



**Call for Proposals for Consultant to conduct a  
GAP ANALYSIS ON KEY ILO OSH CONVENTIONS AND DEVELOPMENT OF OSH BILL**

**A. Background**

The Namibian Constitution is the supreme law of the country that guarantees the fundamental rights of all the legitimate citizens. Article 95 of the Namibian Constitution provides specifically for the adoption of policies aimed at:

- a) *enactment of legislation to ensure that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizen are not forced by economic necessity to enter vocations unsuited to their age and strength;*
- b) *active encouragement of the formation of independent trade unions to protect workers' rights and interests, and to promote sound labour relations and fair employment practices;*
- c) *membership of the International Labour Organization (ILO) and, where possible, adherence to and action in accordance with the International Conventions and Recommendations of the ILO”.*

The Constitution is the legal basis for subordinate statutes e.g. Labour Act which makes provision for the health, safety and welfare of employees. Therefore, Chapter 4 of the Labour Act 2007 (Act No: 11 of 2007) and the Regulations Relating to the Health and Safety of Employees at Work, made under the Labour Act, 1992 (Act 6 of 1992) compels employer to provide a safe and healthy working environment to employees. Whilst the legislation contains a number of positive elements, a number of gaps continue to exist.

The Situational Analysis on OSH conducted in 2014, profiled numerous gaps and challenges within OSH system particularly on the legislation framework. Among the challenges identified is the absence of the primary (stand-alone) OSH statute that can strengthen OSH enforcement in the country. A detailed Legal Gap Analysis is required to provide information to government and social partners on gaps between existing national legislations, regulations, policies and programmes, and the requirements of ILO OSH Conventions. The key element of the Gap Analysis is to strengthen the alignment of national laws and regulations with ILO OSH instruments, and to support national efforts to ratify ILO OSH Conventions.

The impacts of the current COVID-19 pandemic have not spared Namibia’s labour and employment. In addition to lack of elaborated regulations or guidelines on hazardous biological agents and psychosocial risks, limited extension of OSH inspectorate functions to vulnerable sectors, such as healthcare and informal economy, hamstrung the pace of interventions to mitigate COVID-19 as an OSH crisis. In March 2020 the government passed the State of emergency- COVID-19 Regulations, later amended by COVID-19 Regulations: Amendment (Proclamation 13 of 2020) on 17 April 2020. Subsequently in April 2020, the Labour Directives relating to Covid-19: State of Emergency - Covid-19 Regulations (GN No. 110 of 2020). The Labour Directives prescribe the employer’s duty to ensure prevention of the further spreading of COVID-19 in workplace, the employee’s right leave the place of work deemed dangerous because of COVID-19 and employee’s compensation benefits for occupationally acquired COVID-19 or COVID-19 related post-traumatic stress disorder. The specific guidelines “Workplace Preparedness -Return Namibia to Work -COVID-19 were developed to facilitate a safe return to work.

Standards and guides toward improving national OSH legislation are found in over 40 international labour standards specifically dealing with OSH, including the newly adopted Violence and Harassment Convention, 2019 (No. 190), as well as over 40 Codes of Practice. These standards are provided by the ILO as essential tools for governments, employers, and workers to establish preventive practices and to provide for maximum safety at work. Three conventions define the fundamental OSH principles: Convention No. 155 (Occupational Safety and Health Convention, 1981), Convention No. 161 (Occupational Health Services Convention, 1985), and Convention No. 187 (Promotional Framework for Occupational Safety and Health Convention, 2006).

Occupational Safety and Health Convention, 1981 (Convention No. 155) was adopted during the 67<sup>th</sup> International Labour Conference (ILC) session on 22 June 1981. The Convention aimed at ensuring that the scope of national policy, law and practice in the area of OSH is as broad and comprehensive as possible, and applies to all branches of economic activity and to all workers in these branches. The Convention requires ratifying member states to take action to formulate and implement a coherent national policy on occupational safety, occupational health and the working environment. The aim of the policy shall be to prevent occupational accidents and diseases, and to continuously improve the working environment. It emphasizes the review of the national OSH situation to identify major problems, evolve effective methods for dealing with them and priorities for action, and evaluate results. The Convention requires the member state's action to address institutional responsibilities and cooperation to implement the national OSH policy to fulfil the complementary functions of administration and enforcement, consultation, coordination and cooperation, and knowledge generation and dissemination.

