crowding;
  - (c) Disposal of wastes and effluents;
  - (d) Floor, stairs, means of access, confined spaces, pits, sumps, opening in Floors etc.;
  - (e) drinking water and conservancy;
  - (f) work at or near machinery in motion;
  - (g) self- acting machines and device for cutting off power;
  - (h) instructions, training and supervision in relation to employment on dangerous machine and fencing/casing of machinery;
  - (i) explosives or inflammable dust, gas, etc.;
  - (j) precaution in case of fire;
  - (k) personal protective equipment;
  - (l) excessive weights;
  - (m) loading and earth moving machinery;
  - (n) cranes and lifting operations;
  - (o) scaffolding and work at height;
  - (p) safety of building, machinery and manufacturing process;  
*and*
  - (q) electrical safety.

**Written statement of policy.**

**12.** Every employer to whom this Act applies, except in such cases as may be prescribed by the Government, shall in consultation with workers and their representatives, declare a written statement of a general policy with respect to the safety and health of all persons at the workplace. Such a statement shall include provisions to resolve disputes on safety at the workplace and the reporting procedure for fatalities, injuries and near misses. The policy shall be reviewed and revised when—

- (a) introducing or altering the procedures for managing risks to safety; *and*
- (b) changes that may affect health, safety, welfare, the premises where persons work, the systems or methods of work or to the plant or substances used for work. Such changes could be as frequent as need be, but after every five years; the statement and revisions of it must be brought to the notice of all persons in the workplace in languages understood by all.

**Consultation.**

**13.** (1) In every workplace the employer shall provide for—

- (a) the election of safety and health representatives from among the workers and such representatives shall represent the workers in all matters relating to the safety, health and welfare at work, as prescribed; *and*
- (b) to appoint a competent person to function as safety and Health Officer at the workplace and set up an Occupational safety and Health committee in such establishments having more than 49 workers.

(2) It shall be the duty of the representatives of the workers and where established, the Occupational safety and Health committee, to co-operate effectively with the employer and assist the employer to promote and develop measures to ensure the safety, health and welfare at work of the workers. The committee should report the effectiveness of such measures to the employer.

**Training of health and safety representative.**

**14.** An employer must allow a health and safety representative paid leaves every year to attend health and safety training as approved by the Government.

**Not to interfere with or misuse things provided pursuant to certain provisions.**

**15.** No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions.

**Precautions against contagious or infectious disease at workplaces.**

**16.** (1) Each worker shall be provided with a “Hygiene Card” in which during the month of January and July every year entries shall be recorded after examination by qualified medical practitioner to the effect that the worker is not suffering from any contagious or infectious disease. The fee of such an examination shall be fixed by the Government and will be borne by the occupier or person in control of the workplace.

(2) If the worker is found to be suffering from any contagious or infectious disease on an examination under sub-section (1), he/she shall not be engaged on work till he/she is declared free of such a disease.

**Compulsory vaccination and inoculation.**

**17.** Each worker shall be vaccinated and inoculated against such disease and at such intervals as may be prescribed. The expenses, if any, of such vaccination and inoculation shall be borne by the occupier or manager of the workplace.

#### **Chapter-IV**

#### **ENFORCEMENT.**

**Registration of workplaces and approval of site, buildings and other constructions to be used as workplace.**

**18.** (1) An employer or self-employed person shall not build, fit-out or use any site or building as a workplace until approved by the Government.

(2) No local authority shall approve any plan to build, renovate or operate any site or building to be used as a workplace, and continue as such unless safety and health provisions of this Act are complied with and approval obtained from the Government.

(3) Before start of the work the employer shall inform in writing to the Inspector of the area as prescribed for the purpose of this Act.

**Administration.**

**19.** (1) The Government shall appoint, by notification in the Officials Gazette, Inspectors for the purposes of this Act with qualifications or training, in the following fields: -

- (i) Engineering;
- (ii) Medicine;
- (iii) Occupational hygiene;
- (iv) Ergonomics;

- (v) Psychology;
- (vi) Chemistry;
- (vii) Environment Management; *and*
- (viii) Occupational Safety and Health.

(2) Every inspector appointed under this section shall be furnished with such certificate of appointment as may be prescribed, and when visiting workplace in accordance with this Act shall, if so required, produce the said certificate to the employer or other person holding a responsible position at the workplace.

(3) The Government shall appoint, by notification in the Officials Gazette, a person to be Chief Inspector, who shall in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the Province.

(4) The Chief Inspector and every Inspector shall be deemed to be public servant within the meaning of the Pakistan Penal Code (XLV of 1860) and shall be officially subordinated to such authority as the Government may specify in this behalf.

**Certifying surgeons.**

20. (1) The Labour Department with approval of the Chief Minister may appoint such registered medical practitioners as it thinks fit to be the certifying surgeons for the proposes of this Act within such local limits as it may assign to them, respectively.

(2) A certifying surgeon may authorize any registered medical practitioner to exercise any of his/her powers under this Act:

Provided that a certificate of fitness for employment granted by such authorized practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself/herself after examination of the person concerned.

**Explanation,—** In this section, a “registered medical practitioner” means any person registered under any Act of the Central Legislature or any Provincial Legislature providing for the maintenance of a register of medical practitioner, and include in any area where no such register is maintained, any person declared by the Government by notification in the Official Gazette, to be a registered medical practitioner for the purpose of this section.

