

Workplace Safety and Health (Asbestos) Regulations 2014

Table of Contents

Enacting Formula

Part I PRELIMINARY

1 Citation and commencement

2 Definitions

Part II ASCERTAINING PRESENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS AT WORKPLACE

3 Survey of workplace

4 Conduct of survey

5 Submission and keeping of survey report

Part III GENERAL PROVISIONS FOR WORK INVOLVING ASBESTOS

6 Training for persons carrying out work involving asbestos

7 Personal protective equipment for persons carrying out work involving asbestos

8 Restricting access to asbestos work area

9 Measures to minimise release or spread of asbestos during work

10 Decontamination of materials, etc., that are contaminated with asbestos

11 Cleanliness of asbestos work area

12 Storage and disposal of asbestos waste and contaminated matter

Part IV ASBESTOS-REMOVAL WORK

13 Asbestos-removal work to be undertaken by approved asbestos-removal contractor

14 Notification of Commissioner of asbestos-removal work

15 Appointment and duties of competent person for asbestos-removal work

16 Asbestos-removal plan of work

17 Demolition of building

Part V APPROVED ASBESTOS-REMOVAL CONTRACTOR

18 Application for approval to be approved asbestos-removal contractor

19 Certificate of approval

20 Production of certificate of approval upon request

21 Suspension or cancellation of certificate of approval

22 Appeal to Minister

Part VI MISCELLANEOUS

23 Offences

24 Revocation

25 Saving and transitional provision

THE SCHEDULE Material, substance, product or article

WORKPLACE SAFETY AND HEALTH ACT
(CHAPTER 354A)

WORKPLACE SAFETY AND HEALTH (ASBESTOS)
REGULATIONS 2014

In exercise of the powers conferred by section 65 of the Workplace Safety and Health Act, the Minister for Manpower hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Workplace Safety and Health (Asbestos) Regulations 2014 and shall come into operation on 30th May 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“approved asbestos-removal contractor” means the holder of a valid certificate of approval;

“asbestos” means crocidolite, actinolite, anthophyllite, amosite, tremolite, chrysotile, amphiboles or a mixture containing any such minerals;

“asbestos-containing material” means any material, substance, product or article containing asbestos;

“asbestos-removal work” means any work that entails the removal of asbestos or asbestos-containing material that is fixed or installed in a building, plant, ship, machine, equipment or workplace so that the asbestos or asbestos-containing material is no longer fixed or installed in that building, plant, ship, machine, equipment or workplace;

“asbestos work area” means an area within a workplace at which any work involving asbestos is or is to be carried out;

“building works” means the demolition of a building or the alteration, addition or repair of a building;

“certificate of approval” means a certificate of approval to act as an approved

asbestos-removal contractor issued under regulation 19;

“competent person”, in relation to any work, means a person who has sufficient experience and training to perform the work, and who has successfully completed such course as the Commissioner may require for the purposes of that work;

“personal protective equipment” means personal protective equipment that is provided under regulation 7(1)(a) to a person who carries out or is to carry out any work involving asbestos;

“recognised testing body” means a testing body recognised by the Commissioner;

“responsible person” means —

(a) the employer of a person who carries out or is to carry out any work involving asbestos; or

(b) in the case where a person carries out or is to carry out any work involving asbestos under the direction of a principal, the principal;

“specified material” means any material, substance, product or article specified in the Schedule;

“work involving asbestos” means the use, handling, treatment, cutting, removal, storage, disposal or disturbing of asbestos or asbestos-containing material at a workplace.

PART II

ASCERTAINING PRESENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS AT WORKPLACE

Survey of workplace

3.—(1) It shall be the duty of the employer of a person who is to carry out, or the principal under whose direction a person is to carry out, at a workplace —

(a) any work, operation or process involving a specified material; or

(b) any building works relating to any building in respect of which or any part of which no certificate of statutory completion or a temporary occupation permit is issued on or after 1st January 1991,

to ensure that the work, operation or process or the building works, as the case may be, starts to be carried out only after the employer or principal, as the case may be, receives a

survey report from a competent person appointed by the employer or principal under paragraph (2) as to whether asbestos is present in the specified material, or asbestos or asbestos-containing material is fixed or installed in the building, as the case may be.

