# Study unit 7: Description of National OSH Framework (Labor Laws)

# Introduction

Most of the legislation originated from the British law when Uganda was a British Protectorate. British laws were then adopted with minor modifications in 1964 just after independence in 1962. The first law covering workplace safety and health was the Factories Act, Cap 198, of 1964. This run up to 2000 when it became the Factories Act Cap 220, Laws of Uganda, 2000. However, this law was no longer in consonance with the prevailing times at penalties which were deterrent in 1960 had been eroded. Efforts were taken to bring the legislation into conformity with the current economic times.

The current occupational health and safety legislative framework of Uganda is based on the Constitution of 1995 and other laws. The main piece of legislation is the Occupational Safety and Health Act, No. 9, 2006 supported by a number of other laws which include the Workers Compensation Act, Cap 225, Laws of Uganda 2000, the Employment Act No 6, 2006, The National Environment Act Cap 153, and a number of subsidiary regulations.

# Learning Outcomes of Study Unit 7 7

By the end of this lesson you should be able to:

7.1 Conditions of work the work places are regulated by the occupational safety and health Act, of 2006.

## **7.1 The concept of occupational health and safety**

Concerns the physical, mental and environmental elements affecting the health and safety of workers at workplaces i.e it Deals with workplace safety from injuries to health, accidents which guarantee the welfare needs of workers.

## **7.2 Purpose of the Law**

* Promote the physical, mental and social wellbeing of workers in all occupations
* Improve working conditions of people in particular their safety, health and welfare
* Prevent adverse effects of working conditions
* Place and maintain workers in working environment that is adaptable to their physical and mental needs
* Involve key players in enforcement &administration of the law.

## **7.3. Key Players in Enforcement & Administration of the Law**

* Overall head is the Commissioner for Occupational Health & Safety
* Several Inspectors appointed to assist the Commissioner
* Employers
* Self--Employed Persons
* Employees
* Manufacturers, Suppliers,

## **7.3.1 Powers & Duties of Inspectors**

* To enter, inspect and examine workplaces anytime whether day or night
* To inspect, examine explosives & inflammable materials stored or used in workplaces
* To inspect machinery plant appliances, fittings and chemicals in workplaces
* To be accompanied by Police officers when needed
* Require the production of registers, certificates, notices for purposes of examination and inspection
* Take possession of articles or substances for examination which can be dangerous at workplaces
* Bring charges or prosecute persons for enforcement of the (OSH) before magistrates

### 7.3.2 Duties & Responsibilities of Employers

**General Duties**

* Protect his/her Workers and members of the public from all danger at the workplace
* Keeping the workplace free from things that cause pollution
* Provide and maintain safe equipment and systems of work
* Ensure that the workplace is safe and free from risks as a result of handing, keeping, storing or transporting articles and equipment
* Provide information and train employees in health and safety measures
* Ensure that employees can comfortably access or leave workplaces without any risks
* Guarantee the welfare of workers
* Inform all people at the workplace about dangerous substances being used
* In cases of dangerous substances or chemicals which can be released to the lakes, rivers or soil thus harming the health of animals or plant life, arrange for equipment and apparatus which can render the substances safe.
* Employers should provide employees with protective clothing and equipment to prevent them from accidents or injury to their health or life.
* Provide alternative suitable employment to a worker continuously exposed to dangerous emissions or agents and subsequent exposure is dangerous medically.

### 6.3.3 Safety & Health Measures of Employer with Employees above Twenty:

* Regularly prepare and revise policy statements on safety and health of employees
* Notify employees about the policies and how they are to be implemented
* Employers are expected to set up safety committees which should review and update safety and health measures in the workplace.

### 7.3.4 Employers to Consult Workers Organization

In order to fully give effect to the provisions of the law on Occupational Health & Safety;

* Employers should consult workers organization employees in implementing the laws on health and safety
* Collaborate and work with all employees and at all levels in obtaining information on how to apply health and safety measurers
* Representatives of Employers and Workers should accompany inspectors carrying out health and safety inspections or supervision at workplaces

## **7.4 Health Supervision of Workers:**

Workers who are exposed to hazards arising from pollution and harmful agents at work are expected;

* To be medically examined before being assigned tasks this may be dangerous to their health.
* Those assigned dangerous tasks should be periodically examined by medical personnel.
* When dangerous assignments have been concluded, those who participated in execution should undergo medical examination and treatment
* Information on medical examination and treatment of workers should be kept safely by employers.

## **7.5 Employers Duties to Third Parties & Self-Employed Persons;**

* Persons who are not workers but for some reason enter into a workplace should not be exposed to risks
* Two employers using the same workplace should in addition of protecting their own employees, collaborate with each other in securing the health of all their workers.