**Enforcement by other agencies.**

21. (1) The Government may engage one or more body corporate (hereinafter referred to as “enforcing authority”) responsible for the enforcement of the relevant statutory provisions to such extent as may be prescribed. It is a regulatory function –only Government institution can be engaged.



- (2) It shall be the duty of every enforcing authority—
- (a) to make adequate arrangements for the enforcement within their area of the relevant statutory provisions to the extent that are by any of those provisions or by regulations under sub-section (1) above made responsible for their enforcement; *and*
  - (b) to perform the duty imposed on them by the preceding paragraph and any other functions conferred on them by any of the relevant statutory provisions in accordance with such guidance as the Government may give them.
- (3) Every enforcing authority may appoint as inspectors (under whatever title it may from time to time determine) such persons having qualifications as per sub-section (1) above for carrying into effect the relevant statutory provisions within its field of responsibility, and may terminate any appointment made under this section.
- (4) Every appointment of a person as an inspector under this section shall be made by an instrument in writing specifying which of the powers conferred on inspectors by the relevant statutory provisions are to be exercisable by the person appointed; and an inspector shall in his/her appointment under this section.
- (a) be entitled to exercise only such of powers as are so specified; *and*
  - (b) be entitled to exercise the powers so specified only within the field of responsibility of the authority which appointed him/her.
- (5) An inspector shall, if so required when exercising or seeking to exercise any power conferred on him/her by any of the relevant statutory provisions, produce his/her instrument of appointment or a duly authenticated copy thereof.

**Powers of  
Inspector.-**

- 22.** (1) The Inspector appointed under section 19 and 21, shall for the purpose of the execution of this Act, have the powers described in their certificate of appointment which may include powers—
- (a) to enter, inspect and examine any premises at any reasonable time (or, in a situation which in his/her opinion is or may be dangerous, at any time)-

- (i) to which he has reasonable cause to believe this Act applies;
  - (ii) which is adjacent to any premises in which the Inspector has reasonable cause to believe that there are stored explosives or flammable materials or other substances which would expose the persons in the premises to risks injury or to health;
  - (iii) to which an employer has contracted part of the work to a person or persons outside the principal workplace;
- (b) to enter any area of any premises or building which is or forms part of the access to any premises referred to in clause (i) or (iii) of sub-section (1) of this section:

Provided that an inspector for dock may—

- (i) enter, with such assistants (if any) as he/she thinks fit, any premises where the processes are carried on;
- (ii) make such examination of the premises and the machinery and gear, fixed or loose, used for the process, and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any person as he/she may deem necessary for carrying out the purpose of this Act—
  - (a) to take one or more police officers if the inspector has reasonable cause to apprehend any obstruction in the execution of the provision of this Act;
  - (b) to make any complaint or application to any Labour Court and to appear in support of such complaint or application;
  - (c) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act;
  - (d) to require the production of plans, drawings, any circuit or wiring diagrams pertaining to the workplace;
  - (e) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with;

- (f) to require any person whom the inspector finds in a workplace to give such information as it is in the power of that person to give as to who is the employer of the workplace;
- (g) to examine, either alone or in the presence of any other person, as the inspector thinks fit, with respect to matters under this Act, every person whom that inspector finds in a workplace, or whom that inspector has reasonable cause to believe to be or to have been within the preceding two months employed in a workplace or employed in the business of a workplace wholly or mainly outside the workplace and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which such person is so examined; so, however that no one shall be required under this provision to answer any question or give any evidence tending to incriminate that person;
- (h) to take for analysis sufficient sample of any material in use or mixed for use in the manufacture of any article or articles produced in any workplace, in the presence of the employer or if the employer is not readily available, the person responsible for the workplace; *and*
- (i) to take place any substance used or intended to be used in any workplace being a substance in respect of which the inspector is of the opinion that a contravention of any provision, regulation or order made this Act, or which in the opinion of that inspector is likely to cause bodily injury to any person in the workplace:

Provided that the employer or other responsible person at the place where sample is taken under this section and on providing the necessary application, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits and-

- (i) to deliver one part to the employer or to the other responsible person;

- (ii) to retain one part for future comparison; *and*
- (iii) to submit one part to the analyst authorized by the Government for the purpose;
  - (a) to take for analysis any machinery or article found in any workplace;
  - (b) to photograph machinery or any article found in such workplace; or make any sketch of any workplace; *and*
  - (c) any other power which is necessary for the purpose mentioned in this section.

(2) If any person himself/herself, or causes another person to intentionally, delays or obstructs any inspector in the exercise of any power referred to under this section, or fail to comply with the requisition of such official in pursuance of this Act, or to produce any register, certificate, notice or documents with that person is required by or in any pursuance of this Act to produce, or prevents, or attempts to conceal or prevent a person from appearing before or being examined by such inspector, that person shall be demand to obstruct such inspector in the execution of his/her duties under this Act.

#### **Notices.**

- 23.** (1) If inspector is of the opinion that a person: -
- a) is contriving one or more of the relevant statutory provisions; or
  - b) has contravened one or more of those provisions in circumstances that make it likely that contravention will continue to be repeated, he/she may serve on him/her an improvement notice stating that he/she is of that opinion, giving particulars of the reasons why he/she is of that opinion, and requiring that person to remedy the contravention or, as the case may be, the matter occasioning it within such period (ending not earlier than the period within which an appeal against the notice can be brought) as may be specified in the notice.

