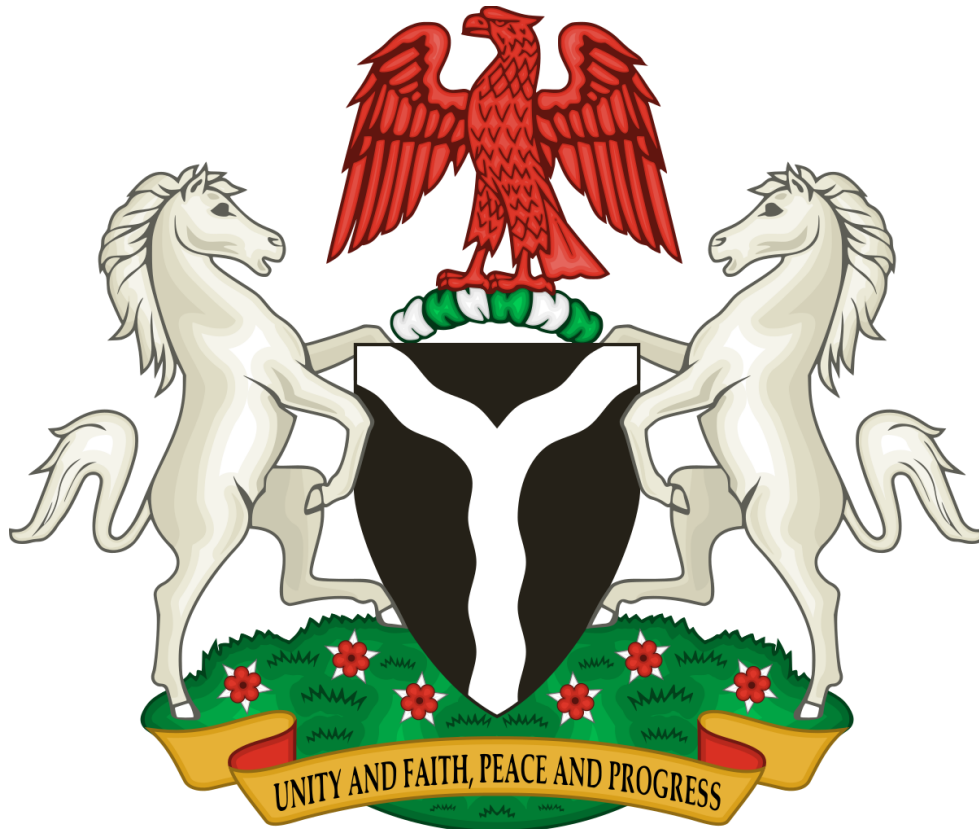


FEDERAL REPUBLIC OF NIGERIA



NATIONAL POLICY ON OCCUPATIONAL SAFETY AND HEALTH

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1.0 INTRODUCTION

- 1.1. The National Policy on Occupational Safety and Health** is government's approach for achieving, inter alia, a National Development philosophy of building a united, self-reliant and egalitarian economy through minimizing so far as is reasonably practicable, the causes and effects of hazards inherent in the working environment.
- 1.2 The Federal Government ratified ILO Convention No. 155 on Occupational Safety, Health and Working Environment in 1994, in the firm belief that safe and healthy working conditions are critical to the attainment of social justice and economic growth. This is reflected in the 1999 constitution of the Federal Republic of Nigeria, Section 17.3c "the state shall divert its policy towards ensuring that the health, safety and welfare of all persons in employment is safeguarded and not endangered or abused"
- 1.3 From the foreign and recognizing that government cannot carry out all its functions without the collaboration and cooperation of its social partners and other stakeholders, this policy document was formulated from wide consultation and collective contribution.
- 1.4 The Occupational Safety and Health policy strengthens the National Labour Policy and extant labour legislations, provisions) Cap 126, the workmen's Compensation Act Cap 470, Trade Union Act Cap 437, Trade Dispute Act Cap 432, wages Board and Industrial Councils Act Cap 466 and the Labour Act Cap 198, and other relevant Laws of the Federation of Nigeria.
- 1.5. It is noted that Occupational Safety and Health is a multidisciplinary field embracing specialized professional services rendered by Federal Ministry of Labour and Productivity, Federal Ministry of health, Federal Ministry of Environment, Federal Ministry of Petroleum Resources, Fire Service and other relevant governmental and non-governmental agencies.

2.0 Goal of the policy

- 2.1. The Policy shall facilitate improvement of occupational safety and health performance by providing the framework for participative occupational safety and health protection of workers including the most vulnerable groups in all sectors of economic activities.

- 2.2 The Policy shall ensure harmonization of workers' rights protection with regional and international standards in a private sector-led economic growth thus, focusing the role of the competent authority in facilitating an enabling environment and regulating various provisions for securing safety, health and welfare of workers in Nigerian workplaces.

