



Republic of Kenya

Directorate of Occupational Safety and Health Services

DOSHS VISION: A Healthy Worker in a Safe Work Environment

24th November, 2020

ADVISORY ON OCCUPATIONAL SAFETY AND HEALTH MEASURES FOR HEALTHCARE WORKERS AND OTHER FRONTLINE WORKERS EXPOSED TO COVID-19 IN KENYA

Introduction

The country is currently experiencing a surge in the number of Kenyans testing positive for SARS-CoV-2 (Coronavirus) and associated fatal outcomes. Of particular concern is the increased number of deaths of frontline workers in general and healthcare workers in particular.

Whereas it is acknowledged that these are unprecedented times being that we are in the midst of a highly infectious viral respiratory pandemic, the spirit and letter of the Occupational Safety and Health Act (OSHA 2007) that requires the employers to ensure a safe and healthy work environment and that the employees adhere to the laid down safety protocols at the workplace remains alive. There is need for an urgent and renewed commitment by every stakeholder to minimize the risk of transmission of the virus and ensure the protection of frontline workers such as healthcare workers from contracting or dying from workplace contracted COVID-19 disease.

The Purpose of the Advisory

The purpose of this advisory is to remind all stakeholders especially employers of healthcare workers to strictly adhere to and fulfil their obligations and responsibilities under the Occupational Safety and Health Act, 2007.



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In order to achieve this, employers, occupiers and/or owners of healthcare sector facilities are advised to adhere to the following: -

1. Occupational Safety and Health Risk Assessments

Every occupier of a healthcare facility or workplace is required to carry out appropriate occupational safety and health risk assessments in relation to the safety and health of all healthcare personnel and send a copy of a report of risk assessment to the Director of Occupational Safety and Health Services. The report shall include all work activities under the control of the employer that predispose to occupational exposure to COVID-19 and all adopted preventive and protective measures in accordance with section 6(3), 6(4) and 6(5) of the Occupational Safety and Health Act, 2007. The report shall be presented to the Director within thirty (30) days from the date of this advisory.

2. Covid-19 Policies and Workplace Readiness

All healthcare facilities shall develop and communicate to all employees, a COVID-19 Preparedness Policy Statement that addresses all aspects of COVID-19 readiness including but not limited to:

- Policy, Planning and Organizing activities for COVID-19;
- Occupational Safety and Health Risk Assessment, Management and Communication;
- Prevention and Mitigation Measures against COVID-19;
- Arrangements for dealing with suspected and confirmed COVID-19 cases; and
- Clear guidelines and specific requirements when healthcare workers with pre-existing conditions and those over the age 58 years may be deployed without increasing the exposure risk.

A summary of the Policy Statement and level of COVID-19 Readiness and preparedness shall be submitted to the Director of Occupational Safety and Health Services within thirty (30) days from the date of this advisory.



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3. Compliance with the Occupational Safety and Health Act (OSHA, 2007)

Employers of healthcare workers and workers exposed to COVID-19 must ensure strict compliance with the Occupational Safety and Health Act (OSHA, 2007) and Presidential Directives on workers' safety and health.

4. Safety and Health Audits

Every occupier of a healthcare facility or workplace shall cause a comprehensive and thorough safety and health audit of the health facility. The audit shall be conducted by a safety and health advisor, who will issue a report. The report shall dully be titled *POSTCOVID-19 INITIAL SAFETY AND HEALTH AUDIT REPORT* for the specific workplace and shall have a section within the report on COVID-19 and the actual status as at the date of the audit. A copy of the report shall be submitted to the Director of Occupational Safety and Health Services accompanied by an action plan, specifying clearly among others, clear action items for COVID-19. The list of approved safety and health advisors may be obtained from the Ministry of Labor and Social Protection Website: <https://labour.go.ke/downloads/>. The Safety and Health Advisor must submit the report in line with the provisions of the Occupational Safety and Health Act, 2007.

5. Protocol for Returning to Work Criteria for Healthcare Workers with SARS-CoV-2 Infection

All healthcare workers who test positive for SARS-CoV-2 (COVID-19) shall be excluded from all forms of healthcare services. In addition, all healthcare workers with COVID-19 will return to work **ONLY** upon resolution of symptoms and testing negative in two (2) consecutive tests. In this regard, all employers of healthcare workers are strongly encouraged to keep records of any symptoms, if any, and rRT-PCR test results for all healthcare workers.

6. Provision and Safe Use of Effective Personal Protective Clothing and Equipment

All employers of healthcare workers to ensure compliance with the legal requirements to provide and maintain appropriate, effective, efficient, adequate and suitable personal protective clothing and equipment for the use of healthcare workers in accordance with section 101 of OSHA, 2007.



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7. Healthcare workers with Pre-existing Medical Conditions

Employers of healthcare workers and other frontline staff to identify all workers with pre-existing conditions and other co-morbidities and remove them from frontline work activities that pre-dispose them to COVID-19. Such employees shall be issued with a certificate of re-deployment in accordance with Rule 7 of the Factories and Other Places of Work (Medical Examinations) Rules, 2005, Legal Notice No. 24 of 2005.

8. Psychosocial Support to Healthcare Workers

All employers of healthcare workers are strongly encouraged to provide psychosocial support to all cadres of healthcare staff to minimize the adverse effects of COVID-19 on staff and their families.

9. Possibility for Legal Action for Non-Compliance with OSHA, 2007

It should be noted that failure to comply with the provisions of the Occupational Safety and Health Act (OSHA, 2007) will result in legal action, and the penalty includes a maximum fine of KShs. 300,000 and/or imprisonment for a term not exceeding three months for each contravention.

10. Postcovid-19 Return to Work Occupational Safety and Health Advisory issued on 29th June 2020

The measures contained in this advisory are additional to and not a replacement of the measures issued in the advisory on **Occupational Safety and Health Postcovid-19 Return to Work issued on 29th June 2020.**

Dr. Musa Nyandusi

Secretary,

Occupational Safety and Health

Directorate of Occupational Safety and Health Services

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