(2) If an inspector is of the opinion that any activities is being carried on or about to be carried on by or under the control of any person, which involve or, as the case may be, will involve a risks of serious personal injury, the inspector may serve on that person a prohibition Notice.

(3) A prohibition notice shall—

- (a) state that the inspector is of the said opinion;
- (b) specify the matters which in his/her opinion give or, as the case may be, will give rise to the said risk;
- (c) where in his/her opinion any of those matters involves or, as the case may be, will involve a contravention of any of the relevant statutory provisions, state that he/she is of that opinion, specify the provision or provisions as to which he/she is of that opinion, and give particulars of the reasons why he/she is of that opinion; *and*
- (d) direct that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served unless the matter specified in the notice and any associated contraventions of provisions so specified in have been remedied.

(4) A direction given in pursuance of sub-section (3) above shall take immediate effect if the inspector is of the opinion, and states it, that the risk of serious personal injury is or, as the case may be, will be imminent, and shall have effect at the end of a period specified in the notice in any other case.

(5) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement Notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirement of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirement more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid. In this sub-section "the relevant building", in the case of a building, mean that building, and, in the case of a matter connected with a building, mean the building with which the matter is connected.

(6) An inspector may, in connection with any premises under or about to be used as a place of work, serve a notice requiring or likely to lead to taking of measures affecting the means of escape in case of fire with which the premises may or ought to be provided.

**Appeal against improvement or**

**24.** (1) A person on whom the Improvement or Prohibition Notice is served may within such period from the date of its service, as may be

**prohibition  
notice.**

prescribed, appeal to the Labour Court; and on such an appeal the Labour Court may either cancel or affirm the notice and, if it affirms, it may do so either in its original form or with such modification as the Labour Court may deem it fit.

(2) Where an appeal under this section is brought against a notice within the period allowed under the preceding sub-section, then—

- (i) in the case of an improvement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal; *and*
- (ii) in the case of a prohibition notice, the bringing of the appeal shall have the like effect if, but only if, on the application of the appellant the Labour Court so directs (and then only from the giving of the direction).

(3) The Labour Court may appoint one or more assessors for the purposes of the any proceedings brought before it under this section.

**Power to deal  
with cause of  
imminent  
danger.**

**25.** (1) Where, in the case of any article or substance found by him/her in any premises which he/she has power to enter, an inspector with the approval of Chief Inspector has reasonable cause to believe that, in the circumstances in which he/she finds it, the article or substance is a cause of imminent danger or serious personal injury, he/she may seize it and cause it to be rendered harmless (whether by destruction or otherwise).

(2) Before it is rendered harmless under this section—

- (i) any article that forms part of a batch of similar articles; or
- (ii) any substance, the inspector shall, if it is practicable for him/her to do so, take a sample thereof and give to a responsible person at the premises where the article or substance was found by him/her a portion of the sample marked in manner sufficient to identify it.

(3) As soon as may be after any article or substance has been seized and rendered harmless under the section, the inspector shall prepare and sign a written report given particulars of the circumstances in which the article or substance was seized and so dealt with by him/her, and shall give a signed copy of the report to a responsible person at the premises where the article or substance was found by him/her; and unless that person is the owner of the article or substance, also serve a signed copy of the report on the owner; and of, where the inspector cannot after reasonable enquiry ascertain the name or address of the owner, the copy

may be served in him/her by giving it to the above referred person at the premises.

**Notification and investigation of accidents, dangerous occurrences and occupational illness.**

**26.** (1) Every employer shall maintain a register of accidents and serious harm, in the prescribed form; and shall record in the register the prescribed particulars relating to—

- (a) every accident that harmed or, as the case may be, might be, might have harmed-
  - (i) any worker at work; or
  - (ii) any person in a place of work controlled by the employer; *and*
- (b) every occurrence of serious harm to any worker at work, or as a result of any hazard to which worker was exposed while at work, in the employment of the employer.

(2) Every self-employed person must maintain a register of accidents and serious harm, in the prescribed form, and must record in the register the prescribed particulars relating to:-

- a) every accident that harmed or, as the case may be, might have harmed the self-employed person at work;
- b) every accident resulting from the work of the self-employed person that harmed (or , as the case may be, might have harmed) any person; *and*
- c) every occurrence of serious harm to the self- employed person—
  - (i) while at work; or
  - (ii) as a result of any hazard to which the self-employed person was exposed while at work,

(3) Every principal must maintain a register of accidents and serious harm, in the prescribed form and must record in the register the prescribed particulars relating to—

- (a) every accident that the principle becomes aware of that harmed, (or, as the case may be, might have harmed) a self-employed person while at work and contracted to the principal; *and*
- (b) every accident that the principal becomes aware of –
  - (i) resulting from the work of a self-employed person while at work and contracted to the principal; *and*

