

A B S T R A C T

General Provisions As to Safety and the Working Environment As Contained in the Factories Act, Cap. 347 (Barbados)

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The Factories Act, Cap. 347 revises and consolidates the law relating to factories and the safety, health and welfare of persons employed in them. The Act lays down, inter alia, the necessary administrative machinery for enforcing it and provides sanctions for any breaches committed.

This dissertation, however, analyses Part III Safety (General Provisions) and Part VI Working Environment. These provisions include the fencing of dangerous parts of all machinery; providing safe means of access and safe means of employment; safety provisions in case of fire; removal of gas, dust and fumes from workrooms; and providing special protective equipment for workers employed in processes involving special risk of injury. As the Act is new, there is a dearth of litigation brought under it and so, decided cases founded upon the English Factories Act, 1961 which is similar to the Barbados Act will be analysed.

The dissertation concludes that meaningful general and specific provisions designed to improve and promote the safety

and environmental working conditions of persons employed or working in factories are now operative. That these provisions are more detailed and provide effective sanctions for any breach committed and are, therefore, to be preferred to the Common Law provisions which simply require the occupier to provide a safe system of working.

Most importantly, the Act now provides that while the worker must not wilfully interfere with or misuse any means, appliances, conveniences or other thing provided for securing his own health, safety or welfare, and that he must use the means and appliances so provided; the occupier must, nonetheless, keep his factory in such a manner that the safety of persons therein is not likely to be endangered. He must also take reasonable precautions to ensure the safety of these workers. A most welcomed safety measure is that the employer must not employ persons to work at certain machines unless he has provided them with sufficient training in working the machines or they are adequately supervised while working the said machines.

The Factories Act, Cap. 347 is, in fact, a progressive piece of legislation which promotes and enhances the safety, health and welfare of persons employed or working in factories and is to be welcomed.