

A SHORT GUIDE TO THE OCCUPATIONAL SAFETY AND HEALTH ACT 9, 2006

FOREWORD

The Occupational Safety and Health Act 9, 2006 lays down the legal requirements which have to be followed in all workplaces. It is wide and comprehensive and it is most unlikely that all its requirements will apply to your establishment. You should however make sure that those requirements which are applicable are known and understood by the persons in charge.

There are a number of Regulations, Special Rules and Orders made under the Act, from time to time, prescribing special precautions for particular kinds of work or plant dealing with a variety of other points of detail. *For convenience, a list of the existing Special Rules/ Statutory Instruments is attached in the Appendix..*

NOTIFICATION OF USE AND REGISTRATION

1. **Workplaces** - Subject to certain exceptions in the case of temporary workplaces, it is illegal to operate a workplace unless you have notified the Commissioner in writing of your intentions and have been issued with a Certificate of Registration. If you are opening a new work place or taking over premises which have already been used as a workplace, but you are proposing to carry on a different kind of work, the written notice must be sent to the Commissioner at least one month before you commence operations. On the other hand, the notice can be sent within one month after the date when you first occupied or used the premises. A printed form "Application for Registration of a workplace, OSH FORM F.11", can be obtained free of charge from any District Labour office or direct from the Occupational Safety and Health Department; this form should be used when sending the notice referred to above.

On receipt of the notice the Commissioner will issue a Certificate of Registration, which should be attached to the General Register - **Section 41(1)** and kept available for inspection by a Safety and Health Inspector.

2. A Certificate of Registration may not be transferred from one person to another or from one factory to another. If you change the name of your firm or move to other premises, a fresh application must be made and a new Certificate of Registration obtained.
3. **Construction of workplaces to be approved by Commissioner**
A plan and any architectural drawings of a new workplace and of any alterations of an existing workplace shall be submitted to the Commissioner for approval, before the construction of buildings or alterations of existing buildings of workplaces begins – **Section 42**
4. Premises in which a Steam boiler or a Gas plant or Hoist or Lift is used – If you use a steam boiler, gas plant or a hoist or lift in your premises, you are required to send written notice containing particulars of the installations to the Commissioner. This notice must be sent within one month after the date when the equipment was first taken into use.

NOTES.

- a) A **"gas plant"** means any plant, apparatus or machine for generating gas (including any container holding compressed, dissolved or liquefied gas under pressure) connected to a system of appliances or points and includes all pipes and appliances for storing the gas, or for conveying or regulating the flow of the gas to the places where it is to be used, but excludes any plant, apparatus, machine, pipes or appliances used solely in connection with a single private dwelling-house;
- b) A **"hoist or Lift"** is a lifting machine which has a cage or platform which moves on vertical guides (e.g. passenger or goods, lifts used in offices, hotels, warehouses, e.t.c), but cranes, chain blocks, electric hoisting blocks and similar machines which have no cage or platform are not included.

5. **Guarding** - Every part of transmission machinery and every dangerous part of other machinery and all parts of electric generators and motors must be securely fenced (guarded) unless safe by position or safe by construction. Stock bars projecting beyond head-stocks of lathes must be securely fenced (guarded) unless safe by position - **Section 61 (3 to 7)**
6. Moving parts of prime movers, and the head and tail races of water wheels or water turbines must be securely fenced (guarded) irrespective of their position - **Sections 61 (1 to 2)**
7. All fencing (guarding) must be of substantial construction and must be kept properly maintained. Fencing must be kept in position while parts to be safeguarded are in motion except that in certain strictly limited contingencies and subject to certain conditions, a trained employee over 20 years of age may approach unfenced (unguarded) machinery - **Sections 61 (8), 65, 66**
8. Low vessels, pits, e.t.c. which contain dangerous liquids must either be fenced to a height of three feet or be covered or, where this is impracticable, other precautions must be taken.
9. **Further requirements in connection with transmission Machinery**- Every power-driven machine must have a starting and stopping device, which can be controlled by the operator. Efficient mechanical appliances must be provided to move driving belts to and from fast and loose pulleys. Driving belts not in use must not be allowed to rest on revolving shafting - **Section 63, 64**
10. **New machines** – New power-driven machines must not be sold, let on hire or used unless certain parts are effectively guarded - **Section 67 (2)**
11. **Training** - A person must not be employed at any machine or process which is liable to cause injury unless (i) the person has been fully instructed on the dangers and precautions and (ii) the person has either been fully trained or is under experienced supervision - **(Section 13 (2))**
12. **Initial test and examination of plant and machinery** - The following machinery or plant must not be put into first use in a factory / workplace until it has been properly tested and examined and a satisfactory certificate obtained:
 - a) Steam boilers - **Section 77 (6 - 8)**
 - b) Steam receivers - **Section 79 (3 - 5)**
 - c) Air receivers - **Section 80 (8 - 10)**
 - d) Lifting machines - **Section 72 (1)**
 - e) Lifting machines used to lift loads of more than one hundred fifty kilograms - **Section 72 (7)**
 - f) Lifting gear used to lift loads of more than 50 kilograms (except fibre ropes or slings) - **Section 71 (2)**

NOTES.

