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3.1 Major Articles (Employer & Worker Responsibilities)

3.1.1 Article 1

Every employer shall provide adequate preventive and protective equipment /conditions to protect workers against the dangers of accidents and occupational diseases that may occur during the work, and also against fire hazards and other hazards that may result from the use of machines, equipment or any operations. He shall also adopt all Regulations, guidelines, work instructions etc. issued by the Competent Department from time to time. Every worker shall use the protective equipment and the clothing supplied to him for this purpose, shall comply with all instructions given by the employer to protect him against hazards, and shall not take any action liable to hamper compliance with such instructions. In the same regard, all facilities, machinery/ equipment installation, material storage, and/or operations shall need to be approved by the Competent Department prior to operating therein

3.1.2 Article 2

Every employer shall display detailed instructions in a conspicuous position at the workplace indicating the measures to be taken to prevent fire and/or protect the workers against hazards to which they may



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be exposed while performing their work. Such instructions shall be in English / Arabic and in another language understood by the worker.

3.1.3 Article 3

Every employer shall provide one or more first-aid boxes (see Table 7) containing medicines, bandages, antiseptics and such other first-aid material as may be required depending on the nature of work and as per guidelines of the Competent Department. There shall also be at least one first-aid box for every 100 workers regardless of nature of volume & nature of operations in the client premises or facility. The box shall be located in a conspicuous place and within easy reach of the workers. Use of the box shall be entrusted to a person specialized in giving first aid.

3.1.4 Article 4

Without prejudice to the provisions of the regulations and orders issued by the Competent Department, an employer shall ensure adequate safety, cleanliness and ventilation in each workplace and shall provide each workplace with adequate lighting, drinking water, worker amenities and sanitation/toilets.

3.1.5 Article 5

Notifiable Diseases - An employer shall arrange for, medical institutions approved (Dubai Health Authority) to carry out pre-employment and subsequently, periodic detailed medical examinations at intervals of not more than six months on those of his workers (in the opinion of the Competent Department) who are exposed to the danger of contracting any of the infectious/ occupational diseases. These diseases could fall under a) Diseases caused by agents (chemical, physical, biological); b) Diseases of target organ systems (respiratory, skin, musculoskeletal) c) Occupational cancer. Table 1 indicates some of the typical occupational diseases that need to be assessed and reported. Any abnormal results of the periodic medical examinations shall be brought to the notice of the Competent Department immediately after the facts have been ascertained by means of medical and laboratory tests/ the necessary procedures and the employer shall enter the findings of such examinations in his records and in the workers' files. The medical practitioner carrying out the periodic examination may require any worker who is exposed to occupational disease to be re-examined at suitable intervals, depending on the worker's condition. The Competent Department may direct the employer to take suitable preventive and/or corrective actions in regard to the workers' well being.

3.1.6 Article 6



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An employer shall provide his workers with medical care facilities corresponding to the standards laid down by the Country and the Emirate of Dubai.

3.1.7 Article 7

The Competent Department is authorized to prescribe the general and/or specific HS&E precautions and health protection measures applicable to all establishments employing workers under the jurisdiction of Trakhees from time to time and it remains the responsibility of the lessee/employer to update himself with the relevant HS&E requirements to ensure that all such precautions are taken.

3.1.8 Article 8

The employer or his representative shall inform each worker at the time of his recruitment of the dangers associated with his occupation and of the protective measures he must take, and shall post detailed written instructions in this regard at the workplaces. The employer shall also ensure that all possible/required training/licensing requirements are met prior to permitting the employee to work on any equipment/area

3.1.9 Article 9

Every worker shall comply with the instructions and orders respecting industrial and personal safety precautions, use the necessary Protective devices and treat any such devices in his possession with due care. It shall be unlawful for a worker to commit any act leading to non-compliance with such instructions, to the misuse of the equipment provided for protecting the health and safety of the workers or to the damage or destruction of such equipment. An employer may, include in the disciplinary code, penalties to be imposed on workers contravening the provisions of the same. However, it remains the responsibility of the employer to ensure that all employees are fully aware of HS&E requirements at his workplace through suitable documented training, awareness drives etc.