- (ii) that harmed (or as the case may be, might have harmed) any person; *and*
  - (c) every occurrence of serious harm to a self-employed person—
    - (i) while at work and contracted to the principal, or
    - (ii) as a result of any hazard to which the self-employed person.
- (4) Any accident occurs in a workplace which—
- (a) causes loss of life to a person; or
  - (b) disables any such person from reporting to normal work for more than seven days; or
  - (c) makes any person unconscious as a result of reported to the employer, the health and safety representative and where it exists, the occupational health and safety committee and written notice of the accident, in form as prescribed for the purpose shall forthwith, be sent by the employer or person in control of the workplace to the Government.
- (5) Where any accident causing disablement is notified under this section and within one year of the accident, the person dies, notice in writing of the death shall be sent to the Government by the employer or person in control of the workplace (whichever is applicable) as soon as the death comes to the knowledge of the employer or the person in control of the workplace.
- (6) Where an accident occurs in the workplace causing the death of any person at the workplace, no person shall touch or disturb or cause any other person to touch or disturb, without the permission of an inspector, any machinery or any article which was involved in such accident, other than for the purpose of extricating or attending on any person concerned in such accident.
- (7) Where any illness occurs in a workplace which—
- (c) is prescribed; or
  - (d) leads to a loss of life of a person who was at the workplace; or
  - (e) leads to an absence from normal work for more than seven continuous days and, is considered to be related to the workplace; or



- (f) causes sudden or simultaneous illness or loss of consciousness in more than three persons at that workplace; a written notice shall forthwith be sent by the employer or the manager to the Government for the area where the workplace is located, in the form prescribed for the purpose.

(8) Where at any workplace there is the possibility of the workers being subjected to special risks or hazards to safety and health at work the Chief Inspector may require such workers to undergo pre-employment and periodic medical examinations suited for the circumstance and at periods so determined which the employer and the workers shall comply. The medical examination may be performed by any legally qualified registered medical practitioner at cost on the employer, and no fee shall be charged from the workers.

**No interference at accident scene.**

**27.** Where a person is seriously harmed while at work, no person shall, unless authorized to do so by an inspector, remove or in any way interfere with or disturb any wreckage, article, or thing related to the incident except to the extent necessary: -

- (a) to save the life, or prevent harm to, or relieve the suffering of any person; or
- (b) to maintain the access of the public to an essential service of utility; or
- (c) to prevent serious damage to or loss of property.

**Power to direct formal investigation of incidents, accidents and cases of disease.**

**28.** (1) In circumstances of major public concern and where the Labour Department considers it expedient so to do, the Labour Department may direct a formal investigation to be held into any incident or accident or occurring or case of disease contracted or suspected to have been contracted in a workplace and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:

- (a) the Labour Department with approval of the Chief Minister may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor in holding the investigation;
- (b) the person or persons so appointed (in this section referred to as "the Investigation") shall hold the investigation in open session in such manner and under such conditions as the investigator may think most effectual for ascertaining the causes and circumstances of the incident, accident or case of disease, and for enabling the court to make the report;

- (c) the person appointed to hold any such inquiry shall have all the power of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of enforcing the attendance of witness and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Pakistan Penal Code (XLV of 1860);
- (d) the investigator shall make a report to the Government stating the causes and circumstances of the incident, accident or case of disease and adding any observation which he/she thinks fit to make;
- (e) A person holding inquiry under this section may exercise such of the power of an inspector under this Act as he/she may think it necessary or expedient to exercise for the purposes of inquiry.

(2) The Government may make the investigation report public.

**Discloser of information.**

**29.** (1) Except for an inquiry under this Act or any court proceedings relating to the commission of an offence under this Act or any regulation made there under, no person shall disclose any matter including any manufacturing of commercial secrets or working processes which has come to the knowledge of that person or which that person has acquired while performing duties under this Act.

(2) Any person making inquiries or investigation under this Act on any complaint or complaints made, shall not divulge the name of persons making the complaints except in a court.

**Chapter-V**

**SPECIAL PROVISION FOR MINES.**

**Decision of question whether a mine is under this Act.**

**30.** If any question arises as to whether any working is a mine within the meaning of this Act, the Government may decide the question, and a certificate signed by a Secretary, Mines & Mineral Department of the Government shall be conclusive on the point.

**Conservancy for mines.**

**31.** There shall be provided and maintained for every mine latrine and urinal accommodation of such kind on such scale, and such supply of water fit for drinking, as may be prescribed.

- Accommodation and canteen facilities for mines.** **32.** There shall be provided and maintained for every mine living accommodation, messing and canteen facilities for such standard and scale as may be prescribed.
- Medical Appliances in mines.** **33.** At every mine supply of ambulance or stretchers and splints, bandages and other medical requirement as be prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.
- First-aid rooms in mines.** **34.** At every mine in respect of which the Government may by notification in the Official Gazette, declare this section to apply, there shall be provided first-aid rooms of such size, with such equipment and in charge of such medical and nursing staff as may be prescribed.
- Power of inspector relating to mines when causes of danger not expressly provided against exit or when employment of persons is dangerous.** **35.** (1) if, in any respect when is not provided against any express provision of this Act or of the regulations, rules or bye-laws any mine, any orders made there under, it appears to the Chief Inspector or the Inspector that any mines, or any part thereof or any matter, things or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life, health and safety, or defective so to threaten, or tend to, the bodily injury of any person, he/she may give notice in writing thereof to the owner, agent or manager of the mine and shall state in the notice the particulars in which considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he/she may specify in the notice.
- (2) Without prejudice to generality of the provisions contained in sub-section (1), the Chief Inspector or the Inspector may, in any area to with the Government may by notification in Official Gazette declare that this sub-section applies, by the order in writing addressed to the owner, agent or manager of mine, prohibit the extraction or reduction of pillars in any part of the mine if, in his/her opinion, such operation is likely to cause the crushing of pillars or the premature collapse of any part of workings or otherwise endanger the mine, or if, in his/her opinion adequate provision against the out-break of fire or flooding has not been made by providing for sealing off and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by a fire or flooding. And the provision of sub-section (4), (5), (6) and (7) shall apply to an order made under this sub-section as they apply to an order made under sub-section (3).
- (3) If the Chief Inspector or an Inspector authorized in this behalf by general or special order in writing by Chief Inspector is of opinion that there is urgent and immediate danger to the life, health or safety of any person employed in any mine or part thereof, he/she may, by an order in writing containing a statement of the grounds of his/her opinion, prohibits

