



OCCUPATIONAL SAFETY & HEALTH ACT

A Guide for Work Place
Safety in the Maldives



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INTRODUCTION

On 2 January 2024, the President of the Maldives ratified the Occupational Safety and Health Act (Law No. 2/2024), marking a significant step towards ensuring the well-being of employees in workplaces across the country. This new law, which is complemented by Regulation No. 2024/R-103 (Occupational Safety and Health Act), published on 14 October 2024, establishes a comprehensive framework for workplace safety and health.

This guide provides an in-depth look at the key responsibilities of employers, employees and other stakeholders helping to understand the obligations outlined in both the Act and its accompanying Regulation.

CONTENTS

1. Overview	pg.4	10. Mandatory Health and Safety Policy	pg.15
2. Employer's General Duties Under the Act	pg.5	11. Appointment of Health and Safety Officers	pg.16
3. Other Responsibilities of Employers	pg.6	12. Reporting and Investigation of Accidents, Incidents, or Illnesses at the Workplace	pg.18
4. Responsibilities of the Person Who Runs the Workplace	pg.7	13. Cooperation with Health and Safety Inspectors	pg.20
5. Responsibilities of the Employees	pg.8	14. Notice to Rectify and Cease Work	pg.21
6. Responsibilities of the Self-Employed	pg.9	15. Review of Director General's Orders	pg.22
7. Responsibilities of Parties Manufacturing or Supplying Machinery Equipment, or Hazardous Substances	pg.10	16. Mandatory Training Programme	pg.23
8. Responsibilities of Parties Who Install, Arrange, or Modify Machinery or Equipment & Those Who Have Control Over Such Items	pg.12	17. Compensation for Damage Due to Injury	pg.24
9. Responsibilities of Legal Entities and Individuals	pg.14	18. Rules and Guidelines to be published by the Labor Relations Authority.	pg.29
		19. Areas in which Health and Safety Officers can be Trained	pg.30
		20. Conclusion	pg.31

1. Overview

In response to growing concerns over workplace safety the introduction of the Occupational Safety and Health Act has taken a significant step forward ensuring the health and well-being of the workforce.

This Act applies to all employees, employers, and private individuals in both the public and private sectors, unless otherwise specified in another law. It is designed to promote the health, safety, and welfare of workers by establishing specific responsibilities for employers and employees alike.

The law entrusts the Director General for Workplace Safety and Health with the responsibility of overseeing the enforcement and execution of the Act's provisions.



2. Employer's General Duties Under The Act

The Act imposes several critical obligations on employers to ensure the safety and well-being of their employees, specifically:

- 1. Employers are required to safeguard the health, safety, and welfare of all employees, as far as reasonably practicable, and to prevent harm to other individuals who may be affected by work activities.**
- 2. Employers must implement and maintain health and safety systems that are designed to prevent risks to health and safety in the workplace.**
- 3. Employers must provide and maintain safe plant and systems of work that, as far as reasonably practicable, do not pose risks to health.**
- 4. Employers must provide essential information, training, instruction, and supervision to ensure that employees work in a safe and healthy environment.**
- 5. Employers are required to enact and implement a workplace health and safety policy, including regular reviews and amendments to ensure ongoing compliance.**
- 6. Employers must make arrangements to ensure that plant and equipment in use at the workplace are safe and do not present health risks, as far as is reasonably practicable.**
- 7. Employers must ensure the safety of employees when handling, storing, and transporting articles and substances, minimizing any health risks.**
- 8. Employers are also required to implement an emergency response policy in accordance with the guidelines set out in the Act in order to effectively address workplace emergencies.**

3. Other Responsibilities Of Employers

In addition to the general obligations outlined in the Act, employers have several other responsibilities to ensure the health and safety of their employees and to comply with the provisions of the Act. These include:

1. Employers must not reduce or agree to reduce any amounts payable to employees or contractors as a result of the safety and health obligations imposed on employers under the Act.
2. Employers must not accept any consideration, either directly or through an agent, from their employees as a result of the safety and health obligations imposed on employers under the Act.
3. Employers are prohibited from terminating or threatening to terminate an employee who reports breaches of the Act to health and safety inspectors or any other person appointed under the Act. Employees must be able to freely report concerns without fear of retaliation.

If an employer fails to fulfil these responsibilities, they will be subject to fines ranging from MVR 10,000 to MVR 25,000, depending on the severity of the violation.



