

## 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 (Scaffold) Regulations 2011.

2. In these regulations –

“brace” means a member placed diagonally with respect to the vertical or horizontal members of a scaffold and fixed to them to afford stability;

“competent person” means any person –

(a) who holds a competency certificate in the erection, maintenance, alteration, repair and dismantling of scaffolds issued by the Mauritius Institute of Training and Development; or

(b) who, by reason of his qualifications and training, or having at least 5 years experience, is competent to undertake work related to the erection, maintenance, alteration, repair and dismantling of scaffolds.

“guardrail” means a rail or barrier secured to standards or upright members, and erected along the exposed sides and ends of working platforms to prevent persons from falling;

“height” means, in relation to a scaffold or part of a scaffold, the greatest vertical distance from which any article may fall from the highest working platform of the scaffold to the ground or structure on which the scaffold is supported or above which the scaffold is suspended or fixed, as the case may be;

“scaffold” means any structure or framework used for the support of persons, equipment and material in elevated positions in connection with construction work;

“working platform” means that part of a scaffold on which workers or materials are supported for the purpose of carrying out construction work.

3. (1) No employer shall cause to erect or dismantle a scaffold where the height of the scaffold is not less than 6 metres unless the work is carried out by a competent person employed by him.

(2) Notwithstanding paragraph (1), where the Permanent Secretary is of opinion that the safety of employees may be adversely affected by the nature of any scaffold works, he may direct an employer erecting or dismantling a scaffold having less than 6 metres in height to employ a competent person.

- (3) Every employer who employs a competent person for the purposes of these regulations shall –
  - (a) forthwith notify, in writing, the Permanent Secretary of the name of the competent person employed under paragraph (1); and
  - (b) within 14 days, notify the Permanent Secretary when the competent person ceases to be employed by him.
4. No employer shall use or cause to be used any scaffold unless –
  - (a) it is securely and effectively braced to ensure stability in all directions;
  - (b) it is secured at suitable vertical and horizontal distances to the structure on which work is being performed except if it is designed to be completely self supporting;
  - (c) it is inspected by a competent person at regular intervals and after bad weather;
  - (d) he ensures that all employees required to erect, alter, inspect, use, maintain and dismantle any scaffold are provided, where necessary, with suitable and appropriate personal protective equipment; and
  - (e) he ensures that all employees involved in the scaffold works are provided with adequate and appropriate information, instruction and training.
5. Every employer who uses a scaffold shall ensure that –
  - (a) every plank, which forms part of a scaffold platform rests on at least 3 supports and projects at least 150 millimetres and not more than 250 millimetres at end supports;
  - (b) every board of a scaffold platform is securely fastened to prevent its displacement;
  - (c) every platform is boarded in such a way as to prevent tools and materials from falling through;
  - (d) every working platform of a scaffold, which is more than 2 metres above the floor or ground, is provided with substantial guardrails not less than one metre and 200 millimetres high on all sides of the platform except the side facing the structure;
  - (e) every working platform of a scaffold is arranged in such a way that the distance between the platform and structure does not exceed 70 millimetres, except that where workmen are required to sit whilst working, the distance may be increased to not more than 300 millimetres;

- (f) every working platform of a scaffold is kept free of waste, projecting nails or any other obstruction and is maintained in a non-slippery state;
  - (g) all openings and open sides from which persons are liable to fall are adequately boarded over or fenced or enclosed; and
  - (h) suitable catch platform or net is erected above any entrance or passageway or above any place where persons work or regularly pass.
6. Every employer using a scaffold shall, in addition to the requirements specified in regulation 5, ensure that –
- (a) the scaffold is of good construction, sound material, adequate strength and free from defects; and
  - (b) the materials used and the design of scaffolds are in accordance with approved standards, if any, or manufacturer's specifications.
7. Every manufacturer or supplier of a scaffold shall –
- (a) ensure that the scaffold or materials used for scaffolds are in accordance with approved standards, if any; and
  - (b) provide adequate information, by way of certificate, manual, pamphlet or otherwise, about the use for which it has been designed and tested.
8. (1) Every employer shall cause convenient and safe access to be provided to every scaffold platform.
- (2) Where access to a scaffold platform is by means of ladders, every employer shall ensure that the ladders are –
- (a) firmly supported at the base;
  - (b) extended at least one metre beyond the platform at the top; and
  - (c) firmly secured.
9. No employer shall require or permit a cantilever or job scaffold to be used unless the out-riggers are of steel and have a factor of safety of not less than 4 and complies with provisions relating to scaffold platform.
10. Every employer shall keep a register in which shall be entered –
- (a) the name of the competent person and of every employee involved in the erection, modification and dismantling of the scaffold;

- (b) the steps and precautions to be taken in the erection, modification and dismantling of the scaffold;
  - (c) any emergency procedures required to ensure the safety of the persons involved in the erection, modification and dismantling of the scaffold; and
  - (d) the record of inspection carried out under regulation 4(c).
11. Every employer employing a Safety and Health Officer shall require the Safety and Health Officer to exercise adequate supervision to ensure the safety and health of any employee and any other person not in the employment of the employer.
  12. Every competent person shall promptly inform his employer of any defect which is likely to adversely affect the continued safe use of a scaffold.
  13. No person shall be issued a job contractor's permit unless he complies with these regulations.
  14. Any person who fails to comply with the provisions of these regulations shall, on conviction, be liable to a fine not exceeding 75,000 rupees and imprisonment for a term not exceeding one year.
  15. Regulations 89, 90 and 92 of the Health, Safety and Welfare Regulations 1980 are revoked.
  16. These regulations shall come into operation on 28 April 2011.

Made by the Minister on 15 April 2011.

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