



REPUBLIC OF KENYA

MINISTRY OF LABOUR

POPULAR VERSION

**THE NATIONAL OCCUPATIONAL SAFETY AND HEALTH
POLICY**

1. INTRODUCTION

This publication is a summary of the Kenya National Occupational Safety and Health Policy. The Policy addresses the current challenges, gaps and future development of safety and health systems and programmes in the country. It is expected to promote basic principles of assessing occupational risks and/or hazards; combating hazards at source; and developing a national preventative safety and health culture that includes information, consultation, research and training.

The Policy applies to all workplaces in all sectors of the economy and all forms of work guided by the existing laws on Occupational Safety and Health (OSH), Work Injury Benefits and other relevant regional and International Labour Standards without any exemption. The main focus is prevention and control of work-related accidents and diseases, compensation and rehabilitation of workers injured in the course of work and those who contract occupational diseases.

The principles that guide the Policy are existing national laws and policies, International Labour Organization (ILO) Conventions, codes of practice and guidelines in occupational safety and health, and World Health Organization (WHO) and ILO Action Plans.

2. POLICY ISSUES AND STATEMENTS

Legal Framework

In order to address the many disjointed laws touching on occupational safety and health implemented by different agencies, the Government in collaboration with other stakeholders will harmonise legislations on occupational safety and health. To ensure quick delivery of justice, the Government will designate specialized criminal courts to handle occupational safety and health matters.

To ensure effective and efficient compensation of workers who are injured in the course of their employment, the work injury benefits legislation will be reviewed and strengthened with due regard to the relevant ILO Conventions and international best practices. The Government in collaboration with other stakeholders will establish a fund to cater for compensation and rehabilitation of injured workers.

Institutional Framework

The government will establish an Authority which will be the overall institution responsible for coordination of all occupational safety and health issues including prevention of accidents and diseases, compensation, rehabilitation of injured persons, OSH research and training in the country. It will also facilitate formation of a professional body or association for OSH practitioners in the country.

Mechanisms for ensuring Compliance

The government will enhance mechanism of ensuring compliance through inspections, prosecutions and by streamlining self regulation through workplace safety and health committees and improvement of OSH services by approved persons and institutions.

A system of tax waiver or exemption on equipment used ensuring safety and health will be established. For promotion of OSH, an award system for best performing individuals and organizations and sanctions for poor performance will be established.

Framework to enhance commitment of stakeholders

There is weak dialogue between employees and employers on safety and health issues both in private and public sectors. This will be addressed by establishing and strengthening occupational safety and health committees at the enterprise level.

Information and advisory services on OSH

There is no reliable system of collecting, compiling and notifying of occupational accidents and diseases hence limited occupational safety and health information to enable necessary intervention.

The government, in collaboration with the stakeholders, will develop a comprehensive and reliable system for reporting, collection, recording, analysis, storage, retrieval and dissemination of information in occupational safety and health.

The government will also collaborate with local and international institutions for the purpose of sharing information on occupational safety and health.

Education and training

Currently, OSH is not integrated into the Kenyan education curricula. Labour market entrants in the country therefore lack basic knowledge and skills in occupational safety and health. There is shortage of OSH skills both in the public and private sectors. In addition, occupational health services are not adequately integrated into all levels of the country's health care system.

The government will mainstream safety and health in education curricula at all levels of learning with the key aim of developing a safety and health culture.

It will also establish programmes to impart skills for recognition and management of occupational health diseases and conditions to all practicing health providers for effective integration of Occupational Health Services in the health care delivery system.

Research on OSH

The introduction of new technologies, chemicals, processes and work organizations have brought about emerging occupational safety and health risks. These need to be thoroughly researched upon to provide preventive measures.

The government will set up an institute to carry out specialized applied research and for undertaking specialised skills development in OSH. The established institute will collaborate with other research institutions and individuals to carry out research to seek specific solutions to emerging OSH issues

MSE Support Mechanism on OSH

The occupational safety and health standards in Micro and Small Scale Enterprises (MSEs) are very low. Due to the temporary nature, high mobility and the small capital base of the enterprises, the conventional methods of enforcement of OSH standards cannot be effectively applied.

The government will support awareness creation, advisory services and the formation of effective joint safety and health committees for MSEs.

Financing

The financing of occupational safety and health services has largely been from Government budgetary allocations which have proven inadequate. With the

enactment of the Occupational Safety and Health Act (OSHA), 2007 more responsibilities were added to Directorate of Occupational Safety and Health Services (DOSHS) without additional financial allocation. The responsibilities include research, training, awareness creation, advisory services to stakeholders, development of codes of practice and guidelines, provision of outreach services to the community at large and other OSH promotional activities.

The government has established an Occupational Safety and Health Fund into which occupiers of workplaces will make contributions to enhance OSH promotional activities.

Cross-Cutting Issues

The government will institute affirmative action initiatives aimed at addressing workplace gender biases in occupational safety and health; develop and implement workplace programmes and a code of practice on HIV and AIDS at work addressing prevention, care and support for those infected and affected; develop guidelines for provision of facilities for persons with disabilities and other special needs at workplaces and support programmes for awareness creation on the dangers of drug and substance abuse at the work place and will also implement strategies for prevention of environmental pollution.

3. IMPLEMENTATION OF THE POLICY

In the implementation of this policy, the government, employers, workers and other stakeholders shall have the following roles:-

The government shall create enabling environment for the implementation of the National Occupational Safety and Health Policy. In particular, the government will put in place regulatory and legal framework and facilitate resource mobilization for provision of effective occupational safety and health services.

Employers will ensure safety and health at workplace for prevention of occupational accidents and diseases. They will also ensure prompt compensation of workers who may suffer injury or ill health at work.

Workers will participate in Workplace Occupational Health and Safety Committees, report any hazardous situation and comply with occupational safety and health requirements at workplace.

County government will complement efforts of the national government and other stakeholders in the promotion of occupational safety and health.

Development partners will collaborate and complement government efforts in the promotion of occupational safety and health.

The private sector will complement the efforts of the government in the promotion and provision of occupational safety and health services.

Civil Organizations: Community-based organizations, non-governmental organizations and religious institutions among others will collaborate and complement government efforts in occupational safety and health issues.

The overall responsibility of monitoring and evaluation of the National Occupational Safety and Health Policy will be with the Ministry in charge of occupational safety and health matters. This will be done in collaboration with other Government Ministries and organizations.