



18th January 2024

EMPLOYMENT BULLETIN

REGULATORY UPDATE: OCCUPATIONAL SAFETY AND HEALTH ACT 2024

INTRODUCTION

The Occupational Safety and Health Act has been ratified by the President and published on the Government Gazette on 2nd January 2024. The Act mandates the safety standards, measures, non-compliance and compensation framework for employers to implement. A copy of the Act is available on the Government Gazette link: <https://gazette.gov.mv/gazette/6931>.

The Act is effective from **2 April 2024**. Employers must ensure compliance with the Act by **2 January 2025**.

Subordinate regulations under the Act ("**Subordinate Regulations**") are to be issued before **2 October 2024**.



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OVERVIEW OF THE FRAMEWORK ON OCCUPATIONAL SAFETY AND HEALTH

The provisions of the Act place general and specific obligations on (i) work site manager/ employers, (ii) persons at work and (iii) manufacturers and suppliers of dangerous substances, to minimize risks attributable to the work place and the manner of conducting work.

A work site manager and/or employer’s obligations generally relate to securing the health, safety and welfare of persons at work.

A person at work has similar obligations towards protecting other persons at work against risks to health and safety in connection with their activities.

This bulletin focuses on the employer’s obligations under the Act.

Who is this Act for?	<p>The provisions of the Act apply for persons at work, work site managers, and employers:</p> <ul style="list-style-type: none"> • “Employer” means a person or entity who engages a person to work under an employment contract. Persons or entities who utilize services of non-independent contractors are also included in this definition. • “Persons at work” means those who have entered into an employment agreement providing services or who are performing services. • “Work site manager” means a person (irrespective of whether they own the site or not) who controls a work site by themselves or under instructions of a third party.
Rights of Persons at Work	<ul style="list-style-type: none"> • Persons at work must not be forced to undertake any work that poses a risk to their health and safety. • Persons at work have the right to machinery and equipment required to perform work safely, including appropriate attire. • Persons at work are entitled to training and education on the work place and safety measures in respect of their work. • Persons at work are also entitled to medical treatment (at no cost) for any workplace injuries. • Persons at work (or their heirs) may claim compensation for temporary or permanent disability or loss of life.
Employer’s General Duties	<ul style="list-style-type: none"> • In general, an employer must: <ul style="list-style-type: none"> ○ ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees; and ○ ensure, so far as is reasonably practicable, the health, safety and welfare at work of other persons who may be affected by work performed at the work place. • These duties must be discharged by: <ul style="list-style-type: none"> ○ provision and maintenance of health and safety systems in the work place; ○ provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health; ○ provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees; ○ enacting and implementing a health and safety policy including review and amendment from time to time;

	<ul style="list-style-type: none"> ○ arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection plant and equipment in use; ○ arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances; ○ enacting and implementing an emergency response policy in accordance with guidelines¹ under the Act.
Health and Safety Policy	<p>It is mandatory to enact and maintain a health and safety policy for a workplace exceeding a certain number² of employees. The content and form of this policy is to be determined under the Subordinate Regulations.</p>
Health and Safety Officer	<p>It is mandatory to appoint a health and safety officer at a workplace exceeding 75 (seventy-five) employees. Matters on appointment, duties, obligations, criteria and training for this position are to be determined under the Subordinate Regulations.</p>
Workplace Manager's Duties	<ul style="list-style-type: none"> • Workplace Managers shall ensure the following rules are followed: <ul style="list-style-type: none"> ○ The safety of the work environment and surrounding including the machinery, equipment or plants shall not cause any harm or damage to the persons at work. ○ In the event of an accident, the Workplace Managers shall have an obligation to report to the authorities under the reporting mechanism. ○ If there is a failure on an obligation, the Workplace Manager may be subject to a penalty of MVR 5,000. • In addition to the above, the following safety measures shall be ensured for the benefit of the persons at work: <ul style="list-style-type: none"> ○ The workplace managers should be responsible to take appropriate measures for the health, safety and protection of the workers at the following: <ul style="list-style-type: none"> ▪ Workplace environment. ▪ All facilities used in entry and exit of the worksite. ▪ All equipment, machineries or hazardous substances that may be present in the worksite. • The suppliers responsible for providing the machinery, equipment or hazardous substances shall adhere to the rules stipulated in the Act to include protective measures, if any danger in using such items, and any tests or investigations in respect to such items. • The parties responsible for assembly, attachment, making changes, control or custody of such items in respect of the machinery, equipment shall be professionals who are authorized to undertake such tasks. • Persons at work shall adhere to the rules as follows: <ul style="list-style-type: none"> ○ Any items used in the work environment and safety measures shall comply with the conditions stipulated in the Act. ○ To cooperate fully with the employer in order to implement the safety measures.
When should an accident be reported? What is the investigation procedure?	<ul style="list-style-type: none"> • Employers and workplace managers shall be responsible to report in the event of any accident, disease or harm caused in the work site to the Director General of the <i>Workplace Safety and Health Advisory Council</i> as per the Subordinate Regulations.

¹ To be determined under subordinate regulations.

² To be determined under subordinate regulations.

	<ul style="list-style-type: none">• The Director General shall have a right to carry out an investigation depending on the nature of the accident, harm, or disease reported.
<i>What is the framework on compensation?</i>	<ul style="list-style-type: none">• A person at work may claim compensation for:<ul style="list-style-type: none">○ Death or disability or injury caused in an accident in the work site or during work.○ Any injury caused overseas during a work trip shall also be considered for compensation purposes.• The following incidents may result in where the employer will be required to compensate the Workers:<ul style="list-style-type: none">○ medical bills.○ absence at work due to an injury.○ permanent or temporary disability due to an accident.○ death of an employee.• If any of the circumstance arises, the employer will be exempted to compensate:<ul style="list-style-type: none">○ self-inflicted injuries.○ any harm caused due to intoxicated situation or drugs taken without a doctor's prescription.○ accident caused from or to work in person's own vehicle.○ any personal trips taken during a work trip.• The Act stipulates that if any person at work has been fairly compensated, then they shall be restricted from filing suit against the employer or seeking other remedies.

Questions on Occupational Safety and Health Act? Reach out to our contacts below:



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