

Information Statement

Public Authority: Advisory Council for Safety and Health

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Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Advisory Council for Safety and Health. In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be in writing using the application form, and submitted to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

Key, including definitions

- The Council means the Advisory Council for Safety and Health
- The Act means the Occupational Safety and Health Act 1982 (Consolidated)
- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation [s5(1)a]

Insert structure of Authority (a chart – if helpful, and some explanatory text):

The Council consist of a Chairman not less than nine other persons of whom—

1. four shall be appointed by the Minister after consultation with organizations representing employers as appropriate;
2. four shall be appointed by the Minister after consultation with organizations representing employees as he/she considers appropriate; and
3. a Safety and Health Officer appointed by the Minister.

A member of the Council, other than the Safety and Health Officer, shall hold office for a period not exceeding three years, and shall be eligible for re-appointment.

[s8, Occupational Safety and Health Act 1982]

The Council was last operational in 2012 and has not been established since.

Insert Governing Legislation:

1. Occupational Safety and Health Act 1982 (Consolidated)
 - Occupational Safety and Health Regulations 2009
 - Health and Safety at Work (Pressure Systems) Regulations 1989
 - Occupational Health and Safety (Approved Code of Practice) Notice 1997
2. Radiation Act 1972

Section B1: Legislated Functions, Powers and Duties of the Authority [s5(1)b]

Insert power, duties and functions of the Authority (cite Act or Policy):

Functions of Boards under the Occupational Safety and Health Act 1982 (Consolidated)

Legislative Mandate: [s8, Occupational Safety and Health Act 1982]

1. There shall be an Advisory Council for Safety and Health who shall be responsible for—
 - (a) advising the Minister on proposals and policy in relation to the development of new regulations and codes of practice and the policy in relation to new risks to safety and health;
 - (b) advising the Minister on matters relating to the protection and promotion of the safety and health of persons at work;
 - (c) advising the Minister on safety and health generally and the protection of employees and self-employed persons in specific kinds of situations;
 - (d) advising the Minister on any matter relating to safety and health on which the Minister seeks the advice of the Council;
 - (e) the giving of advice or the making of recommendations to the Minister on any matter mentioned in this subsection.

2. The Minister may refer to the Council any matter relating to the safety and health of persons at work generally or in particular places of employment, and the Council shall enquire into and report to the Minister upon any matter so referred.
3. The report of the Council on any matter referred to it under subsection (4) may be published in such manner as the Minister may, after consultation with the Council, determine.
4. Fees shall be paid to the members of the Council in accordance with the Government Authorities (Fees) Act 1971.
5. The Council may regulate its own proceedings.

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided [s5(1)c]

Insert a summary of services and programmes provided by the authority:

Programme Goals:

Reduce the Risk of Injury and Illness arising from workplace activities

Objectives:

1. advising the Minister on proposals for regulations and the policy in relation to the development of new regulations and codes of practice and the policy in relation to new risks to safety and health;
2. advising the Minister on matters relating to the protection and promotion of the safety and health of persons at work;
3. advising the Minister on safety and health generally and the protection of employees and self-employed persons in specific kinds of situations;
4. advising the Minister on any matter relating to safety and health on which the Minister seeks the advice of the Council;

Section D: Records held [s5(1)d]

List and describe the classes of records held by the authority:

Minutes of Council Meetings

Section E: Administration manuals [s5(1)e]

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

None

Section F: Decision-making documents [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]

None – the role of the Council is to advise the Minister

Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]

Insert name and contact information:

How to make a request for information, or to amend your personal information

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied

with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

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|-----------------|---|
| Contact | PATI Information Officer, Mrs. Verlina Bishop c/o Receptionist, Ministry of Health and Seniors <i>Re: PATI request for Advisory Council for Safety and Health</i> |
| Hand-deliver to | Continental Building, 25 Church Street, Hamilton |
| Mail* | P.O. Box HM 380, Hamilton HM BX, Bermuda |
| Email* | vdbishop@gov.bm Add subject line: PATI request for Advisory Council for Safety and Health |
| Telephone | 278-4900 |

* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.

Section H: Further Information [s5(1)h]

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

1. **About us** is available on the government website at: <https://www.gov.bm/ministry/health-and-seniors>.
2. **Fees and Remuneration:** The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
 - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.
3. The **legislation** listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.

Section I: Other Information As Prescribed [s5(1)i]?

At Dec 2016 there are no Regulations to specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.

3. **Expenditure:** Quarterly expenditure will be provided upon request. Other than remuneration to members for attending meetings, as described in section H above, the Authority has no expenses.
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement (*Confirm copies of Information Statement are available at*):

- Office: Ministry Headquarters, Continental Bldg, 25 Church St., Hamilton Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
 - PATI website <https://www.gov.bm/public-access-information-pati> Y
 - Authority's website – there is no website for the authority n/a
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

Date Information Statement was updated:

***Date:* 1st November 2016**

Sign:



***Name:* David Kendell**
***Post:* Director, Department of Health**

Ends