

OCCUPATIONAL SAFETY AND HEALTH PROFILES IN KENYA

1. OCCUPATIONAL SAFETY AND HEALTH LEGISTRATIVE FRAMEWORK

1.1. Constitution

In the present constitution the issues on occupational safety and health are not directly addressed. However it states that no person should be held in slavery or servitude or required to perform forced labour.

1.2. Major laws, acts or regulation

1.2.1. Factories and Other Places of Work Act Cap 514

- This act is made of legal requirements that facilitate for the provision for the health, safety and welfare of persons employed in factories and other places, and for matters incidental thereto and connected with.
- The law covers the premises in which or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes;

- a. The making of any article or part of any article or
- b. The altering, repairing, ornamenting, finishing, clearing, or washing, or the breaking up or demolition, of any article or
- c. The adapting for sale of any article.

However the work carried on should be by the way of trade or for purposes of gain and to or over which the employer of the persons employed therein has right of access or control.

- d. It also includes premises in which persons are employed in manual labor involving
 - Any yard or dry dock, in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up.
 - Washing or filling bottles or containers or packing articles.
 - Construction, reconstruction or repair of locomotive, vehicles or other plants for use for transport purposes carried out on as ancillary to a transport undertaking or other industrial or commercial undertaking.
 - Printing or other similar process or bookbinding.
 - Mechanical power used for making or repair of articles of metal or wood.

- Making or preparing articles to be used on building operations or works of engineering construction.
 - Generation, transformation or transmission of electrical energy or motive power of any kind for supply.
 - Mechanical power used in connection with a public water supply.
 - Sewage works in which mechanical power is used and any sewage works
- e. Any railway line or siding used for the purpose of factory.
- f. Any workplace in which any two or more persons employed carry on any work.
- It is important to note that the Factories Act was amended through the Factories (Amendment) Act, 1990 in which the Act not only included factories but also other places of work.

1.2.2. Application of the Factories and Other Places of Work Act.

The act requires the occupier to observe and maintain the following legal requirements:

Cleanliness

The workplace should be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or nuisance.

Overcrowding

While work is in progress, the workplace should not be overcrowded as to cause risk of injury to the health of persons employed therein.

Ventilation

There should be circulation of fresh air in each workroom secured by providing an effective ventilation facility.

Lighting

Sufficient and suitable lighting whether natural or artificial should be provided in every part of the workplace in which persons are employed.

Drainage of floors

There should be provided an effective drainage to remove wet on floors liable to be wet.

Sanitary conveniences

Sufficient and suitable sanitary conveniences for employed persons should be provided, maintained and kept clean. Such conveniences should be separate for persons of each sex.

Prime movers

Every flywheel connected to any prime mover and every moving part should be securely fenced.

Transmission machinery

Every part of the transmission machinery should be securely fenced with efficient on or off devices or appliances provided and located in such a position as to be readily and conveniently operated.

Dangerous part of machinery

Every dangerous part of any machinery should be securely fenced unless safe by position.

Construction and maintenance

All fencing or other safeguards provided should be of substantial construction, constantly maintained and always in position when the machinery parts are in motion or in use.

Construction and disposal of new machinery

This section requires every set-screw, bolt or key on any revolving shaft, wheel or pinion be sunk, encased or effectively guarded to prevent danger. Also all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, should be completely encased.

Vessel containing dangerous liquids

Fixed vessels, structures, sumps or pits less than one meter above the ground or platform and containing any scalding, corrosive or poisonous liquid should be secured by covering, fencing or any other means to prevent any person from falling into the vessel, structure, sump or pit.

Training and supervision of inexperienced workers

Persons employed at any machine or process that is liable to cause bodily injury are required to be fully instructed as to the likely dangers and precautions to observe.

Lifting machinery

Hoists and lifts, chains, ropes and lifting tackles, cranes and other lifting machines are required to be thoroughly examined by a person approved by the director by certificate in writing periodically.

Pressurized vessels

Steam boilers, steam receiver, air receivers, and cylinders for compressed liquefied and dissolve gases are also required to be thoroughly examined and tested by a person approved by director by certificate in writing periodically.

Safe means of access and safe place of employment

Every workplace should be safe to access by providing and maintaining, floors, steps, passages, gangways by fencing all openings.

Precautions in places where dangerous fumes are likely

If any person is to work in a confined space for instance any chamber, tank or pit in which dangerous fumes are likely, the fumes should be removed, the person provided with suitable breathing and reviving apparatus, belts and ropes.

Explosive or inflammable dust or gas

In any workroom in which dust may accumulate to such an extent as to be liable to explode on ignition practicle steps are required to prevent such an explosion by enclosing the plant and removing or preventing the accumulation of the dust and by also enclosing the possible sources of ignition.

In order to control the spread and effects of such explosion provisions such as chokes, battles and vents or other effective appliances should be provided.

If any vessel or tank containing any explosive or inflammable substances requires any welding or application heat, the law requires the substance or the fumes to be removed or rendered non-explosive or non-inflammable.

Prevention of fire

In addressing the fire prevention the law requires every workplace to be provided with means of extinguishing fire and train the persons in correct use of such means.

It also spells out storage precautions to be taken when handling highly inflammable liquids in order to avoid fire occurrence.

The minister is also empowered to make rules on the measures to be taken to reduce the risk of fire breaking out in any workplace, spread of such fire or smoke and prescribe requirements on internal construction and material to be used.

In case of fire, safety provisions should include, means of escape, free passageways, all exits be of sliding door, exits marked distinctly.

Welfare facilities

The law requires the occupiers to provide supply of drinking water, washing facilities, accommodation for clothing not worn during working hours and facilities for sitting for female workers.

It is also a legal requirement to provide a first-aid box in the workplace and where more than one hundred and fifty persons are employed an additional box for every additional one hundred and fifty persons.

Removal of dust or fumes

If any dust or other impurity in any workplace is likely to be injurious or offensive to employed persons the law requires the occupier to introduce measures to protect the persons by preventing its accumulation in workroom and where the process allows by providing exhaust appliances to remove the dust or fumes.

Protective clothing

In case workers are employed in any process where they are exposed to wet or any injurious or offensive substances the law requires that they should be provided with protective clothing and appliances. Some of the appliances include gloves, footwear, goggles and head coverings,

Duties of the employed persons

The law forbids the employed person from willfully interfering with or misuse any appliance, convenience or other things provided for ensuring health, safety or welfare for him or other employed persons.

Prohibition of deduction from wages

The occupier is prohibited by law to make any deduction from workers or ask any payment done or provided in pursuance of safety, health and welfare of a worker.

1.2.3. RULES OF OSH

Several rules have been developed to serve as guidelines on some specific activities or industry. Some of these rules include:

1.2.3.1. The Factories and Other Places of Work (Building Operations and works of Engineering Construction) Rules, 1984**Scope**

These rules cover the construction, structural alteration, repair and maintenance of a building including repainting, redecoration and external clearing of the structure, the

demolition of a building and the preparation for and laying the foundation of an intended building and works of engineering construction for the purpose of any industrial or commercial use.

It also includes building and works of engineering construction carried out by or on behalf of the government, a local authority or a public body.

Application

In undertaking the said activities, the law requires the following to be observed to ensure safety and health of workers.

- Notification of commencement or taking over of operations or works at site by the constructor to the director.
- Appointment of safety supervisors
- Prevention of danger in excavations.
- Inspection and examination of excavations.
- Supervision and execution of timbering and other works
- Means of egress in case of flooding.
- Prevention of changes from excavation likely to reduce security of structure.
- Fencing of excavations.
- Safeguarding edges of excavations.
- Construction and maintenance of cofferdams and caissons.
- Inspection and examination of cofferdams and caissons explosives.
- Prevention inhalation of dust and fumes at work sites.
- Ventilation of excavations at sites.
- Removal of internal combustion engines and exhaust gases.
- Transport safety measures of workers by water.
- Prevention of drowning.
- Safety of rails and rail tracks.
- Precautions in connection with demolitions.
- Secure fencing of machinery.
- Preventive measures in generation of steam, smoke and vapour at site.

