

Frequently Asked Questions:

Approved Code of Practice on

Chief Executives' and Board of Directors' Workplace Safety and Health Duties

Got a question about the ACOP? In this FAQ, you may find the answers to commonly asked questions. The questions are grouped into four categories:

- [How the ACOP relates to the WSH Act;](#)
- [Who has WSH responsibility;](#)
- [How the ACOP applies to different types of organisations;](#) and
- [Other questions.](#)

If you have other questions, write to us at contact@wshc.sg.

How the ACOP relates to the WSH Act

| S/N | Question | Answer |
|-----|---|--|
| 1 | Which part of the Workplace Safety and Health (WSH) Act states that Chief Executives (CEs) and Board Directors are liable for WSH offences? | <p>Under section 48(1) of the WSH Act, an officer of the company (including CEs and Board Directors) can be held accountable for the WSH Act offence committed by his/her company, unless he/she proves that:</p> <ul style="list-style-type: none"> a) the offence was committed without the officer's consent or connivance; and b) the officer had exercised all due diligence to prevent the commission of the offence. |
| 2 | Is the Approved Code of Practice (ACOP) a new law? | <p>ACOPs are not laws. However, as they are issued after extensive industry consultation, the standards and practices stipulated in ACOPs are considered the expected standard that a person should adopt to fulfil his/her responsibilities under the WSH Act. Not following the recommendations in an ACOP in itself is not breaking the law because this may not be the only means of achieving the intent of the regulations.</p> <p>In the case of the ACOP on Chief Executives' and Board of Directors' WSH Duties, it gives guidance on behaviours that the Courts may take into account in deciding whether CEs and Board Directors exercised all due diligence to prevent an offence under section 48(1) of the WSH Act. Compliance with the Code of Practice could be used as a mitigating factor for the Court's consideration in the event of an organisation's WSH Act offence. More measures implemented will likely result in fulfilling each Principle to a greater extent. However, compliance with the Code of Practice, in and of itself, does not equate to due diligence.</p> |

| S/N | Question | Answer |
|-----|---|--|
| 3 | Does the ACOP set out what is “due diligence” in the WSH Act? | <p>The Courts may take into account fulfilment of the ACOP’s Principles as evidence of how CEs and Board Directors are exercising their “due diligence”.</p> <p>Nonetheless, in relation to section 48(1) of the WSH Act, fulfilment of the measures in the ACOP does not automatically mean that the CEs and Board Directors have exercised their due diligence to prevent the offence.</p> <p>“Due diligence” has to be taken in the context of the company leadership’s circumstances, including variables such as their roles and decisions taken, which have to be established on a case-by-case basis.</p> |
| 4 | Is the implementation of all 17 measures required to adequately discharge one’s duty as a CE or Board Director? | <p>It is more important for CEs and Board Directors to adopt the four Principles in the ACOP. The measures are neither mandatory nor exhaustive. There may be other ways (aside from the measures listed in the ACOP) for a CE or Board Director to achieve a similar outcome.</p> <p>In relation to section 48(1) of the WSH Act, fulfilment of the measures in the ACOP does not automatically mean that the CEs and Board Directors have exercised their due diligence to prevent the offence.</p> |
| 5 | Can CEs and Board Directors be taken to task for not carrying out the measures? | <p>No, CEs and Board Directors will not be taken to task solely on account of not adhering to the measures stipulated in the ACOP. Similar or better outcomes can be achieved by different means aside from those provided by the ACOP. Nonetheless, the ACOP provides a yardstick to assess whether reasonably practicable measures have been taken by the CE or Board Director.</p> |

| S/N | Question | Answer |
|-----|--|--|
| 6 | Have there been cases of CEs or Board Directors being prosecuted for not fulfilling their WSH obligations? | <p>Yes. An example was a 2021 case. This was the case of the Chief Executive Officer (CEO) of Leeden National Oxygen Ltd who was convicted under section 48(1) of the WSH Act. He was fined \$45,000.</p> <p>The CEO was responsible for the overall operations, including safety, human resources, and finances. For failing to take necessary measures to ensure the health and safety of the company's employees, the CEO could have been jailed up to two years, fined up to S\$200,000, or both.</p> |
| 7 | How would enforcement change once there is an ACOP? | MOM's enforcement does not change purely by virtue of having this ACOP. The ACOP helps guide company leaders on how they can fulfil their responsibilities under section 48(1) of the WSH Act. |
| 8 | Why not legislate the prescribed duties of CEs and Board Directors? | <p>The legal obligation of CEs and Board Directors are already stipulated under section 48(1) of the WSH Act.</p> <p>The four Principles in the ACOP were developed to guide CEs and Board Directors on how they can fulfil their legal obligation under section 48(1) of the WSH Act. Whether the four Principles are met are evidenced by the measures taken by the company, for which there are no one-size-fits-all solutions that apply to every organisation. The measures within the ACOP are recommendations and are not intended to be exhaustive nor applicable in all situations.</p> |

