

THE OCCUPATIONAL SAFETY AND HEALTH ACT

Regulations made by the Minister under section 100(5) of the Occupational Safety and Health Act

1. These regulations may be cited as the Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011.

2. Interpretation

In these regulations –

“authorised officer” means an officer of the Ministry authorised by the Permanent Secretary or an officer of an enforcing authority;

“bunk bed” means a one storey single bed, where the height between the 2 beds shall not be less than one metre;

“Committee” means the Lodging Accommodation Committee set up under regulation 5;

“employee” means any person employed by an employer, whether on a contract of determinate duration or not, and includes a guest employee;

“enforcing authority” means an authority specified in the First Schedule;

“lodging accommodation” means a dwelling place provided by an employer to an employee;

“member” means a member of the Committee;

“permit” means a lodging accommodation permit issued under regulation 6;

“sheath” means a material used to hold 2 or more electrical conductors together in a power cable;

“single bed” means a bed of not less than 1.9 metre in length and 0.9 metre in width.

3. Enforcing authorities

(1) The Ministry responsible for the subject of health and quality of life shall be the authority responsible for compliance with regulations 12, 13, 14, 15, 16, 17 and 18.

(2) The Fire Services shall be the authority responsible for compliance with regulation 19.

4. Powers of entry

An authorised officer may, for the purposes of these regulations, enter with the consent of the head of any undertaking, any building used as lodging accommodation, in order to make such inspection or investigation as may be necessary.

5. Lodging Accommodation Committee

(1) There is set up for the purposes of these regulations, the Lodging Accommodation Committee.

(2) The Committee shall consist of –

- (a) 2 representatives of the Ministry, one of whom shall be the Chairperson;
- (b) a representative of each of the enforcing authorities;
- (c) a representative of the most represented employers' organisation;
- (d) a representative of the most represented employees' organisation.

(3) The members of the Committee shall be paid such fees as the Minister thinks fit.

(4) The Permanent Secretary may refer any complaint to the Committee for any investigation or enquiry as he thinks necessary.

6. Lodging accommodation permit

(1) No employer shall use a building as a lodging accommodation for his employees unless he holds a lodging accommodation permit.

(2) An application for a permit shall be made to the Permanent Secretary in the form set out in the Second Schedule and shall be accompanied by –

- (a) necessary clearances from the appropriate enforcing authorities;

- (b) a site plan and a layout plan of the building which is intended to be used as a lodging accommodation;
- (c) a non-refundable processing fee of 500 rupees; and
- (d) such additional information as he thinks fit.

(3) On receipt of an application made under paragraph (2), the Permanent Secretary or any enforcing authority may make such inspections to the building intended to be used as a lodging accommodation.

(4) The Permanent Secretary shall, after inspections are carried out to the building to be used as a lodging accommodation, refer the application to the Committee for its determination.

(5) The Committee may, after considering the application –

- (a) grant the application; or
- (b) reject the application, specifying the grounds for refusal.

(6) Where an application is granted under paragraph 5(a), the Permanent Secretary may, on payment of the appropriate fee specified in the Third Schedule, issue a permit in the form set out in the Fourth Schedule, on such terms and conditions as he may determine.

(7) A permit issued under paragraph 6 shall be exhibited at all times in a conspicuous place in the lodging accommodation.

(8) (a) Where an employer proposes to make any material extension or major structural alteration to any lodging accommodation or to increase the number of persons entitled to reside in the lodging accommodation, he shall notify the Permanent Secretary in writing and furnish such drawing, plan, documents or any other information as may be required.

(b) On receipt of a notification under subparagraph (a), the Permanent Secretary may require the employer to apply for a new permit.

7. Renewal of permit

(1) A permit shall be valid for a period not exceeding 36 months and may be renewed.

(2) (a) An application for the renewal of a permit shall be made to the Permanent Secretary within 3 months before the date of expiry of the permit

and shall be accompanied with fresh clearances from the appropriate enforcing authorities.

(b) The Permanent Secretary or an enforcing authority may carry out inspections in the lodging accommodation before renewing the permit.

(3) Where an application for renewal is received outside the time limit specified in paragraph (1), the Permanent Secretary may renew the permit upon payment of a surcharge of 50 per cent.

