

Preamble THE OCCUPATIONAL SAFETY AND HEALTH ACT, 2007

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Part I- Preliminary

Short title.

1. This Act may be cited as [the Occupational Safety and Health Act](#), 2007.

Interpretation.

2. In this Act, unless the context otherwise requires—

“air pollution” means air contaminated by substances whatever their physical state, which are harmful to health or otherwise dangerous;

“article for use at work” means □

(a) any plant designed for use or operation (whether exclusively or not) by persons at a workplace; and

(b) any article designed for use as a component in such plant.

“biological monitoring” means a planned programme of periodic collection and analysis of body fluid, tissues, excreta or exhaled air in order to detect and quantify the exposure to or absorption of any substance or organism by persons;

“bodily injury” includes injury to health;

“class or description” in relation to workplaces, includes a group of workplaces described by reference to a locality;

“code of practice” includes a standard, a specification and any other documentary form of practical guidance;

“competent person” in relation to any duty or function, means a person who has adequate training, relevant qualifications and experience to enable him to perform that duty or function;

“court” means a magistrate’s court;

“Council” means the National Council for Occupational Safety and Health established under section 27

“Director” means the Director of Occupational Safety and Health Services appointed under section 23;

“driving belt” includes any driving strap or rope;

“employee” means a person who works under a contract of employment and related expressions shall be construed accordingly;

“exposure” means the amount of a workplace agent that has reached an individual worker (external dose) or has been absorbed into the individual worker (absorbed dose);

“fume” includes gas or vapor;

“general register” means the register kept in a workplace as required under section 122;

"highly flammable liquid" means any liquid, liquid solution, emulsion or suspension which gives off a flammable vapor at a temperature of less than 32 degrees centigrade;

"improvement notice" means a notice issued under section 36 of this Act;

"machinery" means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy;

"maintained" means maintained in an efficient state, in an efficient working order and in good repair;

"major hazard installation" means an installation—

(a) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or

(b) where any substance is produced, processed, used, handled or stored in such a form that it has the potential to cause a major incident.

"major incident" means an occurrence of catastrophic proportions resulting from the use of plant or machinery or from activities at a workplace;

"medical surveillance" means a planned programme of periodic examination, which may include clinical examinations, biological monitoring or medical tests of persons employed by a designated health practitioner or by an occupational medical practitioner;

"Minister" means the minister for the time being responsible for labour matters;

"noise" means all sound energy, which can result in hearing impairment or be harmful to health or otherwise dangerous;

"occupational hygiene" means the anticipation, recognition, evaluation, monitoring and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons;

"occupational safety and health officer" means any officer appointed under section 26 and includes the Director appointed under section 23;

"occupier" means the person or persons in actual occupation of a workplace, whether as the owner or not and includes an employer;

"owner" means the person for the time being receiving the rents or profits of premises whether on his own account or as agent or trustee of another person, or who would receive the rents and profits if the premises were leased;

"plant" includes any equipment, gear, machinery, apparatus or appliance or any part thereof;

"premises" includes any place and, in particular includes—

- (a) any vehicle, vessel aircraft or hovercraft ;
- (b) any installation on land including the foreshore and land intermittently covered by water, any offshore installation or any other installation whether floating, or resting on seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof ;
- (c) any tent or movable structure.

"prime mover" means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

"process" includes the use of any locomotive;

"prohibition notice" means a notice issued under section 37;

"risk" means the probability of occurrence of an adverse effect from a substance on people or the environment combined with the magnitude of the consequence of that adverse effect;

"safety and health advisor" means any person who holds a minimum qualification of a certificate in occupational safety and health from a recognized institution and has at least five years proven practical experience in that field;

"sanitary conveniences" includes urinals, water-closets, earth-closets, privies, ash pits and any similar convenience;

"self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he employs others;

"steam boiler" means any closed vessel in which for any purpose, steam is generated under pressure greater than atmospheric pressure, and includes any economizer used to heat water being fed to any such vessel, and any superheated used for heating steam;

"substance" means any natural or artificial matter or material whether in solid or liquid form or in the form of a gas or vapor;

"supplier" means a person who provides articles or substances by way of sale, lease, hire or hire-purchase, whether as principal or agent;

"transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other devices by which the motion of a prime mover is transmitted to or received by any machine or appliance;

"user" in relation to plant or machinery, means the person who uses plant or

	<p>machinery for his own benefit or who has the right of control over the use of plant or machinery, but does not include a leaser of, or any person employed in connection with, that plant or machinery;</p> <p>“vibration” means mechanical energy transmitted to a person’s body from a source of oscillations and is harmful to health or otherwise dangerous;</p> <p>“workplace” includes, any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment;</p> <p>“workroom” means any room or cubicle in which work is done by persons employed;</p>
Application of Act.	<p>3. (1) This Act shall apply to all workplaces where any person is at work, whether temporarily or permanently.</p> <p>(2) The purpose of this Act is to—</p> <p>(a) secure the safety, health and welfare of persons at work; and</p> <p>(b) protect persons other than persons at work against risks to safety and health arising out of, or in connection with, the activities of persons at work.</p>
Approval of codes of practice by Director.	<p>4. (1) For the purpose of providing practical guidance with respect to any provision of this Act and of safety and health regulations, the Director shall, in consultation with the council, approve and issue codes of practice which are in his opinion suitable for that purpose.</p> <p>(2) The Director shall, in consultation with the Council, from time to time, revise the whole or any part of any code of practice prepared by him in pursuance of this section.</p> <p>(3) The Director may, in consultation with the Council, withdraw a code of practice approved or issued under subsection (1).</p> <p>(4) Where the Director has approved, issued or withdrawn a code of practice under this section, the Director shall publish a notice in the Gazette.</p>
Use of approved codes of practice in criminal proceedings.	<p>5. (1) Failure on the part of any person to observe any provision of an approved code of practice shall not render that person liable to any civil or criminal proceedings; but where in any criminal proceedings a party is alleged to have committed an offence by reason of a contravention of any requirement or prohibition imposed by an approved code of practice, the provisions of subsection (2) shall have effect with respect to that code in relation to those proceedings.</p> <p>(2) Any provision of the code of practice which appears to the court to be relevant to the requirement or prohibition alleged to have been contravened shall be admissible in evidence in the proceedings; and if it is proved that there was at any material time a failure to observe any provision of the code which appears to the court to be relevant to any matter which it is necessary for the prosecution to prove in order to establish a contravention of that requirement or prohibition, that</p>

matter shall be taken as proved unless the court is satisfied that the requirement or prohibition was in respect of that matter complied with otherwise than by way of observance of that provision of the code.