- Protection of persons from falling materials at site.
- Avoidance of danger from collapse during construction.
- Prevention and maintenance of scaffolds at workplaces.
- Provision of boards and planks in working platforms, gangways and runs.
- Construction and maintenance of ladders.
- Provision of crawling boards on work on or near fragile materials.
- Preventions of falls by use of safety nets and belts.
- Examination and testing of equipment involved in lifting operations – cranes and other lifting appliances, chains, ropes and lifting gear.
- Provision of first-aid requirements including first-aid boxes, training and first-aid rooms.
- Provision of protective clothing and sanitary conveniences.

1.2.3.2. The Factories and Other Places of Work (Woodworking machinery) Rules.

L.N. 431/1959

Application

These rules apply to all factories and workplaces in which any circular saw, pendulum saw, plain band saw, band mill, band re-saw, planning machines, vertical spindle moulding machine, routing machine or chain mortising machine operating on wood are in use.

Duties of occupiers

The occupier is required to observe the following:

- Maintain floors surrounding woodworking machines.
- Fence circular saws.
- Encourage use of push-sticks at circular saws.
- Guarding of plain band saws.
- Enclose band mills and band filing of cylindrical cutter block to overhand planning.
- Provide guards to planning machines used for thickening, moulding, matching or tenoning.
- Provide guards to vertical spindle moulding machines and routing machines.

Duties of persons employed

The employed persons are expected to do the following:

- Use and maintain proper adjustment of the guards of the woodworking machines.
- Use the spikes or push-sticks and holder.

1.2.3.3. The Factories and Other Places of Work (Docks) Rules. L.N. 306/1962

Application

These rules apply to the process of loading, unloading, moving and handling goods in, on or at any clock, wharf or quay in any port or harbour in Mombasa and Kisumu and to the process of loading and unloading of any ship in any such port or harbour.

Scope

The rules ensure the following at the workplace:

- Provision of facilities on shore including lighting, first-aid boxes, stretchers, ambulance, drinking water, sanitary conveniences and washing facilities and means of access to the ship.
- Safety general provisions on board ship including access from the ship, to holds, lifting machinery marking of hatch coverings, hand grips, precautions where dangerous fumes and dust are liable, and protective clothing.
- It describes some duties of the officers in charge of ship, which include prohibition of use of unsafe machinery and production of prescribed register.

Schedule rr26 (1), 27(1) and 28(1)

This provides the manner of testing and examination of lifting machinery and gear before use.

Third schedule r27 (2)

The law provides under this schedule the manner of heat treatment of chains, rings, hooks, shackles and swivels.

1.2.3.4. The Factories and Other Places of Work (Cellulose Solution) Rules.

L.N. 231/1957, L.N.87/1964

Application

These rules apply to all factories and workplaces in which any solution in inflammable liquid of cellulose nitrate, cellulose acetate, or other compound, or of celluloid, or any substance compound, with or without the admixture of other substances, is in use.

Duties of the occupier

The rules require occupier to observe the following:

- Give notice to the director of his intention to use or store the cellulose solutions.
- To construct cellulose cabinets, cellulose spaces and ventilating ducts.
- To take precautions against the ignition of cellulose solutions, inflammable liquids and solid residues.
- Provide fire exits, metal containers for disposal of waste material and fixed storage facilities.

Duties of persons employed

The rules require:

- The employed persons not to smoke, introduce fire, open flame or open light in the workplace.
- Persons using cellulose solutions to make use of ventilating and other appliances.

1.2.3.5. The Factories and Other Places of Work (Protection of eyes) Rules,

1977 L.N. No. 44

Application

These rules apply to all factories, all premises, places, processes operations and works and building construction works and works of engineering constructions.

Duties of occupier

The occupier is required to provide eye protectors and shields for the protection of persons employed in specific processes.

Duties of the person employed

Every person provided with eye protectors or a shield is required to observe the following:

- Take care of them and avoid misuse.
- Report for any loss or destruction, or any defect.
- Make full and proper use of the provided fixed shield.

Schedules 1 (Rules 3,6 and 11)

This schedule gives specific process in which approved eye protectors are required.

Schedules 2 (Rules 1 and 7)

This schedule has cases in which protection is required for persons at risk from, but not employed in specific process.

Some of the risks include, the chipping of metal, electric processes, work with power hammers, metal casting and many more.

1.2.3.6. The Factories and Other Places of Work (Electric Power) Rules 1979 L.N. 340**Application**

These rules may apply to generation, transformation, conversion, switching, controlling, regulating, distribution and use of electrical energy in any factory and in any premises, place, process, operation or work covered by the Factories and other places of work Act.

The rules emphasis on the following requirements:

- Safety of apparatus and conductors.
- Construction of switch, circuit breaker.
- Construction and management of fuse and automatic circuit breaker.
- Provision for cutting off pressure.
- Prohibition of single pole-switch.
- Avoidance of use of bare and uninsulated conductors.

- Protection of motor converted and transformer.
- Effective earthing and connection of portable apparatus.
- Prevention of danger from switch board arrangement.
- Prevention of danger by earthing of metals other than conductors.
- Protection against conductor or apparatus against accident charge, insulating stands or screens.
- Prevention of portable insulating stands, screens, boots and gloves.
- Provision of adequate working space and means of access.
- Adequate lighting of premises.
- Protection of conductors and apparatus from weather.
- Display of instructions for shock treatment.
- Provision of efficient means of ventilation of substations.

1.2.3.7. The Factories and Other Places of Work (Safety and Health Committees) Rules, 2004. L.N. No. 31

Application

These rules apply to all factories and workplaces, which regularly employ twenty or more employees.

The rules require the occupier or owner to undertake the following:

- Establish a safety and health committee in the workplace.
- To organize safety representatives to include management and workers.
- Provide at no cost to the committee a suitable venue.
- Cause the monitoring and evaluation of hazards and risks identified by the committee to be carried by a competent person.
- Develop a safety and health policy.
- Chair meeting.
- Provide any information of any accident, dangerous occurrences or incidents of occupational diseases.
- To cause a health and safety audit of the workplace, by a registered health and safety adviser.

Duties of the committee

Committee undertake the following activities:

- Conduct safety and health inspections.
- Investigate accident and dangerous occurrences.
- Compile accident statistics.
- Conduct training seminars for workers on safety and health.
- In addition every member of the committee shall have a basic course on occupational health and safety.

1.3. Law and regulations covering aspects related to OHS

1.3.1. The Public Health Act – Cap 242

Under this Act any factory or trade premises is said to be a nuisance if:

- Not kept in a clean state and free from offensive smell arising from any drain, privy or urinal.
- Not ventilated so as to destroy or render harmless and in offensive any gases, vapors, dust or other impurities generated.
- Overcrowded or so badly lit or ventilated as to be injurious or dangerous to the health of those employed therein.
- It is causing or giving rise to smells or effluvia, which are offensive or injurious or dangerous to health.
- The chimney sending smoke in such quantity or manner as to be offensive or injurious or dangerous to health.

1.3.2. The Environmental Management and Coordination Act, 1999.

In consultation with the relevant lead agencies, the Standards and Enforcement Review Committee established under the Act performs the following functions:

- Advise the authority on how to establish criteria and procedures for the measurement of air quality.
- Recommend for:
 - Ambient air quality standards.
 - Occupational air quality standards.
 - Emission standards for various sources.

- Guidelines to minimize emissions of green house gases.
- The best practicable technology available in controlling pollutants during the emission process
- Measures necessary to reduce existing sources of air pollution by requiring the redesign of plants or installation of new technology or both to meet the requirements of standards already established.

Under the same law, the Minister may, on the advise of the Authority make regulations prescribing the procedures and criteria for:

- Classification of toxic and hazardous chemicals and materials and the hazard they present to the human health and to the environment.
- Registration of chemicals and materials.
- Labeling of chemicals and material.
- Control of imports and exports of toxic and hazardous chemicals and material permitted to be so or exported.
- Distribution, storage, transportation and handling of chemicals and materials.
- Monitoring of the effect of chemicals and their residue on human health and the environment.
- Disposal of expired and surplus chemicals and materials.
- Restriction and burning of toxic and hazardous substances and energy.

The Act gives the Standards and Enforcement Review Committee in conjunction with the relevant agencies mandate to:

- Recommend standards for emissions of noise and vibration pollution into the environment as are necessary to preserve and maintain public health and the environment.
- Establish criteria and procedures of sub-sonic vibrations, which are likely to have a significant impact on the environment.
- Recommend guidelines for the minimization of sub-sonic vibrations from existing and future emissions.
- Establish noise level and noise emission standards applicable to construction sites, plants, machinery, motor vehicles, aircraft including sonic bonus, industrial and commercial activities and measure levels of noise from those sources.