until the danger is removed, the employment in or about the mine or part thereof any person where employment is not in his/her opinion reasonably necessary for the purpose of removing the danger.

(4) Where an order has been made under sub-section (3) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of order, appeal against the same to the Chief Inspector, who may confirm, modify or cancel the order.

(5) The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (3), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (4) shall forthwith report the same to the Government and shall inform the owner, agent or manager of the mine that such report has been so made.

(6) If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or an order made by the Chief Inspector under sub-section (3), or sub-section (4), he/she may, within twenty days after the receipt of the notice containing the requisition of the order or after the date of the decision of the appeal, as the case may be, send his/her objection in writing, stating the grounds thereof, to the Government, which shall refer the same to a Committee.

(7) Every requisition made under sub-section (1), or order made under sub-section (3) or sub-section (4) to which objection is made under sub-section (6), shall be complied with pending the receipt at the mine of the decision of the Committee:

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection.

(8) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code Criminal Procedure, 1898 (V of 1898).

**Notice to be given of accident in mines.**

**36.** (1) Whenever there occurs in or about a mine or an activity connected therewith—

- (a) an accident causing minor or serious bodily injury or loss of life, or
- (b) an explosion, ignition, spontaneous heating, outbreak of fire or eruption or inrush of water or other liquid matter, or
- (c) an influx of inflammable or noxious gases or liquid substances, spillage of hazardous liquids or substances, or

- (d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised below or above ground, or
- (e) an over winding of cages or other means of conveyance in any shaft or drilling rigs while persons or materials are being lowered or raised, or
- (f) an electric shock or burn caused by contact with a conductor carrying more than 25 volts, or
- (g) any other accident that may be prescribed; the owner, agent or the manager of the mine shall give notice of the occurrence to such authorities, in such form and within such time as may be prescribed.

(2) Where a notice given under sub-section (1) relates to an accident causing loss of life, the Inspector shall make, or, where the authority receiving the notice is one other than the Inspector, that authority shall cause the Inspector to make, an inquiry into the occurrence as early as possible on receipt of such notice or on information received otherwise.

(3) When an accident causing loss of life occurs, the place of accident shall not be disturbed or tampered with three clear days from the date of such accident unless the Inspector has earlier inspected it or given intimation that it is not proposed to make an inquiry:

Provided that the place of accident may be disturbed if it is necessary for securing the safety of the mine or the persons employed therein, subject to the following conditions: -

- a) the decision that it is necessary to disturb the place must be taken by the manager;
- b) the disturbance must not prejudice subsequent investigation;
- c) the workers' representative must have reasonable opportunity to inspect the place if he/she wishes;
- d) an accurate plan must be made, and copies thereof made available to the Inspector and the workers representative;  
*and*
- e) everything which is relevant to the accident must be preserved, as far as possible, in the condition in which it was at the time of the accident.

(4) All first aid cases and injuries resulting in loss of time other than those specified in sub-section (1) shall be recorded in a prescribed register, if so, directed by the Chief Inspector.

(5) A copy of the entries in the register referred to in the sub-section (4) shall be sent by the owner, agent or manager of the mine, within fourteen days, after the 30th day of June and the 31<sup>st</sup> day of December in each year to the Chief Inspector.

**Notice of occupational diseases in mines.**

37. (1) where any person employed in a mine contracts or is believed to have contracted any disease notified by the Government in the Official Gazette as an occupational disease peculiar to any mining operation, the owner, agent or manager of the mine, as the case may be, shall send notice thereof to the Chief Inspector and to such other authorities, in such form and within such time as may be prescribed.

(2) The Mines & Mineral Department with approval of Chief Minister may, by order, appoint such qualified medical practitioners on such terms and conditions as it thinks fit to be certifying doctors for the purpose of this section within such local limits as it may specify in the order.

(3) If the Chief Inspector or an Inspector has reason to believe that any person working in a mine has contracted a disease notified under sub-section (1), he/she may refer that person to the certifying doctor for his/her opinion.

(4) If any qualified medical practitioners attend on a person who is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under sub-section (1), the medical practitioner shall without delay send a report in writing to the Chief Inspector stating—

- (d) the name and address of the patient;
- (e) the diseases from which the patient is or is believed to be suffering; *and*
- (f) the name and address of the mine in which the patient is or was last employed.

(5) Where the report under sub-section (4) is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying doctor that the person is suffering from a disease notified under sub-section (1), the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.

(6) The Chief Inspector or an Inspector, if so, advised by the certifying doctor, may direct the owner, agent or manager of the mine to shift for any specified period a person who has contracted an occupational disease to

such working place where there is less or no danger of aggravation of the disease.