(3) In any criminal proceedings—

(a) a document purporting to be a notice issued by the Director under section 4 shall be taken to be such a notice unless the contrary is proved; and

(b) a code of practice, which appears to the court to be the subject of such a notice, shall be taken to be the subject of that notice unless the contrary is proved.

Part II- General Duties

Duties of occupiers.

6. (1) Every occupier shall ensure the safety, health and welfare at work of all persons working in his workplace.

(2) Without prejudice to the generality of an occupier's duty under subsection (1), the duty of the occupier includes—

(a) the provision and maintenance of plant and systems and procedures of work that are safe and without risks to health;

(b) arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;

(c) the provision of such information, instruction, training and supervision as is necessary to ensure the safety and health at work of every person employed

(d) the maintenance of any workplace under the occupier's control, in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks to health;

(e) the provision and maintenance of a working environment for every person employed that is, safe, without risks to health, and adequate as regards facilities and arrangements for the employees welfare at work;

(f) informing all persons employed of—

(i) any risks from new technologies; and

(ii) imminent danger; and

(g) ensuring that every person employed participates in the application and review of safety and health measures.

(3) Every occupier shall carry out appropriate risk assessments in relation to the safety and health of persons employed and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all chemicals, machinery, equipment, tools and process under the

	<p>control of the occupier are safe and without risk to health and comply with the requirements of safety and health provisions in this Act.</p> <p>(4) Every occupier shall send a copy of a report of risk assessment carried out under this section to the area occupational safety and health officer;</p> <p>(5) Every occupier shall take immediate steps to stop any operation or activity where there is an imminent and serious danger to safety and health and to evacuate all persons employed as appropriate.</p> <p>(6) It is the duty of every occupier to register his workplace unless such workplace is excepted from registration under this Act.</p> <p>(7) An occupier who fails to comply with a duty imposed on him under this section commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.</p>
Duty to prepare a safety and health policy statement.	<p>7. (1) Except in such cases as may be prescribed, it is the duty of every occupier to—</p> <p>(a) prepare and, as often as may be appropriate, revise a written statement of his general policy with respect to the safety and health at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy; and</p> <p>(b) to bring the statement and any revision of it to the notice of all of his employees.</p> <p>(2) The Minister may make regulations to provide for the contents of a general statement of safety and health and obligations to a person implementing the policy.</p> <p>(3) It shall be an offence for a person on whom a duty is imposed under this section to fail to carry out such a duty.</p>
Discrimination against employee etc.	<p>8. (1) An occupier shall not dismiss a employee, injure the employee or discriminate against or disadvantage a employee in respect of the employee's employment, or alter the employee's position to the detriment of the employee by reason only that the employee —</p> <p>(a) makes a complaint about a matter which the employee considers is not safe or is a risk to his health;</p> <p>(b) is a member of a safety and health committee established pursuant to this Act; or</p> <p>(c) exercises any of his functions as a member of the safety and health committee.</p> <p>(2) An occupier who contravenes the provisions of this section commits an</p>

offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

(3) Notwithstanding any written law to the contrary, where a person is convicted of an offence under this section the court may, in addition to imposing a penalty on the offender make one or both of the following orders—

(a) an order that the offender pays within a specific period to the person against whom the offender has discriminated such damages as the court deems fit to compensate that person; or

(b) an order that the employee be reinstated or reemployed in his former position or, where that position is not available, in a similar position.

Safety and health committees.

9. (1) Every occupier shall establish a safety and health committee at the workplace in accordance with regulations prescribed by the Minister if—

(a) there are twenty or more persons employed at the workplace; or

(b) the Director directs the establishment of such a committee at any other workplace.

(2) The Minister may make regulations to provide for the organization, functions and activities of the safety and health committees, including the election of safety representatives, their rights and duties, and for the training of the members of the safety and health committees and the safety and health representatives.

(3) An occupier shall not penalize an employee who is a member of a work place safety and health committee for doing anything in furtherance of the object of this section.

(4) An occupier who contravenes the provisions of subsection (1) commits an offence.

Duty not to charge employees for things done or provided.

10. (1) An employer shall not make any deduction from an employee's remuneration or levy, or permit to be levied on any of his employees any charge in respect of anything done or provided in pursuance of this Act or any regulation made there under.

(2) An employer who contravenes the provisions of subsection (1) commits an offence.

Safety and health audits.

11. (1) The occupier of a workplace shall cause a thorough safety and health audit of his workplace to be carried out at least once in every period of twelve months by a safety and health advisor, who shall issue a report of such an audit containing the prescribed particulars to the occupier on payment of a prescribed fee and shall send a copy of the report to the Director.

(2) The audit report referred to in subsection (1) shall be preserved and be kept

available for inspection by the occupational safety and health officer.

(3) An occupier who fails to comply with a duty imposed on him under this section commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Duties of self employed persons.

12. (1) Every self employed person shall—

(a) take all necessary precautions to ensure his own safety and health and that of any other person in his workplace or within the environs of his workplace;

(b) at all times use appropriate safe systems of work, preventive and control measures and where not feasible, use suitable personal protective appliances and clothing required under this Act;

(c) comply with any safety and health rules, regulations instructions and procedures issued under this Act;

(d) report to the Director—

(i) any situation which he has reason to believe would present imminent danger or hazard and which he cannot correct, and

(ii) any incident or injury that arises in the course of or in connection with his work, as required under this Act.

(2) A self employed person who contravenes the provisions of this section commits an offence.

Duties of employee.