(4) Where a permit is not renewed, it shall lapse after 30 days of its date of expiry.

8. Location of lodging accommodation

Subject to regulation 25(2), no lodging accommodation shall be located in the same building as the factory or place of work of the employee.

9. Inventory

(1) Every employer shall affix, in a conspicuous place on the wall of each room of a lodging accommodation, a lodger's inventory sheet in the form specified in the Fifth Schedule.

(2) The lodger's inventory sheet shall be updated as and when changes occur.

10. Conditions of building

(1) Every lodging accommodation shall be kept in a good state of repair.

(2) All floors, steps, stairs and passageways of a lodging accommodation shall be –

- (a) properly maintained; and
- (b) free from any obstruction or substance likely to cause any danger or injury to an employee.

(3) Every staircase in a lodging accommodation shall be provided with handrails.

(4) Where any person is liable to fall from a height of more than 2 metres, secure handrails or other suitable means shall be provided for ensuring his safety.

11. Furniture for clothing and personal belongings

(1) Every employer shall provide each employee with a suitable wardrobe or locker in his bedroom.

(2) The Permanent Secretary may, after conducting such enquiries as he deems necessary, exempt an employer from the application of paragraph (1).

12. Employee accommodation area

(1) The floor area of the bedroom –

(a) of an employee who is provided with a single bed shall not be less than 4.6 square metres; and

(b) of any 2 employees who are provided with bunk beds shall not be less than 5.2 square metres.

(2) Every employer shall provide a separate bed with an appropriate mattress to each employee.

(3) The space between single beds shall not be less than 1.1 metres, and where bunk beds are used, the space shall not be less than 1.2 metres.

(4) (a) Every employer shall disinfest every lodging accommodation at interval of 3 months and as and when required.

(b) A period of at least 12 hours shall be observed before allowing employees to re-enter into the lodging accommodation area after it has been disinfested.

(5) Every employer shall provide separate lodging accommodation area for male and female employees.

(6) The height of a bedroom shall not be less than 2.5 metres.

13. Cleanliness

(1) Every employer shall keep every lodging accommodation in a clean state and free from effluvia arising from any drain, sanitary convenience or any other nuisance.

(2) Every employer shall ensure regular cleaning of the lodging accommodation including its surrounding yard.

(3) Every employer shall provide adequate covered bins for the storage of refuse.

14. Ventilation and lighting

Every lodging accommodation shall be provided with –

- (a) openings of not less than one tenth floor area for adequate circulation of fresh or artificially purified air of suitable temperature and relative humidity;
- (b) sufficient and suitable lighting, whether natural or artificial;
- (c) adequate number of suitable water closets, bathrooms, urinals and washbasins in every lodging accommodation as specified in the Sixth Schedule.

15. Water closet

(1) Every water closet of a lodging accommodation shall –

- (a) have direct openings to the outside air or be mechanically ventilated;
- (b) not have direct communication with any mess room or kitchen;
- (c) be covered;
- (d) have a door and fastenings;
- (e) where common water closets are provided, be partitioned off; and
- (f) be provided with a regular supply of running water.

(2) Every water closet used by female employees shall be provided with pad bins.

(3) Use of water closets as bathrooms shall be prohibited.

16. Sanitary facilities

(1) The sanitary facilities shall –

- (a) be accessible to every employee at all times;

(b) be provided with a regular supply of clean water at all times;
and

(c) be cleaned, washed and disinfected everyday.

(2) Floors of water closets and bathrooms shall be impervious and of non-skid material.

(3) The walls of sanitary facilities shall be tiled up to a minimum height of 2 metres.

(4) The walls of bathrooms shall be tiled up or painted with a waterproof paint to a minimum height of 2 metres.

(5) Bathrooms shall be provided with water of suitable temperature and equipped with showers or other suitable means of bathing.

(6) All wastes shall be disposed of regularly.

(7) Adequate refuse bins with airtight covers shall be provided.

17. Supply of water, washing and ironing facilities

(1) Every employer shall ensure that a lodging accommodation is provided with adequate and continuous supply of wholesome water at suitable location which is conveniently accessible.

(2) Every employer shall maintain and keep the water storage tanks clean and disinfected at least once every 6 months.