Similarly, Occupational Safety and Health Convention, 2006 (Convention No.187) requires ratifying member states to take action to formulate and implement a coherent national policy on occupational safety, aiming at prevention of occupational accidents and diseases, and to continuously improve the working environment.

A substantial part of the provisions of the Convention No 155 deal with the transposition of the national policy into action at the enterprise level and, in particular the duties and responsibilities of employers and the rights and duties of workers, as well as the cooperation and collaboration required to ensure a safe and healthy working environment. The employer is required to ensure that, as far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.<sup>1</sup>

Protocol of 2002 to the Occupational Safety and Health Convention, 1981 was adopted during the 90<sup>th</sup> ILC session on 20 June 2002 to supplement Article 4 of the Occupational Safety and Health Convention, 1981, particularly on 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 of occupational accidents and diseases. The Protocol also requires ratifying Member States to publish annual representative statistics concerning occupational accidents, occupational diseases and, as appropriate, dangerous occurrences and commuting accidents, as well as the analyses thereof.

The purpose of the Protocol is to harmonize systems for the recording and notification of occupational accidents and diseases<sup>2</sup>, and establish and periodically review requirements and procedures for the recording and the notification of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.<sup>3</sup> The fundamental goals of the instruments under consideration are to prevent the occurrence of occupational accidents and diseases and to establish an increasingly safe and healthy working environment through progressive concerted action, both at the national and enterprise levels, with the full involvement of all stakeholders. These international standards constitute a blueprint for setting up and implementing national OSH systems that are comprehensive and adaptable to national conditions. Furthermore, the strategy they advocate calls for action in four main areas: first, the formulation, implementation and periodical review of a national OSH policy expressing the political will to undertake comprehensive and coherent regulatory, enforcement and promotional action in this area; second, the promotion of social dialogue through the full participation, collaboration and cooperation at all levels of employers, workers and their respective organizations, as well as other stakeholders; third, the definition of the respective functions, responsibilities, rights and duties of the social partners; and, fourth, the development and dissemination of knowledge, education training measures and of information.<sup>4</sup>

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<sup>1</sup> International Labour Conference 98<sup>th</sup> Session, 2009, Report III (Part 1B): General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Report of the Committee of Experts on the Application of Conventions and Recommendations, [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_103485.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_103485.pdf)

<sup>2</sup> Establishing comparable statistics through unified international classification schemes for compiling of statistics on occupational accidents and diseases

<sup>3</sup> International Labour Conference 98<sup>th</sup> Session, 2009, Report III (Part 1B): General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Report of the Committee of Experts on the Application of Conventions and Recommendations, [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_103485.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_103485.pdf)

<sup>4</sup> Ibid.

The consideration of gender dimensions of OSH as well as the OSH needs for the workers in SMEs and informal economy has become pertinent. As stated by the ILO in its 2002 report on Decent work and the informal economy, “to address more fully the decent work deficits in the informal economy, it is necessary to extend basic minimum standards on substantive matters such as conditions of work, safety and health and income security, as well as basic rules for fair treatment, for example with regard to job security and vulnerable groups”.

Despite tripartite recognition that OSH is a critical concern and that Namibia needs to establish sound regulations, policies and programmes that strongly align with the ILO OSH Conventions to ensure all working men and women are protected in their workplaces, the country has yet to ratify any of the three key OSH conventions. Efforts to integrate ILO standards on OSH into national legislation are limited to the ratification of Convention No. 81 or the Labour Inspection Convention, 1947. It is in this context that the Gap Analysis of key ILO Conventions relating to OSH vis-a-vis the country’s OSH regulations, policies and programs, is to be conducted. This analysis will provide empirical evidence on the capacity of the country to ratify key international instruments on OSH.

The analysis will focus on the C155 -- Occupational Safety and Health Convention, 1981, and P155 -- Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Convention No. 187 (Promotional Framework for Occupational Safety and Health Convention, 2006), and Convention No. 161 (Occupational Health Services Convention, 1985). It will also provide information required for the development of OSH Bill.