13. (1) Every employee shall, while at the workplace—

(a) ensure his own safety and health and that of other persons who may be affected by his acts or omissions at the workplace;

(b) co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made hereunder;

(c) at all times wear or use any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health;

(d) comply with the safety and health procedures, requirements and instructions given by a person having authority over him for his own or any other person's safety;

(e) report to the supervisor, any situation which he has reason to believe would present a hazard and which he cannot correct;

(f) report to his supervisor any accident or injury that arises in the course of or in

	<p>connection with his work; and</p> <p>(g) with regard to any duty or requirement imposed on his employer or any other person by or under any other relevant statutory provision, co-operate with the employer or other person to enable that duty or requirement to be performed or complied with.</p> <p>(2) A employee who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.</p>
Duty to report any dangerous situation.	<p>14. (1) Every employee shall report to the immediate supervisor any situation which the employee has reasonable grounds to believe presents an imminent or serious danger to the safety or health of that employee or of other employee in the same premises, and until the occupier has taken remedial action, if necessary, the occupier shall not require the employee to return to a work place where there is continuing imminent or serious danger to safety or health.</p> <p>(2) An employee who has left a work place, which the employee has reasonable justification to believe presents imminent and serious danger to life and health shall not be dismissed, discriminated against or disadvantaged for such action by the employer.</p> <p>(3) It shall be an offence for a person on whom a duty is imposed under this section to fail to carry out that duty.</p>
Duty not to interfere with or misuse things provided pursuant to certain provisions.	<p>15. A person who wilfully interferes with or misuses any means, appliance, convenience or other thing provided or done in the interests of safety, health and welfare in pursuance of this Act commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.</p>
Prohibition against creation of hazards.	<p>16. (1) No person shall engage in any improper activity or behaviour at the workplace, which might create or constitute a hazard to that person or any other person.</p> <p>(2) For purposes of this section, improper activity or behaviour includes boisterous play, scuffling, fighting, practical jokes, unnecessary running or jumping or similar conduct.</p>
General	<p>17. (1) Every occupier shall conduct his undertaking in such a manner as to</p>

duties of occupier and self-employed to persons other than their employees.	<p>ensure, that a person who is not his employee who may be affected thereby is not exposed to risks to safety or health.</p> <p>(2) Every self-employed person shall conduct his undertaking in such a way as to ensure that he and any other person who is not his employee who may be affected thereby is not exposed to risks to safety or health.</p> <p>(3) It shall be the duty of every employer and every self employed person to give relevant safety and health information to every person, not being his employee who may be affected by the manner in which the employer or the self employed person conducts his undertaking, on such aspects of the way he conducts his business as may affect safety or health.</p> <p>(4) It shall be an offence for a person on whom a duty is imposed under this section to fail to carry out such a duty.</p>
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Duties of an occupier of a place of work to persons other than his employees.	<p>18. (1) An occupier of non-domestic premises which have been made available to persons, not being his employees, as a place of work, or as a place where the employee s may use a plant or substance provided for their use there, shall take such measures as are practicable to ensure that the premises, all means of access thereto and egress therefrom available for use by persons using the premises, and any plant or substance in the premises provided for use there, are safe and without risks to health.</p> <p>(2) A person who has, by virtue of a contract, lease or otherwise, an obligation of any extent in relation to the——</p> <p>(a) maintenance or repair of a place of work or any means of access thereto or egress there from; or</p> <p>(b) prevention of risks to safety and health that may arise from the use of any plant or substance in the place of work, shall for the purpose of subsection (1), be deemed to have control of the matters to which his obligation extends.</p> <p>(3) It shall be an offence for a person on whom a duty is imposed under this section to fail to carry out such a duty.</p>
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General duty of persons in control of certain premises in relation to harmful emissions into atmosphere.	<p>19. (1) An occupier of any premises likely to emit, poisonous, harmful, injurious or offensive substances, into the atmosphere shall use the best practicable means to—</p> <p>(a) prevent such emissions into the atmosphere; and</p> <p>(b) render harmless and inoffensive the substances which may be emitted.</p> <p>(2) The reference in subsection (1) to the means to be used for the purpose of that section includes a reference to the —</p> <p>(a) manner in which the plant provided for those purposes is used; and</p>
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(b) supervision of any operation involving the emission of substances to which that subsection applies.

(3) An occupier who contravenes the provisions of this section commits an offence.

Duties of designers, manufacturers importers etc with regard to articles and substances for use at work.

20. (1) A person who designs, manufactures, imports or supplies any article for use at work shall—

(a) ensure, that the article is so designed and constructed as to be safe and without risks to health when properly used;

(b) carry out, or arrange for the carrying out of such testing and examination as may be necessary to ensure that the article is safe and without risk to health when properly used;

(c) take such steps as are necessary to ensure that there is available, in connection with the use of the article at work, adequate information about the use for which it is designed and has been tested, and about any conditions necessary to ensure that, when put to that use, it will be safe and without risks to health.

(2) A person who designs or manufactures any article for use at work shall carry out or arrange for the carrying out of any necessary research to identify, eliminate or minimise any risks to safety or health to which the design or article may give rise.

(3) A person who erects or installs any article for use at work in any premises where that article is to be used by a worker shall ensure, that the way in which the article is erected or installed makes it safe and it not a risk to the safety and health of the worker when properly used.

(4) A person who manufactures, imports or supplies any substance for use at work shall—

(a) ensure, that the substance is safe and without risks to health when properly used;

(b) carry out or arrange for the carrying out of such testing and examination as may be necessary to ensure that the substance is safe and without risk to health when properly used;

(c) take such steps as are necessary to ensure that there is available, in connection with the use of the substance at work adequate information about the results of any relevant tests which have been carried out on or in connection with the substance and about any conditions necessary to ensure that it will be safe and without risks to health when properly used.

(5) A person who manufactures any substance for use at work shall carry out or

arrange for the carrying out of any necessary research to discover and, so far as is reasonably practicable, to identify, eliminate or minimise any risks to safety or health to which the substance may give rise.

(6) Nothing in this section shall be taken to require a person to repeat any test, examination or research which has been carried out otherwise than by him or at his instance, in so far as it is reasonable for him to rely on the results thereof for the purposes of this section.

(7) A duty imposed on any person by this section shall extend only to things done in the course of a trade, business or other undertaking carried on by him whether for profit or not, and to matters within his control.

