



**Supporting Inclusive Resource Development (SIRD)
East Africa
TRAINING PROGRAM
2019**



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Health and Safety Laws and Practice

- Overview of existing Laws and Policies in Tanzania for health and safety; occupational health and safety Act, managing risks in the extractives sector.



Legal Framework

Before and after independence in 1961, occupational health and safety standards in Tanzania were provided for by the Factories Ordinance of 1950. Current there are various laws, rules and regulations on occupational health and safety in Tanzania formulated and implemented.

- The National Occupational Health and Safety Policy 2010
- OHS ACT, No 5 of 2003
- The Occupational Safety and Health (Notification of Occupational diseases, Injuries and dangerous occurrences) Rules, 2016;
- The Occupational Safety and Health (First Aid and Welfare Facilities) Rules, 2015.
- The Occupational Safety and Health (Lifting Appliances and Gears) Rules, 2015.
- The Occupational Safety and Health (Vessels under pressure) Regulation, 2016.
- Occupational Safety And Health (Electric Machinery Safety) Rules, 1985
- The Occupational Safety and Health (Building and Construction Industry) Rules,2015;
- The Occupational Safety and Health (General Administrative) Rules, 2015;



The National Occupational Health and Safety Policy 2010

- Although Occupational health and safety activities started in Tanzania more than 50 years ago, a National Occupational Health and Safety Policy had never been developed to guide and direct OHS stakeholders. However, in the effort of improving the working conditions of the entire workforce at all workplaces through the provision of quality Occupational Health and safety Services, the government of Tanzania has formulated a draft National Occupational Health and Safety Policy in 2009 which provides broad framework to guide all key players with responsibility to implement occupational health and safety and guide occupational health and safety programs and activities at workplaces.
- It facilitates both private and public sectors into becoming the engine of healthy and safe working conditions through compliance with the health and safety standards. The main objectives of NOHS Policy are to reduce the number of work-related accidents and diseases in Tanzania. This requires the adoption and implementation of a culture of preventing OHS hazards by the government, Employers and Employees. (NOHS Policy 2010)



Occupational Health and Safety ACT, No.5 of 2003

- The Occupational Health and Safety Act No 5 of 2003 is the main legislation which deals with the OHS matters in Tanzania. Since independence in 1961, occupational health and safety standards in Tanzania were provided for by the Factories Ordinance of 1950. During that time the emphasis on occupational health and safety was centred on factories alone.
- In 2003 the Occupational Health and Safety Act was enacted to repeal the Factories Ordinance due to the latter's non-compliance with ILO basic Conventions concerning Occupational Health and Safety, its limited scope of application (factories only) and its obsolete provisions.
- The Factories Ordinance emphasized the protection of workers' health and safety in factories and left most sectors uncovered by the then occupational safety and health services as stipulated therein coupled with other inter sector legislations that complemented the Factories Ordinance.
- The OHS legislation broadened the scope of application to cover all workplaces and recognizes roles played by other public and private institutions.



Occupational Health and Safety ACT, No.5 of 2003. Cont.....

- It applies to all workplaces in all branches of economic activities including public and private sector, local government services and public authorities where any person is at work and provides for the safety, health and welfare of persons at work in places of work and provides for the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with activities of persons at work.
- **Section 16 (1) of the Occupational Health and Safety Act, No. 5 of 2003.** (Registration of factories and workplace) – Any person being the owner or occupier of a factory or workplace shall before operating, be required to register such factory or workplace under this Act.
- **Section 16 (2) of the Occupational Health and Safety Act, No. 5 of 2003.-** Before any person occupies or uses as a factory or workplace any premises, which were not so occupied or used by him at the commencement of this Act, that person shall apply for the registration of the premises.
- **Section 17 (5) of the Occupational Health and Safety Act, No. 5 of 2003.-**Any person who, occupies or uses as a factory or work place any premises, without a certificate of a registration or compliance licence, commits an offence and upon conviction shall be liable to a fine of not less than one million shillings and not more than five millions shillings or to imprisonment for a term not exceeding twelve months or to both, and if the contravention in respect of which a person was so convicted is continued, commits a further offence and upon conviction is liable to a fine not exceeding one hundred thousand shillings, for each day on which the offence was continued.

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Occupational Health and Safety ACT, No.5 of 2003. Cont.....