3.1.10 Article 10

An Operation Fitness Certificate (OFC) or EHS-No Objection Certificate (EHS-NOC) for Activity Verification upon receipt of Building Completion Certificate from Civil Engineering Department of Trakhees for any facility at plot of land or leased built-up facility from EZW/Dubai World's respective business unit, shall be obtained by any client (company/project) operating in the area of EZW/Dubai World Jurisdiction. Applications should be made by the client as per the Procedures to obtain Operation Fitness Certificate or EHS-NOC in the first instance to Trakhees – Inspection Department and it covers (but not limits) all clients/companies/ projects operating in EZW/Dubai World areas, that have a Lease



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and/or a license issued by relevant authority of Dubai World and carry out either Service/ Trading /Manufacturing activities. This requirement also covers (but not limits) all clients/ companies/ projects operating in the FZ that have a DPA Lease and carry out either Service/Trading /Manufacturing activities. The Process of Operation Fitness Certification & EHS-No Objection Certification (NOC) ensures Environment, Health & Safety requirements' compliance of all commercial and industrial establishments operating from any facility within PCFC business Units/Dubai World's jurisdiction. The requirement of this Certificate is mandatory for all companies prior to commercial operations. Application of EHS: NOC is only for those functioning with activities in office facility without any physical storage/operational activity & shops (except Grocery, Super Market, Cafeteria) as per their commercial/industrial/trading license issued by respective Dubai World's Business unit. "Operation Fitness Certificate (OFC)/EHS-NOC for Activity Verification" shall be issued with validity of maximum 12 months which will eventually be in line with the client(s)' license expiry date, thereafter it shall be renewed prior to expiry.

3.1.11 Article 11

Wherever an existing company/client modifies/adds to his facilities/ activities, his existing OFC/NOC needs to be amended to reflect the changes in facilities/ activities. In the same regard, "Procedures to obtain OFC/EHS-NOC shall be followed prior to physically incorporate those changes/activity in the existing facility/activity. This is also applicable for sub-leases.

3.1.12 Article 12

Any client facility/premises damaged either partially or fully due to fire incident/structural collapse/ "any incident/accident" within the facility or at nearby/other facility shall not be operated (commercially or on trial run basis) unless authority of Trakhees and/or Dubai Civil Defence inspected & approved with issuance of Operation Fitness Certificate.

3.1.14 Article 13

The Client shall be solely subject to the laws of the UAE for losses or damages in terms of life and property stemming from design errors, implementation errors, deficiencies of inspections, failure to comply with the required standards & rules of Professional ethics, failure to use knowledge and experience to the contracting entity, and similar reasons; and successively (severally) liable with the contractors where the consultants have undertaken design control and inspection services on works. The consultants shall be caused to complete and compensate for any such losses or damages pursuant to the laws of the UAE.



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Trakhees & Authority having jurisdiction or any other departments of PCFC and their directors, officers & other concerned personnel shall not be held responsible or liable for any such losses or damages, errors, deficiencies and failures on the part of the consultants.

3.1.14 Article 14 – SANCTIONS & PENALTIES

There are three broad types of unsatisfactory circumstances that have been identified:

Grade 1 - Where there is a serious con-conformity and/or imminent danger to health or safety of the workers or other persons of the general public, a **Prohibition Notice** will be issued requiring immediate closure of the offending unit until the fault is corrected.

Grade 2 - Where there is a major fault with a potential danger to the health or safety of workers/public, but where it is considered that time can be given for correction; a **Correction Notice** will be issued setting out a time schedule for correction.

Grade 3 - There could be other circumstances which detract from the appearance and proper functioning of the works with a potential for HS&E impacts and which are drawn to the attention of works management either orally or by letter. Where the works/licensees are persistent offenders or ignore persuasion, a **Warning Notice** will be sent, setting out a schedule of correction.

The Employer/Owner/Company/Occupier has the ultimate responsibility to ensure adherence to the above Articles mandatorily and failure to comply with the Articles as above, may result in Sanctions (administrative/ legal/operational) as determined by the Competent Department and /or Penalties as laid down in the Trakhees Tariff.

3.2 Role of Authority / Competent Department

Without limiting the actions of the Competent Department of the Authority (Trakhees) in the protection of Health & Safety, the Competent Department is empowered to and responsible for:

- 3.2.1 Issue/amend necessary Regulations, guidelines and codes of practice for the safe conduct of work
- 3.2.2 Inspect all work places, take samples or photographs and issue directions/instructions to ensure compliance with Health & Safety requirements
- 3.2.3 Issue Correction/Warning/Prohibition Notices and/or penalties where deemed required.