4. Responsibilities Of The Person Who Runs The Workplace

The person who runs the workplace has a clear responsibility to take appropriate measures to ensure the health, safety, and protection of individuals at the workplace. This includes:

1. Ensuring that the work environment is safe and conducive to the health and well-being of employees.
2. Ensuring that all facilities used for entering and exiting the workplace are safe and secure.
3. Ensuring that all equipment, machinery, and hazardous substances present at the workplace are properly managed to prevent health and safety risks.

In the event of an incident or workplace emergency, the person who runs the workplace has the obligation to report it to the relevant authorities. If the person who runs the workplace neglects their responsibilities, they may be subject to a fine of MVR 5,000.



5. Responsibilities Of Employees

Employees also have a critical role in maintaining a safe and healthy workplace. Under the Act, employees are required to:

1. Use any necessary health and safety equipment provided by the employer to protect themselves at the workplace.
2. Cooperate with the employer and the person who runs the workplace to ensure that all obligations under the Act are met and that safety protocols are followed.
3. Report any incidents or conditions that may affect the health and safety of themselves or others to their supervisor or the employer.

If an employee fails to fulfil their duties, they may be fined up to MVR 1,000. Additionally, employees are prohibited from intentionally or negligently causing harm to another person's health or safety. If an employee's actions lead to such harm, they may face a fine of up to MVR 25,000.



6. Responsibilities Of The Self-Employed

For individuals who are self-employed, the Act imposes specific duties to ensure the health safety of not only themselves but also others who may be affected by their work or workplace activities.

1. As a self-employed person, they must take the necessary steps to prevent any health or safety issues arising from their work or workplace. This includes addressing risks that may affect themselves, others working with them, or any visitors to their workplace.
2. If the workplace involves people other than the employees, they are required to notify them of any potential risks to their health and safety. This includes informing them of any ongoing work that may present a risk or any hazardous conditions present at the workplace.

Failure to meet these obligations can result in penalties up to MVR 1,000.



7. Responsibilities Of Parties Manufacturing Or Supplying Machinery, Equipment, Or Hazardous Substances

Under the Act, parties who manufacture, supply, or distribute machinery, equipment, or hazardous substances used in the workplace have specific duties to ensure that their products do not pose a risk to health and safety. The key responsibilities include:

1. Ensuring that the party to whom they are supplying the machinery, equipment, or hazardous substances is aware of the following:
 - i. Information on how to safely store and use the product.
 - ii. Any potential health risks associated with the product.
 - iii. Details of any testing to be performed on the product to identify risks, including how to read the results of these tests.
2. Ensuring that if the machinery, equipment, or hazardous substances are used correctly, they will not cause any harm to the health or safety of individuals.
3. Ensuring that the machinery, equipment, or hazardous substances are regularly tested to verify that they do not pose any health or safety risks when used as intended.



These responsibilities apply regardless of whether the products are supplied for profit or non-profit purposes, provided for a specific task or for a use that is not directly related to work. The same obligations apply whether the product is sold, transferred or rented or even if the supplier acts as an owner agent or a third party.

Exclusion of Liability for Financing Parties: However, if the machinery, equipment, or hazardous substances are supplied under a financial arrangement (such as a hire purchase agreement, conditional sales agreement, or credit sale agreement), the financing party in such cases will not be liable for the obligations under this Act.



8. Responsibilities of Parties Who Install, Arrange, or Modify Machinery or Equipment and Those Who Have Control Over Such Items

Under the Act, parties involved in the installation, modification or arrangement of machinery or equipment, or those who have control over such items at the workplace, bear specific responsibilities to ensure safety.

It is the responsibility of the person who installs, modifies, or arranges the machinery or equipment, or the person who has the control over such items, to ensure that they are installed, arranged, or modified in a manner that will not pose a health or safety risk to anyone using the machinery or equipment correctly. These responsibilities apply to those who are engaged in installing, modifying, or arranging machinery or equipment as part of their business or as a source of income.

