



GENERAL RULES AND REGULATIONS ON OCCUPATIONAL HEALTH AND SAFETY (OHS) IN CONSTRUCTION, MANUFACTURING, MINING AND SERVICE INDUSTRIES, 2006

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INTRODUCTION

In compliance with the directives of the Royal Government, the Ministry of Labour and Human Resources hereby promulgates the following Rules and Regulations on Occupational Health (OHS) and Safety in Construction, Manufacturing, Mining, and Service Industries, 2006

CHAPTER I

1 Preliminary

- 1.1 These Rules and Regulations shall be called the General Rules and Regulations on Occupational Health and Safety in Construction, Manufacturing, Mining, and Service Industries, 2006.
- 1.2 The Rules and Regulations contain legal requirements that must be met by all workplaces under the inspectional jurisdiction of the Department of Labour, Ministry of Labour and Human Resources.
- 1.3 These Rules and Regulations shall come into force with effect from August 2006.

2 Purpose

- 2.1 The purpose of the OHS Rules and Regulations is to assure safe and healthful working conditions for working men and women as well as other persons present at workplaces from work related risks to their health, safety, and well being.

3 Scope

- 3.1 These Rules shall apply to all employers and workers (both Bhutanese and non-Bhutanese) of licensed manufacturing, mining and service enterprise, constructions, body corporate incorporated under the Companies Act 2000 of the Kingdom of Bhutan, and any other agency employing large number of workers at the work site(s).

CHAPTER II

MANAGEMENT OF OCCUPATIONAL HEALTH AND SAFETY SYSTEM

4 Functions and Authority of the Ministry of Labour and Human Resources

- 4.1 The Ministry of Labour and Human Resources shall:
 - (a) In consultation with other relevant Ministries update regulations on the occupational health and safety from time to time;

- (b) Undertake inspections, investigations and inquiries on matters of occupational health and safety and work environment in all enterprises covered by these Rules except mines and quarries. Inspections of mines and quarries will be carried out in tandem with the Rules and Regulations on Mines and Minerals Management;
- (c) Provide services to assist worker's health and safety representatives (if any), employers and workers in maintaining reasonable standards for occupational health and safety and work environment;
- (d) Provide information and advice relating to the administration of OHS regulations, and monitor occupational health and safety and general occupational environment.;
- (e) Encourage, develop and conduct or participate in conducting programs for promoting occupational health and safety and for improving the qualifications of persons concerned with occupational health and safety and occupational environment;
- (f) Promote public awareness of matters related to occupational health and safety and occupational environment including those entities and farmers not covered by these rules;
- (g) Prepare and maintain statistics relating to occupational health and safety and occupational environment, work accidents and occupational diseases amongst workers;
- (h) Formulate and disseminate national OHS policy;
- (i) Set OHS standards for different enterprises;
- (j) Prescribe preventive and protective measure for different work environments.

5 Health and Safety Programme

- 5.1 An employer of an enterprise on which these Rules and applicable shall prepare and implement an occupational health and safety programme that ensures that each workplace of the enterprise is safe and healthy by:
- (a) Addressing the hazards and risks at the workplace;
 - (b) Outlining the procedures and responsibilities for preventing, eliminating and minimizing the effects of those hazards and risks;
 - (c) Identifying the emergency management plans for the workplace or workplaces; and
 - (d) Specifying how consultation, training and information is to be provided to employees at workplaces.
- 5.2 The employer shall prepare and implement the policy in consultation with the health and safety representative (if any) at each workplace of the enterprise or, if there is no such representative the employees at each of the workplaces; and
- 5.3 The employer shall display the programme in a prominent place at each permanently sited workplace of the enterprise.

6 Appointment of Health and Safety Representative

- 6.1 The employees at a workplace may elect one of its members to be their health and safety representative at that workplace to:
- (a) Act on behalf of the employees in relation to health and safety matters;
 - (b) Raise issues which are of concern to the employees about occupational health and safety;
 - (c) Consult with the employer's representative or if there is no such representative, the employer, on health and safety matters; and
 - (d) Provide a focal contact for a labour inspector and for the employer in relation to occupational health and safety.
- 6.2 The employer shall not discriminate or take disciplinary action of any kind on the OHS for acting or having acted in accordance with these Rules.