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- 3.2.4 Prepare and execute education/training/awareness programs and / or recommend programs in Health & Safety and/or Fire protection
- 3.2.5 Liaise with and advise Local/Federal Government Departments (where applicable) on status of non-compliant companies/ licensees to enable necessary actions

3.3 Enforcement by the Authority

The Competent Department shall be responsible for the enforcement and implementation of these regulations for the protection of the Health & Safety of workers at all sites/locations under the jurisdiction of Trakhees and operating under Dubai World or PCFC

3.3.1 Barring Of EHS Inspectorate

Any occupiers / contractors who refuses Trakhees inspectorate to enter into the premises to conduct inspection or perform the Authority role shall be subjected to appropriate sanctions (administrative/ legal/operational) as determined by the Competent Department and /or Penalties provided in the existing Trakhees Tariff

3.4 HSE Representative / HSE Officer

The occupier of all industrial/commercial establishments shall appoint at least one HS&E representative for each workplace. The HS&E representative shall be competent to address the Health & Safety Requirements of the organization and shall at all time ensure that HS&E Requirements of the Authority are met. Where an employer employs in excess of 100 persons (or where, in the opinion of the Competent Department, any activity, manufacturing process or operation is carried out, where the process or operation involves any risk of life or bodily injury, poisoning or disease, or any other hazard to health to the persons employed), a full time HS&E qualified Officer shall be employed in the factory.

3.5 Qualification of HSE Officer

The duties, qualifications of the HS&E Officer shall include the following:

- 3.5.1 Practical experience of working in a similar establishment in a supervisory capacity for a period of not less than three years, or experience not less than three years in training, education, consultancy or research in Health & Safety and
- 3.5.2 Possesses
 - 3.5.1 A Degree/Diploma in any branch of Engineering or Technology or a Degree in Science with;
 - 3.5.2 1 year Diploma/Certificate course in Industrial Safety and



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- 3.5.3 Adequate knowledge of English and the native language(s) of the worker(s).
Knowledge of Arabic is an advantage.

3.7 Duty and Responsibility of HSE Officer

The duties of the HS&E Officer shall include the following:

- 1.7.1 Ensure that his facility/operations at all times are in compliance with Trakhees requirements.
- 1.7.2 Inspection of all work places, the promotion of the safe conduct of work, hazard identification techniques and communication of corrective measures to management
- 1.7.3 Issuance of Hot/Cold Work permits for all non-routine works.
- 1.7.4 Maintaining “Eye wash/Safety Shower (if required)”, first aid facilities and personal protective equipment as demanded by the nature of the work/Material Safety Data Sheets.
- 1.7.5 Investigating of all types of accidents & Reporting to Trakhees as well as accident prevention and maintaining accident records
- 1.7.6 Training of workers and ensuring that they are issued with adequate instructions and creating awareness of safe work practice among them.
- 1.7.7 Carrying out Job Safety Analysis to determine “Hazards of the operations/activity” and facilitating suitable solutions.
- 1.7.8 Ensuring that the provisions of this Document, its references and Dubai Municipality Local Orders/ Regulations /guidelines (where applicable) are complied with. (See also www.dm.gov.ae)
- 1.7.9 Maintain a record for “all chemicals/dangerous goods” used/stored at the premises, their Material Safety Data Sheets and advice management/staff on safe handling/transport & storage practices. (Refer also DM Code of Practice for Management of Dangerous Goods in the Emirate of Dubai”)
- 1.7.10 Conducting HS&E Audits on regular basis & advice management for necessary action.
- 1.7.11 Liaise with members of Trakhees on a regular basis to ensure that all Local/State/Federal Health & Safety Requirements are met

3.8 Responsibility of Medical Practitioners

Any medical practitioner/institution and/or any employer, aware of any occupational illness affecting any worker in establishments under Trakhees jurisdiction must inform the Competent Department and



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recommend suitable medical actions required by the employer which may be enforced by the Competent Department

3.9 Responsibility of Companies towards Third Party Contractors /Visitors

All companies/lessees shall be responsible to ensure that contractors/third party workers operate within their premises only after the written approval from the Competent Department(s). The health and safety of all visitors to the premises of any tenant shall remain the responsibility of the main tenant. It is not permitted to allow access of minors/medically unfit/challenged persons into an industrial premise

3.10 Responsibility of Third Party Contractors / Visitors

All third party contractors /visitors to the premises of a licensee/lessee under PCFC / Dubai World shall abide by the Rules and Regulations as set out by the Authority as well as the conditions that may be issued by the lessee/licensee during the period of his visit/duties at the lessees premises

3.11 Responsibility of Consultants

All consultants in Engineering/HS&E aspects shall be subject to the laws of the UAE for losses or damages in terms of life and property stemming from design/reporting errors, supervision and/or implementation errors, deficiencies of inspections, failure to construct in compliance with the required standards, failure to comply with rules of Professional ethics, and similar reasons. The consultants shall be caused to complete and compensate for any such losses or damages pursuant to the laws of the UAE. Trakhees or any other departments of PCFC and their directors, officers & other concerned personnel shall not be held responsible or liable for any such losses or damages, errors, deficiencies and failures on the part of the consultants