1.3.3. Petroleum Act – Chapter 116

Some rules have been established under the Act stating that:

- When transporting petroleum by road no person is allowed to smoke, strike or match or carry any naked light while in or near vehicle carrying petroleum.
- Storage of petroleum in bulk should be kept in an installation or in an underground kerbside tank.
- In all storage sheds and installations no persons should do any act, which is likely to cause fire.
- No goods of inflammable nature other than the petroleum should be kept within an installation except such as are necessary for the purposes of the installations.
- The distances between tanks and other buildings and between tanks and boundaries of the installation should be specified accordingly.
- Tanks should be made of mild steel, or other approved material and designed and constructed according to British Standards or other standards approved by the Minister.
- The conditions under which tank constructed entirely below, partially above, or completely above, the surface of the ground should follow.
- All pumping mains and pipes should be furnished with a means of stopping a flow of petroleum from the tanks in event of any injury to the pipelines.
- All ventilating openings on tanks should be protected by a diaphragm of strong non-corrosive wire gauze or fitted with safety valve of a type approved by the Minister.
- No soldering of filled tins should be carried out in the filling shed.
- Every storage shed should be constructed entirely of non-inflammable material.

1.3.4. The Food, Drugs and Chemicals Substance Act – Cap 254.

The law prohibits a person from carrying out the following activities:

- Use or disposal of any chemical substance in a manner likely to cause contamination of food or water for human consumption or in a manner liable to be injurious or dangerous to the health of any person.
- Sell any chemical substance which when used according to the instructions of the manufacturers or under such conditions as are customary or usual, might cause injury to the health of any person.

- Sell, prepare, preserve, package, store or convey for sale any chemical substance under unsanitary conditions.

1.3.5. The Physical Planning Act - Cap 286

Under this Act if a local authority is of the opinion that proposal for industrial location, dumping sites, sewerage treatment, queries or any other development activity will cause injurious impact on the environment the applicant is required to submit together with the application an environmental impact assessment report.

1.3.6. The Local Government Act

Under this Act every municipal council and every town council and urban council have power:

- To control or prohibit all business, factories and workshops which by reason of smoke, fumes chemicals, gas, dust, smell, noise, urbanization or other cause, may be or become a source of danger discomfort or annoyance to the neighborhood, and to prescribe the conditions subject to which such businesses, factories and workshops should be carried out.
- To prohibit or control the carrying out on of the work or trade of a knacker or of blood, boiling or cleaning, tallow melting, fat melting, or fat extraction, fell-mongering, skin storing, skin curing, blood drying, gut scraping, fish mongering, fish drying, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, stone crushing, manure making, manure storing, bone storing, or any other work or trade of offensive nature which such local authority may, with the sanction of the Minister, declare to be an offensive trade.

1.4. Ratification and domestication of ILO-OSH Conventions

Kenya has ratified and domesticated the following conventions

1. Convention No. 27
 - Marking of weight (Packages transported by vessels) Convention, 1929, ratified on 9/02/1971
2. Convention No. 32
 - Protection against Accidents (Dockers) Convention (Revised) 1932, ratified on 13/01/1964

3. Convention No.81
 - Labour Inspection Convention, 1947, ratified on 13 / 01 / 1964

4. Convention No. 129
 - Labour Inspection (Agriculture) Convention, 1969, ratified on 9 / 04 / 1979

5. Convention No. 134
 - Prevention of Accidents (Sea ferries) Convention, 1970, ratified on 6 / 06 / 1990

6. Convention No. 182
 - Worst Forms of Child Labour Convention, 1999, ratified on 7 / 05 / 2001.

7. Convention No.12
 - Workmen's compensation (Agriculture) convention, 1921 ratified on 13/01/1964

8. Convention No. 16
 - Medical examination of young persons (sea) convention, 1921 ratified on 9/02/1971

9. Convention No. 17
 - Workmen's compensation (Accidents) convention, 1925 ratified on 13/01/1960

10. Convention No. 19
 - Equality of Treatment (Accident compensation) convention, 1925 ratified on 13/01/1964

2. NATIONAL POLICY REVIEW MECHANISMS

2.1. NATIONAL POLICY

- The existence of national policy could be traced from the Act of Parliament that made provision for health, safety and welfare of persons in factories and other places, and for matters incidental thereto and connected therewith which came into operation on 1st September 1951
- However, separate occupational safety and health policy formulated with tripartite participation for the purpose of guiding objectively occupational safety and health issues does not exist.

2.2. Bodies that review national legislation on OSH

- The Factories Act was amended through the Factories (Amendment) Act, 1990 and renamed The Factories and other Places of Work Act in which the bodies that review national legislation on OSH were established.
- Under this new Act a provision was made for establishment of a committee to advise, consult with and make recommendations on matters relating to the administration of occupational safety and health.
- The committee operating currently is referred to as **National Advisory Committee on Occupational Health and Safety**.
- The director in charge of safety and health in the country is the chairman with one nominee from each identifiable ministry or organization appointed by the Minister by name and by notice in the Gazette.
- The composition of the members includes those from ministries, social partners, and public universities.
- Before, for instance, a new legislation on safety and health becomes law the content should be discussed and deliberated upon through meetings, seminars and workshops involving the workers representatives, employers' representatives, the government and other stakeholders in the area of occupational safety and health.
- At enterprise level safety and health committees are established that are composed of employers and employees representation. This arrangement provides for opportunity for exchange of views on safety and health issues at that level.

2.3. Strategic plan, mission, targets and indicators on OSH

- The Ministry of Labour and Human Resource Development has developed a strategic plan for the period 2004/5 – 2008/9, in which the Development of Occupational Health and Safety Services (DOHSS) strategic plan is included.
- The department of DOHSS strategic plan constitutes of a national safety and health plan for the specified period.
- The department's vision, mission, targets and indicators are outlined as follows:

Vision

A safety worker in a safe workplace

Mission

Promotion of safety health and welfare in workplaces by implementation of effective system for the prevention of occupational accidents, occupational diseases and injuries and damage to property for enhanced productivity and low cost of production.

Table 1: Targets, Strategy and Indicators

Target	Strategy	Indicators
1. Inadequately informed working population	<ol style="list-style-type: none"> 1. Sensitize and educate workers on OHS legislation and codes of practice. 2. Involve employers and employees in development and review of OHS legislation and its promotional activities. 	<ul style="list-style-type: none"> • Number of training sessions, talks, and meetings offered and organized. • Number of OHS materials produced and distributed. • Number of radio talks given.
2. Inadequate data on OHS	<ol style="list-style-type: none"> 1. Strengthen the OHS information center 2. Improve acquisition of information in the field stations 	<ul style="list-style-type: none"> • Number of computer programmes. • Number of references stocked. • Internet facilities available. • Libraries established in the field. • Trained officers in IT. • Data available.

Target	Strategy	Indicators
3. Unsafe methods of working practices.	Develop and review rules and codes of practices on OSH activities.	<ul style="list-style-type: none"> • Number of rules and codes published and disseminated.
4. Inadequate members of qualified OHS and IT personnel.	Recruit and improve the competence of the OHS and IT personnel.	<ul style="list-style-type: none"> • Number of the persons recruited, and personnel trained.
5. Inadequate coverage of OHS activities.	Improvement of OHS service delivery.	<ul style="list-style-type: none"> • Number of vehicles acquired for field services. • Information disseminated. • Number of equipment provided. • Number of exhibitions. • Number of approved persons for the purposes of inspections.
6. Inadequate monitoring and promotion system of OSH workplaces.	<ol style="list-style-type: none"> 1. Sensitize and educate workers on specialized activities, machinery and equipment on OSH. 2. Ensuring machinery manufactured or imported conform to OHS legislation requirements. 	<ul style="list-style-type: none"> • Number of talks, seminars and workshops organized. • Number of published materials. • Number of equipment tested. • Number of accident cases investigated. • Number of prosecution cases. • Number of rules developed.
7. Inadequate monitoring and promotion for prevention of occupation diseases and injuries.	<ol style="list-style-type: none"> 1. Development of rules and codes of practice on biological and physical agents. 2. Sensitize employers and employees on the developed rules and codes of practice. 	<ul style="list-style-type: none"> • Number of rules drafted and published. • Number of workers medically examined. • Number of inspections, investigations and prosecutions.