3.0 Objectives of the Policy

The objectives of this policy are:

- 3.1 To create a general framework for the improvement of working conditions and the working environment.
- 3.2. To prevent accidents and departures from health arising out of or in the course of work.
- 3.3 To ensure the provision of occupational safety and health services to workers in all sectors of economic activity.

4.0. Scope

- 4.1. The Occupational Safety and Health Policy applies to all Nigerian workplaces including formal and informal sector workplaces and covers:
 - (a) Location, design, construction, testing, choice, substitution, installation, arrangement, use and maintenance of workplaces, work environment, tools, machinery and equipment, chemical, physical and biological agents and work processes.
 - (b) Inter-relationship between the material elements of work, the worker, or his supervisor, man-machine adaptation, and adaptation of working time, rest period, organization of work, work processes to the physical and mental capacities of the workers.
 - (c) Communication and cooperation among stakeholders at all levels.

- (d) The protection of workers and their representatives from disciplinary measures as a result of actions properly taken to secure safety and health at work.
- (e) Prevention and management of psychosocial problems at the workplace such as mental stress, alcoholism, drug and substances abuse, physical and psychological violence.
- (f) Special needs of vulnerable workers such as women especially in child bearing age, young persons, the handicapped and migrant workers.
- (g) Use of electricity and materials, which generate electrostatic charges
- (h) Radiation protection
- (i) Manufacture, packaging, labeling, transportation, storage and disposal of hazardous substances.
- (j) Prevention of fires and explosions.
- (k) Supply of potable drinking water and other welfare facilities.
- (l) Occupational First Aid and establishment of workplace emergency preparedness and response plans.
- (m) Prevention and control of hazards due to high and low barometric pressures and temperatures;
- (n) Prevention and control of hazards including establishment of procedures for work in confined spaces.
- (o) Medical surveillance of the health of workers.
- (p) Monitoring of work environment and workers exposure.
- (q) training of workers and other personnel in the area of occupational safety and health.
- (r) Gathering, storage and easy retrieval of information pertaining to occupational safety and health activities at work.
- (s) Periodic survey of workplaces and promotion of research in the area of occupational Safety and Health.
- (t) Prevention of occupational allergies and diseases including communicable diseases.

5.0 Policy Provision

5.1 Duties of Statutory Authority

To give effect to this policy, the statutory shall be the Federal Ministry of Labour and Productivity, which shall ensure that the following functions are progressively carried out.

- 5.1.1. The determination of work processes and of substances and agents, the exposure to which is to be prohibited, limited or made subject to authorization or control by the competent authority; health hazards due to simultaneous exposure to several substances or agents shall be taken into consideration;
- 5.1.2 The determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authority, issuance of regulations and codes of practice on occupational safety and health and review from time to time the legislation and regulations concerning occupational safety and health in the light of experience and advances in science and technology;
- 5.1.3 The establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases.
- 5.1.4 The holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;
- 5.1.5 Establish and coordinate a National Information Management System (NMIS) on occupational accidents, injuries and diseases, so as to provide a data bank linked with the National Health Information System (NHIS). This

will assist in providing information concerning Occupational Safety and Health to all stakeholders for occupational safety and health services and planning in the country.

- 5.1.6 Provide advice on occupational safety and health to migrant workers and informal sector workforce as well as technical and other support to the states and local governments;
- 5.1.7 The publication, annually, of information or measures taken in pursuance of the policy, and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work. Undertake and promote studies and research to identify and determine control measures. Cooperate with other National Agencies that have complementary responsibility for safety and health and welfare at work and for general environment;
- 5.1.8 Promote a system approach to the management of occupational safety and health at national and enterprise levels;
- 5.1.9 Maintain liaison with relevant national and international institutions, playing a role in occupational safety and health of workers;
- 5.1.10 Develop and put in place emergency preparedness and response plan for the containment of major hazards and disasters;
- 5.1.11. Allocate adequate resources to promote occupational safety and health activities.

5.2. Duties of Federal Ministry of Health

5.2.1 Collaborate with Federal Ministry of Labour & Productivity in the National Information Management System (NIMS) on occupational accidents, injuries and diseases by providing relevant information on all such cases in medical facilities nationwide.

5.2.2 Regulate, monitor and evaluate medical practice in the area of occupational health.

5.2.3 Collaborate where appropriate with the Federal Ministry of Labour & Productivity to provide expertise and/or advice for the effective implementation of this policy.

