



I assent.

P. W. Lewis

Governor.

31st October, 1955.

BRITISH GUIANA.

ORDINANCE No. 46 OF 1955.

AN ORDINANCE to provide for the notification of Accidents and Occupational Diseases.

Enacted by the Legislature of British Guiana:—

A.D. 1955.

1. This Ordinance may be cited as the Accidents and Occupational Diseases (Notification) Ordinance, 1955.

Short title.

2. In this Ordinance, unless the context otherwise requires—
“Commissioner” means the Commissioner of Labour, and includes the Deputy Commissioner of Labour;

Interpretation.

“employer” includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the

latter shall, for the purposes of this Ordinance be deemed to continue to be the employer of the worker whilst he is working for that other person. In relation to a person plying for hire with any vehicle or vessel the use of which is obtained by that person under a contract of bailment (other than hire purchase agreement), the person from whom the use of the vessel or vehicle is so obtained shall, for the purposes of this Ordinance, be deemed to be the employer; and in relation to a person employed for the purpose of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of the club, shall for the purposes of this Ordinance, be deemed to be the employer;

“Inspector” includes the Commissioner of Labour, the Deputy Commissioner of Labour, any Inspector of Labour or any Assistant Inspector of Labour appointed under the Labour Ordinance, 1942;

“occupational disease” means any disease declared to be an occupational disease by regulations made under this Ordinance;

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

“worker” subject to the exceptions hereinafter mentioned, means any person who has entered into or under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing, and whether remuneration is calculated by time or by work done, but does not include —

- (a) an outworker;
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade, occupation or business; or
- (c) a domestic servant employed in a private dwelling house.

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

- (a) causes loss of life to such worker; or
- (b) disables such worker, for more than one day, from earning full wages at the work at which he was employed at the time of such accident,

written notice of the accident, in the form, and accompanied by

No. 2 of 1942

Notification
of accidents.

A.D. 1955]

[No. 46

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION)

the particulars, set out in the First Schedule hereto shall forthwith be sent by the employer to the Commissioner.

First
Schedule.

(2) Where any accident causing disablement has been notified under this section, and, after such notification the accident results in the death of the person disabled, notice in writing of the death shall be sent by the employer to the Commissioner as soon as the fact of the death comes to the knowledge of the employer.

(3) Where an accident causing disablement has been notified under this section and the said disablement has ceased, notice in writing of the date when the disablement ceased shall be sent by the employer to the Commissioner within two weeks from that date, in the form and accompanied by the particulars set out in the Second Schedule hereto.

Second
Schedule.

(4) Any employer who fails to comply with the requirements of subsection (1) or subsection (2) or subsection (3) of this section shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

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

(6) A register of accidents shall be kept by the employer engaged in any occupation to which this section applies.

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

Power to
extend to
dangerous
occurrences
provisions
as to noti-
fication of ac-
cidents.

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

Notification
of occupa-
tional
diseases and
other
diseases.

(2) If any qualified medical practitioner fails to send any notice in accordance with the requirements of this section, he shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

(3) Any employer who believes or suspects, or has reasonable grounds for believing or suspecting, that a case of occupational disease has occurred among the workers employed by him, shall forthwith send written notice of such case, in the form, and accompanied by the particulars, set out in the Third Schedule hereto, to the Commissioner and to the Local Sanitary Authority of the area within which the place of employment of such workers is situated, and the provisions of this Ordinance with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in these provisions.

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

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

Provided that —

- (a) the coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof; and
- (b) if the inquest relates to the death of not more than one person, and the coroner has sent to the Commissioner notice of the time and place of holding the inquest at such time as to reach the Commissioner not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

(2) The following provisions shall have effect with respect to any such inquest as aforesaid: —

- (a) no person having a personal interest in or employed in or about or in the management of the place of employment in or about which the accident or disease occurred or was contracted shall be qualified to serve on the jury empanelled on the inquest; it shall be the duty of the coroner or other officer not to summon any person disqualified under this provision, and it

Third
Schedule.

Inquest in
case of
death by ac-
cident or
occupational
disease.

A.D. 1955]

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION)

shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury;

- (b) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, —
- (a) any Inspector;
 - (b) any relation of the person in respect of whose death the inquest is being held;
 - (c) the occupier of the place of employment in which the accident or disease occurred or was contracted;
 - (d) the employer of the deceased;
 - (e) any person appointed by the order in writing of the majority of the persons employed in the place of employment in which the accident or disease occurred or was contracted;
 - (f) any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the place of employment in which the accident or disease occurred or was contracted belongs;
 - (g) any association of employers of which the said employer is a member.

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

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of the Coroners Ordinance.

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

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

Cap. 8.

Power of Governor in Council to direct formal investigation of accidents and cases of occupational disease.

