WEEKLY LABOUR BULLETIN

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HEALTH AND SAFETY ISSUES IN THE WORKPLACE

INTRODUCTION

According to Section 65 (1) of the Constitution, every person has a right to fair and safe labour practices and standards, and that is why the Labour Act in section 6 (1) (a) stipulates that no employer shall require any employee to work under any conditions or situations which are below those prescribed by law or by the conventional practice of the occupation for the protection of such employee's health or safety. In the agriculture sector, the parties agreed in S.I 197 of 2020 (Collective Bargaining Agreement: Agricultural Industry (Occupational Safety, Health, and Environment Code)) to stipulate the minimum required standards to ensure a healthy and safe working environment.

Section 4 of the code stipulates the objectives of the Code. It is therefore imperative that farmers are aware of the Code so that all their operations are compliant with its provisions, and the employers' duties in this Code are found in section 6. The code does not apply to the farmers/employers only; the employees are also supposed to know about it (section 6 (k) and (m), which enables the employees to know their duties as well as those espoused in section 7 of the Code.

INJURY AT WORK

It is also important to note that if an employee is injured at work, the matter must be reported to NSSA within 14 days from the date the injury occurred, according to Section 48 (2) of S.I 68 of 1990. Failure to do so will result in penalties of $200 per day up to a maximum of 90 days, meaning an employer can be fined up to $18000 for failing to report an accident and injury at the workplace, according to Section 5 of S.I 100 of 2024, which amended Section 48 (5) of S.I 68 of 1990. The whole process of reporting an accident and injury is found in Section 48 of S.I 68 of 1990.

MAIN ISSUES

The Code identifies the main issues or areas that the employer (farmer) and employee need to focus on to ensure a safe and healthy workplace. However, the main onus is on the farmer to ensure that the workplace is a safe and healthy environment. There is a need to identify work and areas that pose

a hazard and to assess the risk that they possess, and then find ways to reduce and eliminate the risk through the provision of personal protective equipment (PPE), training of employees, etc. Below are the summaries of the main issues and areas the Code looks at:

USE OF CHEMICALS (SECTION 10)

Farming involves the use of chemicals; therefore, it is imperative that everyone who might encounter the chemicals be trained on the management of safe use of chemicals, be provided with PPE, training in first aid, and how to clean their working environment and themselves so that the exposure to chemicals does not spread. Employees also need to be trained on how to safely transport, store, and dispose of agrochemicals to ensure that the agrochemicals are used and disposed of in ways that protect the environment. Because of prolonged exposure to some dangerous chemicals, it is also important for the farmer to have a robust surveillance of such employees so that whenever an exposure is detected, they can be treated early.

DUST AND ZOONOTIC EXPOSURES (SECTION 23)

The farmer must ensure that there is minimal exposure to dust in the workplace by providing PPE and work areas that are well ventilated. The employer shall undertake to eliminate the occurrence of zoonotic diseases through a combination of disease eradication measures, including animal vaccination and human vaccination.

EXPOSURE TO SHARP OBJECTS (SECTION 25)

Employers shall take reasonable steps to minimise the employees' risk of injury from percutaneous needle stick or other sharp objects during tasks that require the use of needles and related sharp devices, for example, administration of parenteral medications or therapies, such as intravenous, intramuscular, and subcutaneous, and performance of veterinary procedures such as surgery, suturing and taking tissue or blood samples.

USE OF MACHINERY, VEHICLES, EQUIPMENT AND TOOLS (SECTION 26)

It is the role of the farmer to ensure the provision of machinery, vehicles, equipment, and tools that are in good working order and to train the safe use of such machinery and equipment to minimise injuries associated with the use of such machinery. On transportation of employees, the employer must ensure that the mode of transport is safe and secure for the employees, especially when using tractors (see Sections 80 and 81 of S.I 129 of 2015).

USE OF ENERGY SOURCES (SECTION 29)

Employers shall take reasonable steps to ensure that hazards presented by sources of energy, including electrical, mechanical, hydraulic, fuel and pneumatic energy, are minimised and controlled.

NOISE AND VIBRATION (SECTION 30)

Employers need to educate their employees on the dangers of noise, as it might result in hearing loss. Also, it affects communication in the workplace and should be kept to a minimum, and they should provide ways to reduce noise. Employers should also educate their employees on how vibrations from the machinery and equipment can be detrimental to their health, and how exposure to such vibrations should be limited, and try to provide equipment with minimal vibrations.

MANUAL AND MATERIALS HANDLING (SECTION 32)

Agriculture work may span a wide range of tasks from arduous to sedentary, from stooping, reaching, bending, repetitive work, to performing work in awkward body positions while operating sophisticated agricultural machinery and equipment, provided that reasonable measures shall be taken by the employer to minimise the risk of harm to the employee performing work. Therefore, the farmer must ensure that the measures are in place to minimise harm.

SPECIAL PROVISIONS ON FORESTRY, TIMBER, FISHING, AND CROCODILE FARMING (SECTION 34)

Due to the nature of work in these sectors, it is important that only employees who have been assessed as competent to operate in such sectors carry out work in these fields. It is the role of the farmer to ensure that employees are trained and informed of the risks involved.

It is important for the farmer to ensure that the working environment is safe and healthy in compliance with the Code; any installations are in accordance with the minimum requirements.

CONCLUSION

It is therefore important to adhere to the provisions of the Code (S.I 197 of 2020), which provides in detail the minimum requirements that the farmer must adhere to. Therefore, consultation is key when one is not sure, either asking the labour advisor at CFU or the NEC for guidance.

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Disclaimer: This article is issued to serve as a general guide to farmers and does not substitute legal advice that may be required to address a particular situation with peculiar circumstances.

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