KENYA COUNTRY REPORT

COUNTRY REPORT FOR KENYA PREPARED BY

Dr. Wilfred Kimani

Ministry of Labour,

Directorate of Occupational Safety & Health Services (DOSHS)

1.1 BACKROUND INFORMATION ON DR. WILFRED KIMANI

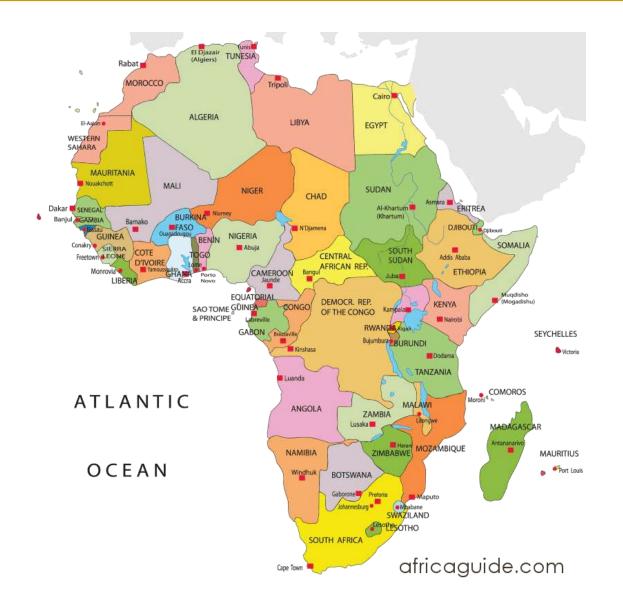
- Occupation
- Occupational/Industrial Medical Doctor
- Organization
- Directorate of Occupational Safety & Health Services (DOSHS), Ministry of Labour.
- Position
- Senior Medical Specialist
- Work experience
 - 18 years

1.2 Country Profile

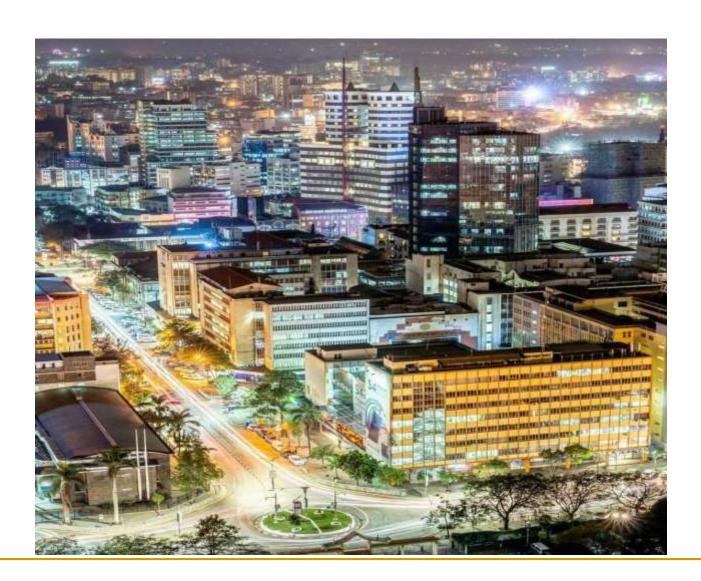
- The country is situated on the equator on Africa's East Coast. It occupies about 580,367 square kilometres.
- It has an estimated population of about 52.2 M people as at 2018
- Its capital and largest city is Nairobi
- National Language : Swahili
- Official Language: English, Swahili
- The country is the economic, financial & transport hub for East & Central Africa.
- GDP average 5%, Per Capita Income of US\$1,836

Profile ctd.

- It's a lower middle income country
- Under/unemployment about 40%
- Backbone of the Economy is Agriculture with tea, coffee, horticulture/ floriculture making significant contribution
- Tourism also holds a significant place in the Economy and has great tourism attraction sites
- Recent findings of oil and gas hold a lot of potential for growth
- Second largest Geo-thermal power producer in the world.
- Mining including Titanium, gemstones, artisanal gold, fluorspar, sodium bicarbonate among others







- Generally a safe country with fantastic weather
- Only Country with a National Park in the capital city



2.1 Occurrence status of occupational accidents

- Financial year 2021/2022 (1st July 2021 30th June 2022
 - Q1 1,355 cases. 47 fatal.
 - Q2 1,045 cases. 61 fatal.
 - Q3 958 cases. 34 fatal.
 - Q4 1,213 cases. 35 fatal.

2.1 Occurrence status of occupational diseases

- Financial year 2021/2022
 - □ Total of 741 cases.

