

FACTORIES, OFFICES AND SHOPS ACT

1970 (ACT 328)

Section 1-Register of Factories

The Chief Inspector shall keep a register of factories in which he shall cause to be entered such particulars in relation to every factory required to be registered under this Act as he may consider necessary or desirable.

Section 2-Registration of Existing Factories

(1) Every person who occupies a factory shall within one month after the commencement of this Act apply for its registration by sending to the Chief Inspector a notice containing the particulars set out in the First Schedule.

(2) On receipt of such notice the Chief Inspector shall register the factory and shall issue to the occupier a Certificate of Registration upon the payment by the occupier of the prescribed fee. [As amended by Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66) s. 1(a)].

(3) Every certificate of registration issued under this section shall be an annual certificate and shall expire on the 31st day of December of the year in which it is issued. [As inserted by Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66) s. 1(b)].

Section 3-Registration of New Factories

(1) Any person who intends to occupy or use any premises as a factory after the commencement of this Act shall, not less than one month before he begins to occupy or use the premises as a factory, apply for the registration of the premises by sending to the Chief Inspector a notice containing the particulars set out in the First Schedule.

(2) On receipt of such notice the Chief Inspector shall, within three months, register the factory and shall issue to the occupier a Certificate of Registration upon the payment by the occupier of the prescribed fee. [As amended by Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66) s. 1(c)].

(3) Every certificate of registration issued under this section shall be an annual certificate and shall expire on the 31st day of December of the year in which it is issued. [As inserted by Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66) s. 1(d)].

Section 3-Renewal of Certificate of Registration

The provisions of this part which relate to the issue of a certificate of registration shall apply to any application for the renewal of a certificate of registration and to such

renewal. [As inserted by Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66) s. 1(e)].

Section 4-Renewal of Certificate of Registration

The provisions of this part which relate to the issue of a certificate of registration shall apply to any application for the renewal of a certificate of registration and to such renewal. [As inserted by Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66) s. 1(e)].

Section 5-Offences

Any person who contravenes any provision of section 2(1), 3(1) or 4(1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand cedis. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275) s.1(a)].

Section 6-General Registers

(1) There shall be kept in every factory a general register in the prescribed form, and there shall be entered in or attached to that register—

- (a) the Certificate of Registration of the factory;
- (b) every other certificate issued in respect of the factory by the Chief Inspector;
- (c) the prescribed particulars relating to the cleanliness of the factory;
- (d) the prescribed particulars of every accident and case of occupational disease occurring in the factory;
- (e) all reports and particulars required by this Act to be entered in or attached to the general register;
- (f) such other matters as may be prescribed.

(2) The occupier of a factory shall send to an Inspector such extracts from the general register as he may require for the execution of his duties under this Act.

Section 7-Preservation of Registers and Records

The general register and every other register or record kept in pursuance of this Act shall be preserved and kept available for inspection by any Inspector for two years after the date of the last entry therein.

Section 8-Prescribed Abstract, Regulations and Notices

(1) There shall be kept posted in a prominent position in every factory—

- (a) the prescribed abstract of this Act;
- (b) a notice of the address of the Chief Inspector and of the nearest Inspector and labour officer;
- (c) printed copies of any regulations made under this Act which are in force in the factory, or the prescribed abstracts thereof; and
- (d) every other notice or document required by this Act to be posted in the factory.

(2) The Secretary may by legislative instrument make regulations—

- (a) prescribing the abstracts of this Act which shall be kept posted in pursuance of this section;
- (b) prescribing any regulations or abstracts thereof made under this Act which are in force in the factory, and which shall be kept posted in pursuance of this section;
- (c) prescribing fees in respect of certificates of registration and their renewal;
- (d) for otherwise giving effect to the principles and purposes of the Act. [As substituted by the Factories, Offices and Shops (Amendment) Law, 1983, (PNDCL 66), s.1(g)].

Section 9-Particulars to be given on Request

Every person who occupies any office or shop to which this Act applies shall, if so requested by an Inspector, within one month serve on the Chief Inspector a notice containing the particulars set out in the Third Schedule.

Section 10-Notification of Accidents

(1) Where an accident in any factory, office or shop

- (a) causes the death of a person employed therein; or
- (b) disables any such person for more than three days from earning full wages at work at which he was employed,

the occupier shall forthwith send written notice of the accident, in the prescribed form and containing the prescribed particulars, to the Chief Inspector or the Inspector for the district.

(2) Where an accident causing disablement is notified under this section, and after notification results in the death of the person disabled, the occupier shall, as soon as the death comes to his notice, send written notice of the death to the Chief Inspector or the Inspector for the district.

(3) Where any accident to which this section applies occurs to a person employed to work in any factory, office or shop and the occupier of the premises is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand cedis. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(b)].

Section 11-Notification of Dangerous Occurrences

(1) Written notice of every dangerous occurrence to which this section applies occurring in any factory, office or shop shall, whether death or disablement is caused or not, forthwith be sent by the occupier in the prescribed form containing the prescribed particulars to the Chief Inspector or the Inspector for the district.

(2) The dangerous occurrences to which this section applies are—

(a) all cases of explosion, fire and collapse of buildings;

(b) accidents to machinery or plant likely to cause risk of serious bodily injury to persons employed;

(c) collapse, overturning or failure of a crane, derrick, winch, hoist or other appliance used in raising or lowering persons or goods;

(d) bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.

Section 12-Notification of Industrial Diseases

(1) Written notice of every case of industrial disease to which this section applies occurring in a factory or shop shall forthwith be sent by the occupier in the prescribed form and containing the prescribed particulars to the Chief Inspector or the Inspector for the district.

(2) The industrial diseases to which this section applies are lead, phosphorus, manganese, arsenical and mercurial poisoning, toxic anaemia, toxic jaundice, anthrax, ulceration and any other prescribed illness or disease.

Section 13-Cleanliness

(1) Every factory, office and shop and all furniture, furnishing and fittings therein shall be kept in a clean state.

(2) Accumulations of dirt and refuse shall be removed daily from the floors and benches of workrooms, and from staircases and passages.

(3) The floor of every office, shop and workroom shall be cleaned at least once a week by washing, sweeping or some other suitable and effective method.

(4) In every factory, all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—

(a) where they have a smooth impervious surface, be washed with hot water and soap or otherwise suitably cleaned at least once in every twelve months;

(b) where they are varnished or painted with oil paint, be revarnished or repainted at least once in every five years, and at least once in every twelve months be washed with hot water and soap or otherwise suitably cleaned; and

(c) in other cases, be whitewashed or colour-washed at least once in every twelve months.