(3) Every employer shall provide adequate and suitable facilities for washing utensils, clothing and other personal belongings.

(4) Every employer shall provide a separate area with adequate and suitable facilities for washing, drying and ironing of clothing.

18. Kitchen and dining area

(1) Every kitchen of a lodging accommodation shall be provided with –

(a) adequate cooking facilities;

(b) sufficient number of freezers and refrigerators and shall be maintained and kept clean at all times; and

- (c) a sufficient number of air extractors.
- (2) All cooking shall be done in a kitchen.
- (3) Windows and other openings shall be so constructed so as to avoid accumulation of dust and shall be fitted with insect proof screens.
- (4) Measures shall be taken for the removal of cooking fumes and odour from the kitchen by means of an air extractor at every cooking point.
- (5) Every kitchen table shall be tiled or otherwise covered with other suitable material and shall be properly maintained.
- (6) Every door giving access to the kitchen shall have smooth, clean and non absorbent surface and shall be fitted with self-closing device and made to open outward.
- (7) (a) A suitable store with all amenities shall be provided for storage of food items.
 - (b) The store and the amenities referred to in subparagraph (a) shall be clean and in good working condition.
 - (c) No non-food stuffs shall be kept in the store.
- (8) Perishable food shall be stored at such temperature as will protect it from spoilage.
- (9) Every dry food items shall be stored in separate containers of adequate size provided with tight fitting lids and shall be kept on shelves 300 millimetres above floor level.
- (10) All bags, containers, crates or boxes shall be kept on racks 300 millimetres above floor level and no food shall be kept on ground or floor level.
- (11) There shall be no sewerage pipe, drain or inspection chamber in a food store.
- (12) The store shall have no direct communication with any sleeping room, bathroom or toilet or any place in which an animal is kept.
- (13) Every kitchen waste shall be kept in impermeable bag in bin of adequate size fitted with a cover and shall be disposed of at least once daily.

(14) Every liquid waste generated in the kitchen shall be discharged to a properly designed disposal system through a grease trap and the disposal system shall be properly maintained and cleaned at regular intervals.

(15) A scullery for washing of kitchen utensils and plates shall be provided separate from the kitchen.

(16) Every employer shall provide a suitable dining hall with an adequate number of chairs, tables and wash-basins.

(17) Every employer shall ensure that the kitchen and dining rooms are kept clean and free from flies, rodents and other insects.

19. Safety provisions in case of fire

(1) Every lodging accommodation –

- (a) which does not exceed 200 square metres;
- (b) where the top floor of the building does not exceed 9 metres above ground level; and
- (c) which cannot accommodate more than 60 persons,

shall be provided with an emergency exit, where the final exit cannot be reached within a maximum travel distance of 15 metres.

(2) Every lodging accommodation which –

- (a) exceeds 200 square metres, shall be provided with an alternative emergency exit where the travel distance is more than 15 metres;
- (b) exceeds 200 square metres and has more than 3 floor levels, shall be provided with an alternative emergency staircase.

(3) Every employer shall provide a 4 kilograms dry powder fire extinguisher for every floor area of 100 square metres or more.

(4) Where more than 60 employees are lodged in a lodging accommodation, the employer shall provide a fire warning system.

(5) Every emergency exit of a lodging accommodation shall be adequately lighted and be provided with an emergency lighting system.

(6) No person shall carry out ironing, prepare food and boil water in a bedroom.

(7) No person shall smoke in a bedroom.

(8) (a) Except for medical purposes, no flammable and hazardous substances shall be kept or stored in a bedroom.

(b) Flammable and hazardous substances shall be kept in a fire resistant cabinet.

(9) Electrical installation not forming part of the normal electrical circuit shall not be allowed.

(10) Every lodging accommodation shall be equipped with appropriate and adequate safety signs.

20. Electrical safety

(1) Every installation shall be divided into circuits to avoid danger in the event of a fault and to facilitate safe operation, inspection, testing and maintenance.

(2) Every installation and every circuit shall be adequately protected.

(3) Effective means, suitably placed for ready operations, shall be provided to cut off the supply of electrical energy to any electrical equipment in order to prevent danger.

(4) No addition or alteration shall be made to an existing electrical installation, unless it has been ascertained that the ratings of the existing protective devices, the current carrying capacity of the conductors and the earthing arrangements to carry any additional load are adequate for the altered circumstances.