2.2 Data collection method

- Use of statutory DOSH/WIBA 1 Form
- All employers required by law to report all workplace accidents/ occupational diseases to the regulatory authority (DOSHS)

2.3 Safety & Health related laws and regulations

- Occupational safety & health act (OSHA) 2007.
- Work injury benefits act (WIBA) 2007.
- Legal Notices
 - Woodworking Machinery Rules (L.N.431/1959)
 - Examination of Plant order (G.N.958/1951)
 - First Aid Rules (L.N.140/1977)
 - Cellulose Solutions Rule (L.N. 87/1964)
 - Docks Rules (L.N. 306/1962)

2.3 Safety & Health related laws and regulations

- Extension of Application Order (L.N.405/1957)
- □ General Register Order (G.N. 973/1951)
- □ Safety & Health Committees Rules (L.N. 31/2004)
- Medical Examination Rules (L.N.24/2005)
- Noise Prevention & Control Rules (L.N.25/2005)
- □ Fire Risk Reduction Rules (L.N. 59/2007)
- Hazardous Substances Rules (L.N.60/2007)

2.4 Labour Inspection System

- Ministry of Labour is the focal point
- Departments in the Ministry include
 - Directorate of Occupational Safety & Health Services (DOSHS)
 - National Social Security Fund (NSSF)
 - Labour department
 - National Industrial Training Authority (NITA)
 - National Employment Authority (NEA)
 - National Productivity & competitive center
 - National Human Resources Development and Planning (NHRPD)
 - Registrar of Trade Unions (RTU)

2.4 Labour Inspection System ctd...

DOSHS

- Enforces the Occupational Safety & Health Act 2007 and Work Injury Benefits Act 2007.
- Headed by Secretary OSH.
 - Compliance inspections.
 - Medical surveillance.
 - Accident investigations.
- Occupational safety & Health officers
 - Located in all administrative regions of Kenya





2.5 Medical Care System

- Ministry of Health is primarily responsible for medical and rehabilitation care
 - Public National Hospitals
 - Regional (county) hospitals
 - Private Hospitals
- No differentiation between occupational and nonoccupational injuries and are treated similarly
- It is the responsibility of the employer to pay treatment, rehabilitation and compensation for the occupational diseases and injuries.
- Ministry of Labour (DOSHS) is responsible for ensuring that employers comply with this

2.5 Workers Accident Compensation Insurance

- This is managed by the Directorate of Occupational Safety & Health Services (DOSHS) through an act of parliament the Work Injury Benefits Act 2007
- The act provide compensation to employees for work related injuries and diseases contracted in the course of employment and for connected purposes.
- Employer is primarily responsible for the occupational injury of his workers.
- Employer may either pay for the costs and disabilities incurred directly or
- Employer may also have an insurance policy to cover the costs.

2.5 Workers Accident Compensation Insurance ctd..

- Employer to defray expenses reasonably incurred by his employees as a result of an occupational accident or disease
- Medical expenses include:
 - dental, medical, surgical or hospital treatment
 - skilled nursing services,
 - supply of medicine, supply of surgical dressing,
 - traveling and
 - supply, maintenance, repair and replacement of artificial limbs, crutches and other appliances and apparatus used by physically disabled persons

2.5 Workers Accident Compensation Insurance ctd.

- Temporary total disablement; due to an accident for three or more days.
- a periodical payment equivalent to his/her earnings subject to minimum and maximum to be fixed by Minister for a period not exceeding 12 months.
- Periodical payment is not payable if employee is receiving full pay.
- Payment to be reduced if employee is receiving part of remuneration.

2.5 Workers Accident Compensation Insurance ctd.

 Compensation for permanent disablement calculated on the basis of ninety six months earnings

2.5 Rehabilitation of Injured Workers

- There is NO specific scheme that targets injured workers
- All injured and ill persons are treated in the normally established medical facilities
- Return to work data therefore difficult to compute

Temporary incapacity

Salary x Days off Duty 26

Permanent Incapacity

- Salary+ regular allowances x 96 x percentage incapacity
- i.e for a fatal accidents

Return to work rates;

- No clear data on return to work data
- Full pay of salary for a maximum of 12 months on temporary disability
- Medical aid till fully recovered
- Redeployment
- Light duties

2.6 Safety Equipment & facilities

- Have National Disaster Operations Center
 (NDOC) which coordinates National Disasters.
- Rely on equipment from the Military, National Government, County Governments or Private sector organizations.
- Large private sector organisations have their own safety equipment.
- MSME largely do not have safety equipment.