(2) It shall be the duty of the employer or principal, as the case may be, referred to in paragraph (1) to appoint a competent person —

- (a) in the case of any work, operation or process involving a specified material referred to in paragraph (1)(a), to conduct a survey of the specified material to ascertain whether asbestos is present in the specified material; or
- (b) in the case of any building works relating to a building referred to in paragraph (1)(b), to conduct a survey of the building to ascertain whether asbestos or asbestos-containing material is fixed or installed in the building.

(3) Paragraphs (1)(a) and (2)(a) shall not apply to any work, operation or process involving a specified material where the employer or principal, as the case may be, referred to in paragraph (1) has documentary proof that that specified material does not contain asbestos.

(4) In addition to paragraph (1), where the Commissioner has reason to believe that asbestos or asbestos-containing material may in any other case —

- (a) be present at any workplace; or
- (b) be fixed or installed in any building in respect of which or any part of which a certificate of statutory completion or a temporary occupation permit is issued on or after 1st January 1991,

the Commissioner may, by order in writing, direct the employer of a person who carries out or is to carry out, or the principal under whose direction a person carries out or is to carry out, any work, operation or process at the workplace or any building works relating to any part of such a building, as the case may be, to appoint a competent person —

- (i) in the case of any work, operation or process, to conduct a survey of the workplace to ascertain whether asbestos or asbestos-containing material is present at the workplace; or
- (ii) in the case of any building works, to conduct a survey of the building to ascertain whether asbestos or asbestos-containing material is fixed or installed in the building.

(5) It shall be the duty of an employer or a principal to whom an order is issued under paragraph (4) to comply with the direction in the order.

Conduct of survey

4.—(1) It shall be the duty of a competent person who is appointed under regulation 3 by an employer or a principal to conduct a survey referred to in regulation 3(2) or (4) to exercise care and diligence in conducting the survey.

(2) Without prejudice to paragraph (1), it shall be the duty of a competent person —

- (a) to take, with the consent of the owner or occupier of a workplace or building to which the survey relates, such samples of materials, substances, products and articles from the workplace or the building as may be necessary to test and analyse for the presence of asbestos;
- (b) to ensure that the samples referred to in sub-paragraph (a) are tested and analysed by a recognised testing body; and
- (c) to prepare, without delay, a report on the survey conducted.

Submission and keeping of survey report

5.—(1) It shall be the duty of a competent person who is appointed under regulation 3 by an employer or a principal to conduct a survey referred to in regulation 3(2) or (4) to submit, within 3 months after the date of being so appointed, to the employer or principal, as the case may be, the completed survey report and the results of all tests and analyses carried out under regulation 4.

(2) It shall be the duty of the employer or principal who receives any survey report and results from a competent person under paragraph (1) to keep the report and results for at least 2 years after the date of their receipt.

(3) Any competent person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$2,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$5,000.

(4) Any employer or principal who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

PART III

GENERAL PROVISIONS FOR WORK INVOLVING ASBESTOS

Training for persons carrying out work involving asbestos

6.—(1) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos to ensure that that person attends and successfully completes a training programme described in paragraph (2) —

- (a) not earlier than 12 months immediately before that person starts to carry out the work; and
- (b) at least once every 12 months after the date of completion of the last training programme for as long as that person carries out or is to carry out the work.

(2) The training programme referred to in paragraph (1) must include instructions to familiarise a participant of the programme with the hazards associated with work involving asbestos, and in particular, on the following matters:

- (a) harmful properties of asbestos and its hazardous effects on health;
- (b) materials, substances, products and articles which contain or are likely to contain asbestos;
- (c) work, processes and operations which may result in exposure to asbestos and preventive measures to minimise such exposure;
- (d) safe work practices and use of personal protective equipment;
- (e) proper use, maintenance and limitations of respiratory protective equipment;
- (f) asbestos decontamination procedures;
- (g) asbestos waste-handling procedures;
- (h) such requirements for medical examinations as may be specified in the Workplace Safety and Health (Medical Examinations) Regulations 2011 (G.N. No. S 516/2011).