## **7.6 Self-Employed Persons:**

* A self-employed person like an employer is equally expected to maintain healthy and safe working environment free from risks and danger
* Safety information and guidelines should be displayed well to notify all workers and those entering a workplace about dangerous substances or surfaces
* Safety information useful in a workplace and which is in the knowledge or control of employers or self-employed person should be displayed

## **7.7 Duties of Manufacturers, Supplies and Transporters**

It’s the responsibility of persons who design, manufacture, import or supply articles, chemical substances or mixtures for use at any workplace to do the following:

* Ensure the substances or articles are designed are safe for use
* Carry out testing and examination of the substances
* Provide clear and useful information on how to use chemical substances without risking or injuring health
* Undertake research and pre testing activities on chemicals for purposes of minimizing risks which could arise. However, this research may not be undertaken twice where that has been done and information is available to that effect
* Obtain adequate research information on toxic substances and pass on the information to concerned workers in order to minimize risks to health or safety of such persons

## **7.8 Authorization of Toxic Substances**

A government chemist is required to sanction the use or disposal of highly toxic chemical substances in a working environment to ensure protection

## **7.9 Duties of Workers**

The law imposes on workers a number of duties especially at a workplace and they include;

* Take reasonable care of himself and others whom may be affected by his actions
* Maintain maximum cooperation with employer and other persons mentioned in the Act for enforcing all sections of this law.
* Work with employer in minimizing risks to health
* Report dangerous situations which present danger to the workers’ health or other people around the workplace in order for the employer to fix the problem.
* Avoid negligent/careless to interference with safety and health measurers at workplace.

## **7.10 Workers Rights:**

* In case a workplace presents a dangerous situation with imminent danger, a worker is justified to leave the place for safety of his/her health
* A worker who flees a dangerous workplace cannot be punished by the employer

## 7.11 Health & welfare at the work place: (Part VIII of the Occupational Safety and Health Act (OSHA)

Consideration of welfare facilities is crucial in a workplace. Inadequate provision of welfare facilities and poor hygiene can cause the spread of many diseases. The presence of welfare facilities and healthy or hygienic practices will prevent the spread of diseases and production will be enhanced. Employers should pay attention to welfare facilities since without those facilities, hygiene practices cannot be maintained. The following aspects are critical in maintaining health and welfare at workplaces

**(i) Buildings at Workplace: (Sections 45 OSH)**

* Buildings should be of sound construction and repairs on them should be carried regularly
* Buildings should be designed to protect workers from bad weather with tight roofs and free from dampness
* Floor wetness should be minimized and drainage provided to eliminate wetness
* Cleanness and hygienic conditions should be observed at workplaces by proper disposal of waste products, cleaning floors daily; cleaning walls, sides tops every fourteen months
* Inside walls, ceilings and staircases should be washed occasionally at least yearly
* Repainting and re-varnishing should be carried out every seven years

**(ii) Healthy & Safe working environment (Sections 47, 48, 49, 50, 52, 53, 54 OSH)**

* Room temperatures should be secured with adequate ventilation of workplace which ensures free circulation of air (extreme heat or cold can cause body disorders like asthma and bronchial disorders)
* The height of a workplace should be at least three meters high measured from the floor
* There should be suitable lighting whether natural or artificial lighting maintained at all work stations
* Apparatus for producing artificial lighting should be maintained
* Cloakrooms to be maintained at workplaces
* Seats suitable and sufficient for all workers and should be available
* Adequate and clean supply of water should be provided and maintained in a workplace for all workers (Dirty and contaminated water can cause diseases like diarrhea, dysentery, cholera and other stomach upsets
* Washing facilities should be accessible and maintained for all workers
* Facilities to reduce fatigue should be available e.g. comfortable seats, rest arrears.
* There should be adequate facilities for taking meals-Employers can have allow canteen services to be operated near the workplace if space permits or allow employees to have meals outside the work premises. (Section 54 OSH)

**(iii) Sanitary Facilities (Section 49 OSH)**

Toilets and Bathrooms facilities should be available at workplaces and they should be;

* Properly designed, hygienic and separate toilets and bathrooms for males and females
* There should be notices of the toilets and bathrooms
* Washing facilities should be available at the workplace

## **7.12. Fire Preparedness (Part X OSH)**

Fire accidents are extremely dangerous to workers, employers and persons within the surrounding. It may destroy the lives of many or materials and property. Employers need to address the following in regard to preventing hazards from fire:

***(i) Means of Escape:***

* All workplaces should have a means of escaping fire and these outlets are easily accessible, properly kept and free from obstruction
* The door affording exit from fire should be easy to unlock, the doors be constructed to open outwards
* The doors or windows which provides means of exit should clearly be marked and easy to recognize
* Workers should be adequately informed about the means of escape in cases of fire

***(ii) Fire Extinguishers & Inflammable substances***

* Employers should ensure that fire extinguishing devices and equipment at workplace are available
* The gadgets for firefighting should of good quality, quantity and easy to locate
* Fire-resistant devices should be used to keep substances which can catch fire easily and cause it to spread.