## **B. Objectives**

The Objective of this consultancy is to conduct OSH legal gap analysis, and then successively develop OSH Bill. The review will provide information on gaps between existing national legislations,<sup>5</sup> regulations, policies and programmes, and the requirements of ILO Conventions No. 155<sup>6</sup> and the Protocol of 2002 to Convention No. 155, Convention No. 187 of 2006, and Convention No. 161 of 1985.

This work will seek to:

- a) Improve the understanding of the government of the Republic of Namibia and the social partners on the requirements of international labour standards on OSH, namely Convention No. 155, and the Protocol of 2002, Convention No. 187 of 2006, and Convention No. 161 of 1985;
- b) Review the relevant provisions of the Labour Act, OSH regulations, and supporting regulatory framework;
- c) Identify whether and how the provisions of Convention No. 155 and its Protocol, Convention No. 187 of 2006, and Convention No. 161 of 1985 are reflected by existing laws and regulations and practice or changes to law and practice in the country is required to comply with the Conventions.
- d) Assess the state of harmonization between Namibia legislation that deals with OSH, and relevant ILO standards, with special attention placed on legal and regulatory provisions directed to enhancing workplace safety and health for all working men and women;
- e) Strengthen the technical knowledge of necessary legal and regulatory amendments required in the event of ratification of Convention No. 155 and the Protocol of 2002, Convention No. 187 of 2006, and Convention No. 161 of 1985; and
- f) Provide clear recommendations to the Ministry of Labour, Industrial Relations and Employment creation (MLIREC) and other concerned national government agencies on how to improve the national legal framework by aligning them with these key ILO instruments.

## **C. Methodology**

The Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) will identify and collect all existing relevant national legislation and regulations in Namibia. The work should include an in-depth comparative analysis of the collected material with relevant ILO standards, and identification of legal and policy

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<sup>5</sup> Namibia Regulation 156: 'Regulations Relating to the Health and Safety of Employees at work Regulations Relating to Safety and Health of Employees at Work', Namibia Labour Act, 11 of 2007, Namibia Employee’s Compensation Act, No. 30 of 1941, Mines and Work Ordinance No. 20 of 1968, and others as to be identified.

<sup>6</sup> Also with reference to Recommendation No. 164 to Convention No. 155

gaps. The analyses of national legislation should reflect the current situation of the country. This may include the updating of national legislative reviews that were carried out recently.

The analysis will be qualitative in nature and will use both primary and secondary data. Primary data will be collected through the conduct of key informant interviews and focus group discussions. Secondary data, will be gathered through desk review and inventory of existing OSH legislation, policies and programs including those implemented by government agencies outside MLIREC. The Consultant shall submit, for ILO and MLIREC's approval, an inception report containing a work plan, which indicates activities to be carried out over the contract days to achieve the key milestones and deliverables.

This consultancy will use the following methods:

**i. Desk Review**

The desk review shall determine the extent to which national laws and regulations and other measures meet the requirements of ILO Convention No. 155, Convention No. 187 of 2006, and Convention No. 161 of 1985. The Consultant will prepare the gap analysis report using the prescribed gap analysis matrix. Using ILO provided tools, the Consultant will undertake a desk review to determine:

- a) The type and scope of existing legislation, and their impact on ensuring the safety and health of workers in the workplace.
- b) The responsible agencies and organizations for the implementation of each of these laws and regulations.
- c) The relevant key stakeholders and their roles in driving OSH compliance.
- d) Critical gaps that exist in the legislative frameworks with regard to workers' safety and health in the workplace, including:
  - enforcement of OSH law through an adequate and appropriate labour inspection system;
  - provision of guidance and information on OSH at all levels of society, and with employers and workers;
  - protection of workers, particularly young workers, from workplace hazards including situations presenting imminent and serious danger;
  - transposition of national OSH policy into action at the enterprise level;
  - the duties and responsibilities of employers and the rights and duties of workers, as well as the cooperation and collaboration required to ensure a safe and healthy working environment;
  - systems for the recording and notification of occupational accidents and diseases; and
  - the requirements and procedures for the recording and the notification of occupational accidents, occupational diseases, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

**ii. Gap Analysis**

The analysis will use a GAP **ANALYSIS MATRIX** (attached as **Annex "A"**) illustrating:

- a) The extent to which the law or practice in the country already meets the C155, C161 and C187 provisions.
- b) In the case of finding gaps or inconsistencies:
  - the extent to which national law or practice can be adjusted, and
  - the provisions of C155, C161 and C187 for which such adjustment would be difficult and justification thereof.