(5) Where the Chief Inspector is satisfied that any provision of this section is inappropriate in relation to any premises, he may by certificate in writing exempt those premises from such provision.

Section 14-Overcrowding

(1) No room comprised in or constituting a factory, office or shop shall, while work is carried on therein, be so overcrowded as to cause risk of injury to the health of persons working therein; and in determining whether any such room is overcrowded or not, account shall be taken not only of the number of persons who may be expected to be working in the room at any time but also of the space in the room occupied by furniture, furnishings, fittings, machinery, plant, equipment and appliances.

(2) The floor area (in square feet) or capacity (in cubic feet) for each person habitually employed to work in any room to which this section applies shall not be less than 40 square feet or 400 cubic feet respectively.

(3) Every workroom shall be not less than nine feet in height, measured from the floor to the lowest point of the ceiling or, where there is no ceiling to the lowest point of the roofing material.

(4) Where the Chief Inspector is satisfied that the special conditions under which work is carried on in any workroom render the application of subsection (2) or (3) inappropriate or unnecessary, he may by certificate in writing exempt the workroom from those provisions subject to any conditions specified in the certificate.

(5) In calculating for the purposes of this section the cubic space in any room, no space more than fourteen feet from the floor shall be taken into account.

Section 15-Ventilation

Effective and suitable provision shall be made in all factories, offices and shops to secure and maintain by the circulation of fresh air in each workroom the adequate ventilation of the room

Section 16-Washing Facilities

(1) Adequate and suitable washing facilities, conveniently accessible for the use of all persons employed, shall be provided and maintained in a clean and orderly condition in every factory, office and shop.

(2) Where the Chief Inspector is satisfied that, by reason of the difficulty of obtaining an adequate supply of water or any other special circumstances, the application of this section to any premises would be unreasonable, he may by certificate in writing exempt those premises from the requirements of this section.

Section 17-Lighting

(1) Effective provision shall be made to secure and maintain sufficient and suitable lighting, whether natural or artificial, in every part of any factory, office or shop in which persons are working or passing.

(2) All apparatus installed for producing artificial lighting where lighting is required by this section shall be properly maintained.

(3) All glazed windows and skylights used for the lighting of any part of a factory, office or shop shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction; but this subsection shall not affect the whitewashing or shading of windows or skylights to mitigate heat or glare.

Section 18-Drainage of Floors

Where any process is carried on in any factory or shop which renders a floor liable to be wet to such an extent that the water is capable of being removed by drainage, effective means shall be provided and maintained to drain off the water.

Section 19-Sanitary Conveniences

1) Adequate and suitable sanitary conveniences conveniently accessible to persons employed shall be provided, maintained and kept clean in every factory, office and shop,

and effective provision shall be made for their lighting and ventilation.

(2) Where persons of both sexes are employed (except where the only persons employed are members of the same family, or where less than five persons are employed), separate conveniences shall be provided for males and females.

(3) The Minister may by executive instrument direct that the provisions of this section shall, in any area, be enforced by the local authority.

(4) Where an Inspector finds any act or default in relation to any drain, sanitary convenience or water supply, or any nuisance or other matter in any premises to which this Act applies, which appears to him to be the concern of the local authority under this section or under any other enactment, he shall give notice thereof in writing to the local authority.

Section 20-Drinking Water

(1) An adequate supply of wholesome drinking water shall be provided and maintained at suitable points conveniently accessible to all persons employed in every factory, office or shop.

(2) Where a supply of drinking water is not piped, it shall be contained in suitable vessels and shall be renewed at least daily; and all practicable steps shall be taken to preserve the water and vessels from contamination.

(3) A drinking water supply, whether piped or not, shall in such cases as an Inspector may direct be clearly marked "Drinking Water".

Section 21-Accommodation for Clothing

Adequate and suitable accommodation for clothing not worn during working hours shall be provided and maintained at suitable places for the use of all persons employed in any factory, office or shop.

Section 22-Sitting Facilities

(1) Where persons employed in any factory, office or shop have in the course of their work reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use, at suitable places conveniently accessible to them, suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.

(2) Where a substantial proportion of such work can properly be done sitting—

(a) there shall be provided and maintained for any employed person doing that work a seat of a design construction and size suitable for him and the work, together with a

footrest on which he can readily and comfortably support his feet if he cannot do so without one;

(b) the arrangements shall be such that the seat is adequately and properly supported while in use for the purpose for which it is provided.

Section 23-Removal of Dust or Fumes

(1) Where in any factory process there is given off dust, fumes or other impurities of such a character or to such an extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust, fumes or other impurities and to prevent them accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust, fumes or other impurities, so as to prevent them entering the air of any workroom.

(2) No stationary internal combustion engine shall be used in any factory unless provision is made to conduct the exhaust gases from the engine into the open air.

Section 24-Taking of Meals

(1) Where in any room of a factory or shop any poisonous or otherwise injurious substance is so used as to give rise to dust or fumes, no person shall be allowed to take food to drink in that room.

(2) Suitable provision shall be made to enable persons employed in any such room to take their meals elsewhere in the premises.

Section 25-Protective Clothing and Appliances

(1) Where in any factory or shop workers are employed in any process involving excessive exposure to wet or to any injurious or offensive substance, suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, shall be provided and maintained for their use.

(2) In the case of any of the processes specified in the Fourth Schedule, suitable goggles or effective screens shall be provided to protect the eyes of persons employed in the process.

(3) Where in any factory electric arc welding is carried on, effective provision shall be made, by screening or otherwise, to prevent persons employed (other than persons employed in the welding process) being exposed to the electric arc flash.

Section 26-Noise and Vibrations

Noise and vibrations likely to affect the health of persons employed in any factory, office or shop shall be reduced as far as possible by appropriate and practicable measures.

Section 27-Prohibition of lifting Excessive Weights

No person shall in the course of his work be required to lift, carry or move any load so heavy as to be likely to cause injury to him.

Section 28-First Aid

(1) A first aid box or cupboard of the prescribed standard shall be provided and maintained in every factory, office and shop so as to be readily accessible, and where more than 150 persons are employed an additional box or cupboard shall be provided for each additional 150 persons.

(2) Nothing except appliances or requisites for first aid shall be kept in a first aid box or cupboard.

(3) Each first aid box or cupboard shall be placed under the charge of a responsible person, who shall if possible be a person with knowledge of first aid and who shall always be readily available during working hours.

(4) There shall be displayed in the premises so as to be easily seen and read by the persons employed to work therein a notice stating the name of the person in charge of the box or cupboard.

