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WORKPLACE SAFETY AND HEALTH - IT STARTS FROM THE TOP

The case of Public Prosecutor v Wai Chong Weng highlighted some important aspects of the WSH regime in Singapore, most notably, the importance of companies developing clear risk assessments and risk management measures for their employees to follow.

FACTUAL CONTEXT

In February 2022, a worker in the factory of a cardboard printing factory was fatally injured after he entered the bundle stacker of a cardboard printing machine. The Ministry of Manpower's ("MOM's") operative theory was that the worker had leaned his torso into the bundle stacker via an open viewing window and his head had been struck by the moving parts of the bundle stacker.

The floor supervisor in charge of the printers on the factory floor was charged by MOM in February 2024 under section 15(4) of the Workplace Safety and Health Act 2006 (the "WSHA") for negligently allowing the window of the bundle stacker to remain open while the machine was in operation and allowing the practice of operators extending parts of their body through the open window of the printer's bundle stacker.

The floor supervisor claimed trial. The trial was heard over 8 days from April to September 2025 and after the evidence of the MOM investigation officer completed, the prosecution applied to withdraw the charge and applied for a discharge amounting to an acquittal, which was granted by the Court.

IMPORTANCE OF THIS CASE

Although the case did not end in a judgment by the Court, some important lessons can be gleaned from the cross-examination of MOM's investigation officer and the prosecution's decision to withdraw the charge after having heard his evidence.

Employees are entitled to rely on the company and safety officer to identify risks which are not obvious

First, although there is a general duty on every employee in a workplace (even rank-and-file workers) not to negligently do any act which endangers the safety of themselves or others, what is considered negligent very much depends on the facts of the case.



In the present case, the window having been left open while the machine was in operation was not an obvious risk attracting liability. This was particularly because the walls around the bundle stacker already prevented workers from falling in accidentally, the manufacturer of the machine had not raised any issue with the window being left open, the professional external safety officers engaged by the company did not identify any safety issues with the window being left open while the machine was in operation and the internal safety officer of the company also had not identified any safety issues with the window being left open while the printer was in operation.

The investigation officer thus admitted during cross examination that flowing from the external safety officers and the company downwards, there was no indication that leaving the window of the machine's bundle stacker open while it was in operation was risky in any way and therefore workers, including the floor supervisor, would not think it was dangerous.

Companies have the duty to develop risk assessments and mitigation measures

Second, for instances where the safety risks are not obvious to employees, it is incumbent on companies to make available to employees clear risk assessments which identify the safety risks and instructions to mitigate or eliminate such risks.

This is made clear in the WSHA and the WSH Council Code of Practice on Workplace Safety and Health (WSH) Risk Management (the "RM Code of Practice") which require employers to implement measures "ensuring that those persons at work have adequate instruction, information, training and supervision as is necessary for them to perform their work" and to ensure that risk assessments are conducted.

Further, the WSH Council Code of Practice for Chief Executives' and Board of Directors' Workplace Safety and Health Duties provides that "Company Directors set the safety culture of their organisations. Their influence and control over their workplace resources and priorities ultimately drive WSH practices at workplaces."

In the present case, the investigation officer admitted during cross-examination that that there was no risk assessment telling the floor supervisor it was dangerous for the window of the machine to be left open while it was in operation. He also admitted workers relied on the company's risk assessment system and WSH protocols, and if such protocols did not identify the window being open while the machine was in operation as a risk and tell workers not to do it, they would not know not do it.

"Supervisors" are not automatically cloaked with duty to identify risks and implement risk control measures

Third, an employee designated as a "supervisor" is not automatically cloaked with duties to identify risks and implement risk control measures.

The RM Code of Practice provides that an employer, more specifically, the Human Resource Manager, is to clearly communicate to employees any responsibility they may have in relation to WSH.

It also provides that for an employee to be appointed as a Risk Assessment Leader or Risk Management Leader, he must have at least completed a Workforce Skills Qualification course in Risk Management approved by SkillsFuture Singapore.

In the absence of such specific appointments and training, an employee would only have responsibilities of an ordinary employee, which are to **follow** the risk assessment instructions provided by the company, and **not implement or enforce** risk assessments or safety control measures.

In the present case, the investigation officer admitted that the floor supervisor's employment contract did not provide for any duties apart from generally abiding by the company's WSH policies. The floor supervisor was also not qualified to be a Risk Assessment or Risk Management Leader as he had not attended the required Workforce Skills Qualification course.



The investigation officer thus admitted that the floor supervisor only had general duties as an employee and it was not his job to implement any safety measures or enforce any risk assessment.

The investigation officer also admitted that given there was no risk assessment or instruction from the company or the company's internal safety officer telling the floor supervisor that leaving the window of the machine open while it was in operation was unsafe, he would not think it was dangerous.

Employees are nevertheless under a duty to mitigate obvious safety risks

Lastly, as regards the safety risk which was apparent to the floor supervisor, i.e. workers extending their body parts into the open window while the machine was in operation, the floor supervisor had discharged his duties by telling the workers not to extend their bodies into the window while the printer was in operation.

The investigation officer admitted that the floor supervisor thus did not allow workers to do that and should not be charged for having allowed the practice of workers extending their body parts into the open window while the printer was in operation.

Further details can be found [here](#).

Please feel free to reach out to us should you require further elaboration.

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