CHAPTER III INSPECTIONS, NOTICES AND REPORTS

7 Inspection by Ministry of Labour and Human Resources

- 7.1 In order to carry out the purposes of these Rules and Regulations, a Labour Inspector, upon presenting proper credentials to an employer or his/her authorized representative, is authorized to:
- (a) Enter at reasonable times any factory, plant, establishment construction site, or other area, workplace or environment where work is performed by any employee of an employer;
 - (b) Inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein, and to question privately any such employer, owner, operator, agent or employee;
 - (c) In making his/her inspection and investigations under these Rules and Regulations, the Labour Inspector may require the attendance and testimony of witnesses and the production of evidences. In the case of failure or refusal of any person to appear as a witness, the Labour Inspector may obtain an order from the Dzongkhag/Dungkhag court under whose jurisdiction the person is found, requesting that person to produce evidence or give testimony relating to the matter under investigation or in question;
 - (d) Any information obtained by the Labour Inspector shall be obtained with a minimum burden to the employers;
 - (e) All information obtained or reported to the Labour Inspector in connection with any inspection or investigation under these Rules which contain or which may

reveal the trade or business secrets shall be treated as confidential and shall not be revealed by the labour inspectors or any other persons or authorities except that such information may be disclosed to other persons or officers concerned with enforcing these Rules;

- (f) A representative of the worker and the employer shall be given an opportunity to accompany the labour inspector during physical inspection of any work place for the purpose of aiding such inspection.

8 Frequency of Inspection

8.1 Under normal circumstances, the frequency of inspection by the Labour Inspection shall be at least:

- (a) Three times during the project period for Construction Industry;
- (b) Three times in a year for Mining and Manufacturing industries; and
- (c) Two times in a year for Service Industry.

9 Improvement or Prohibition Notice

9.1 If a labour inspector is of the opinion that there is occurring or may occur any activity at a workplace involving an immediate risk to the health and safety of any person, the inspector may issue an improvement or a prohibition notice to the person who has or may be reasonably presumed to have control over the activity, to prohibit the activity.

9.2 A prohibition notice shall:

- (a) State that the labour inspector is of the opinion that at the workplace there is occurring or may occur an activity which involves or will involve an immediate risk to the health and safety of any person;
- (b) State the reason for that opinion;
- (c) Specify the activity which is prohibited or where improvement is needed; and
- (d) Give immediate direction as to the measures to be taken to remedy the activity that poses immediate risk.

10 Prompt Compliance

10.1 Every person to whom an order or directive is issued by Labour Inspector must comply promptly within the time set out in the order or directive.

11 Inspection reports

11.1 An inspection report must be posted and remain posted for at least 7 days, or until compliance has been achieved, whichever is the longer period.

11.2 If a health and safety representative has been appointed at a workplace, the employer must produce to the representative the inspection report, or a copy of it, at or before the next meeting with the representative.

12 Notification of Compliance

12.1 When an employer is required to provide notification of compliance in response to an inspection report the employer must ensure that a copy of the notification is posted next to the originating inspection report until compliance has been achieved.

13 Notice to workers

13.1 Every employer must post in a conspicuous place at each workplace any placard issued by the Department of Labour titled "Notice to Workers".

CHAPTER IV SELF INSPECTIONS AND REPORTING PROCEDURE

14 Self Inspections by Employers

14.1 Every employer shall ensure that regular inspections are made of all workplaces, including buildings, structures, scaffoldings, grounds, excavations, tools, equipment, machinery and work methods and practices, at intervals that will prevent the development of unsafe working conditions.

14.2 An inspection required by these Rules, where feasible, includes the participation of members of the committee (if any) or the workers' health and safety representative (if any). If there is no committee or workers' health and safety representative, the employer must designate an employee as workers' representative.

15 Reporting Procedures

15.1 An employer shall submit a report on self-inspection carried out under subsection (14.1) to the Department of Labour on quarterly basis.

15.2 A separate report on self-inspection carried out under subsection (14.1) shall be submitted to the Department of Labour by the workers' health and safety representative.