(5) Every electrical joint and connection shall be properly insulated.

(6) (a) Every electrical installation in a building shall be fitted at the mains with a residual current device having –

(i) a rated residual operating electrical current of 30 milliamperes or less; and

(ii) an operating time of 40 milliseconds or less at 150 milliamperes.

(b) Notwithstanding subparagraph (a), a residual current device of a higher rating than those specified in subparagraph (a) may be installed at the mains, provided that the final circuit of the electrical installation is protected by a residual current device of ratings specified at subparagraph (a).

(c) Every residual current device installed within the installation shall be tested by activating its test button on a monthly basis and a report of the result of the test, signed by the person carrying out the test, shall be kept by the employer.

(7) Adequate precautions shall be taken either by earthing or by any other suitable means, to prevent danger arising when any conductor not intended to carry electric current in normal conditions from becoming electrically charged as a result of either a fault in a system or the use of a system.

(8) Every cable to be installed on a wall shall incorporate a sheath suitably resistant to any mechanical damage likely to occur, or to be contained in a conduit system or other enclosure affording adequate protection against such damage.

(9) Every cable with the colour combination green and yellow shall be reserved exclusively for the identification of protective conductor and shall not be used for any other purpose.

(10) (a) Every fixed luminary and lamp shall be protected so as to prevent ignition of any material which is placed in proximity to the luminary or lamp.

(b) Every protective material shall be resistant to heat.

(11) At least 2 socket outlets shall be provided in the bedroom for each lodger.

(12) No mutiplug shall be used in a bedroom.

(13) Non-sheathed cables, unless enclosed in non-metallic conduits, shall not be used to supply power to portable electrical equipment and luminaries in a lodging accommodation.

21. First-aid

(1) Every employer shall –

(a) provide and maintain a suitably located first-aid box at every lodging accommodation;

- (b) ensure that there is a sufficient number of appointed persons or first-aiders to provide adequate coverage at all times; and
- (c) where any employee is injured or is ill, promptly and at his own expense provide an appropriate means of conveyance for the employee to any hospital or other similar institution.

(2) Every first-aid box shall be in conformity with the requirements under regulation 4 of the Occupational Safety, Health and Welfare (First-Aid) Regulations 1989.

22. Power to revoke permit

(1) Subject to paragraph (2), the Permanent Secretary may, after consultation with the Committee, revoke any permit issued to an employer.

(2) The Permanent Secretary shall, before revoking a permit, give the employer an opportunity to explain why his permit shall not be revoked.

(3) Where a permit is revoked, the employer may make an appeal to the Minister within 30 days from the date of revocation.

23. Enforcement notice

(1) Where an enforcing authority is of the opinion that an employer is contravening or likely to contravene any provisions of these regulations, it may serve on the employer an enforcement notice.

(2) No person shall be prosecuted for a contravention in respect of which an enforcement notice is in force.

(3) Any person who fails to comply with an enforcement notice shall commit an offence and shall, on conviction, be liable to a fine not exceeding 75,000 rupees and to a term of imprisonment not exceeding one year.

24. Exemption

(1) These regulations shall not apply to a lodging accommodation which is occupied by an employee and members of his family.

(2) The Permanent Secretary may, after conducting such enquiry as he may deem necessary, exempt a lodging accommodation from compliance with the provisions of these regulations.

25. Transitional provisions

(1) Every employer who, at the coming into operation of these regulations, uses a building as a lodging accommodation shall, within one year of the coming into operation of these regulations, comply with these regulations.

(2) Every employer who, at the coming into operation of these regulations, uses a building as a lodging accommodation in a factory or place of work, shall, within 2 years of the coming into operation of these regulations, cease to use the building as a lodging accommodation.

26. These regulations shall come into operation on 28 January 2011.

Made by the Minister on 27 January 2011.