Target	Strategy	Indicators
<p>8. Inadequate guidelines on emergency preparedness against failure of hazardous installations.</p>	<p>To ensure emergency plans are in place.</p>	<ul style="list-style-type: none"> • Number of emergency guidelines. • Number of rules on hazardous installations developed. • Number of hazardous installations audited and located.
<p>9. New challenges at the workplaces due to technological changes.</p>	<p>Establish an institute on OSH.</p>	<ul style="list-style-type: none"> • Established institute. • Number research undertaken on OHS.
<p>10. Inadequate number of compensated workers.</p>	<ol style="list-style-type: none"> 1. Review workman's compensation Act. 2. Enforce the Act. 	<ul style="list-style-type: none"> • Number registered. • Number of inspections. • Number insured. • Number investigated. • Records available.

3. COORDINATION AND COLLABORATION AMONG SOCIAL PARTNERS

3.1. At National level

- At the national level there exists some mechanism for coordination and collaboration among social partners in the implementation and management of OSH systems
- A National Advisory Committee on Occupational Health and Safety was established in the Ministry of Labour and Human Resource Development in 1990.
- The composition of the members include nominee from various Government ministries Employees' organizations, Employers' organizations and public universities.
- The workers are represented by an appointed member from Central Organization of Trade Union (COTU). This is one of the largest workers' organizations.
- The employers are represented by an appointed member from Kenya Federation of Employers organization (FKE).
- The members are responsible for advising and providing recommendations to the Minister on the issues relating to administration of the Factories and other Places of Work Act – Cap 514.
- The committee is allowed to regulate its own procedure. However, they are required to meet at least three times in a calendar year.
- During these meetings the members can deliberate on any matters that affect the safety and health of a worker in the workplace and suggest corrective measures, including development of regulative rules, and codes of good work practices.

3.2. At enterprise level

- At enterprise level, the tripartite approach is facilitated by the recently established Safety and Health Committees' rules made under the Act – Cap 514.
- Under the rules the occupier or employer of every factory or workplace, which regularly employ twenty or more employees, is required to have a Safety and Health Committee in his factory or workplace.
- The established Safety and Health Committee should include representatives from the management and workers.
- The committee is required to meet at least four times in every year.
- The committee may invite on adhoc basis to its meeting or interview any person with information on occupational health and safety.

- The director of Directorate of Occupational Health and Safety services or his representatives may attend a meeting of the committee.

4. OHS TECHNICAL STANDARDS, GUIDELINES AND MANAGEMENT SYSTEMS

4.1. OHS Management Systems at the enterprise level

- The safety and health legislation under the Factories and other Places of Work require all factories and workplaces, which regularly employ at least twenty employees to have a safety and health committee with representation from employer and workers.
- In order to regulate the operations of the committee safety and health committee, rules of 2004, L.N. 31 were established. These rules contain specific functions of the employer and employees.
- Issues on safety and health are discussed during the regular meetings. The meeting is chaired by the employer or an appointed representative of the employer.
- It is mandatory under the rules for the members of the committees to be trained on basic occupational health and safety.
- The training includes information on the safety and health legislation, causes and prevention of accidents and diseases, first-aid techniques, emergency preparedness, and prevention and control procedures, identification of health hazards and control and safe work practices.
- The establishing of the committee is encouraging promotion of safety and health in the workplace and hence introducing self-regulatory system at the enterprise level.
- At national level the department of Occupation Health and Safety promotes safety and health by enforcing the Factories and other Places Work Act. This is carried out through regular training on safety and health, participating in national shows and exhibiting safety and health materials and prosecuting for non-compliance.

4.2. Technical Standards

The Act Cap 514 gives basic national standards on safety and health that is mandatory to be attained.

Among these include requirement for

- Fencing area to be occupied by worker
- Frequency of cleaning the workrooms
- Height of workrooms
- Attachments required in operating pressurized equipment safety and safety provisions in case of fire.

Some of the rules that have been developed setting standards that borrow heavily from ILO codes of practice include:

- The Factories and other Places of Work (Building Operations and works of Engineering Construction) Rules, 1984, L.N. No. 40. This has various standards to be followed during construction, structural alteration, repair or maintenance of a building, the demolition of a building and preparation for laying of the foundation.
- The Factories and other Places of Work (Docks) Rules LN 306 / 1962.
- The Factories and other Places of Work (Safety and Health Committees) Rules, 2004, L.N. 31.
- The Factories and other Places of Work (First-aid) Rules, 1977.
- The Factories and other Places of Work (Woodworking Machinery) Rules, L.N. 431 / 1959.

Note that:

- Some companies are applying the ISO 1800 series on occupational safety and health
- The Kenya Bureau of Standards in conjunction with Directorate of Occupational Health and Safety Services developed safety standards regarding liquefied and compressed gas cylinders.
- The department would like to increase its capacity to promote ILO-OSH 2001.

5. OHS IMPLEMENTATION SYSTEM, MEANS AND TOOLS

5.1.1. Inspection and enforcement system

- The Directorate of Occupational Health and Safety Department in the Ministry of Labour and Human Resource Development is mandated through the Factories and other Places of Work Act Cap 514 to regulate safety, health and welfare in all workplaces in Kenya.
- The Factories Act as it was known before the amendment I 1990, came into operation on 1st September 1951 through an act of parliament.
- The act has provision for health, safety and welfare of persons employed in factories and other palaces, and for matters incidental thereto and connected therewith.

5.1.1.1. Scope of sectoral coverage

The scope of coverage includes any premises:

- Occupied by the Government of Kenya.
- In occupation of the community or any local authority.
- Where work operations are carried out in open air.
- Where railway line or sliding is used for the purpose of a factory.
- Or any yard or dry dock in which ships or vessels are constructed and repaired.
- In which the construction, reconstruction or repair of locomotives, vehicles or other plant used for transport purposes.
- Used for purpose of printing.
- In which articles made for building operations and works of engineering.
- In which electrical energy or motive power of any kind is generated, transformed or transmitted or supplied for the purposes of any industrial or commercial use.
- Used for public water supply or any sewage works using mechanical power.
- Where building operations are carried on.

After the amendment of the Factories Act in 1990, the new Act now known as Factories and other Places of Work Act expanded the scope of sectoral coverage to include:

- All other workplaces excluded by the definition of factory in the previous Act.
- Agricultural sector activities.
- Small and micro-enterprises (Jua Kali).

5.1.1.2. Enforcement and inspection systems

Scope

The occupational health and safety officers who are composed of engineers, health officers, hygienist and other scientist through the Factories and Other Places of Work Act are empowered to enforce the safety, health welfare requirement in all the workplaces in Kenya.

They have power to do one or more of the following:

- To enter inspect and examine by day or night a factory or any other place of work.
- To take with him a police officer in case of obstruction.
- To require production of any document with respect to the Act.
- To ask for information from any person in the workplace on safety and health.
- To examine any person alone or otherwise with respect to matters under the Act.
- In case of a medical practitioner to carry out medical examination.
- Prosecute, conduct or defend before a magistrate's court any charge under the Act.
- May serve a notice referred as "an improvement notice" to the occupier if he is of the opinion that he contravened any of the provisions of the Act or rules made there under.
- May serve a notice referred to as "prohibition notice" if he is of the opinion that activities in question involve risk of serious personal injury.
- May seize and destroy any article he has reasonable cause to believe may cause imminent danger or serious personal injury.
- May take measurement and photographs for the purpose of any examination or investigation under the Act.

Administration

- The Department is headed by the Director assisted by Deputy Directors, Assistant Directors, Senior Occupational health and Safety Officers and other OHS officers grades I, II, and III.
- The Department is represented in seven (7) provinces in the country except North Eastern, which are headed by Provincial Occupational Health and Safety Officers and eleven (11) District Zonal Offices headed by District Occupational Health and Safety Officers.

- District Zonal Offices are situated at Thika, Naivasha, Nakuru, Kericho, Eldoret, Bungoma, Kakamega, Kisumu, Kisii, Malindi and Mombasa.
- The District Zonal Officers are administratively under the Provincial Officers who report directly to the Director based at Headquarters, which is the central office.
- The field offices seek assistance of the specialized division based at central office.