A person involved in the installation, modification, or arrangement of machinery or equipment will be considered to have fulfilled their obligations if:

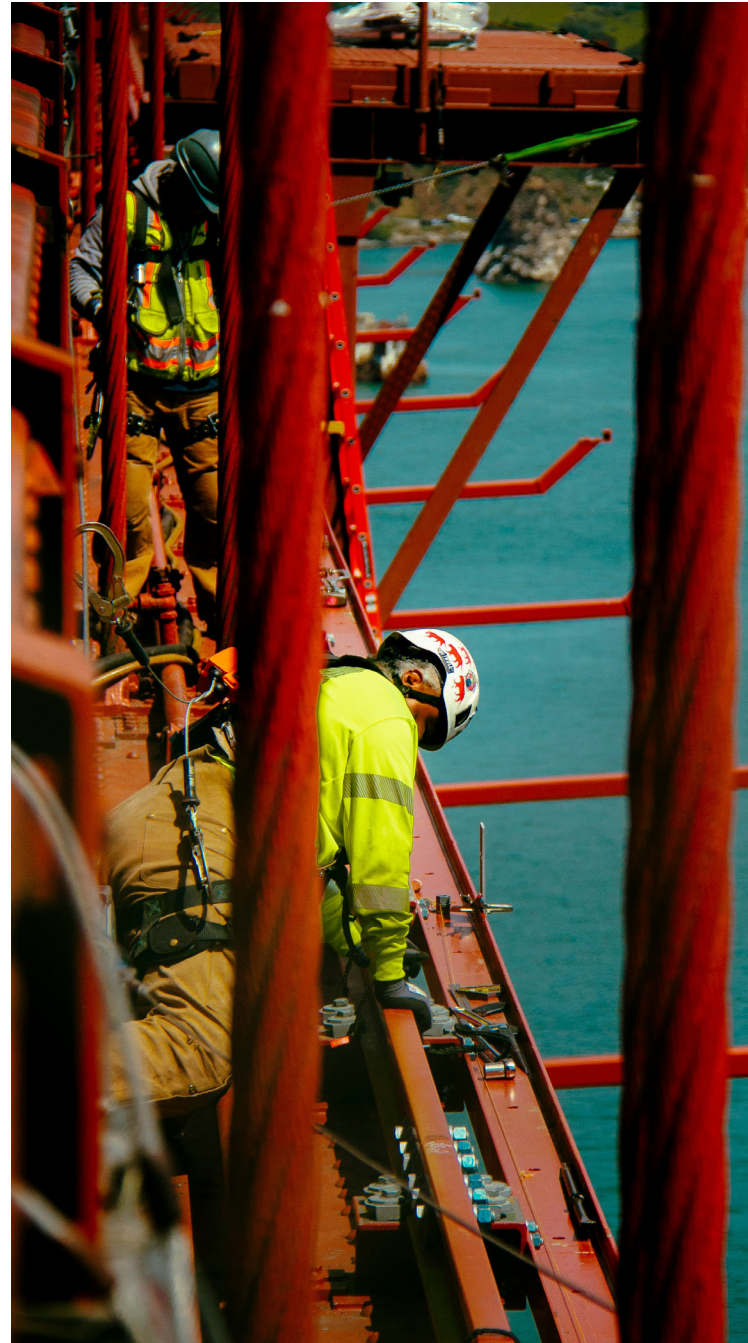
1. It can reasonably be believed that they have installed, arranged, or modified the equipment according to the information and the instructions provided by the manufacturer, designer or supplier.
2. It is reasonable to rely on the information provided by the manufacturer, designer, or supplier to safely install, modify, or arrange the machinery or equipment.

Machinery with the Mechanical Power:

If the machinery is powered mechanically to transport it from one place to another, the following obligations fall on the owner of the machinery:

1. The machinery must be handled in a safe manner to ensure it does not pose any health or safety risks.
2. All users of the machinery should be well-informed about the health and safety measures for its use.

If the machinery is rented to someone else, then the responsibility for ensuring health and safety shifts to the person who rents the machinery. Similarly, if the machinery is handed over to someone else for care or maintenance, the responsibility for ensuring its safety is transferred to the person entrusted with care.



9. Responsibilities Of Legal Entities And Individuals

If an action contrary to the law is taken by a Legal Entity, both the legal entity and the person responsible for running or managing the business or workplace at the time of the violation will be held accountable.

However, if the individual responsible for the business can prove that they took all necessary steps to prevent the violation and were not involved in the unlawful action, they will not be held liable.

The burden of proof lies with the individual to show that they fulfilled their duty to ensure compliance in the law.



