Code of Practice

Chief Executives' and Board of Directors' Workplace Safety and Health (WSH) Duties

Draft for Public Consultation

Comment period starts 12 Aug and ends 08 Sep 2022 (4 weeks)

This is a draft document which is subject to change. Members of the public are invited to submit comments using the consultation form provided.

This draft should NOT be regarded or used as a final guidance document issued by WSH Council. Feedback will be incorporated, and copy-editing / visual layout will be undertaken prior to publication.

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1. Introduction

1.1 Scope

1.1.1 This Code of Practice aims to provide clarity on and strengthen ownership of companies' Chief Executives' and Board of Directors' (henceforth termed as "Company Directors") workplace safety and health (WSH) roles and duties.

1.2 Purpose

1.2.1 Company Directors set the safety culture of their organisations. Their influence and control over their workplace resources and priorities ultimately shape WSH practices on the ground.

1.2.2 The Workplace Safety and Health Act (WSH Act) s.48(1) already holds all Company Directors liable in ensuring their workers' safety and health. Under section 48(1)(b) of the WSH Act, they are also responsible for proving that they had exercised due diligence to prevent workplace accidents. This Code of Practice outlines the desired outcomes in organisational systems and culture that Company Directors should seek to achieve in order to comply with s.48(1) of the WSH Act, and lists examples of reasonably practicable steps that Company Directors can take to realise the desired organisational systems and culture.

1.2.3   There are three key points to note about this Code of Practice:

a)   <u>Fulfilment of WSH Act obligations</u>. By adopting the principles and measures in the Code of Practice, the Company Directors would be better placed to be considered to have taken reasonably practicable measures to uphold their workers' safety and health. Compliance with the Code of Practice could be used as a mitigating factor for the Court's consideration in the event of an organisation's WSH Act offence. Compliance with the Code of Practice means fulfilling the four principles listed in the Code of Practice. An organisation can fulfil the Code of Practice's principles by effectively implementing the specific measures suggested in the Code of Practice; more measures implemented will likely result in fulfilling each principle to a greater extent. However, compliance with the Code of Practice, in and of itself, does not equate to due diligence. The Court will assess the degree of diligence that the Company Directors have exercised, having regard to the nature of their functions and to all the circumstances related to the commission of the offence.

b)   <u>Relevance to all organisations</u>. The Code of Practice is relevant for all Company Directors, regardless of industry and organisation size. Under the WSH Act, all Company Directors must demonstrate that they have exercised a reasonable degree of due diligence to prevent WSH lapses in their organisations. As such, they should adopt and adapt the recommended practices that best suit the nature of work in their sector and organisation.

c)   <u>Calibration of measures in the Code of Practice</u>. Company Directors should calibrate the measures cited in the Code of Practice based on the relevance to their organisations, including industry type and nature of exposure to risks and hazards. There is no one-size-fits-all solution that meets the different needs of every organisation. An organisation can still comply with the Code of Practice by implementing other measures in place of those listed here, if it can demonstrate how these other measures can also fulfil the four principles.

1.2.4   Workers and managers are also encouraged to understand what is expected of the Company Directors who lead their organisations.

2. Principles and Measures

2.1 General

2.1.1 This section describes how the Company Directors can demonstrate leadership in improving WSH performance and management, based on the following principles and measures:

Principles	Measures
Principle 1: Ensure WSH is prioritised and have clarity of roles and responsibilities of Chief Executive and individual Board of Directors in leading WSH.	Measure 1: Assign and document WSH roles and responsibilities of individual Company Director(s).
	Measure 2: Establish the WSH standards and strategies for the organisation.
Principle 2: Walk the talk in embodying and communicating good WSH standards.	Measure 3: Publish the organisation's WSH commitment, performance and targets annually.
	Measure 4: Set WSH as a regular agenda item in management/ board meetings.
	Measure 5: Ensure sufficient resource allocation to WSH.
	Measure 6: Facilitate direct reporting of WSH issues to the Company Director(s).
	Measure 7: Acquire WSH knowledge.
	Measure 8: Conduct ground engagements to understand processes, workers' concerns and communicate the need to prioritise WSH.
	Measure 9: Set and demand high WSH standards and performance from vendors/ partners.
Principle 3: Ensure that WSH management systems are effective and reviewed regularly.	Measure 10: Ensure effectiveness of WSH management systems and maintain oversight of compliance with SOP.
	Measure 11: Ensure adequate and timely risk assessment.
	Measure 12: Recognise and reward workers' efforts toward achieving good WSH performance.
	Measure 13: Endorse immediate remedial/disciplinary actions to address workers' non-compliance with safe work procedures.
Principle 4: Empower workers to prioritise WSH.	Measure 14: Ensure processes are in place for workers to receive information on WSH risks and SOPs in a timely manner.
	Measure 15: Set up reporting systems, provide assurance to encourage proactive reporting and ensure proper follow-up to address WSH issues.
	Measure 16: Commit resources and protected time for workers to undergo WSH training and refresher courses.
	Measure 17: Involve workers in the joint development of strategies/programmes to improve WSH.