(3) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos to keep records of every training programme undertaken by that person for at least 2 years after the date of completion of the training programme.

(4) The records of a training programme referred to in paragraph (3) shall include —

- (a) information on the syllabus and content of the training programme; and
- (b) the start and end dates of the training programme.

(5) Any responsible person who contravenes paragraph (1) or (3) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$2,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$5,000.

Personal protective equipment for persons carrying out work involving asbestos

7.—(1) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos —

- (a) to provide each such person with appropriate personal protective equipment; and
- (b) to ensure that each such person uses the personal protective equipment when carrying out the work.

(2) The personal protective equipment referred to in paragraph (1) shall include —

- (a) respiratory protective equipment; and
- (b) disposable protective clothing.

(3) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos to ensure that the requirements in paragraphs (4), (5) and (6) relating to the provision of the respiratory protective equipment and the requirement in paragraph (7) relating to the storage of personal protective equipment are complied with.

(4) A person shall not be provided under paragraph (1) with any respiratory protective equipment previously used by another person unless the equipment has been thoroughly cleaned and disinfected since it was last used.

(5) Respiratory protective equipment provided under paragraph (1) must be tested to fit (referred to in this regulation as a fit-test) the person to whom it is provided —

- (a) not earlier than 12 months immediately preceding the person's first use of the respiratory protective equipment; and
- (b) thereafter at least once every 12 months after the last fit-test.

(6) Records of every fit-test referred to in paragraph (5) must be kept for at least 2 years after the date of the fit-test.

(7) Adequate facilities must be provided at the workplace for the proper storage of the personal protective equipment provided to, and the personal clothing of, persons carrying out any work involving asbestos, to prevent contamination.

Restricting access to asbestos work area

8.—(1) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos to ensure that no person has access to that asbestos work area unless —

- (a) that person carries out or is to carry out any work involving asbestos in that asbestos work area; and
- (b) that person is using the personal protective equipment provided to him by the responsible person.

(2) It shall be the duty of the responsible person with respect to any person who carries out or is to carry out any work involving asbestos to ensure —

- (a) that the asbestos work area where the work is or is to be carried out is effectively barricaded or enclosed to delineate it from other areas in the workplace; and
- (b) that warning signs are displayed at one or more conspicuous places of that asbestos work area to warn of the hazards of exposure to asbestos.

(3) Nothing in this regulation shall operate to interfere with or render unlawful any rescue work or other work necessary for the general safety of life or property.

Measures to minimise release or spread of asbestos during work

9.—(1) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos to take such measures as are reasonably practicable to minimise the release of asbestos into the air arising from the work involving asbestos, including the use of one or more of the following:

- (a) a wet method;
- (b) engineering control such as a local exhaust ventilation system or containment;
- (c) any other safe and appropriate work method or work practice designed to minimise the release of asbestos.

(2) Where a local exhaust ventilation system is used for the purposes of paragraph (1), it shall be the duty of the responsible person referred to in that paragraph to ensure that the local exhaust ventilation system is regularly maintained and tested for effectiveness.

(3) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out any work involving asbestos to take such measures as are reasonably practicable to prevent the spread of asbestos beyond the asbestos work area where the work is or is to be carried out, including all of the following:

- (a) enclosing the asbestos work area and maintaining a negative pressure within the asbestos work area;
- (b) turning off and sealing all affected ventilation and air-conditioning systems in the asbestos work area;
- (c) filtering all asbestos-contaminated water through a high efficiency particulate filter.