(8) Where a person designs, manufactures, imports an article for, or supplies an article to another person on the basis of a written undertaking by that other person to take specified steps sufficient to ensure, so far as is reasonably practicable, that the article will be safe and without risks to health when properly used, the undertaking shall have the effect of relieving the first-mentioned person from the duty imposed by subsection (1)(a) to such extent as is reasonable having regard to the terms of the undertaking.

(9) Where a person ("the ostensible supplier") supplies any article for use at work or substance for use at work to another person ("the customer") under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, and the ostensible supplier—

(a) carries on the business of financing the acquisition of goods by others by means of such agreements; and

(b) in the course of that business, acquired his interest in the article or substance supplied to the customer as a means of financing its acquisition by the customer from a third person ("the effective supplier"), the effective supplier and not the ostensible supplier shall be treated for the purposes of this section as supplying the article or substance to the customer, and any duty imposed by this section on a supplier shall be imposed on the effective supplier and not on the ostensible supplier.

(10) For purposes of this section, an article or substance is not to be regarded as properly used where it is used without regard to any relevant information or advice relating to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.

(11) A person who fails to carry out a duty imposed by this section commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Notice of
accidents and
dangerous
occurrences.

21. (1) An employer or self-employed person shall notify the area occupational safety and health officer of any accident, dangerous occurrence, or occupational poisoning which has occurred at the workplace.

(2) Where an accident in a workplace, causes the death of a person therein, the employer or self employed person shall—

(a) inform the area occupational safety and health officer within twenty-four hours of the occurrence of the accident; and

(b) send a written notice of the accident in the prescribed form to the area occupational safety and health officer within seven days of the occurrence of the accident.

(3) Where an accident in a workplace causes non-fatal injuries to a person therein, the employer shall send to the area occupational safety and health officer, a written notice of the accident in the prescribed form within seven days of the occurrence of the accident.

(4) In the case of death due to a workplace accident, non-fatal injuries arising from a workplace accident, an occupational disease or a dangerous occurrence at the workplace, involving a self-employed person incapable of submitting notification, such notification shall be submitted to the area occupational safety and health officer by the occupier.

(5) An employer shall cause all workplace injuries to be entered in the general register specified in section 122.

(6) Where a person injured in an accident dies after the accident is notified under this section, the employer shall send a notice of the death in writing, to the area occupational safety and health officer as soon as he is informed of the death.

(7) Where an accident to which this section applies occurs to an employee and the occupier of the workplace is not the employer of the person injured or killed, the employer of that employee, shall, immediately report the accident to the occupier or, the Director and the area occupational safety and health officer.

(8) The provisions of this section shall extend and apply to the dangerous occurrences specified in the First Schedule

(9) The Minister may, on the advice of the Council, by notice in the Gazette amend the First Schedule.

(10) A person who fails to notify an accident or a dangerous occurrence as required under this section commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Notification of occupational diseases.

22. (1) A medical practitioner attending a patient who he believes to be suffering from any disease specified in the Second Schedule, contracted in any workplace, shall within seven days of attending the patient unless such a notice has been previously sent, send to the Director, a notice stating the name and full postal

address of the patient, the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the workplace in which the patient was last employed.

(2) A medical practitioner who fails to send a notice in as required by subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings.

(3) An occupier shall send a written notice of any disease, specified in the Second Schedule, occurring in a workplace to the Director and the provisions of section 21 with respect to the notification of accidents shall mutatis mutandis apply to any notification of diseases.

(4) The Minister may, by rules apply the provisions of this section to all workplaces or any class or description of workplace to any disease other not specified in the Second Schedule.

Part III- Administration

The Director.

23. (1) There shall be a Director of Occupational Safety and Health Services who shall be responsible for the administration of this Act.

(2) The Director shall be—

- (a) an ex officio member of the Council but shall have no right to vote; and
- (b) the secretary of the Council.

(3) The Director shall ensure adequate consultations on proposed occupational safety and health standards regulations, and codes of practice.

(4) The Director shall—

(a) develop a five year strategic plan for improving occupational safety and health; and

(b) ensure that the plan specified in paragraph(a) meets the existing and future needs of industry and the community.

(5) The Director may, after consultation with the technical advisory committee established under section 30, issue a certificate of approval to a competent person to carry out—

(a) examination and testing of plants and equipments;

(b) medical examination of employees;

(c) medical surveillance on the health of persons employed;

(d) safety and health audits of workplaces; or

(e) any other function necessary under Act.

- (6) A certificate of approval issued under this section shall be renewed annually.
- (7) The Director may at any time revoke a certificate of approval issued under subsection (5).
- (8) The Director—
 - (a) shall promote education and training in occupational safety and health;
 - (b) shall collect and disseminate information on occupational safety and health;
 - (c) shall promote occupational safety and health in all workplaces and in the community to encourage a safety and health culture in workplaces;
 - (d) may conduct training for enterprises, self employed persons, individuals and occupational safety and health officers;
 - (e) may after consultation with the technical advisory committee, approve in writing training institutions providing occupational safety and health training.
- (9) A notice or certificate issued by the Director under this section may be issued for a limited period and may be varied or revoked by the Director.

Research and related activities.

- 24.** (1) The Director shall conduct directly or in collaboration with other persons or bodies, research, experiments and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques and approaches of dealing with occupational safety and health problems.
- (2) The Director shall develop specific plans for such research, demonstration, and experiments as are necessary to produce criteria, including criteria for identifying toxic substances, for the formulation of safety and health standards under this act; and the Director on the basis of such research, demonstration, and experiments, or any other information available to him, shall develop and publish the criteria necessary for the purposes of this Act.
- (3) The Director shall develop criteria to deal with toxic material and harmful physical substances and agents which shall describe exposure levels that are safe for various periods of employment, including, but not limited to the exposure level, at which no employee will suffer impaired health, functional capacities or diminished life expectancy as a result of his work experience.
- (4) The Director shall conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in this Act and shall also conduct research into the motivational and behavioural factors relating to the field of occupational safety and health.
- (5) In order to develop needed information regarding potentially toxic substances or harmful physical agents, the Director, may with the approval of the Minister,