Specialized Divisions

- The Department is made up of four main divisions and field services namely Safety engineering division, Occupational hygiene, Occupational health, Training and Information and field services.

Safety engineering division is composed of officers with engineering related disciplines and they are responsible for:

- Supervising and coordinating safety of machinery, plant, equipment, process and electrical installations.
- Advising on ergonomic standards.
- Developing and supervising programmes for collection of statistics on plants, machinery equipment and accidents in workplaces.
- Supervise authorized / approved persons work.
- Develop safety standards in all building and work of engineering construction.

Occupational Hygiene division is composed of officers with occupational hygiene and related disciplines and are responsible for:

- Monitoring, evaluation and advice on control of harmful substances, physical and biological agents in the workplace.
- Measure and advise on occupational hazards.
- Develop occupational hygiene standards and exposure levels on toxic and harmful substances.
- Specify design and quality of all types of personal protective equipment and setting standards for their use.

Occupational Health division is composed of medical officers and nurses who are responsible for:

- Organizing and carrying out medical examinations and tests for workers.
- Manage occupational medicine services.
- Dissemination of occupational health information and first-aid training.
- Provide epidemiological surveillance of occupational diseases and the work environment.
- Development and maintenance of effective programmes for collection, compilation and analysis of occupational health statistics.

Training and Information division is composed of officers who are responsible for:

- Coordination of local and international training programmes for the officers.
- Carry out training needs assessment.
- Coordinate the development and dissemination of safety and health information.
- Prepare and disseminate departmental brochures, safety documents.
- Compile annual reports and statistics including occupational accidents and diseases.
- Collect, collate and analyze data on accidents and dangerous occurrences at workplaces.
- Act as the focal point for ILO-CIS national center.

The Field Services

The field officers in the field are responsible for:

- Regular and systematic inspection of all workplaces for identification and control of hazards in the workplaces.
- Conduct investigations of accidents and occupational injuries in the workplaces.
- Conduct training programmes in safety and health of employees in their areas of jurisdiction.
- Conduct legal proceeding for non-compliance.
- Ensuring that all plants, equipment, and machinery have been examined and tested by persons at the prescribed periods.

5.1.1.3. Organizational Structure

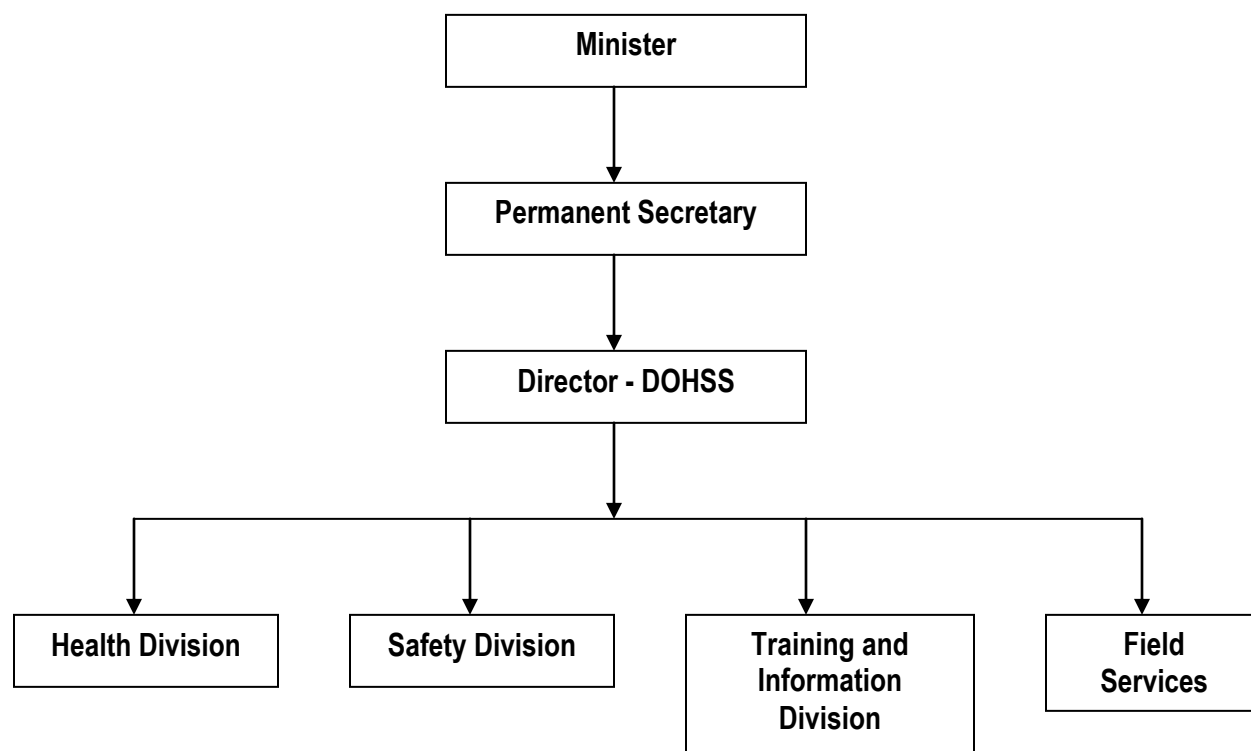


Table 2: Distribution of Field Offices

Province	Areas Covered	Location of Offices
Rift Valley	Kajiado, Narok, Kericho, Nakuru, Laikipia, Samburu, Baringo, Tirana, West Pokot, Transzoia, Uasin, Gishu. Total area covered: 173868 km²	Eldoret, Kericho, Nakuru, Naivasha.
Nyanza	Kisii, Kisumu, Siaya, South Nyanza Total area covered: 16162 km²	Kisumu, Kisii
Western	Kakamega, Busia, Bungoma, Vihiga Total area covered: 8360 km²	Bungoma, Kakamega

Province	Areas Covered	Location of Offices
Eastern	Marsabit, Isiolo, Meru, Embu, Kitui, Machakos, Makueni Total area covered: 59591 km²	Embu.
North Eastern	Mandera, Wajir, Garissa Total area covered: 126902 km²	Kisumu, Kisii
Coast	Tana River, Kilifi, Taita, Kwale, Mombasa, Lamu. Total area covered: 83603 km²	Mombasa, Malindi
Nairobi	Nairobi Central Business District, Industrial Area, Athi River Total area covered: 684 km²	Nairobi
Central	Kiambu, Muranga, Nyandarua, Nyeri, Thika, Kirinyaga, Maragwa, Total area covered: 13176 km²	Nyeri, Thika
Headquarters – Central office Nairobi	Specialized Division (Health, Safety, Hygiene and Training and information covering the whole country)	Nairobi

Other Competent Institutions

- Ministry of Health
- National Environment Management Authority
- Local Government (Section 18)
- Ministry of Energy

5.1.1.4. Level of human resources at D.O.H.S.O

The following is the number of officers responsible for enforcement of the safety and health legislation:

Table 3: Distribution of Occupational Health and Safety Officers

Specialized Training	In-Post	Authorized establishment
Occupational health and safety / engineers.	44	168
Occupational Hygienists	7	
Occupational health physicians	6	21
Occupational health nurses	3	50

5.1.1.5. Number of enterprises and undertakings covered

According to the annual report 2003 by the Directorate of Occupational Health and safety service the following is the number of inspections, investigations, prosecutions and specialized inspections and surveys including medical examination

Table 4: Indicates activities carried out in the year 2003

Year	Inspections	Investigations	Prosecutions	Safety specialized inspections of plants	Hygiene surveys	Medical examination	No: Trained	Number of Establishments
2003	3133	121	51	1252	10	582	836	
2002	3238	114	76	Not available	Not available	Not available	37	8693
2001	4572	-	37	Not available	Not available	Not available	Not available	

Table 5: Provisionally registered workplaces 2003

Location of workplaces by province							
	Central	Nairobi	Eastern and N. Eastern	Rift Valley	Coast	Nyanza	Western
Agriculture and Forestry	4	2	2	10	0	2	0
Quarrying	1	0	0	1	0	1	0
Manufacturing		27	145	39	43	36	8
Electricity, Gas and water supply	15	0	6	4	0	1	0
Construction	0	51	18	42	114	15	6
Wholesale and Retail trade	7	5	114	42	2	11	9
Floriculture	0	1	0	6	0	0	0
Warehousing	5	6	0	10	16	2	0
Others	0	2	10	11	25	0	0
Grand Total	32	94	295	165	200	68	23

Table 6: New workplaces registered – 2003

These workplaces have received certificates of registration from the Director

Agriculture	3
Collection, purifying and distribution of water	5
Construction	7
Electricity, gas and hot supply	4
Floriculture	13
Manufacturing	111
Quarrying	4
Publishing and printing	10
Repairs of machinery and equipment	11
Repairs of motor vehicles	12
Retail and automotive fuel	43
Warehousing	25
Horticulture	4
Others	5
Total	257

The table below shows the number of plants examined and tested by authorized / approved persons in the year 2003

Table 7: Number of plants examined and tested - 2003

Type of plant	Number examined
Hoists and lifts – new installation notifications	7
Lifting equipment examined and tested	652
Air receivers examined and tested	191
Steam boilers and steam receivers examined and tested	227
Hoists and lifts examined and tested	175
Total number of plants inspected	1252

5.1.1.6. Promotional programmes

- The Department has been conducting promotional programmes including radio, tacks, training, seminar and workshops and participating in national shows
- During 2003 several training workshops and seminars were conducted in various workplaces in the country.