Section 29-Power to require Medical Supervision

Where it appears to the Minister that in any factory, shop, or class of factory or shop—

(a) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or

(b) by reason of alteration of any process, or the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or

(c) young persons are or are about to be employed in work which may cause risk of injury to their health; or

(d) there may be risk of injury to the health of persons employed from any substance or material brought to the factory or shop to be used or handled therein, or from any change in the conditions of work or other conditions in the factory or shop, he may by written notice require such reasonable arrangements to be made for the medical supervision of persons employed therein as he may specify.

Section 30-Health and Welfare Regulations

(1) The Minister may by legislative instrument make regulations—

(a) modifying or extending for any class of factory, office or shop any provision of this Act imposing requirements as to health or welfare, where he is satisfied that such modification or extension is necessary to secure the health or welfare of persons employed;

(b) regulating the preparing and taking of meals, ambulance and first aid arrangements, rest rooms, supply of protective clothing, and the supply and use of seats in workrooms;

(c) increasing the number of cubic feet which must be allowed for each person under section 14;

(d) prescribing standards of adequate and suitable ventilation, washing facilities, lighting and sanitary conveniences;

(e) providing for the control of noise and vibrations and safeguarding the health of persons subjected to noise and vibrations;

(f) prescribing the maximum weights which may be lifted, carried or moved by any person, either generally or in relation to particular circumstances;

(g) providing for the protection of persons or any class of persons working in any factory, office or shop against risk of bodily injury or injury to health arising out of the use of any machinery, plant, equipment, appliance or substance, the carrying on of any operation or the use of any process;

(h) otherwise for carrying out the principles and purposes of this Part.

(2) Regulations made under this section may impose duties on owners, employed persons and other persons, as well as on occupiers.

Section 31-Prevention of Fire

[Repealed by the Ghana National Fire Service Act, 1997 (Act 537), s.33(b)].

Section 32-Fire Alarms

[Repealed by the Ghana National Fire Service Act, 1997 (Act 537), s.33(b)].

Section 33-Safety Provisions in Case of Fire

[Repealed by the Ghana National Fire Service Act, 1997 (Act 537), s.33(b)].

Section 34-Safe Means of Access and Safe Place of Employment

(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.

(2) Where any person has to work at a place from which he will be liable to fall a distance more than eight feet, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, to ensure his safety, unless the place is one which affords secure foot-hold and, where necessary, secure hand-hold.

(3) Sufficient clear and unobstructed space shall be maintained at every machine while in motion to enable the work to be carried on without unnecessary risk.

(4) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure hand-hold on each side of the opening or doorway.

(5) The fencing referred to in subsection (4) shall be properly maintained and shall, except where the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

Section 35-Floors, Passages and Stairs

(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.

(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and, in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.

(3) An open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means to prevent any person from accidentally falling through the space between the hand-rail or hand-hold and the steps of the staircase.

(4) All openings in floors shall be securely fenced, except insofar as the nature of the work renders such fencing impracticable.

(5) All ladders shall be soundly constructed and properly maintained.

Section 36-Training and Supervision

No person shall be employed at any machine or in any process liable to cause bodily injury, unless—

- (a) he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed; and
- (b) he has received sufficient training in work at the machine or in the process, or is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process.

Section 37-Cleaning of Machinery

- (1) No woman or young person shall clean any part of a machine if such cleaning would expose the woman or young person to risk of injury from any moving part of that or any adjacent machinery.
- (2) No woman or young person shall clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion.

Section 38-Fencing of Dangerous Machinery

- (1) Every dangerous part of any machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working in the premises as it would be if securely fenced.
- (2) In so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this section shall be deemed to have been complied with if a device is provided which in the opinion of an Inspector satisfactorily prevents the operator from coming into contact with that part.
- (3) Without prejudice to the generality of subsection (1), "dangerous part" includes every moving part of a prime mover, every flywheel directly connected to a prime mover, any part of a stock-bar which projects beyond the headstock of a lathe, every part of any electric generator, motor or rotary converter, and every part of transmission machinery.

Section 39-Safeguards for Transmission Machinery

- (1) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.
- (2) Every machine intended to be driven by mechanical power shall be provided with an efficient starting and stopping appliance, the control of which shall be in such a position as to be readily and conveniently operated by the person operating the machine.

(3) No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) The Chief Inspector may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any requirements of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Section 40-Construction and Maintenance of Fencing

All fencing and other safeguards provided in pursuance of sections 38 and 39 shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all the conditions specified in the relevant safety regulations made under section 51 are complied with.

Section 41-Construction and Sale of Machinery

(1) In the case of any machine in a factory which is intended to be driven by mechanical power—

(a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or opinion shall be so sunk, encased, or otherwise effectively guarded as to prevent danger; and

(b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, knowing it to be for use in a factory in Ghana, any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand cedis. [As amended by the Factories and Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(c)].

Section 42-Vessels Containing Dangerous Liquids

(1) Every fixed vessel, structure, sump or pit of which the edge is level with or less than three feet above the adjoining ground or platform shall, if it contains any scalding,

corrosive or poisonous liquid, either be securely covered or be securely fenced to at least three feet above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) A warning notice, indicating the nature of the danger and in a form readily understood by the persons employed, shall be marked on or attached to any plant to which this section applies or, if this is not reasonably practicable, be posted nearby.

Section 43-Self-acting Machines

No traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward traverse to run within a distance of eighteen inches from any fixed structure not being part of the machine.

Section 44-Hoists and Lifts

1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.

(2) Every hoistway or liftway shall be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials:

Provided that any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire, or be provided with a vent at the top.

(3) For the purposes of this section no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage whose direction of movement is restricted by a guide or guides.

Section 45-Chains, Ropes and Lifting Tackle

No chain, rope or lifting tackle used to raise or lower persons, goods or materials shall be used unless it is of good construction, sound material, adequate strength and free from patent defect.

Section 46-Cranes and Other Lifting Machines

(1) All parts and working gear whether fixed or movable, including and anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength, and have an

even running surface, and any such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.

(3) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(4) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (3).

(5) If any person is employed or working on or near the wheel track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.

(6) If any person is employed or working otherwise than as mentioned in subsection (5) but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.

(7) A lifting machine shall not be operated except by a person trained and competent to operate that machine, except that it shall be permissible for such machine to be operated by a person who is under the direct supervision of a qualified person for the purpose of training; and no person under the age of eighteen shall be employed to operate any lifting machine driven by mechanical power or to give signals to its operator.