2.2 <u>Principle 1</u>: Ensure WSH is prioritised and have clarity of roles and responsibilities of Chief Executive and individual Board of Directors in leading WSH

2.2.1 Company Directors should set the WSH standards for the organisation. They should identify the individual Company Director(s) to be accountable for the relevant Code of Practice measures, given the diverse range of measures and differing responsibilities and expertise among the Company Directors. In particular, the specific roles of the relevant individual Company Director(s) should be spelt out clearly (e.g. Chief Executive vis-a-vis the individual Board of Directors).

2.2.2 <u>Measure 1</u>: Assign and document WSH roles and responsibilities of individual Company Director(s).

Company Directors should ensure that this document is readily available organisation-wide, to provide clarity on the WSH duties of individual Company Director(s).

2.2.3 <u>Measure 2</u>: Establish the WSH standards and strategies for the organisation.

Company Directors or the relevant individual Company Director(s) should set high WSH standards to ensure the safety and health of all their workers and develop strategies and initiatives to achieve these standards.

2.3   Principle 2: Walk the talk in embodying and communicating good WSH standards

2.3.1   Company Directors should communicate and demonstrate that WSH is a priority at their workplace. Communication and actions should signal a **visible and active commitment** from the Company Directors. This includes publishing the organisation's WSH commitment and performance; allocating sufficient resources for WSH; promoting WSH proactively; and having the necessary knowledge on WSH.

2.3.2   Measure 3: Publish the organisation's WSH commitment, performance and targets annually.

Company Directors should publish their organisation's WSH commitment, performance and targets annually via their sustainability report, organisation's website and/or other means. Minimally, this information should be made available within their organisation and to their workers.

2.3.3   Measure 4: Set WSH as a regular agenda item in management/ board meetings.

Company Directors should be briefed on and have discussions around WSH-related topics such as:

- WSH Developments – developments on WSH legislation and within the industry, including new and emerging risks and innovative solutions.
- WSH Performance – WSH targets, statistics, industry benchmarks, contractor performance, near misses and lessons learnt, lost time and cost incurred due to safety lapses.
- WSH Resources – WSH personnel, budget, training, technology.
- WSH Measures – key WSH risk register and mitigation measures, workers' health and well-being, WSH communications and engagement activities.

Company Directors should also incorporate WSH considerations into business and procurement decisions made at management/ board meetings.

2.3.4   Measure 5: Ensure sufficient resource allocation to WSH.

Company Directors should allocate sufficient resources to the following WSH areas as relevant to the needs of the company:

- Conduct regular risk assessments;
- Redesign processes to address upstream risks;
- Identify WSH personnel or worker or union leader to champion good WSH practices on the ground;
- Adopt WSH technology to detect and prevent workplace accidents;
- Provide relevant WSH training and refresher courses;
- Promote WSH and mental well-being initiatives through events and programmes; and
- Hire/ leverage WSH experts to address or advise on WSH issues.

2.3.5 <u>Measure 6</u>: Facilitate direct reporting of WSH issues to the Company Director(s).

Company Directors can consider (depending on the size of the organisation and number of work sites):

- Implementing a direct reporting line between the Company Director(s) and WSH personnel (e.g. WSH Officer, WSH Coordinator);
- Setting up a WSH Committee with representation from management, workers and/or union leaders, chaired by a Company Director; and
- Working with appointed WSH personnel or union leaders (if any) to remind workers to follow safe work procedures.

2.3.6 <u>Measure 7</u>: Acquire WSH knowledge.

Company Directors are encouraged to attend external and/or in-house trainings, learning journeys, as well as keep abreast of the latest WSH resources and developments:

- External trainings can include bizSAFE and learning journeys to organisations with progressive WSH practices;
- Where resources are available, in-house experts could conduct WSH trainings for Company Director(s) to equip them with knowledge on risk management, systems, and processes, as well as possible technologies to improve WSH; and
- Subscribe to WSH Bulletin to keep abreast of latest developments and WSH Alerts to improve WSH practices and prevent similar WSH incidents.

2.3.7 <u>Measure 8</u>: Conduct ground engagements to understand processes, workers' concerns and communicate the need to prioritise WSH.

Company Directors can consider:

- Personally conducting regular workplace walkabouts, together with union leaders (if any), and invite workers to share concerns related to WSH, where timely measures are taken subsequently to address these concerns; and
- Conducting regular reviews to better understand workers' state of mental well-being (e.g. via townhalls, pulse surveys, iWorkHealth).