2.7 Training/Education programs

- Statutory worker training
 - First Aid in the Workplace
 - Safety & Health committee induction
 - Fire Marshall

- Awareness raising on OSH matters
- University trainings
 - Post graduate Diploma in OSH
 - Masters degree programme in OSH

2.8 OSH Activities of osh organizations other than government

- Safety and health Auditor
 - Undertakes statutory annual workplace safety & health audit.
 - Advises workplaces on safety & health issues
 - May undertake workplace risk assesments on the request of employers
- Approved training institutions:
 - First Aid in workplace training
 - OSH committee training
 - Fire Safety training

- Designated health practitioners
 - Undertake statutory occupational medical exams
 - Advise workplaces on occupational health matters.
- Approved plant examiners
 - Undertake statutory examination of different types of plants.
- Air quality examiners
 - Undertake statutory air quality assessments

- Industrial hygienists
 - Carry out industrial hygiene measurements in the workplace
- Fire safety auditor
 - Undertake statutory fire safety audits
 - Advise on fire safety in the workplaces.

2.9 OSHMS and Risk Assesment

- Statutory requirement under Section 6 (2) for OSHMS.
- Statutory requirement under Section 6 (3) (4) for Risk assessment. The risk assessment report should be shared with the area occupational safety & health officer.

2.10 Health Promotion & mental health measures/activities

- Very few activities undertaken in health promotion. This activities mainly done by the Ministry of Health.
- Mental health measures also undertaken mainly by the Ministry of Health using the Mental health Act 2022 preceded by the Mental health Act Cap 248(Act No. 10 of 1989)

2.10 Health Promotion & mental health measures/activities ctd...

- Few activities done by DOSHS.
 - Includes awareness raising during the Annual celebrations of the World day of Safety & Health on April 28th.
 - Awareness raised during the training of Safety & Health committees.
 - Issued covid 19 in the workplace guidelines after confirmation of covid 19 in Kenya in March 2020.

2.11 Campaign/Event/National Convention

- Carry out annual occupational safety & health week activities culminating on April 28th.
 - OSH Awards in different sectors.
- Occasionally meet with our pool of approved
 OSH providers for conferences.
- Occasionally hold OSH scientific conferences.

2.12 Reference

- www.kenyalawreview.org for Law.
- DOSHS internal reports for data.

2.13 Government major strategies

- Increase sectoral OSH Awards during the Annual World Safety Day commemoration.
- Establishing a social workers injury/occupational disease compensation scheme.
- Increase technical staffing levels within the regulatory organization (DOSHS)

3.1 Major Issues in OSH

- Delays/ Non payment of worker injury/occupational disease compensation.
- Workplace accidents
- Poor compliance with OSH Laws & Regulations.

3.2 Suggested counter measures

- Implement the Social worker injury/occupational disease compensation scheme.
- Improve workplace OSH Standards by getting employer buy-in.
- Increase compliance with OSH Laws &
 Regulations using the carrot and stick strategy.

3.3 Expectation

- Share experience from Japan and the other Participating countries on best practices.
- Learn new things in OSH.
- Interact with fellow OSH practitioners.

3.3 b Facility improvement

- Share knowledge and skills learned with my colleagues in Kenya.
- Improve compliance with OSH Laws and regulations especially within the Kenyan Private Sector.

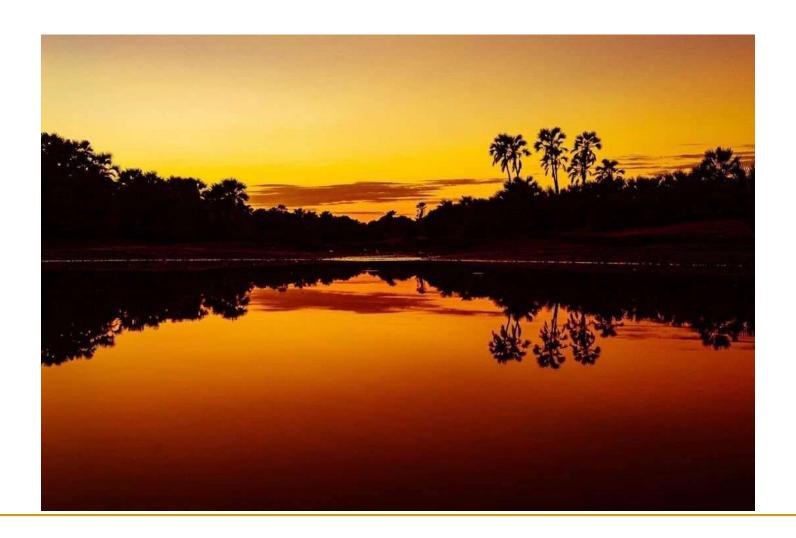
















THE END

THANK YOU

ANY QUESTIONS?