Who has WSH responsibility

| S/N | Question | Answer |
|-----|--|---|
| 9 | Who does the ACOP apply to? | <p>The ACOP applies to any individual who is in a position to make executive decisions that have an impact on WSH. The individual must be involved in activities on policy and decision-making related to the business affairs of the company which can affect the company as a whole or a substantial part of it. It is not defined solely based on the title one holds in a company but rather by examining the true nature, power, and functions of an individual in a company.</p> <p>The individuals the ACOP applies to includes the CE or equivalent officer, regardless of title and whether the individual is a member of the Board of Directors.</p> |
| 10 | Does every single board member bear WSH responsibility for its organisation? Do non-executive Board Directors bear responsibility for WSH? | <p>The officers that have WSH responsibility are those that make executive decisions that have an impact on WSH, and those whom the organisation assigns to oversee any Principle of the ACOP.</p> <p>It is up to the company to decide which corporate officers have responsibility over WSH matters, be it a single board member, the CE, or the entire board. Different officers may be assigned responsibility over different aspects of WSH, or over different Principles in the ACOP.</p> |
| 11 | The ACOP refers to both CEs and Board Directors. Does it mean to say that CEs and Board Directors bear the same responsibility? | <p>Not necessarily. A CE would have direct influence and authority over operations in the company, and thus bear responsibility proportional to his or her authority. A Board Director may not be directly involved in operations, but could steer the corporate direction, and may have influence in terms of prioritising WSH.</p> <p>In the event of a WSH Act contravention, the Courts will assess the degree of diligence that each individual has exercised, with regard to the nature of his or her functions and to all the circumstances related to the commission of the offence, such as whether the actions or inaction of the individual contributed to a workplace incident.</p> |

| S/N | Question | Answer |
|-----|--|--|
| 12 | Must the company's CEs and Board Directors be the same individual registered under the ACRA Business Profile report? | Top executives and elected board members of a company may include but need not be the same individual registered with ACRA. (https://www.acra.gov.sg/how-to-guides/buying-information/business-profile) |
| 13 | I sit in multiple Boards for a number of organisations. Do I bear the WSH responsibilities for all of those organisations? | You will bear the WSH responsibility for the companies where you have been assigned to make executive decisions that have an impact on WSH, or to oversee any Principle within the ACOP. |
| 14 | Who are the officers who would be liable for charges under section 48(1) of the WSH Act? | The officers that bear WSH responsibility in an organisation may be liable under section 48(1) of the WSH Act. Whether such officers are found liable will have to be established based on the facts and circumstances of each case, such as whether the actions or inaction of the officer contributed to a workplace incident. |
| 15 | How does section 48(1) of the WSH Act apply to MNCs where the CEs or Board Directors are located overseas? | Section 48(1) of the WSH Act applies to the CEs and Board Directors who oversee and are responsible for the operations of local workplaces, whether they are based in Singapore or not. The crux is whether he/she is responsible for the business operations in Singapore and thus have the responsibility to ensure that there is a WSH system in place. |
| 16 | My company owns multiple subsidiaries in Singapore; each subsidiary has its own CEs and Board directors. Would the CEs and Board Directors of the parent company assume all responsibilities for its subsidiaries too? | Companies are free to determine the responsibilities according to their own operational requirements, but in general, the CEs and Board Directors of each respective organisation would assume responsibility. |