15.3 An employer shall immediately notify the Department of Labour of an accident or an incident that:

(a) Resulted or could have resulted in death, loss or impairment of bodily function, loss of consciousness, electrical shock, acute or chronic symptoms of exposure to any substance at the workplace, any other serious bodily injury or any injury or disease requiring medical treatment; or

(b) Caused a loss of production or working time at the workplace.

15.4 In case of a death of a worker, the employer must inform the nearest Police Station and submit a copy of the incident investigation report to the Department of Labour.

15.5 An employer shall ensure that an incident investigation report contain the following information:

- (a) The place, date and time of the incident;
- (b) The names and job titles of persons injured or dead in the incident;
- (c) The names of witnesses;
- (d) A brief description of the incident;
- (e) A statement of the sequence of events which preceded the incident;
- (f) Identification of any unsafe conditions, acts or procedures which contributed in any manner to the incident;
- (g) Recommended corrective actions to prevent similar incidents; and
- (h) The names of the persons who investigated the incident.

16 Correction of Unsafe Conditions

Remedy without delay-

16.1 Any unsafe or harmful conditions found in the course of an inspection must be remedied without delay.

Reporting unsafe conditions-

16.2 Whenever a worker or any person observes what appears to be an unsafe or harmful condition or act, the worker or the person must report it as soon as possible to a supervisor or to the employer, and the person receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay.

17 Procedure for refusal of Unsafe Work

17.1 Procedure for refusal

- (a) A worker who refuses to carry out a work process or operate a tool, appliance or equipment must immediately report the circumstances of the unsafe condition to his or her supervisor or employer;
- (c) A supervisor or employer receiving a report made under subsection (16.2) must immediately investigate the matter; and
- (d) Ensure that any unsafe condition is remedied without delay, or
- (e) If in his or her opinion the report is not valid, must so inform the person who made the report.

CHAPTER V RIGHTS AND RESPONSIBILITIES

18 General duty

18.1 Despite the absence of a specific requirement, all work must be carried out without undue risk of injury or occupational disease to any person.

19 General duties of employers

19.1 Every employer shall

- (a) Ensure the health and safety of
 - i all workers working for that employer, and
 - ii any other person present at a workplace.
- (b) Comply with these Rules and Regulations and any other applicable orders.

19.2 Without limiting subsection (19.1), an employer shall:

- (a) Remedy any workplace conditions that are hazardous to the health or safety of the employer's workers,
- (b) Ensure that the employer's workers:
 - i are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work;
 - ii are made aware of their rights and duties under these Rules and Regulations.
- (c) Establish occupational health and safety policies and programs in accordance with these Rules and Regulations;
- (d) Provide and maintain in good condition protective equipment, devices and clothing as required by these Rules and Regulations or any other law and ensure that these are used by the employer's workers;
- (e) Provide to the employer's workers the information, instruction, and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other persons at the workplace;
- (f) Make a copy of these Rules and Regulations readily available for review by the employer's workers and, at each workplace where workers of the employer are regularly employed, post and keep posted a notice advising where the copy is available for review; and
- (g) Cooperate with the officials of the Department of Labour and any other person carrying out a duty under these Rules and Regulations.

20 General duties of workers

20.1 Every worker shall:

- (a) Take reasonable care to protect the health and safety of other workers and any other persons who may be affected by the worker's acts or omissions at work, and
- (b) Comply with these Rules and Regulations and any other applicable orders.

20.2 Without limiting subsection (20.1), a worker shall:

- (a) Carry out his or her work in accordance with established safe work procedures as required by these Rules and Regulations;
- (b) Use or wear protective equipment, devices and clothing as required by these Rules and Regulations;
- (c) Not engage in horseplay or similar conduct that may endanger himself/herself or other workers or any other person;
- (d) Ensure that the his/her ability to work without risk to his or her own health or safety, or to the health or safety of any other person, is not impaired by alcohol, drugs or other causes;
- (e) Report to the supervisor or employer
 - i any contravention of these Rules and Regulations or any other applicable order of which the worker is aware, and
 - ii the absence of or defect in any protective equipment, device or clothing, or the existence of any other hazard, that the worker considers is likely to endanger the worker or any other person.
- (f) Cooperate with the joint committee or worker's health and safety representative (if any) for the workplace, and
- (g) Cooperate with the officials of the Department of Labour and any other person carrying out a duty under these Rules and Regulations.