	<p>prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which may endanger the health or safety of employees and may by such regulations, establish such programmes of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illness.</p> <p>(6) The Director shall establish a safety and health institute to be known as the Occupational Safety and Health Institute to undertake research into all aspects of safety and health and to conduct safety and health skills training for occupational safety and health officers and other persons.</p>
Collection, of occupation safety and health statistics.	<p>25. In order to further the purposes of this Act, the Director shall develop and maintain an effective programme of collection, compilation and analysis of occupational safety and health statistics which shall cover work injuries and illnesses including all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.</p>
Appointment of occupational safety and health officers.	<p>26. (1) There shall be such senior deputy directors, deputy directors, assistant directors and occupational safety and health officers and such other officers as may be necessary, for the purposes of this Act.</p> <p>(2) No person shall be appointed under subsection (1) unless that person is the holder of a degree in science, medicine, engineering, chemistry, physics, biochemistry, nursing, zoology, computer science, occupational safety and health or industrial hygiene;</p> <p>(3) Notice of the appointment of an occupational safety and health officer shall be published in the Gazette.</p> <p>(4) The Director shall issue to every officer appointed under this section a certificate of authorization, which shall be produced on demand to the occupier or any person in charge of a workplace, which the officer intends to enter pursuant to this Act.</p>
Establishment of the National Council for Occupational Safety and Health.	<p>27. (1) There shall be a National Council for Occupational Safety and Health which shall advise the Minister on——</p> <p>(a) the formulation and development of national occupational safety and health, policy framework;</p> <p>(b) legislative proposals on occupational safety and health, including ways and means to give effect to International Labour Organization Conventions, and other international conventions and instruments relating to occupational safety, health, compensation and rehabilitation services;</p> <p>(c) strategic means of promoting the best practices in occupational safety and health.</p>

- (d) the establishment, maintenance and development of a safety and health preventative culture;
 - (e) reviewing the of provisions of this Act, rules and regulations, standards, industry codes of practice;
 - (f) the statistical analysis of work related deaths and injuries; and
 - (g) such other matters affecting occupational safety, health, as it considers desirable in the interest of improving the quality of working life in Kenya.
- (2) Without limiting subsection (1), the Director may advise the Council on the formulation and publication of standards, specifications or other forms of guidance for the purpose of assisting employers, employees and other users to maintain appropriate standards of occupational health and safety.
- (3) The Council shall, at the request of the Minister and may of its own motion, investigate and make recommendations to the Minister on any matter connected with the safety and health of persons at work.
- (4) The Council may—
- (a) establish committees in respect of different industries for the purpose of assisting the Council to perform its functions in relation to industry codes of practice; and
 - (b) establish such other committees as it deems necessary for the purpose of assisting the Council to perform its functions.
- (5) A committee shall consist of such number of persons as may be appointed by the Council from among its members.
- (6) The Council shall consider recommendations made to it by any one of its committees or any other person.
- (7) The Council shall perform such other functions as the Minister may, from time to time assign to it.

**Membership
of the
Council.**

- 28.** (1) The Council shall consist of a chairman and the members specified in subsection (2) who shall be appointed by the Minister by notice in the Gazette.
- (2) The members of the Council shall be—
- (a) one representative from each of the following ministries—
 - (i) health;

- (ii) agriculture;
 - (iii) livestock development;
 - (iv) industry;
 - (v) water development;
 - (vi) local authorities; and
 - (vii) education;
- (b) one representative from each of the following organisations and Government departments—
- (i) the Government Chemist
 - (ii) the Kenya Bureau of Standards
 - (iii) the Central Bureau of Statistics;
 - (iv) the Commissioner of Insurance;
 - (v) the Association of Kenya Insurers;
 - (vi) the public universities;
 - (vii) the National Environmental Management Authority.
 - (viii) the National Council for Science and Technology;
 - (ix) the most representative employers organisation;
 - (x) the most representative workers' organisation;
 - (xi) the Kenya Occupational Safety and Health Association, and
- (c) three persons with relevant qualifications and experience in occupational safety and health who shall not be public officers.
- (3) The chairman of the Council shall be a person who has demonstrated ability to manage occupational safety and health at the policy level or enterprise level.
- (4) In appointing a person as a member the Minister may consider the person's practical experience, and competence, in the management of occupational safety and health or related field.
- (5) The Council may co-opt any number of persons with expert knowledge and experience whose assistance or advice it may require, but a person so co-opted shall not vote in a meeting of the Council or be counted as a member thereof for purposes of forming a quorum.

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	<p>(6) The provisions of the Third Schedule shall apply to the members of the Council.</p> <p>(7) The Minister shall with the approval of Treasury determine the allowances of the members of the Council.</p>
Annual Report.	<p>29. As soon as practical, but within three months after the end of each financial year, the Council shall prepare and give to the Minister a report on the Council's operations for the year.</p>
Technical advisory committee.	<p>30. (1) The Director may from time to time constitute a technical advisory committee.</p> <p>(2) A technical advisory committee shall consist of the Director as chairman and not less than five other members from relevant occupational safety and health disciplines.</p>
Functions of the technical advisory committee.	<p>31. (1) A technical advisory committee shall—</p> <ul style="list-style-type: none"> (a) approve persons for purposes of this Act; (b) approve institutions or firms to carry out laboratory tests and analysis of substances and articles for use at workplaces; (c) approve training syllabi to be used by organizations, institutions, firms or consultants offering occupational safety and health courses; (d) ensure professional ethics of all approved persons and institutions; (e) formulate and publish standards and specifications or other forms of guidance for the purpose of assisting employers, employees and other users to maintain adequate standards of occupational safety and health at the workplace; (f) promote education and training in occupational safety and health; (g) collect and disseminate information on occupational safety and health; and (h) carryout any other activity relating to occupational safety and health; <p>(2) The Minister shall, with approval of the Treasury determine the allowances for the members of the committee.</p>

Powers of an occupational safety and health officer.