“Lifting machine” means a crane, crab, winch, teagle, runway, transport or forklift trucks used for raising or lowering persons or objects.

“Lifting appliance” means a pulley block, gin wheel, chain block or set of chain blocks.

“Lifting gear” means chain, ropes, chain slings, rings, hooks, shackles, swivels, eyebolts, lifting beams and scale beams.

13. **Periodical examination of Plant and Machinery**:- The following machinery or plant must be thoroughly examined within the intervals stated by someone authorized by the Commissioner.

- a) Steam boilers - every 14 months - **Section 77 (1)**
- b) Steam receiver - every 26 months - **(Section 79 (1))**
- c) Air receivers - every 26 months - **(Section 80 (4))**
- d) Hoists and Lifts - every 6 Months - **Section 69 (3)**
- e) Lifting machines and lifting appliances used for loads of more than one hundred fifty kilograms - as often as necessary but at least every 14 months - **Section 72 (7)**

In addition, steam boilers and steam and air receivers must be thoroughly examined by an authorised person after any extensive repairs - **(Section 77 (1))**

If it proves impossible to arrange for an authorised person to deal with plant or machinery when legal inspection falls due, the Commissioner must be notified by the quickest means possible and certain particulars sent to him. Provided this is done before the last date on which the examination is due, there will be no breach of the law by reason of the machine or plant not having been examined within the required time. Thereafter it will be up to the Commissioner to send an examiner - **Section 111 (1)**

14. Hoists and Lifts: - The detailed requirements for these are set out in **Section 69**.

Cranes, Winches Chain Blocks, etc of every lifting appliance or lifting machine must be plainly marked with a distinctive identification number and with its safe working load. In the case of a crane with derricking jib, an automatic indicator must be attached to the crane so as to be clearly visible to the driver. Cranes, crabs, and Winches must have efficient brakes or other safety devices and hand winches must be fitted with pawls.

15. If a person is working near the wheel –track of an overhead traveling crane, steps must be taken to ensure that the crane does not approach within 20 feet - **Section (72)**

16. Pressure Vessels (Steam Boilers, Steam Receivers and Air receivers) - The detailed requirements for these and the fittings required for each class of pressure vessels, are set out in **Sections 76 - 80**. Air receivers must be thoroughly cleaned internally at least once every 26 months.

17. Falls - Floors ,passages, gangways ,steps, stairs and ladders must be soundly constructed and maintained in good order and be kept free of obstruction or any substance likely to cause persons to slip; handrails must be provided for stairs. So far as is reasonably practicable there must be provided

- a) Safe means of access to every place at which any person has at any time to work, and
- b) Fencing, safety nets or other means of ensuring the safety of any person who is to work at a place from which he would be liable to fall more than six feet six inches and which does not afford secure foot hold and, where necessary, secure handhold - **Section 56**. Excavations in the ground more than six feet deep, and tanks, reservoirs ,etc, which contain liquid to a depth of four feet or more so that there is risk of drowning ,must be covered or fenced.

18. Gassing - Special precautions are laid down for work in confined spaces where men are liable to be overcome by dangerous fumes or by lack of Oxygen - **Section 87**

19. Explosion – Precautions against explosions of gases or dusts are laid down and for welding or soldering on containers which have held any explosive or inflammable substance such as petrol tanks or drums - **Section 59**

HEALTH

20. **Cleanliness** – A workplace must not be allowed to become unnecessarily dirty. In particular accumulations of dirt and refuse must be removed daily from floors and benches and the floor of every workroom must be washed or swept or otherwise cleaned at least once a week. Subject to certain exceptions all inside walls, partitions and ceilings must either:
- a) If they have a smooth imperious surface (such as glazed tiles), be washed with hot water and soap or by other suitable method every 14 months; or
 - b) If they are kept painted with oil paint or varnish, be re-painted or re-varnished every 7 years and washed with hot water, etc every 14 months; or
 - c) In other cases be whitewashed or colour washed every 14 months. (**Section 46 (2)**)

A written record of this treatment must be kept attached to the General Register.

