



Legal 101: Workplace Safety and Health Issues – Roles of various stakeholders and recent trends on fines imposed

Synopsis

In February 2017, SMRT was sentenced to a record high fine of S\$400,000 in their capacity as an employer in relation to a workplace accident resulting in two (2) fatalities. Although the **Workplace Safety and Health Act** ("WSHA") provides for a maximum fine of S\$500,000 for first time offenders of workplace fatal accidents, such high fines were previously unheard of.

In **Public Prosecutor v GS Engineering and Construction Corp**, the High Court laid down the various mitigating and aggravating factors which a sentencing Court will take into account before imposing punishment on an accused company. Typically, companies are charged under Section 11 WSHA (duties of occupier) or Section 12 WSHA (duties of employers). In recent times, more individuals have been charged under Section 15 (duties of persons at work).

Against that context, there were two (2) recent High Court decisions. In **Nurun Novi Saydur Rahman v Public Prosecutor and Anor**, the accused was sentenced to 25 weeks' imprisonment for committing a negligent act under Section 15(3A) WSHA.

In **May 2020**, the sentence for the appellant/ accused in **Mao Xuezhong v Public Prosecutor and Anor** was increased from 24 weeks' imprisonment to 12 months.

The High Court in **Mao Xuezhong v Public Prosecutor and Anor** examined the earlier cases and laid down various mitigating and aggravating factors which a sentencing Court will have to take into account when sentencing an individual who committed a negligent act in the course of work.

In this webinar, we will spend time understanding the decisions for these three (3) cases and the lessons that can be learnt from them. We will also discuss the following: -

- Parliament's intention to enact the **Workplace Safety and Health Act**
- Who is an occupier? Are occupiers always liable for accidents at their workplace?
- Role of occupier versus role of employer
- Recent trends and fines imposed by the Courts against occupiers and employers for workplace fatal accidents. Are fines going up, down or staying the same?
- Occupational Safety and Health Division's imposition of demerit points – any basis for challenge?
- Can an officer/ employee be made liable for his company's/ employer's breach of **Workplace Safety and Health Act**?
- Recent trends and fines imposed by the Courts against employees for workplace fatal accidents. When will a fine or a custodial sentence be imposed?
- Putting it all together: Aggravating versus Mitigating Factors

Who should attend

Developers, main contractors, sub-contractors, workplace safety and health officers, professional engineers, resident technical officers, safety consultants, construction industry professionals.

Speaker

Alfred is a litigation lawyer in private practice. He is a Director at a mid-size law firm, M/s Fullerton Law Chambers LLC. Alfred was a former prosecutor with the Manpower Ministry and Attorney-General's Chambers before he commenced private practice.

As a prosecutor, Alfred led a team of prosecutors in the enforcement of the Factories Act (now known as Workplace Safety and Health Act) and Employment of Foreign Manpower Act. He also had a hand in the drafting of the Workplace Safety and Health Act and its subsidiary legislation.

In private practice, Alfred has been instructed to act for developers, contractors and sub-contractors in their defence for offences under the Workplace Safety and Health Act. As a commercial litigator, he has acted in matters at all levels of the Singapore Courts as well as in arbitration proceedings.

Details

Date: 30 Oct 2020 (Friday)

Time: 2.00pm to 5.00pm
(Registration starts at 1.30pm)

Platform: Zoom

CPD Points: 3 SDUs

Fee: \$50.00* (SISO Member)
\$80.00* (Others)

**Fee includes GST and e-training material*

For more information and registration:

Website: <https://www.siso.edu.sg/>

Email: registration@siso.org.sg

Phone: 6513 0286

Registration Form:

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Part A

Seminar Date: 30 Oct 2020

Part B - Participants Details (attach a separate list if necessary)

Salutation (Mr/Ms/Mdm)	Name (Please underline surname)	NRIC (SXXXX123D)	Designation / Job Title (Please indicate your WSHO Reg. No/ PE no., if any)	Mobile no:	Email

Part C - Company Particulars

Name of Company:

Type of Industry:

Name of Contact Person:

Designation:

Tel:

Fax:

Email (for course correspondence):

Part D - Billing Details

Billing Address:

Please tick as appropriate if you would like an invoice to the company:

☐

Yes

☐

No

e-Invoice for Government bodies

Dept & Sub-business unit: _____

SISO member (circle as appropriate): Yes/ No

(For official use only)

*SISO membership no:

Cash or Cheque No.

for S\$

NOTE

1. Registration and Payment

Please submit completed form together with a crossed cheque, made payable to “SISO Academy Pte Ltd”, to reach us no later than one week prior to the programme start date.

Please mail cheque to:
SISO Academy Pte Ltd
167 Jalan Bukit Merah
#02-13 Connection One, Tower 5,
Singapore 150167

Account Name: **SISO Academy Pte Ltd**
Paynow UEN: **201612290Z**

Bank Name: **DBS Bank CURRENT ACCOUNT**
(Bank/branch Code: **7171 / 012**)
Account Number: **012-902085-0**

2. Withdrawal

If written notice of withdrawal is received:
> 14 days before commencement of programme – full refund
Between 3 & 13 working days – 70% refund
Less than 3 working days - no refund

(Please note that programme confirmation can only be made 3 days before the commencement date)

Details

Fee: \$50.00* (SISO Member)
\$80.00* (Others)

(Fee includes GST and e-training material)

Visit our website at <https://www.siso.edu.sg/>
Email: registration@siso.org.sg
Phone: **6513 0286**

The Academy reserves the right to amend the programme content, or to cancel or change the date of the programme or the venue.