- 32. (1)** An occupational safety and health officer shall, for the purpose of the execution of this Act, have power to do all or any of the following things—
- (a) to enter, inspect and examine, by day or by night, a workplace, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter, inspect and examine, by day, any place which he has reasonable cause to believe to be a workplace and any part of any building of which a workplace forms part and in which he has reasonable cause to believe that explosive, highly inflammable or any other hazardous materials are stored or used:
 Provided that—
 - (i) an occupational safety and health officer shall, whenever it is practicable so to do and will not in his opinion defeat the object of his inspection, notify the occupier or some other person in authority at a workplace of his arrival at the workplace for the purpose of inspecting it;
 - (ii) when an occupational safety and health officer has inspected a workplace without having first given the notification referred to in paragraph (i) of this proviso, he shall, within a reasonable time after such inspection, inform the occupier and the Director in writing of the reason why no notification was given;
 - (b) with regard to any place of work which he has power to enter, to direct that those premises or any part of them or anything therein, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation;
 - (c) to take such measurements and photographs and making such recordings as he may consider necessary for the purposes of any examinations or investigation under this Act;
 - (d) to develop and print photographs of scenes of occupational accidents;
 - (e) take and remove samples of any articles or substances found at any place of work which he has power to enter and of the atmosphere in or in the vicinity of such a place of work subject to the employer being notified of any sample so taken;
 - (f) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
 - (g) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act and to inspect, examine and copy any of them;
 - (h) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act, and of the enactments for the time being in force relating to public health, are complied with, so far as respects a workplace and any persons employed in a workplace;
 - (i) to require any person whom he finds in a workplace to give such information as it is in his power to give as to who is the occupier of the workplace;

(j) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a workplace, or whom he has reasonable cause to believe to be or to have been within the preceding six months employed in a workplace, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to incriminate himself;

(k) in the case of an occupational safety and health officer who is a medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act; and

(l) to exercise such other powers as may be necessary for the purposes of this Act.

(2) The occupier of every workplace, and his agents and servants, shall furnish the means required by an occupational safety and health officer as necessary for an entry, inspection, examination or inquiry, or the taking of samples, or otherwise for the exercise of his powers, under this Act in relation to that workplace.

(3) An occupational safety and health officer shall in the case of any article found in any premises which he has power to enter, being an article or substance which appears to him to have caused or is likely to cause danger to safety or health, cause it to be dismantled or subjected to any process or test but not to damage or destroy it unless this is in the circumstances necessary.

(4) In the case of any article or substance specified in subsection (3) an occupational safety and health officer may take possession of it and detain it for so long as is necessary for any of the following purposes —

(a) to examine it and do to it any thing which he has power to do under this Act;

(b) to ensure that it is not tampered with before his examination of it is completed; and

(c) to ensure that it is available for evidence in any proceedings for an offence under this Act; and

(d) to summon in writing any person whom he has reasonable cause to believe to be able to give any information relevant to any inspection, examination or investigation, to attend at a time and place specified and to give such information or to produce any relevant document.

(5) No person shall, in relation to any investigation or inquiry under this Act—

(a) without reasonable justification fail to comply with a lawful summon, request or order issued or given by an occupational safety and health officer.

(b) refuse or fail to answer to the best of his knowledge any question lawfully put to him by or with the concurrence of an occupational safety and health officer.

Provided that no person shall be obliged to answer any question whereby he may incriminate himself;

(c) in any manner whatsoever advise, encourage incite order or persuade any person who has been directed summoned, requested or ordered to do something by an occupational safety and health officer not to comply with such direction, summons, request order or in any manner prevent him from doing so;

(d) refuse or fail when required thereto by an occupational safety and health officer to furnish him with the means or to render him the necessary assistance for holding such inquiry;

(e) refuse or fail, when required thereto by an occupational safety and health officer to attend an inquiry; or

(f) intentionally insult the occupational safety and health officer or intentionally interrupt the proceedings thereof with a view to defeat the purpose of investigation, inspection or inquiries.

(6) If any person willfully delays an occupational safety and health officer in the exercise of any power under this section, or fails to comply with the requisition of an occupational safety and health officer in pursuance of this section or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or willfully withholds any information as to who is the occupier of any workplace, or conceals or prevents, or attempts to conceal or prevent, or attempts to conceal or prevent, a person from appearing before or being examined by an occupational safety and health officer, that person shall be deemed to obstruct an occupational safety and health officer in execution of his duties under this Act.

(7) Where an occupational safety and health officer is obstructed in the execution of his powers or duties under this Act, the person obstructing him commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months; or to both

(8) An occupier of a workplace where an occupational safety and health officer is so obstructed shall be deemed to have committed the offence specified in subsection (7).

Power of occupational safety and health officer to conduct proceedings.

33. (1) An occupational safety and health officer may, although he is not an advocate, prosecute, conduct or defend before a magistrate's court any charge, information, complaint or other proceeding arising under this Act, or in the discharge of his duty as occupational safety and health officer.

(2) It shall not be an objection to the competency of an occupational safety and health officer to give evidence as a witness in any prosecution for an offence under this Act that the prosecution is brought at his instances or conducted by him.

Power to take samples.

34. (1) An occupational safety and health officer may at any time, after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the workplace, take for analysis sufficient samples of any substance used or intended to be used in a workplace, being a substance in respect of which he suspects a contravention of any rule made under this Part, or which he thinks may prove on analysis to be likely to cause bodily injury to the persons employed.

(2) The occupier, the manager or other responsible person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the occupational safety and health officer to divide the same into three parts, and to mark and seal or fasten up each part in such manner as its nature permits, and—

(a) to deliver one part to the occupier, or the manager or other responsible person aforesaid;

(b) to retain one part for future comparison;

(c) to submit one part to the analyst, and any analysis under this section shall, if so required, be carried out by the Government Chemist or a laboratory approved by the director.

(3) A certificate purporting to be a certificate by the Government Chemist or a laboratory approved by the Director as to the result of an analysis of a sample under this section shall in any proceedings under this Act, be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection that commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

Power to deal with cause of imminent danger.

35. (1) Where, in the case of any article or substance found by him in any premises which he has power to enter, an occupational safety and health officer has reasonable cause to believe that, in the circumstances in which he finds it, the article or substance is a cause of imminent danger or serious personal injury, he may seize it and cause it to be rendered harmless (whether by destruction or otherwise).