- (b) the person or persons so appointed (hereafter in this section referred to as "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of occupational disease, and for enabling the court to make the report in this section mentioned;
- (c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction under the Summary Jurisdiction Ordinances and, in addition, power —
 - (i) to enter and inspect or to authorise any person to inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose;
 - (ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such enquiries as it thinks fit to make;
 - (iii) to require the production of all books, papers, and documents which it considers relevant;
 - (iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;
- (d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before the Supreme Court in its civil jurisdiction, and in the case of dispute as to the amount to be allowed the same shall be referred by the court to the Registrar of the Supreme Court, who on request signed by the court shall ascertain and certify the proper amount of the expenses;
- (e) the court shall make a report to the Governor in Council stating the cause and circumstances of the accident or case of occupational disease and adding any observations which the court thinks right to make;
- (f) the court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of him, responsible in any degree for the oc-

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION)

currence of the accident or case of occupational disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Commissioner in the administration of this Ordinance;

- (g) if any person without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, he shall be guilty of an offence, and for every such offence shall be liable, on summary conviction thereof, to a penalty not exceeding fifty dollars, and in the case of a failure to comply with a requisition for making any return or producing any document he shall be liable on summary conviction to a penalty not exceeding fifty dollars for every day that such failure continues;
- (h) the expenses of the Commissioner in the execution of the provisions of this section shall be defrayed out of moneys to be provided by the Legislative Council;
- (i) if any witness objects to answer any question or to produce any document on the ground that it may tend to incriminate him, or on any other lawful ground, he shall not be required to answer such question or to produce such document, nor shall he be liable to any penalty in respect of such refusal.

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

8. (1) Any person guilty of an offence against this Ordinance for which no special penalty is provided by this Ordinance shall, on summary conviction thereof, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Penalties.

(2) There may be annexed to the breach of any regulation made under this Ordinance such penalty not exceeding one hundred dollars as may be prescribed and such penalty may be sued and recovered under the Summary Jurisdiction Ordinances.

(3) Where an offence against this Ordinance or any regulation thereunder committed by a company or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, president, chairman, manager, secretary or other officer of the company or body of persons, he, as well as the com-

pany or body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Power of Governor in Council to make regulations.

9. (1) The Governor in Council may make regulations generally for carrying into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1) of this section, the Governor in Council may by regulations made under this section declare certain diseases to be occupational diseases for the purposes of this Ordinance.

Application of Ordinance to Government, etc.

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

- (a) any department of Government other than members of the Police Force; or
- (b) any department of Her Majesty's Government other than —
 - (i) members of Her Majesty's Naval, Military or Air Forces; and
 - (ii) such persons or class of persons (not being members of Her Majesty's Naval, Military or Air Forces) employed by or under any department of Her Majesty's Government as may be specified by Order made by the Governor in Council,

and in such cases the notice to be given under this Ordinance by the employer shall be given by such person as the head of the department of Government or, as the case may be, the representative in the Colony of any department of Her Majesty's Government, shall by written instructions direct.

11. The Commissioner shall be responsible for the administration of this Ordinance.

Administration of Ordinance.

12. Part VII of the Labour Ordinance, 1942, and Part V of the Factories Ordinance, 1947, are hereby repealed.

Repeal. No. 2 of 1942. No. 30 of 1947.

Commencement.

13. This Ordinance shall come into operation on such day as the Governor shall appoint by Proclamation published in the Gazette.

A.D. 1955]

[No. 46

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION)**FIRST SCHEDULE****Section 3 (1)****THE ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION)
ORDINANCE, 1955.****NOTICE OF ACCIDENT**

Accident Register No.....

1. Name of employer
2. Address of place where accident happened
3. Nature of occupation*
4. Branch or department and exact place where the accident happened
5. Injured person's surname
Other names
Address
6. (a) Sex. (b) Age (last birthday).
(c) Occupation of injured person
7. Date of accident
8. (a) Cause or nature of the accident.....
(b) If caused by machinery —
(i) give name of the machine and part causing accident
(ii) state whether it was worked by mechanical power at the time
(c) State exactly what injured person was doing at the time
9. Nature and extent of injuries (e.g., fatal, loss of finger, fracture of leg, scalp, scratch followed by sepsis)
10. (a) State whether the accident was fatal or not
(b) If the accident was not fatal, state the estimated period that the injured person will be unable to earn full wages at the work at which he was employed at the time of the accident
11. Has the accident been entered in the Register?

Date: ..

Signature of Employer or
Agent.

* "Occupation" includes agriculture, business, commerce, industry and trade.

SECOND SCHEDULE

Section 3 (3)

THE ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ORDINANCE, 1955.

(To be submitted when disability ceases)

Accident Register No.

Name of employer
Address of place of employment
Injured person's surname
Other names
Date of accident
Date when disability ceased
Actual number of days of disability
Amount of compensation paid

Signature of Employer or Agent.

THIRD SCHEDULE

Section 5 (3)

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ORDINANCE, 1955.

NOTICE OF OCCUPATIONAL DISEASE.

- Works. { 1. Name of employer
2. Address of place of employment
3. Address of office
4. Nature of industry, occupation, or business
Person affected. { 5. Nature of occupational disease
6. (a) Surname
(b) Other names
7. Address (permanent)
8. Temporary address (if any)
9. Sex, and age last birthday
10. Precise occupation
(avoid the term "labourer" where possible).

Date:

Signature of Employer or Agent.

Passed by the Legislative Council this twentieth day of October, nineteen hundred and fifty-five.

J. Arria
Acting Clerk of the Legislature.

(M.P. L: 56/7/8).
(Leg. Bill No. 49/1955).