

A Guide to the Factories and Industrial Undertakings Ordinance (Section 6B)

GENERAL DUTIES OF PERSONS EMPLOYED



OCCUPATIONAL SAFETY AND HEALTH BRANCH
LABOUR DEPARTMENT



OCCUPATIONAL SAFETY & HEALTH COUNCIL

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**GENERAL DUTIES OF
PERSONS EMPLOYED**

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1. Introduction

Promotion of safety and health at work requires the co-operation of the proprietors and the persons employed. The Factories and Industrial Undertakings Ordinance imposes general duties on proprietors and persons employed with regard to safety and health at work. This guide is prepared to assist persons employed to comply with the general duty provisions.

The general duty is a comprehensive provision with wide applications. Contrary to other existing safety and health legislation which stipulates safety and health requirements in technical details, the general duty provisions only express duties of proprietors and persons employed in general terms with regard to safety and health at work.

The general duties are additional to other safety and health legislation and apply to all work activities and situations which may not be covered by existing safety and health legislation. Proprietors and persons employed must ensure that they comply with the general duties as well as the more specific responsibilities laid down in other safety and health provisions.

2. General duties of persons employed

2.1 Section 6B of the Factories and Industrial Undertakings Ordinance

Every person employed in an industrial undertaking has duties to –

- (a) take reasonable care for the safety and health of himself/herself and of others who may be affected by what he/she does, or fails to do, at work. He/she must not only avoid doing things likely to endanger himself/herself or others, but also take positive steps to understand the hazards in his/her workplace and comply with the necessary safety rules and procedures.
- (b) co-operate with the proprietor or any other person to enable him/her to comply with or to perform his/her legal duties and responsibilities for securing safety and health at work. For example, a proprietor might introduce safety procedures for using and handling certain hazardous substances. Providing those procedures are indeed appropriate, the person employed must co-operate by following them.

2.2 Checklist on general duties of persons employed

The checklist given below is intended to assist persons employed in complying with their general duties. However, it should be pointed out that the checklist cannot be comprehensive and cannot mention every situation. It should only be used as a guidance and must not be regarded as an authoritative interpretation of the legal requirements.

- (1) Has reasonable care been taken for the safety and health of yourself and of other persons who may be affected by what you do, or fail to do, at work?

- (2) Where personal protective equipment is required, do you understand why it is required, how to use it, its limitations, and how to keep it maintained?
- (3) Have you tried to avoid obviously silly or reckless behaviour?
- (4) Do you dress properly while at work?
- (5) Have you ever tampered with safety guards or devices?
- (6) Have you adopted 'short-cut' method in performing your job? Do you know the proper job method?
- (7) Have you used improvised tools and equipment which entail unnecessary risk?
- (8) Do you have adequate training on safe working practices?
- (9) Are positive steps taken by you to understand the hazards in the workplace?
- (10) Have you received adequate safety information? Do you know the arrangements for seeking information in your company?
- (11) As a supervisor, do you understand the hazards associated with a job, their potential effects on persons employed, and your role, through training and enforcement, in ensuring that persons employed follow the rules, procedures and work practices for controlling exposure to the hazards?
- (12) Have you complied with the safety rules and procedures of your company?
- (13) Do you recognize the policy, organization and arrangement for safety and health in your company?
- (14) What attention has been paid to the safety of cleaning, repair and maintenance operations?

- (15) Have you followed special safety systems such as the 'permit to work' system?
- (16) Have you effectively discharged your safety responsibilities?
- (17) Have you co-operated with your proprietor or other persons to enable them to discharge their duties under the safety and health legislation?
- (18) Do you understand the information and follow guidance given by your proprietor on the hazards of work activities and the methods for avoiding them and on any other matters affecting safety and health?
- (19) Have you reported any unsafe condition to your supervisor or management? Do you know the reporting procedure?
- (20) Have you suggested ways of eliminating hazardous situations?
- (21) Have you participated in in-plant safety promotional activities?
- (22) Have you tried to encourage co-workers to follow the safe working practices?
- (23) Have you acted as a good example to new workers?

2.3 Offences and penalties

- (a) A person employed at an industrial undertaking who fails to comply with the general duties provision commits an offence and is liable to a fine of \$25,000.
- (b) A person employed at an industrial undertaking who wilfully and without reasonable excuse does anything while at work likely to endanger himself/herself, or other persons commits an offence and is liable to a fine of \$50,000 and to imprisonment for 6 months.

3. Useful Information

If you wish to enquire about this guide or require advice on occupational safety and health, you can contact the Occupational Safety and Health Branch through:

Telephone : 2559 2297 (auto-recording after office hours)

Fax : 2915 1410

E-mail : enquiry@labour.gov.hk

Information on the services offered by the Labour Department and on major labour legislation can also be found by visiting our Home Page on the Internet. Address of our Home Page is <http://www.labour.gov.hk>.

Information on the services offered by the Occupational Safety and Health Council can be obtained through hotline 2739 9000.