

THE OCCUPATIONAL SAFETY AND HEALTH ACT

Regulations made by the Minister under section 100(1) of the Occupational Safety and Health Act

1. These regulations may be cited as the Occupational Safety and Health (Work at Height) Regulations 2013.

2. In these regulations –

“access” includes ascent;

“Act” means the Occupational Safety and Health Act;

“collective fall protection system” means a fall protection system provided by an employer where a group of employees are collectively engaged in work at height;

“egress” includes descent;

“fall protection system” means a system provided by an employer to prevent, as far as is reasonably practicable, an employee from falling in work at height, through fall prevention, restraint, positioning, fall arrest, rope access or rescue techniques, and includes –

(a) the provision of appropriate work equipment;

(b) a collective fall protection system; and

(c) a personal fall protection system;

“fragile surface” means a surface which would be liable to fail if any reasonably foreseeable loading were to be applied to it;

“ladder” includes a fixed ladder and a stepladder;

“line” includes a rope, a chain and webbing;

“MSB” means the Mauritius Standards Bureau established under section 3 of the Mauritius Standards Bureau Act;

“personal fall protection system” –

(a) means a fall protection system provided by an employer for the personal use of an employee;

(b) includes personal protective equipment;

“work at height” includes, unless the context otherwise requires –

- (a) the performance of work, at a place of work above, at or below ground level, from which an employee may fall from a height exceeding 2 metres;
- (b) to obtain access to, or egress from, such place of work, other than by an existing staircase at an existing place of work;

“work equipment” includes any machinery, appliance, apparatus, tool or installation for use in work at height;

“working platform” –

- (a) means any platform used as a place of work or as a means of access to or egress from a place of work;
- (b) includes any cradle, mobile platform, trestle, gangway, gantry and stairway, or other similar platform used in scaffolding or suspended scaffolding.

3. Every employer whose employee is engaged in work at height shall ensure that –

- (a) the work is organised, planned and supervised in such a manner as to ensure the safety of the employee; and
- (b) the organisation and planning of such work make provision for such emergency procedure as may be required in order to ensure the safety of the employee.

4. Every employer shall ensure that the organisation and planning of work at height, as required under regulation 3, is carried out under the supervision of a competent person.

5. Every employer shall ensure that no employee is engaged in work at height –

- (a) unless he has undertaken, in accordance with section 10 of the Act, a suitable and sufficient assessment of risk to the safety and health to which the employee may be exposed to, for the purpose of identifying the measures he needs to implement in order to comply with the requirements imposed upon him by the Act, these regulations, and any other enactment;
- (b) where it is reasonably practicable to carry out the work safely otherwise than at height;
- (c) where the weather conditions are such that there is a risk to the safety or health of the employee; and

- (d) unless he has taken sufficient and suitable measures to prevent, so far as is reasonably practicable, that employee from falling from height, including –
 - (i) the measures set out in the First Schedule, where the employee –
 - (A) is engaged in work at height at an existing place of work;
or
 - (B) obtains access to, or egress from, such place of work.
 - (ii) the provision to that employee, of appropriate work equipment and of appropriate fall protection systems;
 - (iii) the provision of appropriate and adequate training and instructions to the employee with respect to the operation and use of work equipment and fall protection systems.

6. Every employer shall –

- (a) where a group of employees are collectively engaged in work at height, provide to those employees, as far as is reasonably practicable, such work equipment as may be necessary to ensure the safety of such employees collectively;
- (b) in providing work equipment, whether or not employees are collectively engaged in work at height, take into account —
 - (i) the working conditions and the risks to the employees at the place where the work equipment is to be used;
 - (ii) where access to or egress from a place of work is required, the distance to be negotiated by the employee;
 - (iii) the height of the place of work and the consequences of a potential fall;
 - (iv) the duration and frequency of use of the work equipment;
 - (v) the need for easy and timely evacuation and rescue during an emergency;
 - (vi) any risk to the safety and health of the employee posed by the use, installation or removal of that work equipment, or by evacuation from it;
 - (vii) the loadings to be applied to the work equipment;

- (vii) the appropriateness of the characteristics and dimensions the work equipment; and
- (viii) such other relevant consideration as may be necessary to ensure the safety and health of any employee.

7. (1) Where a group of employees are collectively engaged in work at height, an employer shall, as far as is reasonably practicable, provide to those employees a collective fall protection system to ensure the collective safety of such employees.