2.3.8 <u>Measure 9</u>: Set and demand high WSH standards and performance from vendors/ partners.

Company Directors should include WSH requirements and WSH track records in their organisation's choice of vendors/ contractors (e.g. attainment of bizSAFE or Occupational Health and Safety Assessment Series (OHSAS) certification; good WSH track records based on CheckSAFE on MOM's website).

As an Occupier or Principal, organisations have duties under the WSH Act to ensure the safety and health of their contractors, subcontractors and outsourced personnel when at work. Company Directors, as leaders of the organisations, must also exercise due diligence to prevent any work accidents.

2.4   Principle 3: Ensure WSH management systems are effective and reviewed regularly

2.4.1   Company Directors should ensure that WSH management systems and processes are effective and reviewed regularly, so that WSH is upheld and consistently prioritised. These systems and processes should ensure that risks are regularly monitored, reported, and reviewed. Proactive monitoring and reviews ensure that outdated and unsafe practices are removed, and new and emerging risks are understood and managed. Company Directors could consider using a reward and disciplinary framework to incentivise positive WSH actions and behaviours and make WSH part of the performance appraisal of every worker.

2.4.2   Measure 10: Ensure effectiveness of WSH management systems and maintain oversight of compliance with SOP.

Company Directors can consider:

- Institutionalising WSH audits to review robustness of WSH management systems; and
- Working with appointed WSH personnel or union leaders (if any) to remind workers to follow safe work procedures.

2.4.3   Measure 11: Ensure adequate and timely risk assessment.

Company Directors should ensure that risk assessments are customised to the organisation's situation, and that WSH risks are updated, and corresponding control measures implemented. The list of WSH risks and control measures should be reassessed as often as reasonably practicable, either through weekly coordination meetings and daily toolbox briefings, or as soon as reasonably practicable when the situation calls for it. Examples of such situations include but are not limited to:

- After a WSH incident or near miss;
- When new information of a hazard is known;
- Before deploying new equipment; or
- Before introducing a new work process.

2.4.4   Measure 12: Recognise and reward workers' efforts toward achieving good WSH performance.

Incentives help reinforce positive actions and behaviours, and strengthen the workplace safety culture. Company Directors can consider rewarding workers for good WSH behaviours and outcomes (e.g. their proactiveness in reporting or intervening in unsafe workplace practices or behaviours or situations, their involvement in implementing WSH improvement initiatives) and make WSH part of the performance appraisal of every worker.

2.4.5 <u>Measure 13</u>: Endorse immediate remedial/disciplinary actions to address workers' non-compliance with safe work procedures.

Conversely, disciplinary actions should be meted out in a timely manner, in response to workers' non-compliance (e.g. not following safe work procedures, not wearing personal protective equipment).

2.5   Principle 4: Empower workers to prioritise WSH

2.5.1   Company Directors should ensure that their workers are given the necessary voice and platforms to raise any WSH concerns at work. Workers should be equipped with the necessary knowledge and skillsets to uphold and improve WSH. Every worker is a source of WSH intel and a resource to improve WSH. Union leaders can also play an important role in encouraging workers to speak up, or be the bridge between workers and their management to strengthen workplace safety practices.

Company Directors should invite feedback from all levels within their organisation and build an open reporting culture as part of a collaborative approach to improve WSH. This reporting system should be one where workers feel safe to report WSH issues without fear of reprisal or job loss, even when highlighting inadequacies of their supervisor/senior management.

2.5.2   Measure 14: Ensure processes are in place for workers to receive information on WSH risks and SOPs in a timely manner.

Relevant information that should be shared with workers include:

- WSH incidents, hazards, risks and near misses in the organisation;
- Developments in regulatory requirements, safety management practice and technical work safety procedures; and
- Emergency and crisis response.

Information can be shared via platforms such as:

- Daily toolbox briefings and weekly coordination meetings;
- Department/unit-level meetings and townhalls;
- Staff onboarding and training programmes; and
- Posters in workplaces, emails and short text messages.

2.5.3   Measure 15: Set up reporting systems, provide assurance to encourage proactive reporting and ensure proper follow-up to address WSH issues.

A comprehensive system and process is necessary for workers to report any safety incidents, where all reported incidents are adequately investigated and concluded. Company Directors should set the right tone and provide a safe environment for workers to report unsafe practices and near misses, and to assure workers of the safeguards and protections in place (e.g. their identities are kept confidential; no penalties for speaking up).

Company Directors should ensure that these systems are available for both workers and members of the public to report various WSH issues including:

- Safety incidents (e.g. near-misses, hazards, accidents and lapses);
- Concerns/feedback on accident-prevention measures or safety improvements; and
- Company Directors can consider inviting workers to write directly to them via a secured and anonymous platform to share any WSH concerns or suggestions.