10. Mandatory Health & Safety Policy

As per the Section 8 of the Act, it is mandatory for every “person who runs a workplace” to enact and maintain a “health and safety policy”.

The Act defines a person who runs a workplace as anyone who has the responsibility for the operation or control of the workplace, regardless of whether they own the premises.

This definition includes individuals who may not be the property owners but are entrusted with the responsibility to manage or control the workplace, either independently or as designated by someone else.

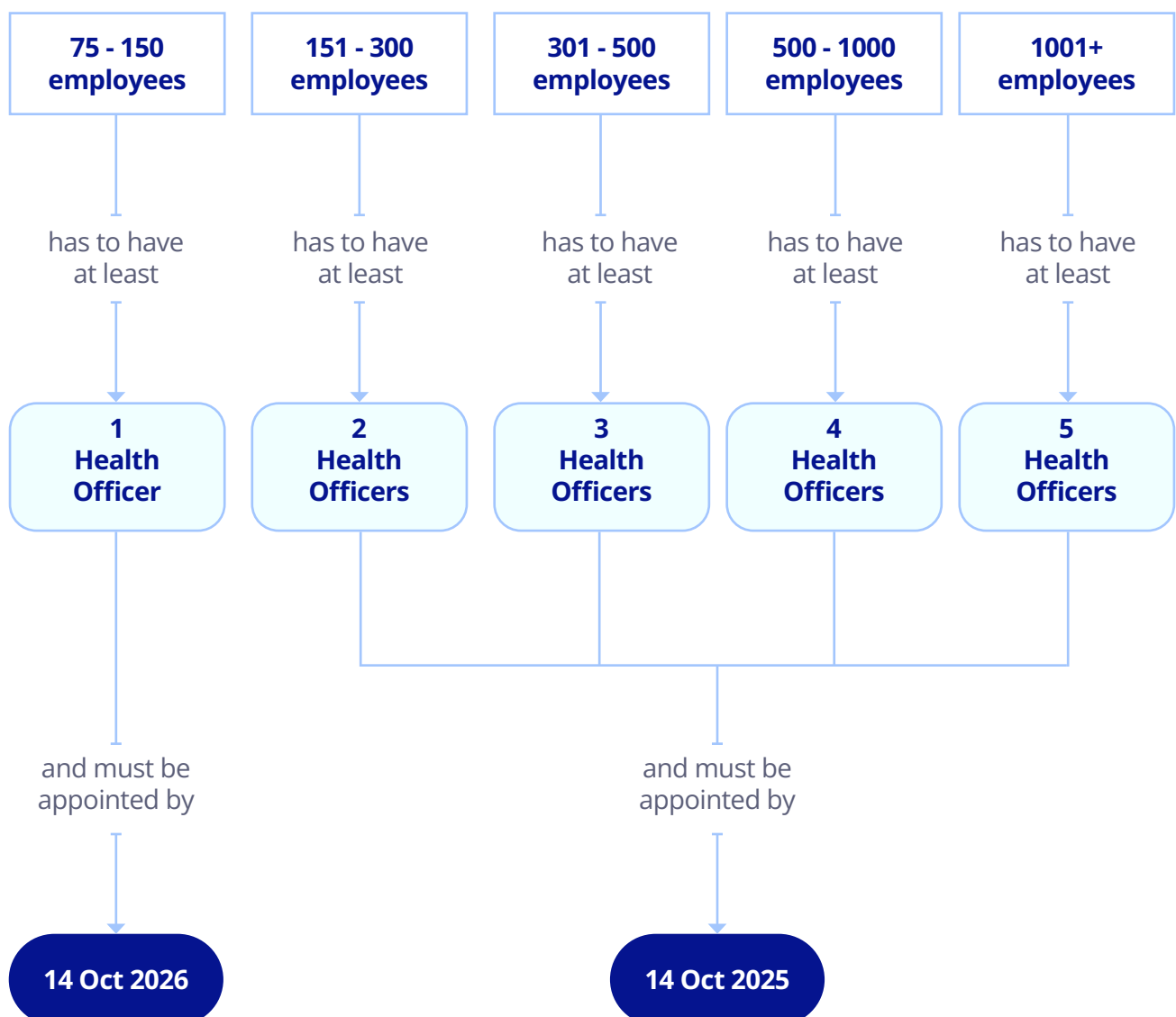
Under the Act, all employers are required to enact and maintain the Health and Safety Policy within 6 months from the date when the Labour Relations Authority publishes the rule and guidelines under Section 25 of the Regulation. This Policy must be clearly visible to all employees, including in a format that is accessible and understandable to foreign workers.