21. **Overcrowding** – A workplace must not be overcrowded. Every workroom shall not be less than three meters in height, measured from the floor to the lowest point of the ceiling or where there is no ceiling, to the lowest point of the roofing material - **Section 47 (2- 3)**
22. **Ventilation**- Each workroom must be adequately ventilated by circulation of fresh air - **Section 47 (4- 5)**
23. **Lighting**- There must be sufficient lighting either natural or artificial in every part of the workplace in which persons are working or passing - **Section 48**
24. **Drainage of floors** – Where wet processes are carried on, the floor must be properly drained - **Section 45 (3)**
25. **Sanitary conveniences** – Sufficient sanitary conveniences, separate for each sex, must be provided in conformity with the requirements of the Drainage and Sanitation Rules, 1950 - **Section 49**
26. **Exposure to asphyxiants or irritants** – All practicable measures shall be taken to ensure that the gas or vapour does not present a danger to the health of an employee by locating the plant in another place or by ventilation or by other means. Breathing apparatus shall be provided and maintained and kept readily available to be used to effect a rescue or to make premises or operation safe - **Section 88**

Exhausts from stationary internal combustion engines must be led to the open air.

27. **Meals in Certain Trades** – Employees must not be permitted to eat or drink in rooms where any poisonous substance gives rise to dust and fumes - **Section 85 (5)**
28. **Protective Clothing** – Where employees are exposed to wet or injurious or offensive substances, sufficient and suitable protective clothing such as overalls, gloves, footwear, goggles, e.t.c must be provided and kept in good order - **Section 19, 91**
29. **Protection of Eyes** – Goggles must be provided for certain scheduled processes such as welding, fettling, e.t.c - **Section 92**

Electric arc welding must be so screened as to prevent other employees being exposed to the electric-arc flash - **Section 92 (2)**

WELFARE

30. **Drinking Water** – Adequate supplies of wholesome drinking water must be kept at places conveniently accessible to all employees. (**Section 50**)
31. **Washing Facilities** – Washing facilities must be provided which must be adequate and suitable bearing in mind the type of process or work carried on. These facilities must be at convenient places and must be kept clean and tidy. (**Section 51**)
32. **First Aid** – In every workplace there must be provided at least one first-aid box or cupboard containing nothing but first-aid requisites, and under the charge of responsible persons at least one of whom must always be readily available during working hours. (**Section 55**)

MISCELLANEOUS

33. **General Register** – This is the log-book of the factory in respect of the Occupational Safety and Health Act 9, 2006 and must be kept available in the workplace in the prescribed form. (OSH.F.21) - **Section 112**
34. **Deductions from Wages** – Deductions must not be made from employee's wages in respect of anything done or provided in pursuance of the requirements of the Act.
35. **Duties of Employees** – An employee must not willfully misuse anything provided in pursuance of the Act for securing health, safety or welfare and he must use any means or appliance for securing health or safety provided for his use under the Act. (**Section 35**)
He / She must not willfully and without reasonable cause do anything likely to endanger himself or others - **Section 35 (1) (a)**
36. **Inspection** – Gazetted Safety and Health Inspectors have power to inspect part of a workplace by day or night. They may examine anyone concerning the Occupational Safety and Health Act and enactments relating to public health. They have powers to take samples for analysis. Any person obstructing an Inspector is liable to prosecution - (**Section 6**)
37. **Special Rules** – Special Rules apply to certain dangerous trades or processes and to certain other matters, e.g. building and construction work, use of woodworking machinery, use of volatile (highly inflammable) paints, prevention of fire in cotton ginneries, e.t.c. Electrical installations are subject to the Electricity Special Rules, 1960. All of these Rules are very detailed and you should seek advice on their application and requirements.

CONCLUSION

Finally the Act itself (which covers 86 pages, with 121 Sections,) lays down all the various requirements in detail and in carefully chosen legal language; it is impossible in notes of this nature to mention all of them or to set out exactly what the legal requirements are. Occupational Safety and Health Inspectors can not of course decide whether there is a breach of the law in any particular case nor can they give a wholly authoritative interpretation of the wording of the law. Decisions of this nature must be left to a Court of Law if and when legal proceedings are taken. Nevertheless, if you are in doubt about anything to which this Act relates you are urged to consult technical personnel from the Occupational Safety and Health Department. Part of the inspectors' functions is to help you to secure compliance with this Act. This department also issues a number of advisory materials which can be obtained on request.