Section 47-Register of Chains, Ropes, Lifting Tackle and Machines

A register containing all prescribed particulars shall be kept in every factory in respect of all chains, ropes, or lifting tackle (except fibre rope slings) to which section 45 applies, and all lifting machines to which section 46 applies.

Section 48-Dangerous Fumes and Lack of Oxygen

No person shall enter or remain in any chamber, tank, vat, pit, pipe, flue or other confined space, or in any confined space in which dangerous fumes are likely to be present or the proportion of oxygen in the air is liable to have been substantially reduced, for any purpose unless he has been authorised to enter by a responsible person and either he is wearing a suitable breathing apparatus, or he is ensured of a supply of air adequate for respiration and to render harmless any fumes.

Section 49-Explosive or Inflammable Substances

(1) Where, in connection with any process giving rise to dust, gas, or vapour, there may escape into any workroom dust, gas or vapour of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by the enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, gas or vapour, and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process dust, gas or vapour of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents or other equally effective appliances, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion.

(3) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting or other operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising from it or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(4) The Chief Inspector may by certificate in writing, subject to any conditions specified in the certificate, grant exemption from compliance with any of the requirements of subsection (3) in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Section 50-Steam Boilers, Receivers and Containers, and Air Receivers

(1) Every steam boiler or steam receiver and all its fittings and attachments shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) Every steam boiler attendant shall be properly instructed as to his duties.

(3) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

(4) Every steam container shall be so maintained as to ensure that the outlet is at all times kept open and free from obstruction.

(5) Every air receiver and its fittings shall be of sound construction and properly maintained.

Section 51-Safety Regulations

(1) The Minister may by legislative instrument make regulations—

- (a) providing for the supervision of persons employed;
- (b) prescribing particular means for fighting fire in respect of any class or description of premises to which this Act applies;
- (c) providing for the testing and examination of any means provided for fighting fire, and for the recording of particulars of the tests and examinations and of any defects found and action taken to remedy the defects;
- (d) prescribing the means of escape in case of fire to be provided in premises to which this Act applies;
- (e) providing for the fencing of and safety requirements to be observed in relation to any particular machinery;
- (f) prescribing conditions to be observed in the examination, lubrication or operation of any dangerous part of any machinery;
- (g) prescribing matters not to be taken into account in determining whether any part of machinery is as safe as it would be if securely fenced;
- (h) prohibiting the sale or hire of any machinery or plant which does not comply with any safety requirements specified in the regulations;
- (i) providing for the regular examination, testing and repair of hoists and lifts, and prescribing safety measures to be observed in relation to hoists and lifts;
- (j) providing in respect of all kinds of chains, ropes and lifting tackle for tables of safe working loads, testing, examination and annealing;
- (k) providing for the regular examination, testing and repair of all lifting machines, and prescribing safety measures to be observed in relation to lifting machines;
- (l) prescribing safety measures to be observed when work has to be done inside any confined space in which dangerous fumes are likely to be present;
- (m) providing for the examination and testing of steam boilers and steam receivers and all their fittings and attachments;
- (n) providing for the cleaning, examination and testing of air receivers;
- (o) prescribing standards of construction, specifications, safety requirements and safety

measures to be observed in relation to steam boilers, receivers and containers and air containers;

(p) prescribing the conditions under which steam boilers and steam receivers, whether new or previously used, may be taken into use;

(q) prohibiting the employment of, or modifying or limiting the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, equipment, appliance, process or description of manual labour which in his opinion is of such a nature as to cause risk of bodily injury or to be offensive to any persons employed in a factory, office or shop;

(r) prohibiting, limiting or controlling the use of any material or process in any factory, office or shop, in the interest of the welfare of persons employed therein, or where in his opinion the use of such material or process may cause risk of bodily injury or be offensive to any persons employed therein;

(s) modifying or extending with respect to any class of factory, office or shop any provision of this Act imposing safety requirements, where he is satisfied that such modification or extension is necessary to prevent risk of bodily injury to persons employed therein:

(t) otherwise for carrying out the principles and purposes of this Part.

(2) Regulations made under this section may impose duties on owners, employed persons and other persons, as well as on occupiers.

Section 52-Dangerous Conditions and Practices

(1) An Inspector may complain to a District Court in relation to any factory, office or shop—

(a) that any part of the ways, works, machinery or plant used therein is in such a condition or is so constructed or placed that it cannot be used without risk of bodily injury or injury to health; or

(b) that any process or work is carried on or anything is or has been done therein in such a manner as to cause risk of bodily injury or injury to health; or

(c) that the conditions in regard to escape in case of fire are so dangerous that the premises or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger.

(2) If the court is satisfied that the complaint is justified in respect of any of the above matters, the court shall, as the case may require, by order—

(a) prohibit the use of that part of the ways, works, machinery or plant or, if it is capable of repair or alteration, prohibit its use until duly repaired or altered; or

(b) require the occupier of the premises to take such steps as may be specified in the order to remedy the danger complained of; or

(c) prohibit the use of the premises or part thereof, or its use for the particular process or work, until such works as may be specified in the order have been executed to remedy the danger.

(3) Where a complaint is or has been made under this section, the court may, on application ex parte by the Inspector, and on receiving evidence that the use of any such part of the ways, works machinery or plant, or, as the case may be, the using of the premises or carrying on of any process or work or the doing of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury or injury to health, make an interim order prohibiting either absolutely or subject to conditions the use, carrying on or doing thereof until the earliest opportunity to hear and determine the complaint.

(4) Where any order of the court made under this section is contravened, the occupier of the premises shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand cedis or to imprisonment not exceeding three months, or to both. [As amended by the Factories, Offices and Shop (Amendment) Law, 1991 (PNDCL 275), s.1(d)].

Section 53-Dangerous Premises

1) Where on complaint by an Inspector a court is satisfied that any factory, office or shop or any part thereof is in such a condition, or is so constructed or placed, that any process or work carried on or intended to be carried on therein cannot be so carried on with due regard to the safety and health of the persons employed, the court may by order prohibit the use thereof for the purpose of that process or work.

(2) An order made by a court under this section may—

(a) prohibit the carrying on of any process or work either indefinitely or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety and health of the persons employed, and

(b) be revoked or varied on the application by way of complaint of the occupier or owner of the premises:

Provided that on any such application an Inspector shall be entitled to be heard.

(3) If any process or work is carried on in any factory, office or shop or any part thereof in contravention of an order of the court made under this section, the occupier of the premises shall be guilty of an offence and liable on conviction to a fine not exceeding two

hundred thousand cedis or to imprisonment not exceeding nine months, or to both. [As amended by the Factories, Offices and Shop (Amendment) Law, 1991 (PNDCL 275), s.1(e)].