Employers are also mandated to hold induction training sessions for employees to ensure they are fully aware of the Health and Safety Policy. Additionally, to review this policy every 3 years to assess whether any amendments are necessary. Any amendments made to the policy must be shared with the employees to ensure that all are informed.



11. Appointment Of Health & Safety Officers

In accordance with the Regulation, workplaces with a minimum of 75 employees are required to appoint a Health and Safety Officer. The number of officers required increases with the size of the workforce, as follows:



Priority should be given to Maldivian Citizens when appointing these Officers. Employers are also required to submit the details of the appointed Health and Safety Officer to the Labour Relations Authority within 5 days of their appointment. If any changes are made to the appointed officers, these changes must be communicated to the Labour Relations Authority within 5 days as well.



12. Reporting And Investigation Of Accidents, Incidents, Or Illnesses At The Workplace

In the event of an accident, incident, or illness at the workplace, it is the responsibility of the person who runs the workplace or the designated Health and Safety Officer to report the incident to the Director General of Health and Safety or the Labour Relations Authority. The report must be submitted within 1 hour from the occurrence of the incident. Below is the list of situations which must be reported:

1. Fatal Incidents:

If someone dies as a result of an incident at the workplace.

2. Irrecoverable Bodily Damage:

Any irrecoverable damage caused to a person's body due to an incident or accident at the workplace.

3. Serious Accidents or Incidents:

Any accident or incident that could cause irrecoverable damage or pose a threat to life.

4. Harmful Gas or Substance Leaks:

If a harmful gas or substance is leaked as a result of an incident at the workplace.

5. Dangerous Incidents:

Any dangerous incidents involving heavy machinery, equipment, tools, vehicles, air vehicles or vessels at the workplace.

6. Health issues from Harmful Gas or Substances:

Health issues caused by the use of harmful gases or substances at the workplace.

7. Spread of Dangerous Diseases:

If dangerous diseases that can be transmitted from one person to another are spread in the workplace.

If the person responsible for reporting fails to submit the report in accordance with the Act, they will be fined an amount not exceeding MVR 5,000.

Once an accident, incident or illness is reported, the Director General of Health and Safety will instruct the Health and Safety Investigators to investigate the incident. After conducting the investigation, the Health and Safety Officers will compile an Investigation Report. This Report will then be shared with the Director General.

The Director General has the authority to publish the incident report if he deems it to be interest of public safety or awareness. However, any report that is disclosed to the public will exclude personal information of individuals involved, as well as any evidence or statements collected during the investigations.



13. Cooperation With Health & Safety Inspectors

Health & safety inspectors are empowered under the Act to carry out investigations into the workplace safety and health matters. It is the responsibility of both the employees and the person who runs the workplace to cooperate with the inspectors while they are in the premises.

The Act strictly prohibits the following actions with regard to the inspectors' work:

1. Obstructing Inspectors:

Restricting or making it difficult for inspectors to perform their legal obligations under the Act.

2. Failure to Comply with Inspector Requests:

Not fulfilling any requests made by the inspectors, including failing to submit any documents, records, certificates, or notices that have been requested.

3. Failure to Disclose Employer or Workplace Information:

Not disclosing information about the identity of the employer or the person who runs the workplace when asked.

4. Obstructing Individuals in Investigations:

Preventing a specific person from appearing for investigation or attending an order of the inspector, or attempting to hide or obstruct such individuals.

Any person found to be in violation of these prohibitions will be subject to fines ranging from MVR 10,000 to MVR 25,000, depending on the seriousness of the violation.

14. Notice To Rectify And Cease Work

The Director General of Health and Safety has the authority to issue orders to rectify issues in workplaces or to cease work in certain circumstances. These circumstances include:

1. Unsafe Workplace Conditions:

If the state of the workplace, machinery equipment, plant, or any other aspect used in the workplace do not ensure the health and safety of employees.

2. Violation of the Act:

If any individual violates an obligation under the Act.

3. Health and Safety Concerns:

If the Director General determines that any act or omission by a person could affect the health and safety of employees.