Table 8: Number of workers trained in Occupation Health and Safety – 2003

Month	Number trained
January	112
February	0
March	41
April	209
May	20
June	78
July	41

Month	Number trained
August	92
September	81
October	77
November	19
December	66
Total	836

Organization of the workshops

- The department of Directorate of Occupational Health and Safety organize the workshop with the occupiers
- The department guides the occupiers by providing structured curriculum that needs addresses the workplace with respect to their processes and operations.
- Resource persons are also provided by the department.
- The occupier is required to pay some little fee to facilitate in production of stationary and transport requirements.

First-aid training

- The department is recognized in training of first-aid personnel for the workplaces.
- The training is conducted by the medical personnel including doctors and nurses.

Directorate of Industrial Training recognition

- The department is recognized by the Directorate of Industrial Training for the purpose of reimbursement. Any occupier training with the department and is paying training levy will receive some reimbursement for some fees spent on training.

5.1.1.7. Poison control centres

- In case of any poisoning patients are referred to Kenyatta National Hospital, which is the referral hospital in the country.
- The Directorate of Occupational Health and Safety Services do collaborate with the Ministry of Health under which the hospital is administered.

5.1.2. OSH Laboratories and research institutions

- The department of Occupational Health and Safety Services has laboratories that are responsible for carrying out OHS analytical or assessment work on occupational hazards.
- The officers in these laboratories carry out analysis of the collected air sample from workplaces in these laboratories. After analysis of the sample a report is written with some recommendations.
- In the same laboratories employees from various workplaces are presented for audiometry tests carried out by occupational medical specialists in the department.
- The employees complaining on ill health in various workplaces are also requested to provide blood sample for analysis in the biological laboratory.
- The analysis of the said sample is done by occupational hygienists, occupational medical scientists and chemists.
- The Government Chemist is also allowed to carry out analysis of collected samples from workplaces. The results of the sample analysis in these laboratories are admissible as evidence in court of law according to Factories and other Places of Work Act, session 56 (3).

5.1.3. OSH Information Centres

- The Occupational Health and Safety Information Center is a division in the department of Occupational Health and Safety in the Ministry of Labour and Human Resource Development. The center receives and disseminates information from provincial and district zone officers.
- The center collects, stores and manages Occupational Health and Safety data. The center has therefore developed OHS database.
- Data available include data on workplace inspections, occupational injuries and diseases, inspection of plants (Stream boilers, Hoists and Lifts, Air receivers and other pressurized vessels among others)

- The department through OHS information center has developed an occupational accident and disease format according to the ILO reporting structure.
- The OHS information center in the department collaborates closely with the International Occupational Safety and Health Information Center (CIS) an organ of the International Labour Organization (ILO). It acts as a reference center for all academic institutions teaching aspects of Occupational Health and Safety courses, in the country.
- The center has acquired Internet facilities as a result of which it has increased its capacity to disseminate Occupational Health and Safety information more efficiently.
- The center is faced with some constraints especially on acquisition of reading materials and other information on OSH and with dissemination. The center would like to extend the same facilities to field offices in the country for a wide coverage.

5.1.4. Occupational Health Services

- The Department of Occupational Health and Safety Services through the Occupational Health division is responsible of providing surveillance of occupational diseases and the work environment, development and maintenance for collection, compilation and analysis of occupational health statistics, medical examination and tests of workers and dissemination of occupational health information and first-aid training.
- The division works closely with the OHS information center with the department in health information dissemination.
- The new Occupational Safety and Health Bill covers all work places including agricultural sector adequately.
- The Department of Directorate of Occupation Health and Safety Services (DOHSS) together with the Ministry of Health through the department undertaking training of Public Health nurses participate in offering courses on Occupational Health. The nurses are in a good position to impact occupational health issues to workers as they provide public health care services.

5.1.5. Workmen's Compensation Services or Insurance schemes (Occupational accidents and diseases)

Extent of coverage

- The workmen's compensation Act Cap 236 currently is the only Act of Parliament enacted to provide for compensation for injuries suffered by a worker in the course of his/her employment provided the worker remains incapacitated for at least three days.
- The workmen's compensation service covers any person who enters into or works under a contract of service or apprenticeship with an employer. The employment may be a manual labour or on contract given in writing or oral. The remuneration may be calculated by time or by work done by day, week, month or any specified period.

Agencies responsible for administration

- The Ministry of Labour and Human Resource Development is responsible for the administration of the workmen compensation services through Labour department.
- However, with the recent review of the core Labour Laws, workmen's compensation Act will be referred as Work Injury Benefit Act (WIBA) and will be administered by the Director of Directorate of Occupational Health and Safety Services (DOHSS) in the same Ministry.
- With this new arrangement the reporting of work injuries and accidents will be well captured in the most relevant department already charged with the responsibility of prevention of occupational accidents and diseases.
- The data collected will enable the officers concerned to institute investigation and hence hasten remedial measures to avoid further occurrence of the same.

Occupational Diseases

- Occupational diseases that a worker may seek for compensation are clearly indicated under the workmen's compensation Act – Cap 236 and Factories and Other Places of Work Act – Cap 514.
- The occupational diseases include Byssinosis caused by cotton exposure, Silicosis caused by exposure to any silica and Asbestos caused by exposure to any asbestos, to name just a few.

- If any worker complains of ill-health in the workplace the Occupational Medical Specialist in the department of DOHSS may examine him/her for the purpose of finding out whether the worker is suffering from occupational disease or not and finally offer advise on action to be taken.
- At present the body responsible for compensation does not provide for any support for the implementation of prevention programmes. However, a proposal by the DOHSS to establish Worker Injury Insurance Scheme in place of Workmen's Compensation is still under consideration. It is proposed that the funds collected would be used in accident prevention programmes including research, training and information dissemination activities on OSH.

5.2. Educational, training and awareness raising structure

5.2.1. Universities and college courses related to OSH

1. Masters in Public Health with occupational health option. This course is offered at Moi University.
2. Diploma in Public Health with occupational health elements. This course is offered at College of Health Science.

5.2.2. Training structures run by Employers' or Workers' organizations

- The Federation of Kenya Employers (FKE), which is an employers' organization, has been organizing safety and health training workshops and seminars for workers from various workplaces.
- The employees' largest organization namely Central Organization of Trade Union does organize and offer to its members training on safety and health aspects. Many times they do this with the assistance of the Department of Occupation Health and Safety Services (DOHSS) who provide resource persons as trainers.

5.2.3. Institutions conducting legally required training for OSH specialists

- The Department of Occupation Health and Safety is in the process of registering institutions to offer occupational health and safety to members of Safety and Health Committee. This mandate has been established through the Factories and other Places of Work (Safety and Health Committees) Rules, 2004, L.N. 31, Rule No. 12 (1), (2).

5.2.4. National Safety Associations

The Kenya Occupational Safety and Health Association is the only association at present in existence in the country. Its members are mainly from the Department of Occupational Health and Safety Services, former employees of the same department and persons in private sector trained in safety and health and responsible for safety and health in their respective organizations.