FIRST SCHEDULE
[Regulation 2]

ENFORCING AUTHORITIES

Fire Services

Ministry responsible for the subject of health and quality of life

SECOND SCHEDULE
[Regulation 6(2)]

APPLICATION FOR LODGING ACCOMODATION PERMIT

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

The Occupational Safety and Health (Employees' Lodging Accommodation)
Regulations 2011

I,..... on behalf of
(*employer*) hereby apply for a permit / renewal of a permit to provide lodging
accommodation as from and
particularised as hereunder –

Details of employer

- (a) Name of employer :
- (b) Registered office of employer:
- (c) Telephone number :
- (d) Fax number :

Details of lodging accommodation

- (a) Name of owner :
- (b) Address of owner :
- (c) Telephone number :
- (d) Address of accommodation :

Clearances obtained from appropriate authorities

- | | Yes/ No |
|---|---------|
| (a) Fire Services | |
| (b) Ministry of Health and Quality
of Life | |

Particulars of lodgers

Nationality	Male	Female	Total
(a)
(b)
(c)
(d)
(e)
Total

Particulars of welfare facilities

	Number	
	Male	Female
(a) Water closets for employees
(b) Bathrooms
(c) Messroom or facilities for taking of meals
(d) Accommodation for clothing or changing room
Name of applicant	Date	
Status of applicant		
Signature of applicant		

FOR OFFICE USE ONLY

I

The application is –

- (a) *approved with /*without conditions for period to
- (b) *not approved.

Date
.....
 for Permanent Secretary

** Delete whichever is not applicable*

II

Registration fee :

Surcharge (50%)(if applicable) :

Total :

File number :

Permit number :

Date of issue :

Date of expiry :

Receipt number :

Signature of Issuing officer :

Date :

THIRD SCHEDULE
[Regulation 6(6)]

FEEES FOR LODGING ACCOMODATION PERMIT

Issue or renewal of permit for a lodging accommodation for a period not exceeding 36 months, where the number of employees in the building is as follows –

	Fee payable (Rs)
(a) 1 to 50	3,000
(b) 51 to 100	5,000
(c) 101 to 500	8,000
(d) more than 500	10,000

FOURTH SCHEDULE
[Regulation 6(6)]

LODGING ACCOMODATION PERMIT

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

The Occupational Safety and Health (Employees' Lodging Accommodation)
Regulations 2011

File No.

Permit No.

I hereby authorise

(Name of employer)

to provide lodging accommodation under the Occupational Safety and Health
(Employees' Lodging Accommodation) Regulations 2011 for the period
..... to as follows –

Address of Lodging Accommodation

No. of lodgers: Male Female Total

Subject to –

- the permit holder complying with the provisions of the Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011 ;and
- the following conditions being complied with –

1. (on or before.....)

2. (on or before.....)

Fee paid :.....

Receipt No. :.....

Date issued :.....

.....
for Permanent Secretary
Name of officer

Note: This permit shall at all times be exhibited in a conspicuous place in the lodging accommodation in accordance with regulation 6(7)

FIFTH SCHEDULE
[Regulation 9]

LODGER'S INVENTORY SHEET

1. Name of employer :
2. Responsible person :
3. Phone No. of responsible person:
4. Owner of premises :
5. Address of owner :

Other details

Room number	Name of employees	Nationality	Number of lockers	Number of beds	
				single beds	bunk beds

- Name of person carrying out inventory :
- Date of inventory :
- Signature of person carrying out inventory :
- _____

SIXTH SCHEDULE
[Regulation 14]

NUMBER OF WATER CLOSETS, WASH-BASINS, BATHROOMS AND URINALS

Water Closets			Wash-basins			Bathrooms		Urinals	
Number of persons	Number of sanitary convenience		Number of persons	Number of wash-basins		Number of persons	Number of bathrooms	Number of persons	N u (
	Male	Female		Male	Female				
Up to 15	2	2	Up to 15	1	2	Up to 7	1	Every 15	
16 to 30	4	4	16 to 30	2	3	8 to 15	2		
31 to 50	5	6	31 to 50	3	4	16 to 25	3		
51 to 75	6	7	51 to 75	4	5	26 to 35	4		
76 to 100	7	9	76 to 100	6	7	36 to 45	5		
101 to 150	8	10	101 to 125	7	9	46 to 55	6		
For over 150, provision be made for one additional sanitary convenience for every 25 male and for every 25 female employees			For over 125, provision be made for one additional wash-basin for every 20 male or for every 20 female employees			For over 55, provision be made for one additional bathroom for every 15 male or every 15 female employees			