Company Directors should ensure proper follow-up of these reports and that appropriate actions were taken to address the issues reported.

2.5.4   Measure 16: Commit resources and protected time for workers to undergo WSH training and refresher courses.

Company Directors can consider:

- Allocating training funds;
- Ensuring protected time during working hours for WSH training and refresher courses; and
- Ensuring that managers identify suitable WSH trainings (e.g. in-house/on-the-job, or external training) and monitor the competency of workers under their supervision, especially if the worker is new to the organisation or the role.

When prioritising training support, Company Directors can also consider:

- Ensuring workers attend the relevant mandatory training;
- Ensuring adequate training to mitigate key WSH risks; and
- Integrating WSH in functional training.

2.5.5   Measure 17: Involve workers in the joint development of strategies/programmes to improve WSH.

- Company Directors can consider including WSH considerations in all work planning or strategizing sessions.
- For unionised companies, Company Directors can consider partnering union leaders to jointly develop WSH improvement strategies and action plans.

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3. Resources

3.1 General

These are some resources available to assist Company Directors in discharging their duties.

3.2 Capability and Culture Building

3.2.1 StartSAFE

Free programme that helps SMEs to identify WSH risks and implement good WSH practices, and to motivate them to join bizSAFE and continue their journey in creating safe and healthy workplaces.

URL: https://www.tal.sg/wshc/programmes/startsafe

3.2.2 bizSAFE

Nationally recognised capability building programme designed to help companies build up their WSH capabilities and improve safety and health standards at work. It is a five-step programme which includes an induction for senior management.

URL: https://www.tal.sg/wshc/programmes/bizsafe/about-bizsafe

3.2.3 Total WSH

Free programme where Total WSH Service Providers will educate companies to manage safety and health in an integrated way and educate workers on how to better take care of their safety and health through modular activity packages.

URL: https://www.tal.sg/wshc/programmes/total-workplace-safety-and-health

3.3 Mental Well-being at the Workplace

3.3.1 iWorkHealth

Free, online, company-administered psychosocial health assessment tool for companies and their workers to identify key workplace stressors and assess workers' state of mental well-being.

URL: https://www.iworkhealth.gov.sg

3.3.2 A Playbook on Workplace Mental Well-Being

Free playbook to provide actionable guidance to organisations to support employees' mental well-being at the workplace (e.g. through plug-and-play templates and tips to implement mental well-being initiatives).

URL: https://www.tal.sg/wshc/resources/publications/guides-and-handbooks/a-playbook-on-workplace-mental-well-being

3.4 WSH Technology

3.4.1 WSH Tech Resource Guide

A compilation of available government support schemes that industry can tap on to adopt WSH technology solutions. It also contains information on various innovation platforms that the industry can tap on to seek innovative solutions to address WSH challenges.

URL: https://www.mom.gov.sg/-/media/mom/documents/safety-health/wsh-tech-challenge/resource-guide-grants-innovation-challenges.pdf

3.5 Check Company's WSH Performance

3.5.1 CheckSafe

Online portal to check and compare companies' WSH track records, including injury and enforcement data, thus allowing more informed choice of vendors, contractors or partners.

URL: https://www.mom.gov.sg/workplace-safety-and-health/checksafe

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3.6 Report Workplace Accidents or Unsafe Workplace Practices

3.6.1 Report WSH Incident

Online channel to report work-related accidents to the Ministry of Manpower.

URL: https://www.mom.gov.sg/eservices/services/wsh-incident-reporting

3.6.2 Report unsafe workplace practices or conditions

Online channel to report unsafe workplace practices or safety lapses to the Ministry of Manpower.

URL: https://www.mom.gov.sg/eservices/services/report-an-infringement

3.7 Other Resources

3.7.1 WSH Alert

Accident notifications that provide a brief incident description and list of recommendations that companies can take to prevent recurrence of similar accidents. This is a free subscription service provided by WSH Council.

URL: https://www.tal.sg/wshc/resources?childType=WSH%20Alerts

3.7.2 WSH Bulletin

Free e-newsletter on the latest WSH news and regulatory announcements, WSH alerts, accident notifications and advisories, events and programmes.

URL: https://www.tal.sg/wshc/resources?childType=WSH%20Bulletins

4. Conclusion

4.1   The Code of Practice outlines outcomes and provides examples to guide Company Directors on the reasonably practicable measures that they can take to fulfil their responsibilities stated in the WSH Act. The principles and measures provided in this Code of Practice are by no means exhaustive and Company Directors are encouraged to adopt and adapt relevant practices that would serve to improve the WSH culture and performance of their organisation.