(2) Before any article or substance that forms part of a batch of similar articles or any substance is rendered harmless under this section the occupational safety and health officer shall, if it is practicable for him to do so, take a sample of the article or substance and give to a responsible person at the premises where he found it a portion of the sample marked in a manner sufficient to identify it.

(3) As soon as an article or substance has been seized and rendered harmless under this section, the occupational safety and health officer shall prepare and sign a written report giving particulars of the circumstances in which the article or

substance was seized and dealt with by him, and shall—

(a) give a signed copy of the report to a responsible person at the premises where the article or substance was found by him; and

(b) unless the person is the owner of the article or substance, also serve a signed copy of the report to the owner.

Improvement notices.

36. If an occupational safety and health officer is of the opinion that a person—

(a) is contravening any of the provisions of this Act or rules made there under; or

(b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

he may serve on that person a notice (in this Part referred to as “an improvement notice”) stating that he is of that opinion, specifying the provision or provisions in respect of which he is of that opinion, giving particulars of the reasons why he is of that opinion and requiring that person to remedy the contravention or, as the case may be, the matters occasioning it within such period ending not earlier than the period within which an appeal against the notice can be brought under section 38 as may be specified in the notice

Provisions on prohibition notices and improvement notices.

39. (1) In this section “a notice” means an improvement notice or prohibition notice.

(2) A notice may but need not, include directions as to the measures to be taken to remedy any contravention or matters to which the notice relates, and any such directions may be framed to —

(a) any extent by reference to any code of practice approved by the Director; and

(b) afford the person on which the notice is served a choice between ways of remedying the contravention or matter.

(3) Where any of the provisions of this Act or the rules made there under apply to a building or any matter connected with a building, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to requirements of any building rules to which the building or matter would be required to conform.

(4) Before an occupational safety and health officer serves a notice in connection with any premises used or about to be used as a workplace, requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult the fire authority of the area in which the premises are located.

(5) Where an improvement notice or prohibition notice, which is to take immediate effect, has been served—

(a) the notice may be withdrawn by an occupational safety and health officer at any time before the end of the period specified therein in pursuance of section 36

or section 37, as the case may be; and

(b) the period so specified may be extended by an occupational safety and health officer at any time when an appeal against the notice is not pending.

Occupational safety and health officer not to disclose information or source of complaints.

40. (1) An occupational safety and health officer shall not disclose any information obtained by him in the course of his duties and the exercise of any of the powers conferred by section 32 (including in particular, any information with respect to any manufacturing process or trade secret obtained by him in any premises entered by him by virtue of any such power) except—

(a) for the purposes of his functions;

(b) for the purposes of any legal proceedings or any investigation or inquiry authorized by Government; or

(c) with the relevant consent, that is to say, in the case of information furnished in pursuance of a requirement imposed under section 32, the consent of the person who furnished it, and, in any other case the consent of a person having responsibilities in relation to the premises where the information was obtained.

(2) Subject to subsection (1), no occupational safety and health officer shall divulge to any person the source of any complaint bringing to his notice any defect or breach of any of the provisions of this Act, and shall give no information to any owner, or occupier that a visit or inspection of any workplace was made in consequence of the receipt of such complaint.

(3) An occupational safety and health officer who contravenes the provisions of subsection (1) and (2) commits an offence.

Indemnity of occupational safety and health officer.

41. No matter or thing done by an occupational safety and health officer shall if the matter or thing is done bonafide for the executing of the functions, powers or duties under this Act, render the officer personally liable for any action, claim or demand whatsoever

Safety and health advisor.

42. (1) Every safety and health advisor shall be issued with an annual certificate of authorization by the Director upon payment of the prescribed fee.

(2) A safety and health advisor shall not disclose any information obtained by him in the course of his duties, in respect of any manufacturing, process or trade secrets obtained by him in any premises entered by him except for purposes of—

—

(a) his functions under this Act; or

(b) any legal proceedings, investigations or inquiry authorized under this Act.

(3) A safety and health advisor who makes a report which is false or deficient in any material particular, or fails to send to the Director a copy of the report as

required, commits an offence and on conviction shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months. or to both

(4) A safety and health advisor who contravenes subsection (2) commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings.

Part V- Registration of Workplaces

Register of workplaces.

43. The Director shall keep a register of workplaces in which he shall cause to be entered such particulars in relation to every workplace required to be registered under this Act as he may consider necessary.

Registration of workplaces.

44. (1) Before any person occupies or uses any premises as a workplace, he shall apply for the registration of the premises by sending to the Director a written notice containing the particulars set out in the Fourth Schedule.

(2) Upon receipt of the notice referred to in subsection (1), the Director shall take such steps as may be necessary to satisfy himself that the premises are suitable for use as a workplace of the nature stated in the notice, and upon being so satisfied, shall cause the premises to be registered and shall issue to the applicant, upon payment of a prescribed fee, a certificate of registration in the form set out in the Fifth Schedule;

(3) The Director shall carry out the duties imposed upon him by this section with all practicable speed.

(4) All workplaces which were registered under the Factories and Other Places of Work Act (now repealed) shall be deemed to have been registered under this Act

(5) Any person who, without having been issued with a certificate of registration under subsection (2), occupies or uses any premises as a workplace commits an offence and shall, on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both, and, if the contravention in respect to which he is convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding seven days, or to both, for each day on which the offence is continued.

(6) Where the Director refuses to issue a certificate of registration under this section he shall, state in writing, the grounds of such refusal.

(7) The occupier of a workplace registered under this Act shall notify the Director in writing of any proposed change in the registered particulars of that workplace prior to effecting the change.

(8) The occupier of a workplace who fails to comply with the provisions of

subsection (7) commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding three months or to both.

(9) A person who is aggrieved by a decision of the Director made under this section may, within fourteen days from the date of the decision, appeal to an appeal committee appointed by the Minister under section 46.

(10) The Minister may, after consultation with the Council, make regulations to provide for—

- (a) workplaces to be excepted from registration under this Act;
- (b) the registration of premises where employees perform any work or where plant or machinery is used and the fee payable in respect of such registration;
- (c) the registration of plant and machinery and the fee payable in respect of such registration.

Exceptions to registration.