***(iii) Fire Outbreaks***

* Employers to be on alert and prepared to put off and handle fire incidents
* Handle promptly reports of possible fire outbreaks at workplaces or buildings connected with his/her workplace

## **7.13 Precaution Relating to Machinery, Plant and Equipment’s**

* Dangerous machinery and equipment which includes; flywheels, water turbines, generators, converters, transmission machines, prime movers, at workplaces should be securely fixed and fenced or safeguarded at all workplaces
* The requirement of securely fixing or fencing would be satisfied where the devices mentioned automatically prevents employees from coming into contact or stops functioning when contact with a person arises

## **7.14 Control of Power**

* Devices should be provided to cater for circumstances of power shutdown from a machinery which needs power to function
* In cases where mechanical power is utilized for a machine to function, efficient starting and stopping appliances should be readily available to the person operating such machines

## **7.15 Fencing of Machinery**

This includes;

* Fencing securely, flywheels connected to prime movers
* Fencing water turbines
* Securely fencing electric generators, converters, and transmission machines should be securely fixed

## **7.16 How to Deal with Hazardous Materials**

Hazards essentially are conditions or occurrences which result from situations that cause injuries to one’s body; illness because of disease which can result to deaths. Hazards can have enormous side effects on the physical or mental stability of a person. In order to protect and prevent workers from the side effects of hazards a number of issues are of paramount importance.

**Handling of Hazards:**

*a) Dust:* Any processes resulting to the creation of dust, accumulation and possibility of explosion of dust steps be put in place to reduce the spread and effects of the dust exploding by providing cokes, baffles and vents and other appliances that will prevent the dust from spreading

*b) Vessels, containers, tanks or equipment’s* *which contain explosives or inflammable substances* should not be subjected to welding, soldering or cutting involving application of heat until practical steps have been taken.

*c) Electrical Appliances:* Need to be protected and maintained to prevent any danger arising to workers as a result of stepping on un insulated electric wires or touching unprotected sockets

*d) Toxic Materials;*

* Toxic materials which are poisonous to persons or the environment should only be used where use of non-toxic substances is impossible
* The number of people employed expose to risks of the toxic substances should be limited
* A draught system is to be constructed to prevent escape of toxic substances into air thus endangering the health of employed persons
* Washing facilities should be provided and maintained where toxic substances are used
* Where corrosive liquids are used, accessible means of drenching with water for employees splashed with liquids is crucial
* In addition, sufficient and suitable means of flushing or irrigating the eyes should be clearly indicated and available all the time to employees.

*d) Working in Confined Places (Section 87 OSH)*

* Adequate means of exit should be provided
* Practical steps be taken to remove dangerous fumes
* Persons entering such places should wear breathing apparatus provided by employer

*(e) Radiation:* Workers should not be exposed to ionizing radiation which include; x-rays, microwaves, rays resulting from radioactive isotopes

*(f) Chemical Hazards (Sections 95, 96 & 98 OSH)*

* Chemical hazards originate from chemical substances. Most chemical substances are industrial products are therefore dangerous to workers especially when mishandled. A number of rules should be observed in relation to chemical substances to avoid injuries that may result;
* Employers in general are required to employ preventive and technical measurers to reduce or avoid contamination of a workplace because of chemicals used
* Have measures to avoid direct contact of chemical substances with persons by keeping them in a restricted place designed for the chemicals
* Inform workers of the presence of chemical substances and precautions they should undertake
* Provide protective wear to workers who have to use the chemical substances in the industry
* Importers of chemicals are required to avail data sheets of chemical substances to Employers. The data sheets should have information on the identity and supplier of the chemical, classification, safety precautions and emergency procedures in using the chemicals.
* Suppliers, manufacturers and importers of hazardous substances should ensure all chemicals are classified, marked and labeled with legible writing to be understood by workers and other persons
* Chemical substances kept at workplace should be labeled accompanied with the safety sheet indicating precautions to be observed

## **7.17 Handling Dangerous Machinery, Plant & Equipment (Sections 98 OSH)**

**Mechanical Hazards**

These are hazards or dangers associated with machines, machinery and working tools. Poorly designed machines or faulty machines can cause injuries to those operating them or to other workers in general who may come into contact with such machines. In such cases a number of precautions should be observed to avoid such mechanical hazards:

i) Manufacturers, importers and suppliers should ensure that machines, instruments vehicles (etc) are designed and supplied to users in a suitable good condition with information on how to operate the machines

ii) Flywheels, water turbines, generators, converters, transmission machines, and prime movers, at workplaces should be securely fixed and fenced or safeguarded at all workplaces.

iii) The requirement of securely fixing or fencing would be satisfied where the devices mentioned automatically prevents employees or persons from coming into contact or stops’ functioning when contact with a person arises.