5.3 Duties Of Employers

5.3.1 It is the duty of every employer to ensure, so far as is reasonably practicable, the safety, health and welfare of all workers. The matters to which that duty extends include, but not limited to:

- i. The provision and maintenance of plant and system of work that are safe and without risk to health
- ii. Arrangement of the workplace to ensure safety and absence of risks to health in connection with use, handling, storage; and transportation of articles and substances;
- iii. Provide at no cost to the worker, occupational health protection and personal protective clothing and equipment, which are appropriate for the nature of the job;
- iv. Provision of such information, instruction, training and supervision as are necessary to ensure safety and health of all workers;
- v. Provision of adequate First Aid Facilities;
- vi. Preparation, implementation and constant appropriate revision of a written statement of this general policy with respect to safety and health of the workers;
- vii. Ensure co-operation between management, workers and their representatives on matters relating to safety and health at the workplace;
- viii. Ensure that no measures prejudice to a worker should be taken by reference to the fact that, in good faith, he/she complained of what is considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment;

- ix. Undertake studies and keep abreast of new scientific and technical knowledge necessary to comply with the foregoing clauses and the provisions of the safety and health laws and regulations;
- x. Verify the effectiveness of applicable standards on occupational safety and health, periodically, using safety audits, environmental monitoring and health screening of workers and keep records of such verification including records of all notifiable occupational accidents; injuries, and occupational diseases, records of authorizations and exemptions, and data concerning exposure to specialized substances, agents and work processes; and
- xi. Provide compensations for work related disabilities of workers and rehabilitation of such workers as reasonably practicable.

5.4. Duties of Workers

It is the duty of every worker in the formal or informal sector, while at work:

- i. To co-operate with Government and employers in the fulfillment of the obligations placed on him/her by this policy to secure the occupational safety, health and welfare in the workplace as defined by this policy;
- ii. To take reasonable care for his/her health and safety and other persons who may be affected by his/her acts or omissions;
- iii. To comply with the instructions given for their own safety and health and those of others and with safety and health procedures;
- iv. To use safety and health devices and protective equipment correctly and not render them inoperative;
- v. To report forthwith to their immediate supervisor any situations that could present a hazard, and if need be to the inspector of Factories closest to the workplace and report any accident or injury to health to the employer, and if need be to the inspector of Factories closest to the workplace.

5.5. Duties of Manufacturers

It is the duty of any person or organization who designs, manufactures, imports or supplies any equipment article or substance for use at work:

- i. To ensure, so far as is reasonably practicable, that the product is safety and without risks to health when properly used;
- ii. To carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him under the Factories Act
- iii. To take such steps as may be necessary to ensure that there will be adequate information available in connection with safe operation of machines and the use of products at work.

5.6 Duties of Transporters

It is the duty of transporters including transport owners to ensure that hazardous workplace materials are transported safely with due regards to the safety and health of workers, the mode of transportation notwithstanding.

5.7 Duties of Safety and health Committees

As part of the goal of achieving maximum safety and health for workers in the workplace, employers shall consult with workers on matters relating to their safety and health at work. The employer shall establish a Safety and Health committee to facilitate the implementation of safety and health programmes.

5.8 Role of the Media

To the extent possible the support of the media shall be enlisted in the advancement of safety, health and welfare of the nation's workforce especially in the creation of awareness, dissemination of information on knowledge of accident prevention, and safe systems of work.

6.0 Strategies for Implementation

6.1 The various provisions of the policy shall be realized through relevant and acceptable procedures including:

- (i) Establishment of a National Commission on Occupational Safety and health to coordinate and regulate all occupational safety and health activities including setting and review of standards, codes of practices, etc.

- (ii) Tripartite consultation with social partners and collaboration with all stakeholders;
- (iii) Multidisciplinary and multisectoral participation and collaboration across the Nigerian economy;
- (iv) Studies, researches, surveys and setting of standards;
- (v) Appropriate training and education on the policy provisions and policy implementation;
- (vi) Production of guidelines, codes of practice and setting of standards on occupational safety and health issues as well as monitoring and reviewing the implementation nationwide in consultation with social partners;
- (vii) Promotion with full tripartite participation, the World Day for Safety and Health at Work to be commemorated annually on the 28th April;
- (viii) Development of Occupational Safety and Health expertise in all relevant fields of occupational safety and health;
- (ix) The establishment of an institute for Occupational Safety and Health in Nigeria;
- (x) Establishment of occupational hygiene laboratories to adequately cover all geopolitical zones;
- (xi) Maintenance of a register of experts and support services nationally and internationally including United Nations Agencies and Development Partners;
- (xii) Inclusion of occupational safety, health and welfare training in educational curricular from primary to tertiary level;
- (xiii) Enforcement of minimum occupational safety and health standards as contained in the Factories Act 1990 and Strengthening of the Enforcement system;
- (xiv) Development of guidelines on Occupational Safety and Health Management Systems, strengthening voluntary actions and establishing mechanisms which can test and authenticate management systems;
- (xv) Involvement of all tiers of government – National, State, and Local Government and Community in Occupational Safety and Health delivery and protection;

- (xvi) Formulation of an implementation plan at all levels for effective policy implementation and
- (xvii) Implementation of continuous education on occupational safety, health and welfare.