(2) The employer shall, where the provision of an appropriate fall protection system necessitates the provision of –

- (a) a guard-rail, toe-board, barrier or similar collective means of protection, comply with the Second Schedule;
- (b) a working platform to be used as a place of work, comply with the Third Schedule;
- (c) a net or other collective safeguard for arresting falls which is not part of a personal fall protection system, comply with the Fourth Schedule;
- (d) a personal fall protection system, comply with the Fifth Schedule;
- (e) a ladder, comply with the Sixth Schedule, together with the Mauritian Standard **MS EN 131-2**, as declared by the MSB, or such other standard, with respect to ladders, as may be acceptable to, or declared by, the MSB;
- (f) scaffolding facilities, comply with the Occupational Safety and Health (Scaffold) Regulations 2011 and any other relevant statutory provision regulating the construction and use of scaffolds.

8. (1) Where an employee is engaged in work at height, at a close distance from electrical wires, overhead power lines or other electrical equipment or apparatus, and such distance involves a risk of the employee sustaining an electrical shock, the employer shall take such measures as may be necessary to ensure the safety of the employee.

(2) The measures referred to in paragraph (1) may include the provision of appropriate work equipment, and such appropriate and adequate training and instructions as may be required.

9. (1) Subject to paragraph (2), every employer shall ensure that no employee engaged in work at height passes across or near, or works on, from or near, a fragile surface.

(2) Where it is not reasonably practicable for an employer to comply with paragraph (1), he shall –

- (a) provide suitable and sufficient working platforms, coverings, guard rails or similar means of support designed to support any foreseeable loading; and
- (b) ensure that such means of support is used by the employee.

(3) Where a fragile surface exists at a place of work where an employee is to engage in work at height, an employer shall –

- (a) so far as is reasonably practicable, affix prominent and visible warning notices, at the approach of the fragile surface; or
- (b) where it is not reasonably practicable to affix such warning notices, ensure that the employee who may pass across or near, or is working on, from or near that fragile surface is, prior to engaging in such work, made aware of its location, by other appropriate means.

10. (1) Every employer shall take suitable and sufficient measures to prevent, so far as is reasonably practicable, the fall of any material or object which is likely to cause bodily injury to any employee engaged in work at height.

(2) Where it is not reasonably practicable for an employer to comply with paragraph (1), he shall take suitable and sufficient measures to prevent any employee engaged in work at height from being struck by any falling material or object which is likely to cause bodily injury.

(3) Every employer shall ensure that no material or object is thrown or tipped from height where such act is likely to cause bodily injury to any employee engaged in work at height.

11. Without prejudice to the preceding regulations, where an employee is engaged in work at height, the employer shall –

- (a) equip that place of work, so far as is reasonably practicable, with barriers or other similar devices;
- (b) ensure that unauthorised persons are prevented from entering or gaining access to that place of work; and
- (c) ensure that the location of the place of work is clearly indicated by appropriate notices or other similar means.

12. Every employer shall ensure that any work equipment, or any component of fall protection system, intended be used in work at height, is –

- (a) maintained in such condition that it remains fit for the purpose for which it is to be applied; and
- (b) at all times safe for use by employees engaged in work at height.

13. (1) An employee who is engaged in work at height shall forthwith report to his employer, or any person under whose control he is working, any matter relating to such work which he knows is likely to endanger his safety or that of employee involved in such work.

- (2) Every employee who is engaged in work at height shall –
 - (a) wear any personal protective equipment, or use any work equipment or fall protection system, provided to him for that purpose by his employer; and
 - (b) wear or use such equipment, or use such system, only in accordance with the instructions given to him by his employer or any person mandated by the employer to give those instructions.

14. These regulations shall come into operation on 18 December 2013.

Made by the Minister on 18 July 2013.

FIRST SCHEDULE

[Regulation 5(d)(i)]

SAFETY REQUIREMENTS FOR WORK AT HEIGHT AT AN EXISTING PLACE OF WORK, OR MEANS OF ACCESS OR EGRESS FROM SUCH PLACE

Where work at height is to be performed by an employee, the place of work, or means of access to, or egress from, such place of work shall –

- (a) be stable and of sufficient strength and rigidity for the purpose for which it is intended to be or is being used;
 - (b) where applicable, rest on a stable, sufficiently strong surface;
 - (c) be of appropriate dimension to –
 - (i) permit the safe passage of persons;
 - (ii) permit the safe use of any plant or materials required to be used; and
 - (iii) provide a safe working area;
 - (d) be fitted with suitable and sufficient fall prevention systems;
 - (e) have a surface which has no gap –
 - (i) through which a person could fall;
 - (ii) through which any material or object could fall and injure a person; or
 - (iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk;
 - (f) where it has moving parts, be equipped by appropriate devices to prevent it from moving inadvertently;
 - (g) be properly constructed and maintained, and sufficiently equipped, so as to prevent any employee engaged in the work from slipping or tripping, being caught between it and any adjacent structure, or being injured.
-