- The OHS legislation includes provisions concerning occupational hazards such as air pollution, noise and chemicals.
- The enforcement of occupational health and safety standards in Tanzania is undertaken by the Occupational Safety and Health Authority (OSHA). The agency is under the Ministry of Labour, Employment, Youth and People with Disabilities –Prime Minister’s Office.
- Apart from the OHS legislation, there are various laws, rules and regulations on occupational health and safety in Tanzania which are formulated and implemented under different Ministries, Departments and Agencies including, Public Health (Sewerage and Drainage) Act Cap 336, The Mines Act, Cap 123, Food (Control and Quality) Act Cap 344, The Plant Protection Act, Cap 133, the Environmental Management Act, Cap 191, Atomic Energy Act, 2003, the Industrial and Consumer Chemicals Act of 1985, the Tropical Pesticides Research Institute Act, 1979 and the Pharmaceuticals and Poison Act of 1978.



The Occupational Safety and Health (Notification of Occupational diseases, Injuries and dangerous occurrences) Rules, 2016;

The responsible person(Occupier, Workplace Owner, Employer) shall:

Forthwith notify the chief inspector by e-mail, phones, fax or any other quickest practicable means stating;

- Name and location of the workplace
- Time of incident and accident
- Number of persons suffered injuries as a result of accident
- Name and telephone of contact person

According to Occupational Health and Safety Act, No 5 of 2003 section 101 (1).

Employer, user of machine or plant is legally obliged to report the accident to Chief Inspector within twenty four hours.

Then send a dully completed prescribed form within seven days.



The Occupational Safety and Health (First Aid and Welfare Facilities) Rules, 2015.

On this rules the Employer shall:

- Keep up to date written procedures for providing first aid at the worksite
- Information on post exposure
- Sanitation
- Accommodation for clothing
- Change room
- Dining Room
- Prohibition(smoking, eat or drinks)
- Drinking water
- Sitting
- First aid attendant and responsibilities
- First aid records



The Occupational Safety and Health (Lifting Appliances and Gears) Rules, 2015.

- This rules pertain to any lifting appliances, like cranes, passage lifts, escalators, chain, lifting tackles, ropes and other lifting machines shall be registered, inspected and test by an authorized plant inspector. And a user shall keep in a safe place a record for every such lifting appliances.



The Occupational Safety and Health (Vessels under pressure) Regulation, 2016

- This regulations shall apply to all uses of pressure vessels under pressure, Design, construction, manufacture, modification and repair.
- It contains duties of manufacturers, importers /suppliers, and users.



The Occupational Safety and Health (Building and Construction Industry) Rules, 2015;

- This rules shall apply to building operations and works of engineering construction undertaken.
- A contractor shall comply with the requirements of these rules that provided the assurance of health, safety and welfare of all persons engaged in.



The Occupational Safety and Health (General Administrative) Rules, 2015

- This rules includes all fees (Inspection. Investigation, Training and Offences to be compounded).



Managing risks in the extractives sector

- Workers get injured, suffer diseases or die in the work everyday, it is because of unsafe environment which include:
 - Inadequate safety measures
 - Poor design of machines and work systems
 - Poor house-keeping/lightning
 - Lack of training, awareness and information
 - Poor supervisions
 - OSH has not been a priority for many workers -Wage issues are one of their immediate concerns.



OSHA strategies to Manage Risk

S-N	ACTIVITY	CONTENTS
1	INSPECTIONS	<ul style="list-style-type: none"> • Registration of a workplace; • General Inspection • Specific Inspections – Scaffolding, Lifting Appliance, Pressurized vessels, Drawings scrutilization, diagnosis of occupational diseases through conducting periodical occupational medical examination to workers, Hygiene, Ergonomic and Electrical Safety
2	TRAININGS	<ul style="list-style-type: none"> • NOSHC Module 1&2,Safety and Health Representatives, First Aid Attendants, Working at Height, Occupational Health and Safety Risk Assessment and Specific Safety Training for Construction Sites, Safe boiler operation, Safe use of chemicals at work.
3	ACCIDENT/INCIDENT /DISEASE INVESTIGATION	<ul style="list-style-type: none"> • Reporting; Investigation, Preparation and Implementation of Action Plan
4	OHS RISK MANAGEMENT	<ul style="list-style-type: none"> • Review of OHS Risk Assessment reports, Review of OHS Policy and Review of OHS Management Plan. • Oversee the Appointment of OHS Representatives and First Aiders; • Oversee the formulation and performance of OHS Committees
5	ENFORCEMENT	<ul style="list-style-type: none"> • Issuance of improvement notice • Issuance of prohibition notice • Compounding offences • Referring the matter to court



Remember