### Chapter – VI

#### **PROVINCIAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH.**

**The Provincial Council for Occupational Safety and Health.**

**38.** (1) There shall be a Provincial Council, called the Provincial Council for Occupational Safety and Health, hereinafter referred to as the “Council”, established by the Government and comprising:

- (a) The Secretary Department of Labour, who shall be the Chairperson;
- (b) six members to represent the Government, one each from the Department of Labour, Health, Industry, Mines and Environment;
- (c) six members to represent employers, one from each division;
- (d) six members to represent workers, one from each division;
- (e) four professionals, as the Government; may consider appropriate and necessary, at least one of whom shall be a woman;
- (f) three members form civil society, as the Government may consider appropriate and necessary, at least one of whom shall be a woman; *and*
- (g) an Officer from Department of Labour or its attached organizations as secretary to the Council.

(2) Members appointed under clause (c), (d) and (e) shall respectively be chosen from the list of names submitted by the representative bodies of the employers and workers recognized by the Government for that purpose.

(3) Subject to sub-section (2) and (3), every non official member shall hold office for a period of three years from the date of nomination and shall be eligible for re-nomination for two consecutive terms.

**Function of the council:-**

**39.** (1) In addition to the functions entrusted to it, by the other provisions of this Act or by the rules, the Council shall—

- (a) advise the Government on all matters relating to the objects of this Act which the Government may refer to the Council; *and*

- (b) review legislation relating to occupational safety and health, once in the period of five years including regulations framed under this Act, and to recommend to the Government the enactment of legislation or the approval of regulations to amend, repeal, expand or clarify existing legislations.
- (2) Without prejudice to the generality of the preceding provisions, the Council may make recommendations with regard to—
- (a) the formulation and implementation of provincial policies and strategies relating to occupational safety and health;
  - (b) the action that should be taken by and to facilitate co-operation between, the State, employers, workers and any other persons engaged in occupational activities;
  - (c) the action, if any, that needs to be taken by the State in order to comply with the provisions of any international instrument relating to safety, health and welfare of workers;
  - (d) any matter arising in the course of the performance of its functions, either of its own motion, or when requested by the Government to do so;
  - (e) The compilation and publication at State level of annual statistics on occupational accidents, dangerous occurrences and occupational diseases as well as measures taken in pursuance of provincial occupational safety and health policy;
  - (f) Training on occupational and health and awareness camping;
  - (g) Studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to fulfill the objects, of this Act or any other matters relating to safety, health and welfare of workers;
  - (h) Any matters relating to gender issues and young persons at work;
  - (i) The development or content of codes of practice, standards and guidelines; *and*
  - (j) Advise on any other matter relevant to the occupational safety and health as may be referred to the Council by the Government.

**Meetings and quorum.**

- 40.** (1) The Council shall meet at least once in every three months in any calendar year.
- (2) Nine members of the Council shall form a quorum for any meeting of the Council of whom at least;



- (a) four shall be official members;
- (b) two shall be representatives of workers;
- (c) two shall be representatives of employers; *and*
- (d) one shall be a professional or member of civil society.

(3) Subject to the provisions of this Act, the council may regulate its own procedure with regard to its meetings and the transaction of business at the meetings.

(4) The Council may appoint such sub-committees as it deems fit, to exercise such powers and perform such duties or discharge such functions as may, subject to such conditions, if any, as the council may impose, be delegated to them by the Council, and may appoint to their sub-committees' persons who are not members of the Council.

## **Chapter – VII**

### **PENALTIES.**

#### **Penalties for offences:-**

- 41.** Any person who---
- (a) willfully obstructs an Inspector in the exercise of any of his/her lawful powers, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by an Inspector; or
  - (b) unless duly authorized, or in case of necessity, removes any fencing, gangway, adder, life-saving means or appliance, light, mark, stage or other things required to be provided by or under the regulations made under this Act; or
  - (c) having in case of necessity removed any such fencing, gangway, gear, ladder, life- saving means or appliance, light, mark, stage or other thing. Omits to restore it at the end of the period for which its removal was necessary, shall be liable to a fine, as prescribed in the schedule.

#### **Penalties for contravention of Act:-**

- 42.** (1) The following acts and omissions shall constitute violations under this Act—
- (a) obstruction of an inspector in the valid exercise of his/her powers; or
  - (b) refusal to a lawful order of an inspector to produce records under this Act; or

- (c) failure to maintain records and falsification of records mandatory under this Act; or
- (d) failure to display the abstracts of this Act in workplaces; or
- (e) failure to give notice of accidents; or
- (f) failure to furnish returns under this Act; or
- (g) smoking in the presence of inflammable material or using a naked light in the presence of inflammable materials without following the regulations prescribed in this behalf; or
- (h) violation of provisions relating to the employment of children.

(2) Whoever is guilty of a violation provided in sub-section (1) shall be liable to a fine as prescribed in the schedule.