Section 54-Appeal to High Court

Any person, including an Inspector, aggrieved by an order made by a court on determining a complaint under section 52 or 53 may appeal therefrom to a judge of the High Court.

Section 55-Part of Building as Separate Factory or Shop

(1) Where part of a building is let off as a separate factory or shop, the provisions of this Act relating to factories or shops shall apply to any part of the building used for the purposes of the factory or shop, but the owner of the building shall, instead of the occupier, be responsible for any contravention of sections 19, 31 to 34, 44 to 47 and 52 to 54 insofar as those sections relate to matters which are within his control or which are his responsibility.

(2) For the purposes of this section, references in sections 52 to 54 to the occupier shall be taken as references to the occupier or to the owner of the building, according to which of them is responsible in respect of the matters complained of.

(3) For the purposes of the provisions applied by this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building.

(4) Where in any provision applied by this section, or in any regulations made thereunder, there is contained in respect of a factory any reference to the general register, that reference shall be taken, in relation to matters in respect of which the owner of the building is responsible, as a reference to a register to be kept by him, and section 69(2) shall apply in relation to any such register as if the owner were the occupier of the factory.

Section 56-Docks, Wharves, Quays and Warehouses

(1) Sections 6, 7, 10 to 54 and 60 to 87 shall apply, so far as applicable, to every dock, wharf or quay and every warehouse not forming part of a factory, in or for the purposes of which mechanical power is used, as if it were a factory and as if the person having the actual use or occupation of it were the occupier of a factory.

(2) The provisions applied by this section shall apply to the processes of loading, unloading or coaling of any ship in any dock or harbour, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were in a factory and the person who carries on those processes were the occupier of a factory:

Provided that sections 50 and 52 shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the shipowner.

(3) For the purposes of this section, "plant" includes any gangway or ladder used by any person employed to load, unload or coal a ship.

Section 57-Building Operations and Works of Engineering Construction

(1) Sections 6 to 8, 10 to 12, 19, 20, 25 to 31, 33 to 40, 43 to 54 and 60 to 87 shall apply, so far as applicable, to all building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway.

(2) No order made under section 52 shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method not inconsistent with the safety of the works or of the persons employed which is prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge.

(3) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of the factory.

(4) Sections 6 and 7 shall be deemed to be complied with as respects building operations or works of engineering construction if the register is kept at an office of the person undertaking the operations or works and copies of the abstract and regulations are kept posted up at each office, yard or shop of the person undertaking the operations or works at which persons employed by him on the operations or works attend, and in a position where they can be easily read by those persons.

(5) Subject to subsection (6), any person undertaking any building operations or works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the Inspector for the district a written notice stating the name and postal address of that person, the place and nature of the operations or works, whether any mechanical power is used and if so its nature, and such other particulars as may be prescribed.

(6) Subsection (5) shall not apply to any operations or works which the person undertaking them has reasonable grounds to believe will be completed in a period of less than six weeks, except in such cases as the Chief Inspector may direct; and where a person undertakes any building operations or works of engineering construction in a place where such operations or works are in progress, he shall not be required to give a notice under that subsection if such a notice was given in respect of the operations or

works in progress.

(7) The application of this Act to any building operations or works of engineering construction by virtue of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act otherwise applies; and nothing in this section shall be taken as prejudicing the application of this Act to those premises apart from this section.

(8) The Minister may in respect of building operations and works of engineering construction by legislative instrument make regulations—

(a) adapting or modifying any of the provisions of this Act in their application to building operations and works of engineering construction;

(b) prescribing standards for scaffolding;

(c) regulating the control of lifting machinery and tackle, the timbering of excavations, and site supervision;

(d) making special provision for the health and welfare of workers engaged on construction sites; and

(e) imposing duties on any person for any of the above purposes.

Section 58-Premises in which Steam Boilers are Used

(1) Sections 10, 11, 30, 33, 38, 44 to 57, 60 to 76, 78 and 79 shall apply to any premises (not being premises forming part of a factory, or premises to which the application of this Act is otherwise extended by this Part) in which a steam boiler is used, as if the premises were a factory and as if the person having the actual use or occupation of the premises were the occupier of a factory.

(2) The owner of the boiler, receiver or container shall, instead of the person deemed to be the occupier, be responsible for any contravention of sections 44, 45 and 47 as applied by this section in so far as they relate to matters within his control.

(3) The Minister may by legislative instrument make regulations modifying the provisions of sections 71 (so far as applicable) and 72 in their application by this section to premises in which a steam boiler is used.

(4) The occupier of any premises (not being premises forming part of a factory) in which a steam boiler is used shall, within one month after the date upon which the boiler is first used in those premises, send to the Chief Inspector a written notice containing his name, the address and location of the premises, the nature of the work carried on in the premises, and the following particulars in respect of each steam boiler in use:—

- (a) the type, description and distinctive number;
- (b) the country and year of manufacture;
- (c) the date of the last thorough examination and the name of the person by whom the examination was made;
- (d) the maximum permissible working pressure in pounds per square inch.

Section 59-Institutions

Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, filling, packing, printing, bookbinding, cleaning, washing or adapting for sale of articles not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act other than sections 1 to 5 shall nevertheless apply to the premises as if they were a factory.

Section 60-Liability for Contravention

(1) Except where otherwise expressly provided, the occupier shall be responsible for the observance of the requirements of this Act and of any regulation made thereunder.

(2) Any occupier or owner who contravenes or fails to comply with any requirement of this Act or any regulation made thereunder for which he is made responsible by this Act or any such regulation shall, subject as hereinafter provided, be guilty of an offence.

(3) Any person who contravenes any regulation made under this Act which expressly imposes a duty on him shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of that contravention unless it is proved that he failed to take all reasonable steps to prevent it.

(4) If an occupier avails himself of any special exemption allowed by or under this Act and fails to comply with any of the conditions attached to the exemption, he shall be deemed to have contravened this Act.

(5) Where an offence under this Act committed by a corporate body is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any officer of that corporate body, he, as well as that corporate body, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Section 61-Liability of Actual Offender.

(1) Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant,

worker or other person shall be guilty of an offence and liable to the same punishment as if he were the occupier or owner, as the case may be.

(2) Where an occupier or owner is charged with an offence under this Act, it shall be a defence for him to prove to the satisfaction of the court—

(a) that he used all due diligence to enforce the execution of this Act and of any relevant regulation made thereunder; and

(b) that another person has committed the offence in question without his consent, connivance or wilful default.