7.0 Collaboration to Secure Occupational Safety and Health of Works.

The Federal Ministry of Labour and Productivity shall collaborate with the most representative of employers' and workers' organizations and all government agencies with a role in occupational safety and health, the private sector, academia, civil society organizations and relevant international agencies with mandates in occupational safety and health protection of workers, in the development and delivery of occupational safety and health to the national work force.

8.0 Monitoring and Evaluation

The responsibility of monitoring and evaluation under the policy shall rest with government, the employers and the workers' organizations, private sector organizations, the academia, and various regional and international bodies with a mandate in worker protection including the International Labour Organization (ILO). In order to monitor trends in occupational safety and health, proper surveillance is essential. The statutory shall mandate workplaces to provide access for continuous collection of relevant information on occupational safety, health and welfare of workers.

9.0 Research and Development

9.1. The statutory authority and all relevant agencies and the academia shall facilitate quality research and analysis of occupational safety and health data. Operational research related to the determining of effectiveness of strategies articulated in the policy shall be encouraged.

9.2. Continuous data collection on near misses, occupational hazards, occupational accidents, disease and injuries, loss prevention, personal protective equipment, industrial hygiene conditions, workplaces distribution, plant layouts/designs, workman's compensations, major hazards disasters, workplace litigations, etc; shall be facilitated by the competent authorities.

10.0 Policy Review

10.1. The Statutory authority shall review this policy every three years in collaboration with workers' and employers' organizations and other relevant stakeholders.

11.0 Definitions of Terms used in the Policy

11.1. For the purpose of this policy, the following terms are defined thus:

- (a) "Workers' all employed persons including public employees.
- (b) "Workplaces" all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer.
- (c) "Regulation" all provisions given force of law by the competent authority.
- (d) "Health in relation to work" means not merely the absence of disease or infirmity but includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.
- (e) "Occupational accident"- an occurrence arising out of or in the course of work, which results in fatal injury.
- (f) "Occupational hazard"-a condition in the Workplace/environment, which could result in an occupational accident/disease.
- (g) Fatal accident'- an accident which results in death or personal injury involving loss of working time occurring on the way between the place of work and place of residence, or place where a worker takes his meal or receives his remunerations.
- (h) "Occupational disease"- a disease contracted as a result of an exposure to risk factors arising from work.
- (i) "Major Hazard Accident (Disaster)"- refers to those workplace accidents, which result in extensive damage to infrastructure, loss of life and deep emotional disturbance of the workforce and community around the workplace.
- (j) "Occupational Health"- is the promotion of the physical, mental and social wellbeing of workers and the adaptation of work to man and man to work.
- (k) "Statutory Authority" for the purpose of this policy means Competent Authority as defined by ILO's Convention C155 concerning Occupational Safety and Health and the Working Environment.

Annex I

Power of the Honourable Minister of Labour and Productivity under the Factories Act Cap 126 Laws of the Federation of Nigeria 1990.

Section 49 of the Factories Act empowers the Honourable Minister of Labour and Productivity to make regulations for the purpose of securing safety, health and welfare of workers in Nigerian workplaces.

Annex III

Existing Legal Instruments

In pursuance of the above objectives, the Government promulgated the following legislations:

- a) Factories Act (Cap. 126 of the Laws of the Federation of Nigeria 1990).
- b) Subsidiary Legislations/Regulations to the Factories Act.
 - i. Prescribed Forms and Particulars Order
 - ii. Declaration of Industrial Diseases Notice.
 - iii. Docks (Safety of Labour) Regulations.
 - iv. Docks (Sanitary Accommodation) Regulations
 - v. First Aid Boxes (Prescribed Standards Order).
 - vi. Factories (Wood Working Machinery) Regulations.
 - vii. Factories (Notification of Dangerous Occurrences) Regulations.
 - viii. Factories Act (Exemption) Order.
 - ix. Factories (Sanitary Accommodation) Regulations
 - x. Factories (Registration etc; Fees) Amendment Regulations.

Annex III

Other Related Regulations

- i. Public health Act 1958
- ii. Harmful Waste (Special Criminal Provision) Decree of 1998
- iii. National Environmental Protection (Pollution Abatement on Industries and Facilities Generating Waste) Regulation 1991
- iv. National environmental Protection (Management of Solid and Hazardous waste) Regulation of 1991 FEPA Decree 58 of 1988 amended by Decree 59 of 1992.

- v. National Environmental Protection (Effluent Limitation) Regulation of 1991.
- vi. Petroleum Act 1977 cap 350
- vii. Mineral Oil (Safety) Regulation 1997
- viii. Drilling and Production Regulations and Oil Pipeline Act 1990.
- ix. Fire Services Regulation 1998.