SECOND SCHEDULE

[Regulation 7(2)(a)]

SAFETY REQUIREMENTS FOR GUARD-RAILS, TOE-BOARDS, BARRIERS AND SIMILAR COLLECTIVE MEANS OF PROTECTION

1. Guard-rails, toe-boards, barriers and similar collective means of protection shall –
 - (a) be of appropriate dimensions, of sufficient strength and rigidity, and suitable for the purposes for which they are to be used;
 - (b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that they do not become accidentally displaced; and
 - (c) be so placed as to prevent the fall of any person, or of any material or object, from any place of work.

 2. In relation to work at height involved in construction work –
 - (a) the top guard-rail or other similar means of protection shall be at least 1,000 millimetres above the edge from which any person is liable to fall;
 - (b) toe-boards shall be suitable and sufficient to prevent the fall of any person, or any material or object, from any place of work; and
 - (c) any intermediate guard-rail or similar means of protection shall be positioned so that any gap between it and other means of protection does not exceed 600 millimetres.

 3. Any structure or part of a structure which supports any guard-rail, toe-board, barrier and similar collective mean of protection, or to which such means of protection are attached, shall be of sufficient strength and suitable for the purpose of such support or attachment.

 4. (1) Subject to subparagraph (2), there shall be no lateral opening in a guard-rails, toe-board, barrier and similar collective means of protection, save at a point of access to a ladder or stairway, provided such opening is necessary.
 - (2) Subject to paragraph (3), guard-rails, toe-boards, barriers and similar collective means of protection may, be removed only for the time and to the extent necessary to gain access to or egress from a working platform, or to perform a particular task.
 - (3) The means of protection in paragraph (2) shall not be removed unless effective compensatory safety measures are put in place.
-

THIRD SCHEDULE
[Regulation 7(2))(b)]

**SAFETY REQUIREMENTS FOR A WORKING PLATFORM USED
AS A PLACE OF WORK**

1. Interpretation

In this Schedule –

“supporting structure” –

- (a) means any structure used for the purpose of supporting a working platform; and
- (b) includes any plant used for that purpose.

2. Condition of surfaces

Any surface upon which any supporting structure rests shall be stable, of sufficient strength and of suitable composition safely to support the supporting structure, the working platform and any loading intended to be placed on the working platform.

3. Stability of supporting structure

Any supporting structure shall —

- (a) be suitable and of sufficient strength and rigidity for the purpose for which it is to be used;
- (b) in the case of a wheeled structure, be prevented by appropriate devices from moving inadvertently during work at height;
- (c) in cases other than a wheeled structure, be prevented from slipping by secure attachment to the bearing surface or to another structure, provision of an effective anti-slip device or by other means of equivalent effectiveness;
- (d) be stable while being erected, used and dismantled; and
- (e) when altered or modified, be so altered or modified as to ensure that it remains stable.

4. Stability of working platforms

A working platform shall —

- (a) be suitable and of sufficient strength and rigidity for the purpose or purposes for which it is to be used;

- (b) be so erected and used as to ensure that its components do not become accidentally displaced so as to endanger any person;
- (c) when altered or modified, be so altered or modified as to ensure that it remains stable; and
- (d) be dismantled in such a way as to prevent accidental displacement.

5. Safety on working platforms

A working platform shall—

- (a) be of appropriate dimension so as to –
 - (i) permit the safe passage of persons;
 - (ii) permit the safe use of any plant or materials required to be used; and
 - (iii) provide a safe working area;
- (b) have a surface which has no gap —
 - (i) through which a person could fall;
 - (ii) through which any material or object could fall and injure a person; or
 - (iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk;
- (c) be properly constructed and maintained, and sufficiently equipped, so as to prevent any employee engaged in the work from slipping or tripping, being caught between it and any adjacent structure, or being injured.

6. Loading

A working platform and any supporting structure shall not be loaded so as to –

- (a) give rise to a risk of collapse of the platform or structure; or
 - (b) cause any deformation of the platform or structure, which is likely to affect its safety.
-

FOURTH SCHEDULE

[Regulation 7(2)(c)]

SAFETY REQUIREMENTS FOR A NET OR OTHER COLLECTIVE SAFEGUARD FOR ARRESTING FALLS, WHICH IS NOT PART OF A PERSONAL FALL PROTECTION SYSTEM

1. Interpretation

In this Schedule –

“safeguard” means a net or other collective safeguard for arresting falls which is not part of an individual fall protection system.