(3) Where an occupier or owner is acquitted in pursuance of subsection (2), the court may direct that proceedings be taken against the person who appears to be the actual offender.

(4) When it is made to appear to the satisfaction of an Inspector at the time of discovering an offence—

(a) that the occupier or owner, as the case may be, has used all due diligence to enforce the execution of this Act and of any relevant regulation made thereunder; and

(b) by what person the offence has been committed; and

(c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner.

Section 62-Liability of Owner of Machine.

Where in any factory, office or shop the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the premises, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Section 63-General Penalty.

Subject as hereinafter provided, any person guilty of an offence for which no express punishment is provided by this Act or regulations made thereunder shall be liable on conviction to a fine not exceeding one hundred thousand cedis or to imprisonment not exceeding six months, or to both. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(f)].

Section 64-Offences continued after Conviction.

Where an offence of which a person has been convicted is continued after the conviction, that person shall, subject to section 65, be guilty of a further offence and liable on conviction to a fine not exceeding five thousand cedis or to imprisonment not exceeding seven days, or to both, for each day on which the offence was so continued. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(g)].

Section 65-Court Order to Remedy Contravention.

(1) Where an occupier or owner is convicted of an offence under this Act, the court may, in addition to or instead of imposing any punishment, order him within a specified time to take such steps as may be specified in the order to remedy the contravention, and may on application enlarge the time so specified.

(2) Where such an order is made, the occupier or owner shall not be liable for the continued contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or subsequently enlarged, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten thousand cedis for each day on which the non-compliance continues. [As amended by Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(h)].

Section 66-Penalty for Death or Injury.

(1) If any person is killed or dies or suffers bodily injury in consequence of an occupier or owner having contravened any provision of this Act or any regulation made thereunder, the occupier or owner shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand cedis or to imprisonment not exceeding six months, or to both. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(i)].

(2) In the case of bodily injury, the occupier or owner shall not be liable under this section unless the injury was caused directly by the contravention.

(3) The occupier or owner shall not be liable under this section if a charge against him under this Act in respect of the act or default by which the death or injury was caused has been heard and dismissed before the death or injury occurred.

Section 67-Forgery, Uttering and Personation.

Any person who—

(a) forges or counterfeits any certificate required by or for the purposes of this Act or any regulation made thereunder; or

(b) gives or signs any such certificate knowing it to be false in any material particular; or

(c) knowingly utters or makes use of any such certificate so forged, counterfeited or false as aforesaid; or

(d) knowingly utters or makes use of, as applying to any person, any such certificate which does not so apply; or

(e) personates any person named in any such certificate; or

(f) falsely pretends to be an Inspector; or

(g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid; or

(h) wilfully makes a false entry in any register, notice, certificate or document required by or for the purposes of this Act or any regulation made thereunder to be kept or served or sent; or

(i) wilfully makes or signs a false declaration required by or for the purposes of this Act or any regulation made thereunder; or

(j) knowingly makes use of any such false entry or declaration as aforesaid;

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand cedis or to imprisonment not exceeding six months, or to both. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(j)].

Section 68-Prosecution of Offences.

(1) All offences under this Act shall be prosecuted in a District Court.

(2) In any proceedings under this Act it shall be sufficient in the charge or information to allege that the factory, office or shop is a factory, office or shop within the meaning of this Act and to state the name of the ostensible occupier of the factory, office or shop or, where the occupier is a firm, the title of the firm; and the burden of proving that the premises are not a factory, office or shop, or that the occupier specified in the charge or information is not the occupier of the factory, office or shop, shall lie upon the person alleging such fact.

(3) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report or do any other thing, at or within a time specified by this Act or any regulation made thereunder, the offence shall be deemed to continue until the examination is made or the report entered or the other thing done, as the case may be.

Section 69-Special Provisions as to Evidence.

(1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family living there.

(2) Where any entry is required by this Act or by any regulation made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts stated therein, and the fact that any entry so required with respect to the observance of any provision of this Act or of any regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

Section 70-Service of Documents, Etc.

(1) Any document, including any summons or order, required or authorised to be served under this Act may be served—

(a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence or place of business;

(b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the office of the firm;

(c) on the owner or occupier of a factory, office or shop in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any responsible person over the apparent age of eighteen years at the factory, office or shop.

(2) Any such document may be addressed, for the purpose or service on an occupier, to "the occupier", at the proper postal address of the premises, without further name or description.

(3) This section shall apply, with the necessary modifications, to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing and delivery of such documents.

Section 71-Power to Modify Agreement.

(1) If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with this Act or any regulation made thereunder, or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the High Court for the terms of the agreement to be set aside or modified

2) The court, after hearing the parties and any witnesses whom it may wish to call, may make an order setting aside or modifying the terms of the agreement as it considers just and equitable in the circumstances.

Section 72-Power to Apportion Expenses.

(1) Where in any premises, the whole or any part of which has been let as a factory, any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation made thereunder, or in order to conform with any standard or requirement imposed by or under this Act, and the owner or occupier, as the case may be, alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the High Court for the expenses of the alterations to be apportioned between them.

(2) The court, after hearing the parties and any witnesses whom it may wish to call, may make an order concerning the expenses or their apportionment as it considers just and equitable in the circumstances, regard being had to the terms of any contract between the parties, or, in the alternative, the court may, at the request of the owner or occupier, determine the lease.

Section 73-Inspector may Conduct Court Proceedings.

(1) An Inspector may, although he is not an advocate, prosecute, conduct or defend before a court any charge, information, complaint or other proceedings arising under this Act, or in the discharge of his duty as an Inspector.

(2) It shall not be an objection to the competency of an Inspector to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance.

(3) Notwithstanding anything to the contrary in this Act, a prosecuting Inspector shall not be competent to give evidence in a case which he is prosecuting.

Section 74-Appointment of Inspectors.

(1) The Minister may appoint a Chief Inspector and such other Inspectors and officers as he thinks necessary to carry out the provisions of this Act.

(2) Notice of the appointment of every Inspector shall be published in the Gazette.

(3) Every Inspector shall be given a certificate of his appointment issued by the Minister, and when visiting any premises to which this Act applies shall, if so required, produce the certificate to the occupier or other person holding a responsible position of management at the premises.

(4) A person who is the occupier of a factory, or is directly interested therein or in any process or business carried on therein or in a patent connected therewith, or is employed in or about a factory, shall not act as an Inspector.

