

ANGUILLA

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ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

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ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

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SCHEDULE 1: Notice of Accident or Dangerous Occurrence
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ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

Interpretation

1. In this Act—

"employer" includes any body of persons incorporated or unincorporated 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 Act be deemed to continue to be the employer of the worker whilst he is working for that other person, and 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 or bailment, the person from whom the use of the vessel or vehicle is so obtained shall, for the purposes of this Act, 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 Act, be deemed to be the employer;

"Labour Commissioner" means the Labour Commissioner appointed under the Labour Department Act;

"occupational disease" means any disease declared to be an occupational disease by regulations made under this Act;

"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 material or articles;

"worker" means any person who has entered into or works 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, or is oral or in writing, but does not include—

(a) an outworker; or

(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.

Administration of Act

2. The Labour Commissioner shall be responsible for the administration of this Act.

Notification of accidents

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 3 days, 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 the particulars, set out in Schedule 1 shall forthwith be sent by the employer to the Labour Commissioner.

(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 Labour Commissioner as soon as the fact of the death comes to the knowledge of the employer.

(3) Any employer who fails to comply with the requirements of subsection (1) or (2) is guilty of an offence against this Act.

(4) 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, if he fails to report the accident to the employer immediately, is guilty of an offence against this Act, and the employer is not liable under the provisions of subsection (3) unless it is established that he knew of the accident.

Notification of occupational diseases and other diseases

4. (1) Every registered 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 notice has been previously sent, forthwith send addressed to the Labour 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.

(2) If any registered medical practitioner fails to send any notice in accordance with the requirements of this section, he is guilty of an offence against this Act and is liable to a fine of $400.

(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 Schedule 2 to the Labour Commissioner and to the Director of Health Services, and the provisions of this Act 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 Act, apply the provisions of this section to any disease, other than an occupational disease.

Formal investigation of accidents and of occupational disease

5. (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 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;

(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 the Magistrate's Court when exercising criminal jurisdiction and, in addition, power—

(i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for those purposes,

(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 those purposes, and to require answers or returns to such enquiries as it thinks fit to make, and

(iii) to require the production of all books, papers, and documents which it considers relevant, and

(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 allowances, travelling expenses and fees as would be allowed to witnesses summoned to attend the High Court on a criminal trial and in case of dispute as to the amount to be

allowed, the dispute shall be referred by the court to the Registrar of the High Court, who on request signed by the court, shall ascertain and certify the proper amount of such allowances, travelling expenses and fees;

(e) the court shall make a report to the Governor in Council stating the causes 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 appointed 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 his responsible in any degree for the occurrence 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 Labour Commissioner in the administration of this Act;

(g) any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the allowances, travelling expenses and fees (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, is guilty of an offence, and is liable to a fine of $2,000 or to imprisonment for a term of 3 months, and, in the case of a failure to comply with the requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he is guilty of a further offence and is liable to a fine of $1,000 for every day on which the failure was so continued.

(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.

Penalties

6. (1) Any person guilty of an offence against this Act for which no special penalty is provided by this Act is liable to a fine of $4,000 or to imprisonment for a term of 3 months or to both.

(2) Where an offence against this Act or any rules 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 other body of persons, he, as well as the company or body of persons, is deemed to be guilty of the offence and is liable to be proceeded against and punished accordingly.

Power to make regulations

7. (1) The Governor in Council may make regulations generally for carrying into effect the provisions of this Act and may attach to such regulations a penalty not exceeding $1,000 for any of the breaches thereof.

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

Application of Act to Government

8. Without prejudice to the generality of the application of this Act, it is hereby declared that this Act shall apply in the case of accidents, occupational diseases, or diseases specified in regulations made under section 4, occurring to persons employed by or under—

(a) any department of the Government of Anguilla 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 the Governor by regulation;

and in such cases the notice to be given under this Act by the employer shall be given in the case of persons to whom paragraph (a) is applicable by and on behalf of the head of such department and in the case of persons to whom paragraph (b) is applicable by such person as the representative in Anguilla of any department of Her Majesty's Government shall by written instructions direct.

Citation

9. This Act may be cited as the Accidents and Occupational Diseases (Notification) Act, Revised Statutes of Anguilla, Chapter A10.

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SCHEDULE 1

(Section 3)

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

NOTICE OF ACCIDENT OR DANGEROUS OCCURRENCE

1. Name of employer ……..……..

2. Address of works or place where accident or dangerous occurrence happened …… ……..…….……

3. Nature of industry, occupation or business ……..……

4. Branch or department and exact place where accident or dangerous occurrence happened …….. ……..……

5. Injured person's

   (a) surname ……..……

   (b) other names ……..……..….

   (c) address ……..…….…….

   (d) sex ……..……..……

   (e) age last birthday ……..……

   (f) precise occupation (avoid the term "labourer" where possible) ……..……..……

6. Date and hour of accident or dangerous occurrence ……..…

7. Hour at which injured person started work on day of accident ……..

8. Cause or nature of accident or dangerous occurrence …….

   If caused by machinery—

   (a) give name of machine and part causing accident …….

   (b) state whether machine was moved by mechanical power at the time of the accident ……..……..……

9. Nature, location and extent of injuries ……..

10. If accident was not fatal, state whether injured person was disabled for more than 3 days from earning full rates at the work at which he was employed at the time of the accident …… ……..…….

Date: ……

Signature of Employer

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SCHEDULE 2

(Section 4)

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) ACT

NOTICE OF OCCUPATIONAL DISEASE

Works

1. Name of employer ……..……..……...
2. Address of place of employment …….…….……...
3. Address of office ..……..…
   (if work on the place of employment is only temporary)
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)

……..…

Signature of Employer

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