*iv) Lifts (Section 69 OSH)*

* Reports of any lift installation in premises should be made to the Commissioner within one month
* Lifts should be in good mechanical condition, of sound material and strong enough
* Examinations on the condition of lifts should be carried out every six months and reports of examination be registered within two weeks
* Lifts should be protected by enclosure fitted with gates to prevent persons in the lifts from falling down or coming into contact with any moving parts of the lift
* Maximum load which a lift can carry should be marked clearly to avoid overloading
* Lifts passing through many floors should be securely enclosed with fire resisting materials

*v. Lifting Gears (Section 71 & 75 OSH)*

* Lifting gears of any material should be in good condition free from any defects and strong enough
* Lifting gears for loading material exceeding 50 kilograms should be first tested, examined and a certificate issued by manufacturers indicating the safe working load
* Lifting gears should be annealed or normalize at least once every six months
* Inspectors should test lifting gears and can prohibit further use of lifts.
* A register containing information about a lifting gear should be kept in a workplace.

*vi. Steam Boilers (Section 76, 77 OSH)*

These are Vessels for generating steam under pressure greater than atmospheric pressure and should be maintained properly to prevent injuries at workplaces by;

* Employers should ensure that the steam boiler is free from any defects and of adequate strength
* Have correct steam pressure gauge and water gauge showing; water Levels visible by boiler attendants; indicates pressure of the steam in the boiler
* Boiler attendants with certificates of competence should be instructed on how to operate the boiler
* Premises with two or more boilers should be restricted for entry to any person unless precautions are in place
* Steam boilers and all its fittings should be examined by authorized personnel at least every fourteen months
* Steam boilers to undergo examination before use and report of examination be submitted to Commissioner of OSH.

*vii. Gas Plants (Section 82 & Rules in Schedule 7 OSH)*

Refers to machines or containers for generating and holding gas in liquefied, compressed or dissolved form and which are connected to systems of appliances or points. These gas plants produce gas which is used for heating or lighting. In the process of gas production, the plants can cause severe injuries or even deaths if not properly maintained or administered. Therefore;

* Gas plants are expected to be of sound construction and properly maintained
* They should be regularly inspected

## 7.20 Offences Relating to Occupational Health & Safety at Workplaces

i) Interfering or misusing appliances, equipment’s, facilities and machinery in ways not authorized and consequently endangering health or life

ii) Negligently refusing or ignoring to use appliances meant to secure your health or safety at workplace

iii) Endangering a workplace by being reckless or doing anything known to be risky to oneself or others

iv) Forging, uttering or counterfeiting documents used by the law to secure the safety and health of workers in workplaces

v) Impersonating inspectors, or Commissioners or other officials who sanction certificates or documents dealing with enforcement of occupational health and safety issues

vi)Chief Magistrates or Magistrate grade 1 courts have jurisdiction to handle offences under OSH

## **7.21 General Penalty**

Where no express penalty is provided for offences under the law, any person breaching provisions under the convict will pay a fine not exceeding twenty currency points or be imprisoned for not more than a year.

***Penalties for Fatal & Non-Fatal injuries***

In case death or bodily injuries result as a consequence of contravening provisions in (OSH), the occupier will be fined 100 Currency points. The occupier may also be imprisoned for not more than 1 year and half. (Each currency point is twenty thousand shillings only).

a) In case the injury sustained results in permanently incapacitating the worker, the occupier or owner of workplace will be fined 100 currency points or less, or be imprisoned for l5months or less

b) Where permanent partial or temporary incapacity is sustained because of an injury at work, the occupier will be fined upon conviction to not more than 100 currency points.

c) Each currency point is twenty thousand shillings only

d) The fines imposed in the above cases can be claimed by the injured worker or the family members of the worker

***Third Parties (Sections 107 & 109 OSH)***

i) Agents, servants or other persons working in a workplace are equally liable for any injuries as though they were occupiers or owners of the premises.

ii) Notices, orders or summons to be served on third parties as if they were occupiers or owners of workplaces

## **7.22 Registers under OSH**

i) General register to be kept in workplaces for inspection

ii) Attach to the General Register; a certificate issued by Commissioner for OSH, particulars of accidents or occupational diseases occurred in a workplace and regulations under OSH Act.

iii) Occupiers to send extracts from general register as may be required by inspectors.

iv) Entries in registers or records made by occupiers are admissible evidence against an occupier and failure to record required entries is evidence of non-compliance with the OSH Act.

v) Articles, specimen submitted for examination may be used as evidence of injury in proceedings under OSH Act

vi) Documents, stamps, certificates verifying any instrument and issued by recognized institutions shall be admissible evidence

vii) Registers and records under OSH to be preserved for at least five years and be made available for inspection