(4) In this regulation —

“local exhaust ventilation system” means an exhaust ventilation system designed specifically to capture airborne asbestos, including an air cleaning device fitted with high efficiency particulate air filters;

“wet method” means the use of suitable wetting agents to soak or totally saturate any asbestos or asbestos-containing material, or the spraying of wetting agents on any asbestos or asbestos-containing material, but does not include the use of a high pressure water jet.

Decontamination of materials, etc., that are contaminated with asbestos

10.—(1) It shall be the duty of a responsible person with respect to any person who carries out or is to carry out in an asbestos work area any work involving asbestos to provide —

- (a) at the asbestos work area adequate facilities to decontaminate all materials, tools and equipment present in that asbestos work area whether or not used during any work involving asbestos; and
- (b) at an area adjacent to the asbestos work area adequate facilities to decontaminate —
 - (i) any person carrying out any work involving asbestos at that asbestos work area and his personal protective equipment immediately after that person leaves that asbestos work area; or
 - (ii) any person who has had access to that asbestos work area and his personal clothing worn during such access immediately after that person leaves that asbestos work area.

(2) It shall be the duty of a responsible person with respect to any person who carries out any work involving asbestos to ensure that no material, tool or equipment that is or may be contaminated with asbestos is removed from any asbestos work area where the work is or is to be carried out, unless —

- (a) it is properly decontaminated and cleaned to be free of asbestos; or
- (b) it is securely placed in a sealed container or a sealed bag, the exterior of which is properly decontaminated and labelled in accordance with regulation 12(2) and (3).

Cleanliness of asbestos work area

11. It shall be the duty of a responsible person with respect to any person who carries out any work involving asbestos to take such measures as are reasonably practicable to ensure that —

- (a) there is no accumulation of dust or debris in the asbestos work area while the work involving asbestos is being carried out; and
- (b) after the completion of the work or at the end of each working day, that asbestos work area is thoroughly cleaned so as to eliminate all dust and debris.

Storage and disposal of asbestos waste and contaminated matter

12.—(1) It shall be the duty of a responsible person with respect to any person who carries out any work involving asbestos to ensure that the requirements in paragraphs (2), (3) and (4) relating to the storage and disposal of asbestos waste and any contaminated matter are complied with.

(2) Asbestos waste must be securely placed in a sealed container or a sealed bag, the exterior of which must be properly decontaminated before it is removed from any asbestos work area.

(3) Any container or bag containing asbestos waste or any contaminated matter must be affixed with one or more labels —

- (a) that indicates the contents of the container or bag;
- (b) that warns of the hazards of exposure to asbestos; and
- (c) that is prominently displayed.

(4) Asbestos waste and any contaminated matter must be disposed of as soon as practicable.

(5) It shall be the duty of a responsible person with respect to any person who carries out any work involving asbestos to ensure that asbestos waste and any contaminated matter are disposed of in a manner that will not pose any risk to the safety or health of any person.

(6) In this regulation, “contaminated matter” means any material, tool or equipment referred to in regulation 10(1)(a) which is contaminated with asbestos.

PART IV

ASBESTOS-REMOVAL WORK

Asbestos-removal work to be undertaken by approved asbestos-removal contractor

13.—(1) No person shall undertake any asbestos-removal work at a workplace unless the person is an approved asbestos-removal contractor.

(2) It shall be the duty of the occupier of a workplace to ensure that every asbestos-removal work carried out at the workplace is undertaken by an approved asbestos-removal contractor, and no other.

Notification of Commissioner of asbestos-removal work

14.—(1) It shall be the duty of an approved asbestos-removal contractor to notify the Commissioner of every asbestos-removal work to be undertaken by the approved asbestos-removal contractor at any workplace at least 7 days before the work is undertaken or such shorter notice period as the Commissioner may specify in any particular case.

(2) A notification under paragraph (1) shall be in such form and made in such manner as the Commissioner may require.

(3) It shall be the duty of an approved asbestos-removal contractor —

(a) to keep a copy of the notification at the workplace at which the asbestos-removal work is carried out; and

(b) to make the notification available for inspection upon request by any inspector.