21 General duties of supervisors

21.1 Every supervisor shall:

- (a) Ensure the health and safety of all workers under his/her direct supervision;
- (b) Be knowledgeable about these Rules and Regulations applicable to the work being supervised; and
- (c) Comply with these Rules and Regulations and any other applicable orders.

21.2 Without limiting subsection (21.1), a supervisor shall:

- (a) Ensure that the workers under his or her direct supervision
 - i are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work; and
 - ii comply with these Rules and Regulations and any other applicable orders.
- (b) Consult and cooperate with the worker's health and safety representative (if any) for the workplace; and

- (c) Cooperate with the officials of the Department of Labour and any other person carrying out a duty under these Rules and Regulations.

22 General duties of suppliers

- 22.1 A procuring agency when awarding work contract shall obtain an undertaking from the work awardee/contractor that he/she shall:
- (a) Ensure that any tool, equipment, machine or device, or any biological, chemical or physical agent, supplied is safe when used in accordance with the directions provided;
 - (b) Provide directions for the safe use of any tool, equipment, machine or device, or any biological, chemical or physical agent, that is supplied by him/her to be used at a workplace by workers;
 - (c) If the supplier has responsibility under a leasing agreement to maintain any tool, equipment, machine, device or other thing, maintain it in safe condition and in compliance with these Rules and Regulations and any other applicable orders; and
 - (d) Comply with these Rules and Regulations and any other applicable orders.

23 Rights of workers to withdraw from dangerous work

- 23.1 If a worker has reasonable justification to believe that a work situation presents an imminent and serious danger to his or her life or health, the worker may refuse to work in such unsafe work condition and remove himself or herself from that situation.
- 23.2 The worker intending to withdraw from dangerous work shall immediately report to the employer or his/her representative of that situation.
- 23.3 An employer shall not:
- (a) Require an employee to return a work situation where there is continuing or imminent threat of serious harm to him/her ; or
 - (b) Withhold pay from the worker by reason of his or her action under subsection (23.1) provided that the worker stays at the workplace and continues to demonstrate his or her willingness to work.
- 23.4 A supervisor or employer receiving a report made under subsection must immediately investigate the matter; and
- (a) Ensure that any unsafe condition is remedied without delay, or
 - (b) If in his or her opinion the report is not valid, must so inform the person who made the report.

CHAPTER VI

PERSONAL PROTECTIVE EQUIPMENT

24 Personal Protective Clothing and Equipment

Employer's responsibility

24.1 An employer shall be responsible for providing, at no cost to the worker, all items of personal protective equipment required by these Rules and Regulations (Annexure).

24.2 The employer must ensure that a worker who wears personal protective equipment is adequately instructed in the correct use, limitations and assigned maintenance duties for the equipment to be used.

Supervisor's responsibilities

24.3 The supervisor must ensure that appropriate personal protective equipment is-

- (a) Available to workers;
- (b) Properly worn when required; and
- (c) Properly cleaned, inspected, maintained and stored.

Worker's responsibilities

24.4 A worker shall be responsible for using the items of personal protective equipments provided by the employer;

24.5 A worker who is required to use personal protective equipment must-

- (a) Use the equipment in accordance with training and instruction;
- (b) Inspect the equipment before use;
- (c) Refrain from wearing protective equipment outside of the work area which if done so would constitute a hazard; and
- (d) Report any equipment malfunction to the supervisor or employer.

24.6 A worker who is assigned responsibility for cleaning, maintaining or storing personal protective equipment must do so in accordance with training and instruction provided.

CHAPTER VII

WORKMEN'S COMPENSATION

(Note: Details of this chapter will be provided at a later date)

CHAPTER VIII

OFFENCES AND PENALTIES

25 Conflict with a code or standard

25.1 If there is any conflict between the requirements of these Rules and Regulations and any other code or standard with which compliance is required by these Rules and Regulations, the provisions of these Rules and Regulations shall prevail.

26 Offences

26.1 A contravention of these Rules and Regulation by an employer shall be deemed to be an offence and shall be liable for any penalty prescribed in the Penalty Clause.