5.3. Specialized technical, medical and scientific institutions with linkage to various aspects of OSH

5.3.1. Standardizing agencies

- Directorate of Occupational Health and Safety Services is responsible for the development of rules, regulations, codes of practice and standards on various aspects of safety and health activities, processes and materials as it relates to the safety and health of the worker.
- Kenya Bureau of Standards is charged with the responsibility of developing all types of standards according to the standard Act among them Standard of material and equipment at the design and manufacturing stage.
- The National Environment Management Authority (NEMA) in the Ministry of Environment and Natural Resources.
- Through the Enforcement Review Committee established under the Environmental Management and Coordination Act, 1999 in conjunction with relevant lead agencies are mandated to recommended standards for emissions of noise and vibration. The department of Occupational Health and Safety and Services is one of the lead agencies on this area.

5.3.2. Institutions specialized in hazard and risk assessment

- Directorate of Occupational and Safety Services department in the Ministry of Labour and Human Resource Development.
- The Government Chemist under section 56 (1) (c) of the Factories and other Places of Work Act is mandated to carry out any analysis of any sample from the workplace.

- The National Environment Management Authority. The persons to carry out the assessment are appointed after they have satisfied the professional requirement laid down under the established regulations.

5.3.3. Emergency preparedness, warning and response services

- The government has established a national disaster emergency preparedness committee that deals with major disaster particularly natural calamities related to incidences.
- In major towns fire brigade departments have been established. In case of fire especially in large cities, the fire brigade department is supported by Airport and Civil Defense Personnel.

5.3.4. Non-Governmental bodies involved in OSH

- The department of Directorate of Occupational Health and Safety Services through the director do approve specialists to examine and test equipment.
- Bodies such as St. John Ambulance that offer training in First-Aid treatment extend their training to personnel in the workplaces involved in Occupational Health and Safety activities.

5.4. Overall national level of human resources active in the area of OSH

Table 9: Level of human resource on OSH estimate

Occupational health physicians	10
Occupational health nurses	3
Occupational hygiene specialists / safety engineers / technicians	50
Inspectors / OHSO	51
Environmental protection	7

6. PROMOTION AND ELIMINATION PROGRAMMES

6.1. Elimination of hazardous child labour

The Ministry of Labour and Human Resource Development has established a division known as Child Labour. It acts as the coordinating body on issues of child labour being handled by other departments in other ministries and non-governmental organizations.

The department of Occupational Health and Safety Services is effectively represented in that division to advance issues and programmes of hazardous child labour. In the year 2001 the government ratified ILO convention 182 on worst forms of child labour. In order to protect the rights of children the parliament enacted a law by the name Children Act.

6.2. Elimination of silicosis and asbestosis diseases

The department of Occupational Health and Safety has included the management of silicosis and asbestosis in its occupational health and safety programmes through regular inspection to ensure effective emission control are maintained and workers are provided with personal protective equipments and clothing.

It is important to note that silicosis and asbestosis are included in the class of prescribed occupational diseases that are supposed to be compensated.

6.3. Elimination of violence and sexual harassment at work

At present there is no law in place to deal with the violence and sexual harassment at work.

6.4. Elimination of Persistent Organic Pollutants (POPs)

A committee was formed through National Environmental Management Authority for the purpose of developing effective programmes to handle persistent organic pollutants. The department of Occupational Health and Safety Services is represented.

6.5. Elimination of drug abuse

This issue is addressed during training sessions on occupational health and safety organized or coordinated by the Department of Occupational Health and Safety Services.

6.6. Promotion of work-related welfare facilities

The provision of welfare facilities that include washing facilities, accommodation for clothes not worn during work hours, sitting facilities for female workers, first aid facilities, personal protective equipments and clothing are required to be provided under the Factories and Other Places of Work Act and its subsidiary legislation.

The Department of Occupational Health and Safety Services through the field officers do enforce for the compliance of this requirement.

6.7. Promotions of well-being programmes including healthy lifestyles and stress prevention

The Occupational Health Division in the department of Occupational Health and Safety Services is charged with the responsibility of ensuring the health of a worker.

Among ongoing activities include:

- I. Training workers of occupational health issues in the workplace including stress management.
- II. Carrying out examination of workers in the workplace and advising them on remedial measures to be taken.

6.8. Application of programmes to combat HIV/AIDS at the workplace

The Ministry of Labour and Human Resource Development has established a unit to coordinate on the HIV/AIDS programmes, which is linked to National Aids Control Council. All the departments in the ministry are represented in the unit. The departments are expected to develop programmes to address issues related to HIV/AIDS.

The Department of Occupation Health and Safety Services through Occupational Health Division do have programmes on HIV/AIDS. The HIV/AIDS programmes are incorporated in the training programmes on Occupational Health and Safety at workplaces.

6.9. Promotion of programmes on gender equality and maternity protection

The constitution guarantees gender equality and our law encourages maternity protection.

Information on this on workers is not available.

6.10. Programmes for application of Globally Harmonized System (GHS) for classification and labeling of chemicals and Chemical Safety and Data Sheet (CSDS)

Presently the Department of Occupational Health and Safety Services under the Factories and Other Places of Work Act do on regular basis through the field officers demand for the labeling of chemicals.

The new Bill expected to be enacted by Parliament by the name Occupational Safety and Health Bill requires the occupiers to provide for Chemical Safety Data Sheet for all chemicals in their workplace.

6.11. Programmes for promotion of OSH in especially hazardous sectors or agents

1. Agricultural Sector

7. STATISTICS OF OCCUPATIONAL ACCIDENTS AND DISEASES

Table 10: Estimated number of occupation fatalities and injuries per year for the last five years

Year	Fatal Accidents	Non-Fatal accidents	Total
2003	66	1533	1599
2002	56	1276	1332
2001	Not available	Not available	1923
2000	71	1457	1528
1999	63	2042	2105

Table 11: Estimated occupational injuries by economic activities – 2003

Economic activity	Number of occupational injuries
A manufacture of basic metals	18
Manufacture of other non-metallic mineral products	4
Manufacture of rubber and plastic products	45
Manufacture of chemical and chemical products	39
Publishing, printing and reproduction of recorded media	3
Manufacture of paper and paper products	2
Manufacture of wood, wood products	4
Manufacture of textiles	5
Manufacture of food products and beverages	38
Floriculture	4
Agriculture, hunting and related activities	7
Manufacture of fabricated products, except machinery and equipment	38
Manufacture of electrical machinery and apparatus not elsewhere classified	3

Economic activity	Number of occupational injuries
Manufacture of radio, television and communication equipment and apparatus	1
Construction	16
Retail of automotive fuel	3
Repair of motor vehicles and motor cycles	1
Hotel and restaurants	1
Other business activities	1
Recreational, cultural and sporting activities	1
Private security services	8
Courier and cargo handlers	6
Unclassified	31
Total	279

- The analysis of the occupational injuries and fatalities were not available.
- The estimated, under reporting, could be up to 50% due to the reluctance of the enterprises report. They say that the reporting will expose them to the department of Occupational Health and Services resulting to prosecutions. Most of the accidents are reported when the employer is seeking for the workman compensation for the injured employee.
- The Factories and Other Places of Work Act requires that where an accident in a factory premises, place of work or location
 - a. Causes loss of life
 - b. Disables any person for more than three days, a written notice of the accident should be sent to an OHSO and in case of a fatal accident within and not later than twenty-four hours of its occurrence.

8. POLICIES AND PROGRAMMES OF EMPLOYERS' AND WORKERS' ORGANIZATIONS

8.1. Employers' organizations

- Individual enterprises that belong to the employer's organizations developed their OSH policy statement independently.
- At the enterprise level the individual workplaces establish Occupational Safety and Health Committees that monitor the safety and health conditions in those premises.
- Currently the safety and health rules already in force provide, guidelines on the composition of the employers' and employees' representation.
- The members recruited to participate in the safety and health committees, as safety representatives are required to undertake basic course in occupational health and safety and thereafter further training on OHS from time to time.
- The employers are required to provide the members of the committee with OHS information including statistics on accidents, hazardous substances, and reference materials and properties.
- The members of the committee are mandated to provide written recommendations to the occupier on areas and issues requiring action following inspection carried out.
- The employers' organization representative is a member of National Occupational Health and Safety Committee that deliberate on OSH issues at national level.