In such cases, the Director General may issue orders to:

1. Any person who has control over the workplace or work being performed.
2. Any person responsible for ensuring the health and safety of employees.
3. Any person whose actions or omissions could affect the health and safety of employees.



If anyone fails to comply with an order issued by the Director General, they may be fined an amount between MVR 5,000 and MVR 50,000, depending on the nature of the violation. Additionally, a 3% surcharge will be added to the fine amount.

15. Review Of Director General's Orders

If a person is affected by an order issued by the Director General, they have the right to apply for a review of the order within 14 days from the date the order is issued. This application must be submitted to the Minister who is responsible for issues related to the Employment Relations and Obligations. Currently it is vested on the Minister of Economic Development.

The Minister has the discretion to alter or amend the order if the reasons for the review are deemed valid.

- **If the Minister alters the order, the Director General must amend the order accordingly.**
- **Once a review application has been filed, the Director General is prohibited from taking any further action until the Minister makes a decision.**
- **However, if the Director General has issued an order to stop a specific work process, this order will be enforced and executed until the Minister makes a decision on the review application. This applies even if the review is pending.**



16. Mandatory Training Programme

If the Director General publicly announces in the official gazette that specific training is mandatory for certain employees, the employer must ensure that the employees required to undergo the training complete it successfully.

Furthermore, employees are prohibited from performing work that requires this specific training unless they have completed the mandatory training as stipulated.



17. Compensation For Damage Due To Injury

If an employee is injured during work, or due to work, and the injury results in temporary or permanent disability or death, compensation must be provided to the affected party or the employee's inheritors. The compensation covered under the Act includes the following:

1. Expenses for Medical Treatment:

The costs related to the treatment of the injury.

2. Lost Wages:

The allowances lost due to the employee being unable to work during the treatment period. It is important to note that the Act specifically states that this allowance is provided as compensation and cannot be considered part of employee's income for the purpose of other Acts or legal provisions.

3. Compensation for Disability:

Compensation for temporary or for permanent disability caused by the injury.

4. Compensation for Death:

Compensation to the inheritors of an employee who dies due to the Injury.



Compensation for Disability

When calculating compensation for disability, the following factors are considered:

- **Average Income:**
The average income is based on the last 3 month's earnings.
- **Degree of Disability:**
The severity of the disability is considered.
- **Age:**
The employee's age at the time of the incident is taken in to account.

Degree of Disability Scale

If the employee can still perform the same job at the workplace after the injury	MVR 2,500 per month
If the employee can perform another job at the workplace after the injury	MVR 5,000 per month
If the employee is unable to perform work at the workplace but can do other work	MVR 7,500 per month
If the employee is completely unable to perform any work	MVR 10,000 per month

Compensation for Disability

$$\left(\begin{array}{c} \text{Average} \\ \text{Income} \end{array} + \begin{array}{c} \text{Amount of} \\ \text{Degree of} \\ \text{Disability} \end{array} \right) \times \left(\begin{array}{c} 65 \\ - \\ \text{Employee's} \\ \text{age at} \\ \text{the time of} \\ \text{incidence} \end{array} \right) \times 12$$

The compensation will be provided for a minimum of 10 years. The maximum compensation is capped at MVR 19,000,000 and the minimum at MVR 1,260,000. If the employee has children under the age of 18 when the 10 year compensation period ends, each child will be entitled to an amount equalling to 20% of the compensation.

Compensation for Death

When calculating compensation for death of an employee, the following factors are considered:

- **Average Income:**
The average income is based on the last 3 month's earnings.
- **Age:**
The age of the deceased employee.
- **Negligence:**
The level of negligence of the person assigned the work.

Level of Negligence Scale

If there was no negligence by the person who assigned the work	MVR 500,000
If the death was caused to the negligence by the person who assigned the work	MVR 1,000,000

The degree of negligence is determined by the Health & Safety Inspectors during the investigation.