**Forgery of certificate false entries and false declaration.**

**43.** If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purpose of this Act or any regulation or order;
- (b) gives or signs any such certificate knowingly it to be false in material particular;
- (c) knowingly alters or makes use of any such certificate so forged counterfeited, or false as aforesaid;
- (d) knowingly alters or makes use of as applying to any persons such certificate which does not so apply;
- (e) personates any person named in any such certificate;
- (f) falsely pretends to be a person appointed under any provisions of this Act or any regulation or order;
- (g) willfully connives at any such forging, counterfeiting, giving, signing, altering, making use, personating or pretending;
- (h) willfully makes a false entry in any register, notice, certificate, or document required by, under, for the purposes of this Act, any regulation or order, to be kept or served, sent;
- (i) will make or sign a false declaration required by, under, or for the purpose of this Act or any regulation or order; *and*
- (j) knowingly make use of any such false entry or declaration, shall; without prejudice to any other penalty, be guilty of an offence under this Act, and liable to a fine as prescribed in the schedule.

**Prosecution of offences and recovery and application of fine.**

**44.** (1) All offences under this Act shall be dealt by the form specified in the Schedule.

(2) In any proceeding under this Act, it shall be sufficient in the plaint or information to allege that the workplace is a workplace within the meaning of this Act and to state the name of the ostensible employer at the workplace, or, person in control of the workplace, or where the employer or person in control of firm, the designation or title of the firm.

(3) Where, with respect to or in consequence of any accident in a workplace, a report is made by any person or persons appointed to hold a formal investigation under this Act or an investigation is held under the Criminal Procedure Code, and it appears from the report or from the proceedings at the investigation that any of the provisions of this Act, or any regulations or order made there under, were not complied with at or before the time of the accident, summary proceeding against any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within six month after the making of the reporter or the conclusion of the investigation.

**Protection to persons acting under this Act.**

**45.** No suit, prosecution or other proceeding shall lie against any person either employed in the public service authorized under this Act, for anything done or purporting to be done in good faith under this Act.

**Burden of proving.**

**46.** (1) Where any entry is required by this Act or by any regulation or order, to be made in the general register or in any other register or record, the entry made by the employer of a workplace or on behalf of the employer shall, as against the employer, be admissible as evidence of the facts therein, and the fact that any entry so required with respect to the observance of any provision of this Act or of any regulation or order made there under has not been made, shall be admissible as evidence that provision has not complied with.

(2) The burden of proving that any examination or notification required under the Act, has been carried out in accordance with the provisions of the relevant section, or regulation or order shall be on the duty holder.

**Chapter-VIII**

**MISCELLANEOUS.**

**Service and sending of documents etc.**

**47.** (1) Any document (including any command or order) required or authorized to be served under this Act may be served-

- (a) On any person by delivering it to that person, or by leaving it at, or sending it by registered post to the office or residence of that person;
- (b) On any firm by delivering it to any director/partner of the firm, or by leaving it at, or sending it by post to the office of the firm; *and*
- (c) On the employer or person in control of the workplace (including any such employer or person in control being a company to which the Companies Act applies), in any such manner as specified in (a) and (b) above, or by delivering it, or a true copy to any person apparently not under the age of sixteen years at the workplace.

(2) Any such document may be addressed, for the purpose of the service on the employer or person in control of a workplace, to “the employer” or “person in control of the workplace” at the proper postal address of the workplace, without further name or description.

(3) The Provisions of this section shall apply with the necessary modification to documents required or authorized under this Act to be sent to any person, firm, owner or employer, and to the sending, addressing, and delivery of such documents.

**Display at establishment.**

**48.** (1) There shall be kept posted at the principal entrances to the workplace or any other place where workers legitimately gather, notice of the postal addresses and the telephone numbers of the health and safety representative, the occupational health and safety committee (where existing).

(2) In addition to the notice required to be displayed in every establishment, a notice containing abstracts of this Act and rules made there under shall be displayed at conspicuous place.

(3) An updated copy of this Act and any rules made under this Act shall be maintained at the place of work and made available for reference by any worker.

**Limitation for records.**

**49.** The General Register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector for at least two/three years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or the record.

**Prohibition of child labour and presumption as to employment.**

**50.** Child labour is prohibited and if a child over the age of six year is found inside any part of a workplace, he/she shall, until the contrary is proved, be deemed to be working in the said workplace.

**Contravention of law with dangerous results.**

**51.** (1) Notwithstanding anything herein before contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made there under, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both; or if such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both; or, If such contravention otherwise causes injury, or danger to workers or other persons in or about the workplace with imprisonment which may extend to six month, or with fine which may extend to twenty thousand rupees or with both.

(2) Where a person having been convicted under this section is again convicted in result of commission offence under sub-section (1), there under, he/she shall be punishable with double the punishment provided by sub-section (1).

(3) The Labour Court imposing, confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or in the case of his/her death, to his/her legal representative:

Provided that if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

**Cognizance of offences.**

**52.** No prosecution shall be instituted for any offence under this Act except at the instance of the Chief Inspector or of an Inspector authorized in this behalf by general or special-order writing by the Chief Inspector.

**Limitation of prosecution.**

**53.** No Court other than the Labour Court established under the Balochistan Industrial Relations Act, 2010 (Act No. XIII of 2010) shall take cognizance of any offence under this Act unless complaint thereof has been made—

- (a) within six month of the date on which the offence is alleged to have been committed, or

- (b) within six month of the date on which the alleged commission of the offence came to the knowledge of the Inspector; or
- (c) in any case where a person has been appointed under section 28 to hold an inquiry, within six month of the date of the making of the report referred to in sub-section (d) of the section, whichever is the later.