(4) Any approved asbestos-removal contractor who contravenes paragraph (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Appointment and duties of competent person for asbestos-removal work

15.—(1) It shall be the duty of an approved asbestos-removal contractor undertaking any asbestos-removal work to ensure that the asbestos-removal work does not start to be carried out unless an asbestos-removal plan of work has been prepared by a competent person appointed by the approved asbestos-removal contractor under paragraph (2)(a).

(2) It shall be the duty of an approved asbestos-removal contractor undertaking any asbestos-removal work —

- (a) to appoint a competent person for the purposes of paragraph (3);
- (b) subject to paragraph (3)(d), to ensure that the asbestos-removal work is carried out by or under the supervision of the competent person; and
- (c) to ensure that the asbestos-removal plan of work prepared by the competent person in accordance with regulation 16 is properly and fully implemented in the course of that asbestos-removal work.

(3) It shall be the duty of the competent person appointed by an approved asbestos-removal contractor in respect of any asbestos-removal work —

- (a) to prepare in accordance with regulation 16, and provide to the approved asbestos-removal contractor, an asbestos-removal plan of work before the commencement of the asbestos-removal work;
- (b) to ensure that the asbestos-removal work is carried out in accordance with the asbestos-removal plan of work;
- (c) to co-ordinate and manage the carrying out of the asbestos-removal work;
- (d) to ensure that only persons trained in accordance with regulation 6 carry out the asbestos-removal work; and
- (e) to advise the asbestos-removal contractor on all proper measures relating to the asbestos-removal work.

Asbestos-removal plan of work

16.—(1) A competent person appointed by an approved asbestos-removal contractor under regulation 15(2) in respect of any asbestos-removal work shall —

- (a) prepare, in conformity with paragraph (2), an asbestos-removal plan of work for the safe removal of asbestos or asbestos-containing material; and
- (b) ensure, so far as is reasonably practicable, that the plan is adequate, suitable and effective.

(2) An asbestos-removal plan of work referred to in paragraph (1) shall include —

- (a) the nature and duration of the asbestos-removal work it relates to;
- (b) the exact location of the place at which that asbestos-removal work is or is to be carried out;

- (c) information on the type of asbestos or asbestos-containing material involved;
- (d) the method or methods of removal of asbestos or asbestos-containing material and the measures to minimise the release or spread of asbestos arising from the asbestos-removal work;
- (e) decontamination procedures;
- (f) the arrangements for storage and disposal of asbestos waste or contaminated equipment arising from the asbestos-removal work;
- (g) monitoring of asbestos levels; and
- (h) emergency procedures.

(3) It shall be the duty of an approved asbestos-removal contractor to ensure that the asbestos-removal plan of work referred to in paragraph (1) is made available for inspection upon request by any inspector.

(4) Any approved asbestos-removal contractor who contravenes paragraph (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Demolition of building

17. Where building works for the demolition of any building is to be carried out, and —

- (a) in a case where a survey is conducted under regulation 3, a competent person states in a survey report for those building works that asbestos or asbestos-containing material is fixed or installed in the building; or
- (b) in a case where no survey is conducted under regulation 3, the owner of the building informs the employer of any person who carries out or is to carry out, or the principal under whose direction a person carries out or is to carry out, the demolition work that asbestos or asbestos-containing material is fixed or installed in the building,

it shall be the duty of the employer or principal, as the case may be, to ensure, so far as is reasonably practicable, that any asbestos-removal work to be undertaken by an approved asbestos-removal contractor is completed before the demolition work starts.

PART V

APPROVED ASBESTOS-REMOVAL CONTRACTOR

Application for approval to be approved asbestos-removal contractor

18.—(1) Any firm or company may apply to the Commissioner for approval to act as an approved asbestos-removal contractor.

(2) An application under paragraph (1) shall —

- (a) be in such form and made in such manner as the Commissioner may require;
- (b) be accompanied by such particulars, information, statements and documents as the Commissioner may require; and
- (c) be accompanied by a non-refundable fee of \$250.