(5) No Inspector, except insofar as is necessary for the prosecution of an offence under this Act, shall publish or disclose to any person the details of any manufacturing or commercial or working process which may come to his knowledge in the course of his duties.

(6) A person who contravenes subsection (4) or (5) shall be guilty of an offence.

Section 75-Powers of Inspectors

(1) An Inspector shall, for the implementation of this Act, have power—

(a) to enter, inspect and examine, by day or by night, a factory and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter, inspect and examine by day any place which he has reasonable cause to believe, to be a factory, office or shop, and any part of any building of which a factory, office or shop forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;

(b) to take with him a police officer if he has reasonable cause to expect obstruction in the execution of his duty;

(c) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act and to inspect, examine and copy any of them;

(d) to make or cause to be made such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of the enactments in force relating to public health are complied with so far as respects a factory, office or shop and any persons employed therein;

(e) to require any person who he finds in a factory, office or shop to give such information as it is in his power to give as to who is the occupier of the factory, office or shop;

(f) to examine or cause to be examined any person, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act;

(g) in the case of an Inspector who is a registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act; and

(h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of every factory, office or shop, his agents and servants, shall provide the means required by an Inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Act in relation to that factory, office or shop.

Section 76-Obstruction of Inspector.

(1) Any person who obstructs an Inspector in the execution of his powers or duties under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand cedis, or to imprisonment not exceeding one month, or to both; and where an Inspector is so obstructed in a factory or shop, the occupier of that factory or shop shall be guilty of an offence. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(k)].

(2) Any person who—

(a) wilfully delays an Inspector in the exercise of his powers; or

(b) fails to comply with the requisition of an Inspector in pursuance of section 75; or

(c) fails to produce any document which he is required by or in pursuance of this Act to produce; or

(d) wilfully withholds any information as to who is the occupier of any factory, office or shop; or

(e) conceals or prevents a person from appearing before or being examined by an Inspector,

shall be deemed to obstruct an Inspector in the execution of his duties under this Act.

Section 77-Power to take Samples.

(1) An Inspector may at any time after informing the occupier, or if the occupier is not readily available, a foreman or other responsible person in a factory, office or shop, take for analysis sufficient samples of any substance used or intended to be used in a factory, office or shop being a substance in respect of which he suspects a contravention of any regulation made under this Act, or which he thinks may prove on analysis to be likely to cause bodily injury to the persons employed.

(2) The occupier, foreman or other responsible person aforesaid may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the Inspector to divide the sample into three parts, to mark and seal or fasten up each part in such a manner as its nature permits, and—

(a) to deliver one part to the occupier, foreman or other responsible person aforesaid;

(b) to retain one part for future comparison; and

(c) to submit one part to the analyst,

and any analysis under this section shall, if so required, be carried out by the Government Chemist.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness

(4) Any person who, except insofar as is necessary for the prosecution of an offence under this Act, publishes or discloses to any person the results of an analysis made under this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand cedis or to imprisonment not exceeding twelve months, or to both. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(1)].

Section 78-Duties of Persons Employed.

(1) No person employed in any premises to which any provision of this Act applies shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons therein.

(2) No person employed in any premises to which any provision of this Act applies shall wilfully and without reasonable cause do anything likely to endanger himself or any other person.

(3) Where any means or appliance for securing health or safety is provided for the use of any person under this Act, he shall use that means or appliance.

(4) Any employed person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty thousand cedis or to imprisonment not exceeding three months, or to both. [As amended by the Factories, Offices and Shops (Amendment) Law, 1991 (PNDCL 275), s.1(m)].

Section 79-Notices and Certificates.

(1) Any notice or certificate issued by the Chief Inspector under this Act may be issued for a limited time or without limit of time and may be varied or revoked by the Chief Inspector

(2) This section shall not apply in respect of a Certificate of Registration of a factory.

Section 80-Deductions from Wages Prohibited.

The occupier of a factory, office or shop shall not, in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed, or receive, or allow any person in his employment to receive, any payment from any such person.

Section 81-Exemption.

The Minister may by legislative instrument exempt from the application of all or any of the requirements of this Act any premises or class or part of premises being a factory, office or shop, where in his opinion it would by reason of special circumstances be unreasonable to require compliance with such requirements.

Section 82-Application.

(1) The provisions of this Act shall, except where otherwise expressly provided, apply to all factories, offices and shops as defined by this Act.

(2) This Act shall apply to factories, offices and shops belonging to or in the occupation of the Government.

Section 83-Definition of Factory.

(1) In this Act, "factory" means any premises in which, or within the close or curtilage of which, any person is employed in manual labour in any process for or incidental to any one or more of the following types of work which are carried on by way of trade or for purposes of gain, and to or over which premises the employer of the persons employed therein has the right of access or control namely,—

(a) the making of any article or part of any article;

(b) the altering, repairing, ornamenting, finishing, filling, packing, printing, bookbinding, cleaning, washing, breaking up or demolition of any article;

(c) the adapting for storage or sale of any article;

(d) the slaughtering of cattle, sheep, swine, goats, hens, guinea fowl and turkeys.

(2) In this Act, "factory" also means—

(a) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;

(b) any premises in which the construction, reconstruction or repair of locomotives, vehicles or plant for use for transport purposes is carried on as ancillary to a transport

undertaking, or other industrial or commercial undertaking, not being premises used to house locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;

(c) any premises in which mechanical power is used in connection with the making, repair or storage of any article incidentally to any business carried on by way of trade or for purposes of gain and in which any person is employed in manual labour;

(d) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction and in which any person is employed in manual labour, not being premises in which such operations or works are being carried on;

(e) any premises in which any person is regularly employed in manual labour in or in connection with the generating of electrical energy for supply by way of trade, or for supply for the purposes of any industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places;

(f) any premises in which mechanical power is used for or in connection with a water supply, being premises in which any person is regularly employed in manual labour;

(g) any premises in which the business of sorting any articles is carried on as preliminary to the work carried on in any factory or incidentally to the purposes of any factory, and in which any person is employed in manual labour;

(h) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution.

(3) Any line or siding (not being part of a railway) which is used in connection with any of the purposes of a factory, shall be deemed to be the part of the factory; and if any such line or siding is used in connection with more than one factory belonging to separate occupiers, it shall be deemed to be a separate factory, and the provisions of this Act shall apply as if such different occupiers were jointly the occupiers of the line or siding so deemed to be a factory.

(4) A part of a factory may, with the approval in writing of the Chief Inspector, be taken to be a separate factory, and two or more factories may, with the like approval, be taken to be a single factory.