2. A safeguard shall be used only if —

- (a) a risk assessment has demonstrated that work at height be performed safely while using or operating the safeguard, and without affecting its effectiveness;
- (b) the use of safer work equipment is not reasonably practicable; and
- (c) the persons using or operating the safeguard have been adequately trained for that purpose, and been trained with respect to the rescue procedures involving such safeguard and falls from height.

3. A safeguard shall be suitable and of sufficient strength to arrest safely the fall of any person who is liable to fall.

4. A safeguard shall –

- (a) in the case of a safeguard which is designed to be attached –
 - (i) be securely attached to all the required anchors; and
 - (ii) the anchors and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of safely supporting the foreseeable loading in arresting such number of falls as may be necessary.
- (b) in the case of an airbag, landing mat or similar safeguard, be stable; or
- (c) in the case of a safeguard which distorts in arresting a fall, afford sufficient clearance from the ground, structures, objects and persons, so as to prevent injury to any person.
- (d) used or operated in such a manner as, in the event of a fall by any person, the safeguard does not itself cause injury to that person.

FIFTH SCHEDULE
[Regulation 7(2)(d)]

**SAFETY REQUIREMENTS FOR PERSONAL
FALL PROTECTION SYSTEMS**

1. A personal fall protection system shall be used only provided —
 - (a) a risk assessment has demonstrated that –
 - (i) the work can, so far as is reasonably practicable, be performed safely while using that system; and
 - (ii) the use of other, safer work equipment is not reasonably practicable; and
 - (b) the persons using or operating the system have received adequate training for that purpose, and been trained with respect to the rescue procedures involving such safeguard and falls from height.

 2. A personal fall protection system shall –
 - (a) be suitable and of sufficient strength for the purposes for which it is to be used having regard to the work being carried out and any foreseeable loading;
 - (b) where applicable, fit the user;
 - (c) be designed to prevent injury to the user and, where necessary, be adjusted to prevent the user falling or slipping from it, should a fall occur; and
 - (d) be so designed, installed and used as to prevent unplanned or uncontrolled movement of the user.

 3. A personal fall protection system designed for use with an anchor shall be securely attached to at least one anchor, and each anchor and the means of attachment shall be suitable, and of sufficient strength and stability, for the purpose of supporting any foreseeable loading.

 4. Suitable and sufficient steps shall be taken to prevent any person falling or slipping from a personal fall protection system.
-

SIXTH SCHEDULE
[Regulation 7(2)(e)]

REQUIREMENTS FOR LADDERS

1. Every employer shall ensure that a ladder is used for work at height only if a risk assessment has demonstrated that the use of more suitable work equipment is not justified because of the—
 - (a) minimal risk to the health and safety of the user; and
 - (i) the short duration of use; or
 - (ii) existing features on site which he cannot alter.
2. Any surface upon which a ladder rests shall be stable, firm, of sufficient strength and of suitable composition safely to support the ladder so that its rungs or steps remain horizontal, and any loading intended to be placed on it.
3. A ladder shall be so positioned as to ensure its stability during use.
4. A suspended ladder shall be attached in a secure manner and so that, with the exception of a flexible ladder, it cannot be displaced and swinging is prevented.
5. A portable ladder shall be prevented from slipping during use by –
 - (a) securing the stiles at or near their upper or lower ends;
 - (b) an effective anti-slip or other effective stability device; or
 - (c) any other system of equivalent effectiveness.
6. A ladder used for access shall be long enough to protrude sufficiently above the place of landing to which it provides access, unless other measures have been taken to ensure a firm handhold at the landing place.
7. No interlocking or extension ladder shall be used unless its sections are prevented from moving relative to each other while in use.
8. A mobile ladder shall be prevented from moving before it is stepped on.
9. Where a ladder or run of ladders rises a vertical distance of 9 metres or more above its base, there shall, where reasonably practicable, be provided at suitable intervals sufficient safe landing areas or rest platforms.
10. Every ladder shall be placed in such a way that —
 - (a) a secure handhold and secure support are always available to the user; and

- (b) the user can maintain a safe handhold when carrying a loading unless, in the case of a step ladder, the maintenance of a handhold is not practicable when a loading is carried, and a risk assessment has demonstrated that the use of a stepladder is justified because of –
 - (i) the minimal risk to the safety and health of the user; and
 - (ii) the short duration of use.
-