**Reference to formal investigation in lieu of prosecution in certain cases.**

**54.** (1) If the Court trying any case instituted at the instance of the Chief Inspector or of an Inspector under this Act is of opinion that the case is one which should in lieu of a prosecution, be referred to a formal investigation under section 28, it may stay the criminal proceedings and report the matter to the Government with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the Government may refer the case for formal investigation under section 28, or may direct the court to proceed with the trial.

**Contracting out.**

**55.** Any contract or agreement, whether made before or after the commencement of this Act, whereby worker relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him/her of such right.

**Collection of Statistics.**

**56.** The authorities and officers entrusted with powers and duties under this Act for the proper and effective exercise of their powers and discharge of their duties, call for statistics and information and ensure their correctness. The information so collected shall not be disclosed in respect of individual undertaking or establishments.

**Transitional Provisions.**

**57.** (1) Within one year from the commencement of this Act, all employers and workers shall alter their existing contracts and agreements and shall take such other actions as are necessary to comply with the provisions of this Act and all organizations of employers and workers shall alter their constitutions, working and procedure to bring them in conformity with the provision of this Act.

(2) Any books of accounts, or paper, register or documents referring to any former law relating to industrial relations shall be construed as referring to the corresponding provisions of this Act.

(3) The mention of particular matter in this section and in any other section of this Act shall not prejudice the general application of section 6 of the General Clauses Act, 1897 (X of 1897).

- Provision of this Act to be addition to and not in derogation of certain laws.** **58.** The provisions of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force relating to the rights of workers in an establishment.
- Limitation.** **59.** The provision of section 5 of the Limitation Act, 1908 (IX of 1908), shall apply in computing the period within which an application is to be made or any other thing is to be done, under this Act.
- Powers of the Provincial Government to make rules.** **60.** The Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.
- Amendment in Schedule.** **61.** The Government may, by notification in the official Gazette, amend the Schedule to this Act and thereupon the Schedule shall be deemed to have been amended accordingly.
- Removal of difficulties.** **62.** If any difficulty arises in giving effect to any provisions of this Act, the Government, may be notification in the official Gazette, make such provisions as may appear to it to be necessary for the purpose of removing the difficulty.

### **SCHEDULE.**

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Punishment</u></b>
4	General duties of Employers	Fine of up to Rs.50,000/-
5	General duties of self-employed and employers to persons other than their workers	Fine of up to Rs.50,000/-
6	General duties of persons concerned with premises to persons other than workers	Fine of up to Rs.50,000/-
7	General duty of persons in control of certain premises in relation to harmful emissions into atmosphere	Fine of up to Rs.50,000/-
8	General Duties of principals	Fine of up to Rs.50,000/-
10	General duties of manufacturers etc. as regards articles and substances for use at work	Fine of up to Rs.50,000/-

11	Health & Safety	Fine of up to Rs.250,000/-
12	Written statement of policy	Fine of up to Rs.250,000/-
13	Consultation	Fine of up to Rs.250,000/-
14	Training of health and safety representative	Fine of up to Rs.50,000/-
15	Not to interfere with or misuse things provided pursuant to certain provisions	Fine of up to Rs.50,000/-
16	Precautions against contagious or infectious disease at workplaces	Fine of up to Rs.50,000/-
17	Compulsory vaccination and inoculation	Fine of up to Rs.10,000/- for each offence
18	Registration of workplaces and approval of site, buildings and other constructions to be used as workplaces	Fine of up to Rs.50,000/-
26	Notification and investigation of accidents, dangerous occurrences and occupational illnesses	Fine of up to Rs.50,000/-
27	No interference at accident scene	Fine of up to Rs.50,000/-
31	Conservancy for mines	Fine of up to Rs.50,000/-
32	Accommodation and canteen facilities for mines	Fine of up to Rs.50,000/-
33	Medical appliances in mines	Fine of up to Rs.50,000/-
34	First-aid rooms in mines	Fine of up to Rs.50,000/-
36	Notice to be given of accident in mines	Fine of up to Rs.50,000/-
37	Notice of occupational diseases in mines	Fine of up to Rs.50,000/-
41	Willfully obstructs an Inspector in the exercise of any of his lawful powers	Fine of up to Rs.50,000/-



41	Fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act.	Fine of up to Rs.50,000/-
41	Conceals or prevents or attempts to prevent any person from appearing before, or being examined by an Inspector.	Fine of up to Rs.50,000/-
41	Removes any fencing, gangway, ladder, lifesaving means or appliance, light, mark, stage or other things required to be provided by or under the regulations made under this Act, unless duly authorized, or in case of necessity	Fine of up to Rs.50,000/-
41	Having in case of necessity removed any such fencing, gangway, gear, ladder, lifesaving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary	Fine of up to Rs.50,000/-
42	Refusal to a lawful order of an inspector to produce records under this Act	Fine of up to Rs.50,000/-
42	Failure to maintain records and falsification of records mandatory under this Act	Fine of up to Rs.50,000/-
42	Failure to display the abstracts of this Act in workplaces	Fine of up to Rs.50,000/-
42	Failure to give notice of accidents	Fine of up to Rs.50,000/-
42	Failure to furnish returns under this Act	Fine of up to Rs.50,000/-
42	Smoking in the presence of inflammable material or using a naked light in the presence of inflammable material without following the regulations prescribed in this behalf	Fine of up to Rs.50,000/-
42	Violation of provisions relating to the employment of children	Fine of up to Rs.50,000/-

**(TAHIR SHAH KAKAR)**  
Secretary.