

# 英美勞工安全衛生法簡介

## 英國

早在十九世紀初期，英國便有工廠法，1802年通過的工廠法便是保障棉花田及磨坊廠學徒及雇員健康。而勞工安全衛生已逐漸受到重視，於1937年及1961年又分別通過修訂的工廠法及其相關法規，運強調雇員的安全及健康，甚至對「工廠」二字有廣泛之定義。其相關法案包括：

- 1882年 Boiler Explosions Act
- 1890年 Boiler Explosions Act
- 1937年 Hydrogen Cyanide (Fumigation) Act
- 1952年 Agriculture (Poisonous Substances) Act
- 1954年 Mines and Quarries Act
- 1956年 Agriculture (Safety, Health and Welfare Provisions) Act
- 1961年 Factories Act
- 1971年 Fire Precautions Act
- 1971年 Mineral Workings (Offshore Installations) Act
- 1972年 Employment Medical Advisory Service Act
- 1974年 Health and Safety at Work etc. Act
- 1979年 Pneumoconiosis etc. (Workers' Compensation) Act
- 1981年 Industrial Diseases (Notification) Act
- 1988年 Environment and Safety Information Act

## 1974年勞工安全衛生法 (Health and Safety at Work etc Act) 條文要旨

### PART I

#### HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

#### Preliminary

#### Section

##### 1 Preliminary

## **General duties**

- 2 General duties of employers to their employees
- 3 General duties of employers and self-employed to persons other than their employees
- 4 General duties of persons concerned with premises to persons other than their employees
- 5 General duty of persons in control of certain premises in relation to harmful emissions into atmosphere
- 6 General duties of manufacturers etc as regards articles and substances for use at work
- 7 General duties of employees at work
- 8 Duty not to interfere with or misuse things provided pursuant to certain provisions
- 9 Duty not to charge employees for things done or provided pursuant to certain specific requirements

## **The Health and Safety Commission and the Health and Safety Executive**

- 10 Establishment of the Commission and the Executive
- 11 General functions of the Commission and the Executive
- 12 Control of the Commission by the Secretary of State
- 13 Other powers of the Commission
- 14 Power of the Commission to direct investigations and inquiries

## **Health and safety regulations and approved codes of practice**

- 15 Health and safety regulations
- 16 Approval of codes of practice by the Commission
- 17 Use of approved codes of practice in criminal proceedings

## **Enforcement**

- 18 Authorities responsible for enforcement of the relevant statutory provisions
- 19 Appointment of inspectors

- 20 Powers of inspectors
- 21 Improvement notices
- 22 Prohibition notices
- 23 Provisions supplementary to ss 21 and 22
- 24 Appeal against improvement or prohibition notice
- 25 Power to deal with cause of imminent danger
- 25A Power of customs officer to detain articles and substances
- 26 Power of enforcing authorities to indemnify their inspectors

### **Obtaining and disclosure of information**

- 27 Obtaining of information by the Commission, the Executive, enforcing authorities etc
- 27A Information communicated by the Commissioners of Customs and Excise
- 28 Restrictions on disclosure of information

### **Provisions as to offences**

- 33 Offences
- 34 Extension of time for bringing summary proceedings
- 35 Venue
- 36 Offences due to fault of other person
- 37 Offences by bodies corporate
- 38 Restriction on institution of proceedings in England and Wales
- 39 Prosecutions by inspectors
- 40 Onus of proving limits of what is practicable etc
- 41 Evidence
- 42 Power of court to order cause of offence to be remedied or, in certain cases, forfeiture

### **Financial provisions**

- 43 Financial provisions

### **Miscellaneous and supplementary**

- 44 Appeals in connection with licensing provisions in the relevant statutory provisions
- 45 Default powers
- 46 Service of notices
- 47 Civil liability
- 48 Application to Crown
- 49 Adaptation of enactments to metric units or appropriate metric units
- 50 Regulations under the relevant statutory provisions
- 51 Exclusion of application to domestic employment
- 52 Meaning of work and at work
- 53 General interpretation of Part I
- 54 Application of Part I to Isles of Scilly