| S/N | Question | Answer |
|-----|---|---|
| 17 | When a subsidiary commits a WSH offence, would the CEs and Board Directors of its parent company be held accountable too? | When a WSH offence has been committed, investigations will identify responsible persons and contributing factors for lapses which led to the incident. The investigation process may extend to the parent company, for example, if the subsidiary's WSH systems and processes are determined by the parent company. |
| 18 | Can CEs and Board Directors delegate their responsibilities to their executive team? | <p>CEs and Board Directors cannot delegate their responsibility to the executive team. While CEs and Board Directors may delegate the operationalisation and implementation of the measures listed within the ACOP, they are still accountable and responsible in ensuring that the Principles and reasonably practicable measures are in place and have been followed through.</p> <p>For example, proposed measure 16 states that CEs and Board Directors should commit resources and protected time for workers to undergo WSH training and refresher course. The CEs and Board Directors should make this commitment and give guidance to the executive team on how much company funds should be allocated to support this measure, but the actual implementation can be done by the executive team (e.g. allocation and disbursement of funds, follow-up on training plans).</p> |
| 19 | On Measure 7, must every CEs and Board Directors acquire WSH knowledge through formal training and courses? | Each organisation should use its judgement on which corporate officers should be given WSH knowledge, taking into account their WSH responsibility and their roles in executive decision-making. |

How the ACOP applies to different types of organisations

| S/N | Question | Answer |
|-----|---|---|
| 20 | <p>My company is involved in knowledge-based work with no manual work at all. The risk of physical injury is negligible. Do I still need to adhere to section 48(1) of the WSH Act and the ACOP?</p> <p>If so, are the Principles still relevant?</p> | <p>The scope of section 48(1) of the WSH Act and this ACOP covers risks to health, which includes both physical and mental well-being. This would apply to all companies, regardless of industry and nature of work.</p> <p>Yes, the Principles apply to both safety and health aspects of the work carried out in your organisation.</p> |
| 21 | <p>I work in an organisation that is bound by other Acts, beyond the WSH Act. Would the ACOP still be applicable to my company management and our elected board members?</p> | <p>Yes, the ACOP covers all industry sectors and guides all organisations, even though they are also bound by other Acts. The other Acts usually relate to the organisation's duties to the public, customers or those who are not the company's employees or contractors. The Workplace Safety and Health Act primarily protects the safety and health of employees and contractors.</p> |
| 22 | <p>Does the ACOP apply to joint ventures?</p> | <p>Yes, it does. Joint ventures will have their own CEs and Board Directors, and the ACOP would apply to them.</p> |

Other questions

| S/N | Question | Answer |
|-----|---|--|
| 23 | Are there other countries with similar guidance laid out specifically for the CEs and Board Directors? | <p>Australia Australia sets out interpretive guidelines for all officers under their WHS Act. In Australia’s case, guidelines are a positive obligation and can be legally enforced. Some of their guidelines include gaining an understanding of the nature of company operations and associated hazards/risks and ensuring that appropriate resources and processes to eliminate or minimise WSH risks are readily available.</p> <p>Germany The occupational health and safety (OHS) legislation imposes explicit duties upon directors in parallel to duties that are imposed upon companies. The directors have an obligation to “fulfil” the responsibilities that are imposed upon the company. Failure to do so can result in the imposition of “enforceable orders”. Administrative fines can be imposed, or prosecutions can be initiated if the director is found to have acted with ‘neglect’.</p> |
| 24 | What is the timeline given to finish implementing or reviewing measures in our companies to be “ACOP-ready”? | There is no deadline stipulated for companies to be "ACOP-ready" because it is not legislation. CEs and Board Directors should avoid assigning a "date of completion" to this but continually strive to maintain high WSH standards to keep employees safe and healthy. |
| 25 | Are there programmes to help SMEs better align themselves with the ACOP Principles? | SMEs can reach out to the WSH Council and get on board either bizSAFE (for all companies) or StartSAFE programmes (for SMEs without bizSAFE) to further improve their WSH standards. |
| 26 | Is attaining ISO45001 certification or bizSAFE STAR recognition equivalent to fully adopting the ACOP Principles? | No. ISO45001 is a certification process while bizSAFE is a recognition for attaining risk management capabilities. The Code encompasses more than implementing systems; implementing ISO 45001 or attaining bizSAFE recognition would contribute to only the third Principle of the Code. |

| S/N | Question | Answer |
|-----|--|---|
| 27 | With hybrid and remote work being more commonplace, how do CEOs and Board Directors discharge their WSH duties beyond the perimeters of their workplace into their employees' homes? | With the prevalence of remote working, companies should consider whether to include the WSH risks of remote work as part of their risk assessments. Potential risks include ergonomics, where prolonged seating in an unsuitable position or poor posture can impact an employee's physical health, and burnout, if remote work blurs the distinction between office hours and personal time. |