Compensation Calculation (if no negligence):

$$\left(\text{Average Income} + \left\{ 65 - \text{Amount of Degree of Disability} \right\} \right) \times \text{MVR 500,000}$$

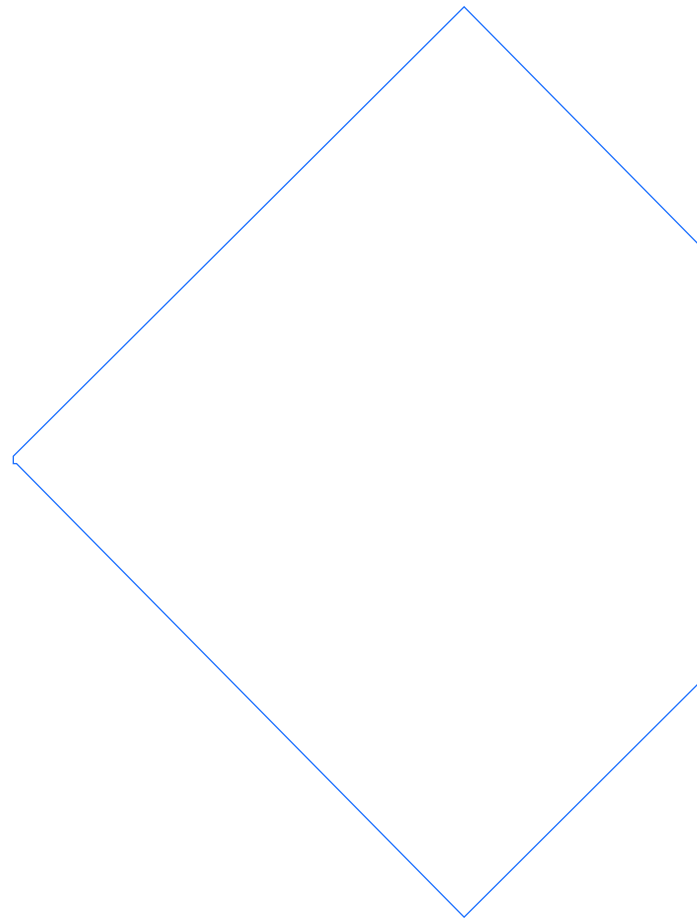
Compensation Calculation (if negligence is involved):

$$\left(\text{Average Income} + \left\{ 65 - \text{Amount of Degree of Disability} \right\} \times 12 \right) \times \text{MVR 500,000}$$

The maximum compensation for death is capped at MVR 15,400,000, and the minimum at MVR 1,460,000.

Compensation will be provided for a minimum 10 years or until:

- The widowed spouse remarries or reaches the age of 65 and begins receiving pension.
- The deceased's children reach the age of 18.
- The parents of the deceased are still alive.



18. Rules & Guidelines To Be Published By The Labour Relations Authority

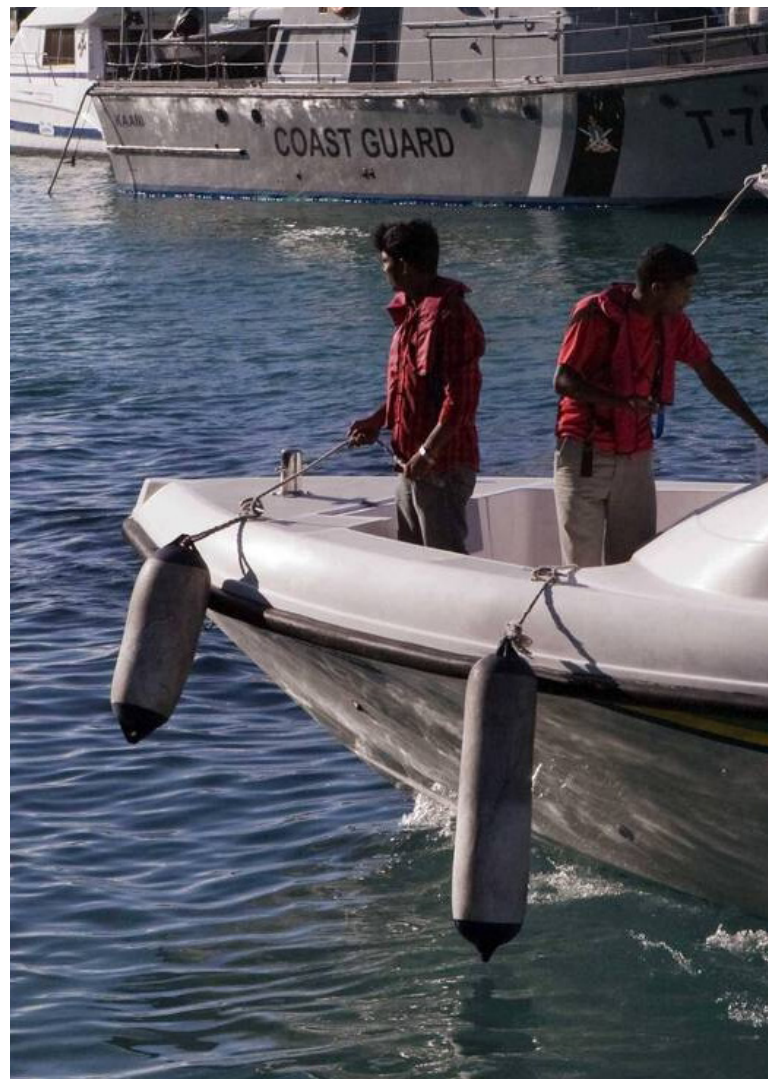
The Labour Relations Authority will be publishing the following rules and guidelines as per the Act. These guidelines are required to be issued by the below specified deadlines as per the regulation.