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#### PART IV MISCELLANEOUS AND GENERAL

- 78 Amendment of Fire Precautions Act 1971
- 79 General power to repeal or modify Acts and instruments
- 80 Expenses and receipts
- 81 General provisions as to interpretation and regulations
- 83 Extent, and application of Act
- 84 Short title and commencement

#### SCHEDULES:

- Schedule 1— Existing enactments which are relevant statutory provisions
- Schedule 2— Additional provisions relating to constitution etc of the Commission and Executive
- Schedule 3— Subject-matter of health and safety regulations
- Schedule 8— Transitional provisions with respect to fire certificates under Factories Act 1961 or Offices, Shops and Railway Premises Act 1963

## 美國

在政府未訂定任何條例前，工作環境的安全性與衛生是屬於受僱者及僱主間私人的事，而受僱者亦將工作之危險性視為就業狀況之必然現象。到十九世紀末、二十世紀初，多數州政府透過勞工補償計劃或工作環境相關法令，使勞工獲得些許保護。直到1970年國會才通過「職業安全衛生法」(Occupational Safety and Health Act)，其相關法案包括：

- 1893年 Safety Appliance Act
- 1906年 Federal Employer's Liability Act
- 1936年 Walsh-Healey Act
- 1938年 Fair Labour Standards Act
- 1941年 Coal Mine Inspection and Investigation Act
- 1952年 Federal Coal Mine Safety and Health Act
- 1958年 Longshoremen's and Harbor Workers' Compensation Act
- 1958年 Federal Aviation Act
- 1962年 Contract Work Hours and Safety Standards Act
- 1965年 McNamara O'Hara Service Contract Act
- 1966年 Metal and Nonmetallic Mine Safety Act
- 1968年 Natural Gas Pipeline Safety Act
- 1969年 修正1952年 Federal Coal Mine Safety and Health Act
- 1970年 Occupational Safety and Health Act
- 1970年 Federal Railroad Safety Act
- 1972年 Black Lung Benefits Act
- 1973年 Rehabilitation Act
- 1977年 Federal Mine Safety and Health Act
- 1979年 Hazardous Liquid Pipeline Safety Act

### 1970年 勞工安全衛生法 (Occupational Safety and Health Act) 條文要旨

- Sec.2 Congressional findings and purpose
- Sec.3 Definitions
- Sec.4 Applicability of this act
- Sec.5 Duties
- Sec.6 Occupational safety and health standards
- Sec.7 Advisory committees; administration

- Sec.8 Inspections, investigations, and record keeping
- Sec.9 Citations
- Sec.10 Procedure for enforcement
- Sec.11 Judicial review
- Sec.12 The occupational safety and health review commission
- Sec.13 Procedures to counteract imminent dangers
- Sec.14 Representations in civil litigation
- Sec.15 Confidentiality of trade secrets
- Sec.16 Variations, tolerances, and exemptions
- Sec.17 Penalties
- Sec.18 State jurisdiction and state plans
- Sec.19 Federal agency safety programs and responsibilities
- Sec.20 Research and related activities
- Sec.21 Training and employee education
- Sec.22 National institute for occupational safety and health
- Sec.23 Grants to the states
- Sec.24 Statistics
- Sec.25 Audits
- Sec.26 Annual report
- Sec.27 National commission on state workmen's compensation laws
- Sec.28 Economic assistance to small businesses
- Sec.29 Additional assistant secretary of labor
- Sec.30 Additional positions
- Sec.31 Emergency locator beacons
- Sec.32 Separability
- Sec.33 Appropriations
- Sec.34 Effective date

## 參考書目：

- 1.中、美、日營造勞工安全衛生法規及檢查制度之比較研究 556.83/2179
- 2.Protecting American workers 344.7301/L666
- 3.Labor & employment law, text & cases 344.73010264/T974
- 4.Labor and employment law 344.7301/R116
- 5.Your rights in the workplace 344.73/R425

- 6.Occupational safety and health law 344.730465/015
- 7.Encyclopedia of health and safety at work law and practice R344.4104  
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