26.2 A contravention of these Rules and Regulations by a worker shall make that worker liable for any administrative action as per the internal service rule of the concerned enterprise.

27 Penalties

27.1 An employer found guilty of the offence of violating these Rules and Regulations shall be liable to:

- (a) Pay a fine of not less than Nu.9,000 and not more than Nu.2,52,000 in the first instance;
- (b) Suspension of the business license on violation of the same offence in the second instance; and
- (c) Cancellation or revocation of the business license on violation of the same offence in the third instance.

Annexure I: Personal Protective Equipment (PPE)

1. PPE Classified by Work

Sl. No.	Type of Work	PPE
1	Elevated work	Safety helmet, safety belt (height greater than 20ft) footwear for elevated work
2	Handling work	Safety helmet, leather safety shoes, work gloves
3	Welding and cutting work	Eye protectors, shield and helmet, protective gloves
4	Grinding work	Dust respirator, earplugs, eye protectors
5	Work involving handling of chemical substances	Dust respirator, gas mask, chemical-proof gloves, Chemical-proof clothing, air-lined mask, eye protectors
6	Wood working (sawmill)	Hard Hat, eye protectors, hearing protection, Safety footwear, leather gloves and dust respirator
7	Blasting	Hard hat, eye and hearing protection
8	Concrete and masonry work (construction)	Hard hat, glove, eye protection, respiration for cement and lime dust, safety boots
9	Excavation	Hard hat, safety boots, gloves, hearing protection
10	Heavy equipment, motor graders, and bulldozer operation	Hard hat, hearing and eye protection, boots
11	Others	Appropriate PPE depending on the nature of the work

2. PPE Classified by Body Part

Sl. No.	Body Part	PPE
1	Head Protection	Safety helmet
2	Eye protection	Eye protectors, eye protectors for radiations, shield and helmet
3	Ear protection	Earplugs, ear muffs
4	Inhalation prevention (nose, mouth)	Dust respirator, gas mask, self-contained breathing apparatus
5	Hand protection	Standard work gloves, cutting gloves, leather work gloves, heat protective gloves, anti vibration gloves
6	Body protection	Standard work clothing, chemical-proof clothing, heat protective clothing
7	Foot protection	Safety shoes, chemical-proof boots
8	Other	Safety belts, personal protective equipments for radiation protection, back support belts

Annexure II: Minimum Safety Standards for the Construction Industry

For any construction, renovation/alteration, painting (including traditional painting) of structures, the employer is responsible for health and safety of the employees. The employer shall initiate and maintain this standard to provide good working environments in their construction site.

The Standards contained in this part shall apply with respect to employments preformed in a workplace/construction site in Bhutan.

1. Personal protective and life saving equipments:

The employer shall be responsible for providing suitable personal protective equipment or clothing, based on the type of work and risk, without cost to workers.

- (a) **Helmet** shall be provided to all workers, or visitors visiting the site for protection of head against impact or penetration of falling or flying objects.
- (b) **Safety belt** shall be provided to workers working in heights (more than 20ft) such as roofing, painting and plastering.
- (c) **Safety boots** shall be provided to all workers for protection of feet from impact or penetration of falling objects on feet.
- (d) **Ear protecting devices** shall be provided to all workers and to be used during the occurrence of extensive noise.
- (e) **Eye and face protection equipments** shall be provided to all welders to protect against sparks of fire.
- (f) **Respiratory protection devices** shall be provided to all workers during occurrence of fumes, dusts, or toxin gas/vapor.
- (g) **Safety nets** shall be provided when workplaces are more than 25 feet (7.5m) above the ground or other surfaces where the uses of ladders, scaffolds, catch platforms, temporary floor or safety belts is impractical.
- (h) **First aid** kits shall be made available at all times throughout the entire construction period. Arrangement shall be made to ensure medical attention for workers who have met with an accident or sudden illness at any time during the construction period.

- 2. **Fire protection:** the employer shall be responsible for a fire protection and prevention through out all phases of the construction or demolishing works.