**iii. Reporting**

The process will culminate into the production of a gap analysis report, in accordance with the **RECOMMENDED STRUCTURE OF GAP ANALYSIS REPORT** attached to the contract as **Annex "B"**. The report will:

- a) describe existing national policies and legislation relating to OSH,
- b) highlight existing legal, policy and institutional gaps and needs vis-à-vis provisions by C155, C161 and C187, and
- c) provide prioritized recommendations on the best strategies and interventions for harmonization of national law, policies and relevant OSH frameworks with provisions by C155, C161 and C187.

#### iv. Validation

Through the MLIREC's facilitation, the Gap Analysis Report will solicit social partners and key stakeholders' comments and views and be validated through a tripartite validation workshop. After validation and approval, the report will be widely disseminated as part of awareness raising and concerted efforts to enhance readiness to ratify the OSH instruments.

#### v. OSH Bill drafting

The Consultant will, in accordance with the Gap Analysis findings and recommendations and through stakeholder consultation, draft an OSH Bill that aims to:

- a) Close the identified gaps, overlaps, inconsistencies, and other issues identified by the gap analysis;
- b) Facilitate promulgation of specific and up-to-date regulations as necessary
- c) Provide for strengthening of national OSH system and coordination mechanisms, and
- d) Ensure comprehensive provision of safety and health of men and women at workplace, in all sectors, including SMEs and informal economy.

The Consultant will develop the OSH Bill, through the process covering but not restricted to the following steps:

1. Prepare the Bill's outline, covering but not limited to the areas as listed in **RECOMMENDED OUTLINES OF OSH BILL (Annex "C")**
2. Conduct consultations with stakeholders
3. Develop the OSH Bill that is appropriate, clear, simple, precise, coherent, internally and externally consistent, and gender sensitive.
4. Present the draft OSH Bill to a tripartite PLUS for consultation and validation
5. Submit the final draft of OSH Bill and report on consultation and validation to ILO via MLIREC

#### D. Expected Consultancy Outputs

The Consultant will produce the following outputs:

- a) An inception report that includes the work plan detailing the activities to be undertaken to gather information. The work plan shall include tripartite validation workshop/s with constituents where findings and recommendations of the gap analysis report will be discussed, and the consultation workshops for OSH Bill development and validation.
- b) A Draft Gap Analysis Report for validation,
- c) A Gap Analysis validation meeting report with attendance registers,
- d) A validated Gap Analysis Report not exceed 40 pages (annexes excluded) and appended Gap Analysis Matrix in accordance with **Annexes "A" and "B"**,
- e) A draft OSH Bill for consultation and validation,
- f) An OSH Bill consultation and validation meeting report with attendance registers, and
- g) A validated OSH Bill in accordance with **Annex "C"**

NB. The design of validation workshops will be jointly agreed by the Consultant, MLIREC and ILO.

#### E. Timelines

	<b>Output</b>	<b># of contract days</b>	<b>Deadline</b>
a	Inception Report	3 days	24 <sup>th</sup> August 2020
b	Draft Gap Analysis Report for validation	20 days	20 <sup>th</sup> September 2020
c	Tripartite PLUS Validated Gap Analysis Report	7 days	16 <sup>th</sup> October 2020
d	Draft OSH Bill for consultation and validation	15 days	5 <sup>th</sup> November 2020
e	Tripartite PLUS validated OSH Bill	20 days	25 <sup>th</sup> January 2021
	<b>Total contract days</b>	<b>65 days</b>	

#### F. Budget

ILO will make budgetary provisions necessary for this consultancy.

