

LEGISLATION AND REGULATORY FRAMEWORK FOR HSE

The concept that employees should be safe at work is not a recent phenomenon. Legislation was developed back in the 1970s to streamline the many different statutes governing safety issues making management responsible for the provision and maintenance of adequate OHS standards and policies.

Legislation and Regulatory Framework for HSE

cont.

Robens Report

- Lord Robens chaired the British Committee of Inquiry into Safety and Health at Work, which was established in 1970 to review the provisions made for occupational safety and health and to recommend any changes required (Robens 1972).

Legislation and Regulatory Framework for HSE

cont.

Robens report cont.

- The Committee's report, which was presented to the British Parliament in July 1972, became widely known as the "Robens Report". This report had far reaching effects beyond Britain and its recommendations have formed the basis of modern occupational safety and health legislation in most countries.

Regulatory Framework cont.

Most employment contracts require employers to take care of their employees' health and safety. For example, employers must:

- provide a safe place of work
- provide a safe system of work
- provide adequate plant and equipment
- recruit competent and safety conscious staff.

Regulatory Framework cont.

- Different States take different approaches to legislation, regulation and enforcement of issues on occupational health and safety.
- Now let's consider some examples from around the world in the next few slides.

Regulatory Framework cont.

The European Union

- In the European Union, member States have enforcing authorities to ensure that the basic legal requirements relating to occupational safety and health are met. In many EU countries, there is strong cooperation between employer and worker organisations (e.g. Unions) to ensure good OHS performance as it is recognized that this has benefits for both the worker (through maintenance of health) and the enterprise (through improved productivity and quality).
- The European Agency for Safety and Health at Work was founded in 1996.

Regulatory Framework cont.

- Member States of the European Union have all incorporated into their national legislation a series of directives that establish minimum standards on occupational safety and health. These directives require the employer to assess the workplace risks and put in place preventive measures based on a *hierarchy of control*. This hierarchy starts with elimination of the hazard and ends with personal protective equipment.

Regulatory Framework cont.

The United Kingdom

- In the UK, health and safety legislation is drawn up and enforced by the Health and Safety Executive and local authorities under the Health and Safety at Work Act 1974.

Regulatory Framework cont.

The United States

- In the United States, the Occupational Safety and Health Act of 1970 created both the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA).
- OSHA is responsible for developing and enforcing workplace safety and health regulations.
- NIOSH, on the other hand, focuses on research, information, education and training in occupational safety and health.

Regulatory Framework cont.

In Ghana:

- The Constitution of Ghana makes reference to OHS:
Chapter 5: Fundamental Human Rights and Freedoms.
- Article 24, Section 1 Economic Rights
..... states among others that: Every person has the right to work under satisfactory, safe and healthy conditions, and (shall receive equal pay for equal work without distinction of any kind).

Regulatory Framework cont.

- Further in Chapter 6:

- Article 36 Section 10: Economic Objectives

.... states that: The State shall safeguard the health, safety and welfare of all persons in employment, and (shall establish the basis for the full development of the creative potential of all Ghanaians).

Regulatory Framework cont.

- The Labour Act 651 (2003) makes provisions for the protection of workers against occupational illnesses, injuries and accidents.

- **Part III. Protection of Employees**

Article 9: Duties of the Employer

Section C:- Employer must take all practicable steps to ensure that the worker is free from risk of personal injury or damage to his or her health during and in the course of the worker's employment or while lawfully on the employer's premises.

An Employer must:

- Provide and maintain at the workplace, plant and system of work that are safe and without risk to health
- Ensure the safety and absence of risk to health in connection with use, handling, storage and transport of articles and substances.
- Provide the necessary information, instructions, training and supervision having regard to the age, literacy level and other circumstances of the worker to ensure so far as reasonably practicable, the health and safety and work of those other workers engaged on the particular work.

Part XV Occupational Health, Safety and Environment.

Article 118 of the Labour Act 2003

Sub section (1) It is the duty of an employer to ensure that every worker employed by him/ her works under satisfactory, safe and healthy conditions

Subsection (2) Without limiting the scope of subsection (1), an employer shall:

- Take steps to prevent contamination of the workplace by, and protect the workers from toxic gases noxious substances, vapours, dust, fumes, mist and other substances or materials likely to cause risk to safety and health.

- Supply and maintain at no cost to the worker adequate safety appliances, suitable fire-fighting equipment, and personal protective equipment and instruct the workers in the use of the appliances or equipment.
- Prevent accidents and injury to health arising out of, connected with, or occurring in the course of work by minimizing the causes of hazards inherent in the working environment.

Subsection (3)

Duties of the Worker:

- It is the obligation of every worker to use the safety appliances, fire fighting equipment and personal protective equipment provided by the employer in compliance with the employer's instructions.

Part 3: Protection of employment

Article 11: Workers' duty of care

The worker shall:

- work conscientiously in the lawfully chosen occupation;
- report for work regularly and punctually;
- enhance productivity;
- exercise due care in the execution of assigned work;

Workers' duty of care cont.

- obey lawful instructions regarding the organisation and execution of his or her work;
- take all reasonable care for the safety and health of fellow workers;
- protect the interests of the employer; and
- take proper care of the property of the employer entrusted to the worker or under the immediate control of the worker.

Regulatory Framework cont.

Other Relevant Legislations on OHS in Ghana

- The Factories, Shops and Offices Act 1970 mandates the Department of Factories Inspectorates to regulate OHS in organisations.
- Mining Regulations 1970
- EPA Act 1994: Act 490
- Environmental Assessment Regulations 1999: (LI 1652)
- Radiation Protection Regulations 1993: (LI 1559)