(5) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(6) Where a place situated within the close, curtilage or precincts forming a factory is solely used for some process other than a process for and incidental to the main purposes of the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Premises belonging to or in the occupation of the Government or any local authority or corporation constituted under any enactment shall not be excluded from the definition of a factory by reason only that the work carried on there is not carried on by way of trade or for purposes of gain.

(9) Where the Minister by executive instrument so directs as respects all or any purposes of this Act, and subject to such conditions as he may think fit to require, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(10) Notwithstanding the foregoing provisions of this section, the definition of a factory shall not apply—

(a) to any building operations undertaken below ground in a mine;

(b) to any works of engineering construction undertaken at a mine, whether above or below ground, or at a quarry;

(c) to premises in or adjacent to and belonging to a mine, being premises in which the only activity carried on is ancillary to the getting, dressing or preparation for sale of minerals.

Section 84-Definition of an Office.

(1) In this Act "office" means any room of a building of which the substantial use is for clerical work including book-keeping, filing, typing, duplicating, machine calculating, drawing, the editorial preparation of matter for publication in print, the sorting and carrying of papers, telephone operating, and the handling of money, except any rooms in premises of which the substantial use is private residence or for private domestic purposes.

(2) In this Act, "office" also includes establishments, institutions and administrative services in which the workers are mainly engaged in office work.

Section 85-Definition of a Shop.

In this Act, "shop" means—

(a) a shop;

(b) a building or part of a building of which the substantial use is the carrying on there of retail trade or business (including the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for purposes of gain);

(c) a building or part of a building occupied by a wholesale dealer or merchant where goods are kept for wholesale distribution or sale;

(d) a building or part of a building to which members of the public are invited to resort for the purpose of delivering goods for repair, renovation, cleaning or other treatment, or of themselves there carrying out repairs, renovation, cleaning or other treatment of goods.

Section 86-Interpretation.

(1) In this Act, unless the context otherwise requires—

"article" includes any solid, liquid or gas, or any combination thereof;

"bodily injury" includes injury to health;

"building operation" means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

"class" of factories, offices or shops includes a group of factories, offices or shops described by reference to locality;

"driving-belt" includes any driving strap or rope;

"fumes" include gas or vapour;

"lifting machine" means a crane, crab, winch, teagle, pulley, block, gin wheel, transporter or runway;

"lifting tackle" means chain slings, ropeslings, rings, hooks, shackles and swivels;

"local authority" means a council established under any enactment for the time being in force relating to local government;

"machinery" means every mechanical contrivance whether operated by hand or by

automatic power, and includes driving belts, flywheels, prime movers, transmission machinery, water wheels, water turbines, electric generators motor or rotary converters, and shaftings;

"maintained" means maintained in an efficient state, in efficient working order, and in good repair;

"mine" includes any place, excavation, or working whereon, wherein, or whereby any operation in connection with mining is carried on;

"Minister" means the Minister responsible for Labour;

"occupier" means the person who runs the factory, office, shop or other premises in question, and who regulates and controls the work that is done there;

"offence" means an offence under this Act;

"owner" means the person for the time being receiving the rents or profits of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the premises were leased;

"prescribed" means prescribed by the Minister under section 8(2);

"prime mover" means every engine, motor or other appliance which provides mechanical energy derived from steam water, wind, electricity, the combustion of fuel or other source;

"process" includes the use of any locomotive;

"railway" means any railway used for the purposes of public traffic, whether passenger, goods or other traffic, and includes any works used in connection with and for the purposes of the railway;

"sanitary convenience" includes urinals, waterclosets, earth closets, privies, ashpits, and any similar conveniences;

"steam boiler" means any closed vessel in which for any purposes steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam;

"transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

"work of engineering construction" means the construction of any road, airfield, sea

defence works or river works, railway line or siding, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland, navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipeline, aqueduct, sewer, sewage works, or gas holder, and shall include such other works as may be prescribed;

"young person" means a person under the age of eighteen years.

(2) For the purposes of this Act and regulations made thereunder, machinery or plant shall be deemed to have been constructed or reconstructed before the commencement of this Act or regulations made thereunder, and a factory or building shall be deemed to have been constructed, reconstructed, extended, added to or converted for use as a factory before the commencement of this Act or regulations made thereunder, if the construction, reconstruction, extension, addition or conversion was begun before the commencement of this Act or regulations made thereunder.

(3) For the purposes of this Act a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.

(4) For the purposes of this Act an apprentice shall be deemed to be a person employed.

Section 86-Interpretation.

(1) In this Act, unless the context otherwise requires—

"article" includes any solid, liquid or gas, or any combination thereof;

"bodily injury" includes injury to health;

"building operation" means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

"class" of factories, offices or shops includes a group of factories, offices or shops described by reference to locality;

"driving-belt" includes any driving strap or rope;

"fumes" include gas or vapour;

"lifting machine" means a crane, crab, winch, teagle, pulley, block, gin wheel, transporter or runway;

"lifting tackle" means chain slings, ropeslings, rings, hooks, shackles and swivels;

"local authority" means a council established under any enactment for the time being in force relating to local government;

"machinery" means every mechanical contrivance whether operated by hand or by automatic power, and includes driving belts, flywheels, prime movers, transmission machinery, water wheels, water turbines, electric generators motor or rotary converters, and shaftings;

"maintained" means maintained in an efficient state, in efficient working order, and in good repair;

"mine" includes any place, excavation, or working whereon, wherein, or whereby any operation in connection with mining is carried on;

"Minister" means the Minister responsible for Labour;

"occupier" means the person who runs the factory, offi

Section 87-Repeal and Savings.

(1) The Factories Ordinance, 1952 (No. 33) is hereby repealed.

(2) Notwithstanding the repeal of the Factories Ordinance, the following statutory instruments shall continue in force as if made under the corresponding provisions of this Act, until revoked, altered or otherwise modified:—

The Factories (Woodworking) Regulations, 1959 (L.N. 301).

The Food Factories (Welfare) Regulations, 1959 (L.N. 302).

The Food Factories (Welfare) Regulations, 1959 (Abstract of Regulations) Order, 1960 (L.I. 33).

The Factories (Woodworking) Regulations, 1959 (Abstract of Regulations) Order, 1960 (L.I. 34).

The Factories (Docks Safety) Regulations, 1960 (L.I. 86).

Section 88-Commencement.

This Act shall come into force on the 1st day of April, 1970.

Section 88-Commencement

This law shall be deemed to have come into force on the 21st April, 1983. [Inserted and to be cited as Factories, Offices and Shops (Amendment) Law, 1983 (PNDCL 66), s. 2]