### G. Minimum requirement

- a) Master degree in Occupational Safety and Health
- b) At least 7 years of professional experience in Occupational Safety and Health
- c) Labour law background and experience in legislation drafting serve as an additional advantage
- d) Sound knowledge with the Namibia OSH legal context
- e) Experience in working with government, and workers' and employers' organizations
- f) Understanding of ILO Conventions and Recommendations on Occupational Safety and Health
- g) Excellent writing, communication and presentation skills
- h) Experience in drafting/preparing assessment reports and strategic plans
- i) Experience in designing, organizing and facilitating workshops, consultations, meetings, fora and focus group discussions

### H. Submission of proposals

Interested Individuals are requested to submit a proposal of how they intend to undertake the assignment.

The submission should include a separate financial proposal with a detailed breakdown of consultancy fees and related expenses.

The proposal should reach the ILO no later than 31 July 2020 and should be sent to the following email addresses:

Technical Proposal: [harare@ilo.org](mailto:harare@ilo.org) Financial Proposal: [FIN\\_HARARE@ilo.org](mailto:FIN_HARARE@ilo.org) (note it's FIN\_HARARE)

### J. REFERENCES/ RECOMMENDED READINGS

- a) Occupational Safety and Health Convention, 1981 (No. 155)
- b) Occupational Safety and Health Recommendation, 1981 (Recommendation No. 164)
- c) Promotional Framework for Occupational Safety and Health Convention, 2006 ( No. 187),
- d) Occupational Health Services Convention, 1985 (No. 161)
- e) Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)
- f) Violence and Harassment Convention, 2019 ( No. 190)
- g) International Labour Conference 98<sup>th</sup> Session, 2009, Report III (Part 1B): General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981,
- h) Report of the Committee of Experts on the Application of Conventions and Recommendations, [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_103485.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_103485.pdf)
- i) International Labour Conference, 106<sup>th</sup> Session, 2017, Report III (Part 1B): General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture: Occupational Safety and Health Convention (No. 187), and Recommendation (No. 197), 2006; Safety and Health in Construction Convention, 1988 (No. 167), and Recommendation (No. 175), 1988; Safety and Health in Mines Convention (No. 176), and Recommendation (No. 183), 1995; Safety and Health in Agriculture Convention (No. 184), and Recommendation (No. 192), 2001;
- j) Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22, 23 and 35 of the Constitution), [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_543647.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_543647.pdf)
- k) 10 Keys for Gender Sensitive OSH Practice – Guidelines for Gender Mainstreaming in Occupational Safety and Health, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/publication/wcms\\_324653.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_324653.pdf)
- l) The informal economy and decent work: a policy resource guide, supporting transitions to formality, [https://www.ilo.org/emppolicy/pubs/WCMS\\_212689/lang--en/index.htm](https://www.ilo.org/emppolicy/pubs/WCMS_212689/lang--en/index.htm)
- m) Managing Work-related Psychosocial Risks during COVID-19 Pandemic, [https://www.ilo.org/global/topics/safety-and-health-at-work/resources-library/publications/WCMS\\_748638/lang--en/index.htm](https://www.ilo.org/global/topics/safety-and-health-at-work/resources-library/publications/WCMS_748638/lang--en/index.htm)
- n) Namibia Labour Act, 11 of 2007
- o) Namibia Regulation 156: 'Regulations Relating to the Health and Safety of Employees at work
- p) Namibia Employee's Compensation Act, No. 30 of 1941
- q) Stage 2: State of Emergency - Covid-19 Regulations: Namibian Constitution (Proclamation No 17 of 2020), [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=110038&p\\_country=NAM&p\\_count=6](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110038&p_country=NAM&p_count=6)
- r) COVID-19 Regulations: Amendment (Proclamation 13 of 2020), <https://gazettes.africa/archive/na/2020/na-government-gazette-dated-2020-04-17-no-7180.pdf>
- s) Labour Directives relating to Covid-19: State of Emergency - Covid-19 Regulations (GN No. 110 of 2020), [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=110037&p\\_country=NAM&p\\_count=6](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110037&p_country=NAM&p_count=6)

## ANNEX "A" -KEY OSH CONVENTIONS (C155, C161, C187) - GAP ANALYSIS MATRIX

Provisions of the key OSH Conventions. Indicate Convention and relevant Article.	Provision in the National laws that implement the provision of the convention	Description of gaps identified gaps/issues	Recommended solutions in national law and/or practice

