

Dialogue with MOM on WSH (Work-at-Heights) Regulations, held on 21 February 2014 at SISO

On 21st February, some 60 members of SISO took time off from their busy schedules to attend a dialogue session with representatives from the Ministry of Manpower. The dialogue, which was held at SISO, was aimed at clarifying any issues the members may have regarding the Work-at-Heights Regulations which would take effect from 1st May 2014.

As a primer for the dialogue proper, Mr Teo Han Ping, Head (Programme Management) gave a presentation about the Requirements relating to the WSH (Work-at-Heights) Regulations. The presentation gave the audience a clear picture of what would be required of a competent person to enhance the standard of work-at-heights safety at workplace.

The presentation was followed by a question-and-answer session where Mr Teo and his colleagues - Mr Lee Kah Bee, Assistant Director, Legislation and Mr Abdul Rahman Mohd Yatim, Senior Manager, Legislation - answered more than 70 questions submitted by SISO members, as well as ad hoc questions surfaced during the dialogue session. The discussions following each question were very enlightening and most relevant to those involved in working-at-heights.

Mr Bernard Soh, Vice President, and SISO, said: "On behalf of SISO, I would like to thank Mr Teo, Mr Lee and Mr Abdul Rahman from the Ministry of Manpower for taking the time and effort to meet with our members and give clarifications on various issues related to the Work-at-Heights regulations." Several SISO members also echoed the sentiment and said they were grateful for the opportunity to seek clarifications from MOM on the Work-at-Heights regulations. Many others added that they would like SISO to organise more of such dialogue sessions with relevant authorities on various safety-related issues.

The following is a summary of the dialogue session:

Determining whether Work-at-Heights regulations would apply:

The MOM representatives clarified that to determine whether the Work-at-Heights regulations would apply, the following questions needed to be asked:

The WSH (Work at Heights) Regulations would apply if the person at work can fall from one level to another (no specific height stated) and it is reasonably likely that the person or any other person would be injured due to the distance of fall. (Please refer to the definition of work at heights under the said regulations)

Upon the enactment of the WSH (Work at Heights) Regulations on 1 May 2013, the coverage is on all workplaces defined as Factories. With effect from 1 May 2014, the coverage extends to all workplaces.

The dialogue discussed about barricades:

If the worker was working within an effectively and fully barricaded (all four sides) platform, there will not be any risk of falling, thus there is no work at heights (Note: this does not apply if work at heights is done on a potentially fragile surface). However, if there is a need for the worker to work outside the barricaded area or stretch out of the barricaded area, there will be risk of falling even from a barricaded platform, hence there will be work at heights and the said regulations will apply accordingly.

There was a discussion about whether the WSH (Work at Heights) Regulations would apply if control measures were in place. MOM representatives clarified that control measures like harnesses alone would not be enough to eliminate the falling hazard; there must be effective barricades in place that would reduce the risk of falling to zero. (Please refer to the ACOP for Working Safely at Heights and the WSHC's Guide for Anchorage, Lifelines and Temporary Edge Protection on guidance on effective edge protection)

Regarding the issue of permit-to-work:

On the question of when permit-to-work would be required:

If the person is working at heights and liable to fall a distance more than 3 metres, then the permit-to-work as a mean of administrative control will be required.

Key considerations whether PTW for WAH is required

1. Is there work at heights?
2. If yes, would person fall more than 3m high? If yes, then the PTW requirements would apply.

The MOM representatives also highlighted that the new WSH (Work at Heights) Regulations was structured to move towards a performance-based from a prescriptive regime, where effective risk management by companies would be the main underlying principle.

Exemptions from Work-at-Heights regulations:

Some members asked about exemptions from the regulations for various equipment and for work operations in factories or warehouses. It was highlighted that the Dialogue session was meant for clarifying issues and not to grant exemptions.

Minimum Requirements: Why the need to change from 2m to 3m as the height requirement

The MOM representatives said that the new regulations only stated the minimum requirements for working-at-heights. If the individual or company decided to apply more than the minimum requirements, such as having barricades and control measures for heights less than 2m, they should rightly do so.

Training Courses: Every worker must undergo training based on the risks or hazards he is exposed to:

The MOM representatives took note of the general feedback that there were inadequate courses to cater to training the safety professionals in order to meet the Work-at-Heights regulatory requirements. MOM representatives said they would convey the feedback to WSH Council.

Could the Occupier impose on Contract/Service Provider to ensure compliance to Work-at-Heights regulations?

The MOM representatives clarified that the occupier could impose on the service provider because the occupier would not have the specialised domain knowledge to ensure compliance with the regulations. However, where the Occupier is responsible to implement the PTW system, the Occupier can appoint a third party to implement the PTW, but cannot delegate away its duties under the regulations.

On related issue of transiting at height:

The MOM representatives clarified that occupier could impose additional requirement even though “the action of accessing” would not be considered as work-at-heights. (E.g. climbing up a ladder) But if the person is working while standing on the ladder, it will be considered work at heights (please refer to definitions of work at heights)

On Gangways and Skyloader: Would permit-to-work be required?

The MOM representatives clarified that gangways would not be generally require a PTW. If the sky-loader had effective handrails and the worker was just walking on it like on a gangway where falling from heights hazard has been mitigated by effective edge protection, a permit to work system may not be required. This is based on the assumption the worker is not required to work or stretch outside the confines of the barricaded area.

Risk Assessment Principles: Substitution and Control

The MOM representatives stated that the principles of WSH hierarchy of controls were enshrined in the WSH (Work at Heights) Regulations. The safety practitioner should follow the risk assessment principles of substitution and elimination, implementing control measures, and adding an additional margin of safety in terms of additional control measures.

On conflict of roles of WAH Safety Assessor with other roles:

The MOM representatives said there should be no conflict of roles if the roles and responsibilities were clearly defined. Safety would usually be regarded as a role and responsibility for line management while the WAH safety Assessor would usually be from production. In all cases, the appointed WAH safety assessor is required to have sufficient experience and training to carry out the duties as prescribed for this role under the regulations.

On the issue of determining the “responsible person or party” between Employer and main contractor:

MOM said that either the Employer or the main contractor may be held responsible based on case-by-case investigation findings.