Guidelines Regarding Light, Ventilation, Temperature, and Cleanliness in the Workplace	Before 14 October 2025
Guideline Regarding the Provision of First Aid and Minimum Health and Safety Policy Requirements	Before 14 October 2025
Guideline for Handling Dangerous Machinery, Hazardous Substances, and Measures to be taken when Handling Such Substances	Before 14 October 2025
Guideline on Steps to Minimize Health and Safety Incidents Caused by Mishandling of Machinery, Equipment, Plants, and other Similar Items	Before 14 July 2025
Guideline on Preparing Reports under the Act	Before 14 April 2025
Guideline on Granting Approval to Officers Appointed under the Act	Before 14 April 2025
Guideline on Accreditation on Trainers and their Courses	Before 14 April 2025
Guideline on Holding Council Meetings	Before 14 April 2025

19. Areas In Which Health & Safety Officers Can Be Trained

Health and Safety Officers can be trained in the following areas:

1. Occupational Health
2. Safety Management
3. Environmental Health
4. Public Health
5. Human Factors and Ergonomics
6. Safety Engineering
7. Health Physics
8. Regulatory Affairs
9. Emergency Management
10. Psychological Work Environment



CONCLUSION

The enactment of the Occupational Safety and Health Act in the Maldives is a landmark move towards creating safer and healthier working environments for all employees, irrespective of the sector. By clearly defining the responsibilities of employers, employees, self-employed individuals, and other stakeholders, the Act ensures that workplace safety is a shared responsibility, with a robust framework for enforcement and accountability.

For businesses and other employers, this law means adopting a proactive approach to workplace safety and health, mitigating risks, and ensuring compliance with mandatory safety policies and guidelines. The introduction of Health and Safety Officers for larger workplaces, along with mandatory training, provides businesses with the tools they need to implement and monitor effective safety practices.

For employees and self-employed individuals, the Act empowers them with the knowledge and rights to

work in safe conditions, while also encouraging a culture of reporting and collaboration. Furthermore, the compensation provisions for workplace injuries and fatalities ensure that employees and their families are supported in the unfortunate event of harm.

The broader impact of this legislation extends beyond individual workplaces. A healthier, safer workforce leads to increased productivity and greater job satisfaction. Moreover, these changes will positively affect the wider community by reducing workplace-related health risks, fostering a culture of safety that benefits both the economy and society as a whole.

Ultimately, the Occupational Safety and Health Act serves not only as a regulatory tool but also as a driving force for positive change, improving the quality of life for workers and ensuring that businesses remain responsible and competitive on both a local and global scale.

Let's Connect.

As the Occupational Safety and Health Act introduces a new era of workplace regulation in the Maldives, employers and other stakeholders should take proactive steps to understand and implement their obligations under the Act and its accompanying Regulation. Early preparation and ongoing compliance will be key to mitigating legal risks and promoting workplace well-being. Our team remains committed to assisting businesses and organisations in navigating these requirements, providing practical legal support to ensure compliance while allowing employers to focus on their operational objectives.

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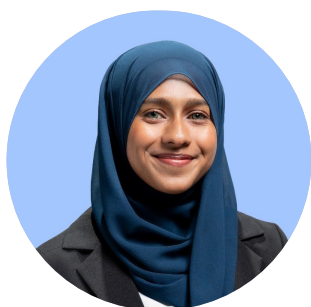
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