8.2. Workers' organizations

- The vision of most representative of workers' organization is to secure decent and productive work in conditions of freedom, equity, security and human dignity for all working women and men in Kenya.
- The formation and representation of the workers in the enterprises is guided by the current safety and health committees' rules that require equal representation from employers and workers.
- The members of the committee are required to train workers in matters related to health and safety in their respective worker workplaces.
- The issues on OSH are deliberated in the safety and health committee meetings.
- The workers' organization is represented in the National Occupational Health and Safety Committee that is mandated to be responsible for safety and health matters at national level.

- It's important to note that during the compilation of this report the current safety and health programmes were not available from employer's and worker's organizations.

9. REGULAR AND ONGOING ACTIVITIES RELATED TO OSH

- At national level the department of Occupation Health and Safety observes the world safety day. On this day the department develops safety brochures that are made available to stakeholders and undertake some training activities.
- The department participates in the media campaign by having radio talks on safety and health.
- At industrial level some enterprises especially, with large industrial undertakings, do comply with the requirements of ISO 9000 and 14000.
- It is also a requirement by African growth Opportunity Act (AGOA) that for the enterprise to qualify and maintain a market opportunity under AGOA. It has to adhere to local safety and health legislation requirements.

10. GENERAL DATA

10.1. Demographic data

Table 12: Demographic data – 2003

Total population (2003) (millions)	32.2
Active population (employed persons in all sectors) '000. (Private and public)	1727.7
Men workers ('000's)	1216.6
Young men workers (14 to 18 years old)	Not available
Women workers ('000's)	511.1
Young women workers	Not available

10.2. Literacy levels

Table 13: Literacy levels– 2002

Elementary school level – ability to read and write (Age 15 and over)	Male – 90.6% Female – 79.7%
Labour force	Not available

10.3. Economic activity and work force employed

Table 14: Selected sectors of economic activity – 2003, '000's

Sector	Men	Women	Young workers
Agriculture and Forestry	237.5	78.5	Data not available
Mining and Quarrying	4.2	1.2	Data not available
Manufacturing	199.6	42.1	Data not available
Electricity and water	17.3	3.8	Data not available
Building and construction	71.7	4.9	Data not available
Trade, restaurants and hotels	42.3	43.6	Data not available

Sector	Men	Women	Young workers
Transport and communication	69.3	17.6	Data not available
Finance, insurance, real estate and business services	61.7	21.6	Data not available
Public administration	94.2	55.6	Data not available
Education services	185.1	141.0	Data not available
Domestic services	58.8	39.0	Data not available

10.4. Economic data

Table 15: Selected economic indicators in Kenya - 2003

Gross Domestic Product (GDP)	1.8%
Annual Per Capita Income	Kshs. 30075.3
GDP from Agriculture	23.9%
GDP from Mining and Quarrying	0.3%
GDP from Manufacturing	13%
GDP from Transport, Storage and Communication	6.3%
GDP from Trade, Restaurants and Hotels	12.6%
GDP from Finance, Insurance, Real estate and business services	10.5%
GDP from Electricity and Water	1.0%
GDP from Building and Construction	1.6%
Overall level of resources devoted to OSH (2003) allocations	

Labour Force Survey – 1998/99

- There were 15.9% million persons aged 15-64 of the working population. 77.4 percent of this population was economically active.
- Among the active population were youth between 22-34 years of age.
- Out of the working population the youth aged between 15-19 years employed were 875000, unemployed 312500 and inactive 2375000.
- The overall labour force participation rate for the population aged 15-64 years was 73.6 percent.
- Males participation rate was 74.7 percent while female participation rate was 72.6 percent.
- The male youth aged 15-19 years participation rate was 77 percent while female youth aged 15-19 years was 30 percent.

11. OTHER RELEVANT INFORMATION

National Reports:

The department of Occupational Health and Safety is one of the national institutions responsible for implementation of the various aspects of OSH. Its annual report has been provided in the report.

Safety and health regulations

Aspects of regulations listed below have been included in the report:

- Factories and other Places of Work (Safety and Health Committees) Rules 2004
- The Factories (First-aid) Rules, 1977
- The Factories (Docks) Rules.
- The Factories (Electric Power) (Special) Rules.
- The Factories (Woodworking machinery) Rules.
- The Factories (Building Operations and works of Engineering Construction) Rules.
- The Factories (Eyes) Rules.
- The Factories (Cellulose) Rules.

12. ELEMENTS FOR INPUT IN THE SITUATION ANALYSIS

- It is important to note that the establishment and development of safety and health is well founded on enacted laws particularly the Factories and other Places of Work Act – Cap 514 and its subsidiary safety and health legislations.
- The department of Occupational Health and Safety Services in the Ministry of Labour and Human Resource Development demonstrates a national representation and distribution of the spread of safety and health information in the country.
- The department is represented at provincial and district levels in the country.
- The department has established close collaboration with other ministries and stakeholders interested in safety and health issues.
- A National Advisory Committee on Occupational Health and Safety is in place involving Ministries, Employers' and Employees' organizations, and public universities. The committee is mandated to advise and make recommendations to the Minister on safety and health matters in the country.

- In the department of Occupational Health and Safety Services and in the private sector there are persons with various skills including Occupational hygienists, Occupational medical specialists, Safety Engineering experts and Occupational health nurses.
- Unfortunately the authorized establishment of the professional in the department recommended in 1990 was 168 but the actual number is currently 51 and the recommended number by the department stands at 198. To enable the department handle the situation the director, through the established safety and health committees' rules, is authorized to appoint persons to serve as safety and health advisers and also institutions to train on safety and health matters.
- The number of well trained experts on safety and health is inadequate compared to their demand, especially in the department of DOHSS. The training opportunities have become scarce and it is also seriously underfunded.
- The department recommended for the establishment of Semi Autonomous Agency through the worker Injury Insurance Scheme. This would be a contributory scheme, whose primary objective would be to prevent occupational accidents and diseases and engage in research, training and dissemination of safety and health matters in the country.
- The department has established a reporting format on occupational accidents and diseases in line with the ILO, reporting structure. The capacity to effectively operationalize the system is inadequate. However, the reporting will improve when the Work Injuries Benefits Draft Bill becomes law and administered by the department (DOHSS) under which compensation will be through a "no fault system".
- The department has established occupational hygiene and medical analysis laboratories. However, the present equipment is old and outdated and there is urgent need to provide new and modern equipment.
- The Safety and Health Bill has addressed several areas in more detail than the existing law including employer' and employees' responsibilities, chemical safety, agricultural sector activities and young persons in the workplace. It has recommended areas for the development of regulations and codes of practice affecting safety and health.
- Given the number of the safety and health professionals in the department, the inadequacy of availability of equipment and transport facilities, the effective coverage of the workplaces in the field remains low. This is an area of top priority at present.

- The civil service wage bill is currently 9.0% of GDP. This is unable to support the increased investments in the economy. The government expects a leaner, efficient, motivated and more productive Public Service.

REFERENCES

1. Factories Act – chapter 514 – Laws of Kenya
2. Factories and other Places of Work Act – Laws of Kenya
3. Kenya Gazette Supplement Acts, 1990. 18th May 1990.
4. The Constitution of Kenya. Revised Edition 1979 (1969).
5. Public Health Act – Chapter 242. Revised Edition 1986 (1972).
6. The Petroleum Act – Chapter 116. Revised Edition 1972 (1962).
7. The Environmental Management and Co-ordination Act, 1999. Commenced on 14th January 2000.
8. The Food, Drugs and Chemical Substances Act – Chapter 254. Revised Edition 1980 (1967).
9. The Physical Planning Act – Chapter 286. Revised Edition 1996.
10. The Local Government Act – Chapter 265. Revised Edition 1998 (1986).
11. The Factories and other Places of Work (Woodworking Machinery) Rules. L.N 431/1959.
12. The Factories and other Places of Work (Docks) Rules. L.N. 306 / 1962.
13. The Factories and other Places of Work (Cellulose Solution) Rules L.N. 231/1957, L.N. 87/1964.
14. The Factories and other Places of Work (Protection of Eyes) Rules, 1977. L.N. No. 44.
15. Ministry of Labour and Human Resource Development – Strategic Plan 2004/5 – 2008/9.
16. Ministry of Labour and Human Resource Development, Directorate of Occupational Health and Safety Services – Annual Report 2003.
17. Report of the Reorganization and staffing of the Factories Inspectorate (Occupational Health and Safety Services), Ministry of Labour DPM – 6th June 1990.
18. Labour Force Survey, 1998/1999