3. **Hand and power tools:** Conditions of all hand and power tools like belts, gears, shafts, pulleys, sprockets, spindles, chains or other reciprocating, rotating or moving parts of equipments shall be maintained by the employer in a safe condition to prevent any accidents.
4. **Signs, signals and barricades:** Appropriate signs and symbols shall be required to be put up at work places. Barricades shall be put up all around the construction site at all times during construction or demolishing period to deter the passage of vehicles or persons to the construction site.
5. **Material handling, storage, use and disposal**
 - (a) All materials stored in shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.
 - (b) Aisles and passageways shall be kept clear to provide for free and safe movement of material handling equipment and workers. Material if stored/stacked at roadside must not hinder free movement of vehicles and persons.
 - (c) The areas used for construction shall be kept in good repair to ensure safe movement of vehicle or person.
 - (d) Maximum safe load limits of floors within buildings and structures shall be conspicuously posted in all storage areas.
 - (e) Materials shall not be stored on scaffold.
 - (f) Brick stacks shall not be more than 7 feet in height and for concrete blocks they shall not be more than 6 feet high.
 - (g) All scrap timber, waste material, and rubbish must be removed from the immediate work area as the work progresses.
6. **Scaffolds**
 - (a) Each scaffold or its components shall be capable of supporting its own weight and at least 4 times the maximum intended load applied or transmitted to it.
 - (b) In case of direct connection of adjustable suspended scaffolds to roof or floor for balance, it shall be capable of resisting at least 4 times the tipping movement imposed. The rope should be capable of supporting at least 6 times the maximum intended load applied or transmitted to that rope.
 - (c) Pole scaffolds over 60feet (5.6m) in height shall be designed by a registered professional engineer and shall be constructed and loaded in accordance with that design.
 - (d) The platform/scaffold plank shall be at least 15 inches (46cm) wide and 1.5 inches thick.

- (e) The ends of platform, unless wedged, shall extend over the centerline of its supports at least 6 inches (15cm) for fully decked platform. For 10 feet or less platforms the extension should be designed and installed so that the cantilevered portion of the platform is able to support workers without tripping. Guardrails must be constructed to block the access to cantilever ends.
- (f) The front edge of all platforms shall not be more than 14 inch (36cm) from the face of the work.
- (g) For fully decked platform the lapped (minimum of 12inch and nailed) or abutted should be supported with separate support surface.
- (h) Platform should not deflect more than 1/60 of the span when loaded.
- (i) Ramp or walkway should be at least 6feet (1.8m) wide having slip resistance threads and must not be inclined more than a slope of 1 vertical and 3 horizontal.
- (j) A rail consisting of a top and middle bar shall be provided on open sides of the ramp scaffolds and should provide adequate handhold for employees grasping them to avoid falling.
- (k) Workers should not be made to work on scaffolds covered with snow, ice or other slippery materials except as necessary for removal of such materials.
- (l) Workers should not be made to work on the scaffolds during storm or high wind.
- (m) Makeshifts devices and ladders shall not be used on tope of scaffolds to increase the working level height for workers.
- (n) While working on roof, roofing brackets shall be constructed to fit the pitch of a roof. A catch platform shall be installed below the working area of roof where the height is more than 16 feet above the ground level and the roof slops is more than 4/12. The worker shall wear the safety belt all the time while working on truss/roof.
- (o) The rope used to securing brackets and scaffolds or as an anchorage shall be damage free and strong.

7. **Excavations**

- (a) Excavated earth must be stacked away (at least 2 feet) from the pit to avoid from falling back or rolling into the excavation and burring the workers or injuring the workers from rolling loose rock unless a protective barricades/retaining devices is provided to prevent falling earth.

- (b) When the adjoining building/structure is endangered by excavation operation, support systems such as shoring, bracing or underpinning shall be provided to ensure the stability of such structures.

8. Electrical works

- (a) All Electrical equipment and installation shall be constructed, installed and maintained by a competent person, and so used as to guard against risk of electrical shocks and electrocution.
- (b) Adequate steps shall be taken to ascertain the present of and to guard against dangers to workers from any live electrical cable, which may be under, on or above the construction site.

9. Sanitation and Hygiene

- (a) Facilities such as toilets, drinking water, and waste bins shall be adequately installed at the workplace.