## Annex "B" -RECOMMENDED STRUCTURE OF GAP ANALYSIS REPORT

The analysis report shall comprise of:

### Background (4-5 pages)

- a general description of the current OSH system or OSH organizational structure in the country, with particular attention to:
  - national policy, coordination mechanisms and enforcement setting,
  - application scope: coverage and exclusions in terms of hazards, workers' categories, and sectors,
  - guidance, advice and information dissemination on OSH at all levels of society,
  - mechanisms in protecting working men and women from situations presenting imminent and serious danger, with focus on gender-specific OSH needs
  - systems for the recording and notification of occupational accidents and diseases,
  - procedures on the periodic review requirements and procedures for the recording and the notification of occupational accidents, occupational diseases, dangerous occurrences, commuting accidents and suspected cases of occupational diseases
- a brief description of the existing tripartite arrangement for national legislation and formulation on OSH related issues
- commitments made relative to ratified OSH international standards

### Statement of objectives & Methodology (1-2 pages)

- Objectives and methodology as stipulated by Terms of Reference.

### Findings (30-35 pages)

- a thorough gap analysis of the existing legislation, policies and institutional frameworks pertinent to OSH and the working environment and recommendations for improving these, including as relevant references to the comments by the Committee of Experts on the Application of Conventions and Recommendations on the situation of the Namibia;
- special consideration of the state of national OSH compliance including challenges with implementing, enforcing and monitoring of OSH related laws

### Recommendations (4-7 pages)

- specific prioritized recommendations on the necessary steps (legal, policy, regulatory and institutional) to strengthen the national OSH system to bring it into harmony with ILO OSH conventions, particularly but not limited to proposals for new labour legislation

### Annexes

- Matrix of gap analysis
- Inventory of tools used
- List key informants consulted
- Lists of documents consulted

### References

- Links to and list of relevant websites and documents.

## Annex "C" -Recommended Sections of the OSH Bill

The Bill shall cover at least 59 areas as listed below

1.	Definitions
2.	Scope, coverage and exclusion
3.	Establishment of Advisory Council for Occupational Health and Safety

4.	Functions of Council
5.	Constitution of Council
6.	Period of office and remuneration of members of Council
7.	Establishment of technical committees of Council
8.	Establishment of Occupational Health and Safety Commission
9.	Functions of the Commission
10.	Institution and programs relating to health and Safety administration and enforcement
11.	Health and safety policy
12.	General duties of employers to their employees
13.	Special duties to vulnerable workers
14.	General duties of employers and self-employed persons to persons other than their employees
15.	General duties of manufacturers and others regarding articles and substances for use at work
16.	Registration of Workplaces
17.	Listed work
18.	General duties of employers regarding listed work
19.	Duty to inform
20.	General duties of employees at work
21.	Duty not to interfere with, damage or misuse things
22.	Chief executive officer charged with certain duties
23.	Health and safety representatives
24.	Functions of health and safety representatives
25.	Health and safety committees
26.	Functions of health and safety committees
27.	General prohibitions
28.	Sale of certain articles prohibited
29.	Certain deductions prohibited
30.	Recording and notification of occupational incidents
31.	Report to chief inspector regarding occupational diseases
32.	Victimization forbidden
33.	Designation and functions of chief inspector
34.	Designation and function of Chief Medical Officer
35.	Designation of inspectors by Minister
36.	Functions of inspectors
37.	Special powers of inspectors
38.	Investigations
39.	Formal inquiries
40.	Joint inquiries
41.	Medical Surveillance
42.	Medical incapacity Inquiry
43.	Obstruction of investigation or inquiry or presiding inspector or failure to render assistance
44.	Appeal against decision of inspector
45.	Disclosure of information
46.	Acts or omissions by employees or mandatories
47.	Offences, penalties and legal proceeding
48.	Proof of certain facts
49.	Exemptions
50.	This Act not affected by agreements
51.	Delegation and assignment of functions
52.	Regulations
53.	Incorporation of health and safety standards in regulations
54.	Serving of notices
55.	Jurisdiction of magistrates' courts
56.	State bound
57.	Conflict of provisions
58.	Repeal of laws
59.	Short title and commencement