Certificate of approval

19.—(1) On receipt of an application under regulation 18(1), the Commissioner may —

- (a) issue to the applicant a certificate of approval, subject to such conditions as the Commissioner may think fit to impose; or
- (b) refuse to approve the application.

(2) Where the Commissioner refuses to issue the applicant a certificate of approval, he shall give the applicant notice in writing of the reasons for his refusal.

(3) The Commissioner may at any time vary or revoke any of the existing conditions imposed under paragraph (1)(a) or impose new conditions.

(4) A certificate of approval shall be valid until the approval for the firm or company to act as an approved removal contractor is suspended or cancelled.

Production of certificate of approval upon request

20.—(1) It shall be the duty of an approved asbestos-removal contractor to produce his certificate of approval for inspection upon request by an inspector.

(2) Any approved asbestos-removal contractor who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$2,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$5,000.

Suspension or cancellation of certificate of approval

21.—(1) The Commissioner may suspend, for such period not exceeding 12 months as the Commissioner may specify, or cancel, the certificate of approval issued to an approved asbestos-removal contractor if the Commissioner is satisfied that the approved asbestos-removal contractor —

- (a) has obtained the certificate of approval by means of fraud, false representation or the concealment of any material fact;
- (b) has contravened, or is reasonably suspected to have contravened, any provision in Part II, III or IV; or
- (c) has breached any condition imposed by the Commissioner under regulation 19(1) or (3).

(2) The Commissioner shall, before suspending or cancelling a certificate of approval under paragraph (1), give the approved asbestos-removal contractor concerned notice in writing of the Commissioner's intention to do so and an opportunity to submit reasons, within such period as the Commissioner may specify in that notice, why the certificate of approval should not be suspended or cancelled.

(3) Where the Commissioner suspends or cancels a certificate of approval under paragraph (1), the Commissioner shall give the approved asbestos-removal contractor notice in writing of the reasons for the suspension or cancellation.

Appeal to Minister

22.—(1) An approved asbestos-removal contractor or a former approved asbestos-removal contractor who is aggrieved by a decision of the Commissioner under regulation 21(1) suspending or cancelling his certificate of approval may appeal to the Minister within 21 days after he receives the notice of the decision under regulation 21(3).

(2) An appeal under paragraph (1) shall not affect the operation of the Commissioner's decision or prevent the taking of any action to implement that decision.

PART VI

MISCELLANEOUS

Offences

23. Any person who contravenes regulation 3(1), (2) or (5), 4(1) or (2), 7(1) or (3), 8(1) or (2), 9(1), (2) or (3), 10(1) or (2), 11, 12(1) or (5), 13(1) or (2), 14(1), 15(1), (2) or (3), 16(1) or 17 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Revocation

24. The Factories (Asbestos) Regulations (Cap. 104, Rg 4) are revoked.

Saving and transitional provision

25. Any person who, immediately before 30th May 2014, has undertaken or is undertaking any asbestos-removal work shall be entitled to continue doing so as if an approved asbestos-removal contractor for a period of one month after that date, and if the person applies to the Commissioner for approval to act as an approved asbestos-removal contractor under regulation 18(1) within that period, the person shall continue to be entitled to continue carrying on doing so as if an approved asbestos-removal contractor until the date on which the Commissioner issues a certificate of approval, or refuses to approve the application, under regulation 19(1).

THE SCHEDULE

Regulation 2

MATERIAL, SUBSTANCE, PRODUCT OR ARTICLE

1. Cable penetration insulation
2. Fire protection board, panel, wall and door
3. Gasket
4. Refractory lining
5. Sprayed insulation
6. Thermal insulation of pipe, boiler, pressure vessel and process vessel.

Made this 6th day of May 2014.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

[C010-048-00018; AG/LLRD/SL/354A/2010/14 Vol. 3]

(To be presented to Parliament under section 65(8) of the Workplace Safety and Health Act).