45. (1) The Minister may, after consultation with the Council, by notice in the Gazette, except some classes of workplaces from the requirements of section 44.

(2) The Minister may only except a class of workplaces under this section if he is satisfied that there are adequate arrangements in place for the protection of the safety and health of the affected employees.

(3) An exception granted under subsection (1) shall be subject to review by the Director every five years or such shorter period as he may deem necessary in order to assess the general status of the safety and health in the classes of workplaces thereby excepted, with a view to upholding the exception or withdrawing it.

(4) After the Council adopts a report of the review referred to in subsection (3), the Minister may, on the advice of the Council uphold or withdraw the exception.

(5) An occupier whose workplace has been excepted shall display a copy of the notice of exception at his workplace.

(6) An occupier of a workplace not excepted under subsection (1) shall renew the certificate of registration issued under section 44 annually or after such other period as the Minister may, in consultation with the Council, prescribe.

Appeals.

46. (1) The Minister shall appoint appeal committees for the purpose of considering any appeal made under sections 36, 37 and 44.

(2) An appeal committee shall consist of a chairman to be appointed by the Minister from among members of the Council and two other persons to be appointed by the Minister who, in his opinion, have experience and knowledge in matters relating to the subject matter of the appeal.

(3) A member of an appeal committee may be paid an allowance at such rate as

the Minister may determine with the approval of the Treasury.

(4) An appeal committee may, after hearing an appeal, confirm, revoke or vary a decision made by the Director under sections 36, 37, 38(3), or 44 and the decision of the appeal committee shall be final.

(5) An appeal committee shall determine and communicate its decision to the person making the appeal within fourteen days of the determination.

Part VI- Health- General Provisions

Cleanliness. **47.** (1) Every workplace shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of subsection (1)—

(a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;

(b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or by any other method;

(c) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircase, shall—

(i) where they have a smooth impervious surface, at least once in every period of twelve months, be washed with hot water and soap or cleaned by other suitable method;

(ii) where they are kept painted with oil paint or varnished, be repainted or varnished at least once in every period of five years, or such other period as the director may deem necessary, and at least once in every period of twelve months be washed with hot water and soap or cleaned by other suitable method; and

(iii) in other cases, be kept whitewashed or colour washed, and the whitewashing or colour washing shall be repeated at least once in every period of twelve months.

Provided that where it appears to the Minister that in any class or description of workplaces or part thereof any of the provisions of this section are not required for the purpose of keeping the workplace in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to any workplace, or part of a workplace, of that class or description, or shall apply as varied by the order.

(2) An occupier who contravenes the provisions of this section commits an offence.

Ventilation. **49.** (1) An occupier shall ensure that effective and suitable provision is made for securing and maintaining, by the circulation of fresh air in each workroom, the adequate ventilation of the room.

Lighting.	<p>(2) The Minister may by rules, prescribe a standard of adequate ventilation for workplaces or for any class or description of workplaces or part thereof and for any other places of work.</p> <p>(3) An occupier who contravenes the provisions of this section commits an offence.</p> <p>50. (1) An occupier shall ensure that effective provision is made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of his workplace in which persons are working or passing.</p> <p>(2) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable be kept clean on both the inner and outer surface and free from obstruction:</p> <p>Provided that this subsection shall not affect the white-washing or shading or windows and skylights for the purpose of mitigating heat or glare.</p> <p>(3) Nothing in subsections (2) and (3) or in any rules made there under, shall be considered as enabling direction to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular source of light.</p> <p>(4) An occupier who contravenes the provisions of this section commits an offence.</p>
Drainage of floors.	<p>51. Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.</p>
Sanitary conveniences.	<p>52. (1) Sufficient and suitable sanitary conveniences for the persons employed in the workplace shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences; and, where persons of both sexes are or are intended to be employed (except in the case of workplaces where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.</p> <p>(2) The Minister may make rules for determining for workplaces or for any class or description of workplace what is sufficient and suitable provision for the purpose of this section.</p>
Enforcement of section 52 by local authorities.	<p>53. The provisions of section 52 and of any rules made there under shall, in such areas as the Minister may by notice in the Gazette direct, be enforced by the local authority.</p>
Duty of	<p>54. Where an occupational safety and health officer finds any act or default in</p>

occupational safety and health officer as to sanitary defects remediable by local authority.

relation to any drain, sanitary convenience, water supply, nuisance or other matter in a workplace which is liable to be dealt with by the local authority under this Part or under the law relating to public health, he shall give notice therefore in writing to the local authority

Part VII- Machinery Safety

Safe use of plant, machinery and equipment.

55. All plant, machinery and equipment whether fixed or mobile for use either at the workplace or as a workplace, shall only be used for work which they are designed for and be operated by a competent person.

Prime movers.

56. (1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except prime mover referred to in subsection (3), shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

(2) The head and tailrace of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of an electric generator, motor and rotary converter, and every flywheel directly connected thereto, shall be securely fenced.
 Transmission machinery.

Transmission machinery.

57. (1) Every part of transmission machinery shall be securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) Every machine intended to be driven by mechanical or any other type of power shall be provided with an efficient starting and stopping appliance, the control of which shall be in such a position as to be readily and conveniently operated by the person operating the machine.

(4) No driving-belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(5) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving-belts to and from fast and loose pulleys which form part of the transmission machinery and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving-belt from creeping back on to the fast pulley.

(6) The Director may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any of the

requirements of subsections (2), (3), (4) and (5) in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Other machinery.

58. (1) Every dangerous part of any machinery, other than prime movers and transmission machinery shall be securely fenced:
 Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with the part.

(2) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced.

Hand held and portable power tools and equipments.

59. (1) Every employer shall—

(a) be responsible for the safe condition of tools and equipment used by his employees, including tools and equipment which may be furnished by the employees;

(b) ensure that no equipment or portable power tools shall be used in an environment that contains or is likely to contain flammable vapours or substances unless they are intrinsically safe for such environments.

(2) All power driven portable and hand held tools shall have their operating controls so located as to minimise the possibility of their accidental operation if such an accidental operation would constitute a hazard to the worker or other persons.

Construction and maintenance of fencing.

60. All fencing or other safeguards provided in pursuance of the provisions of this Part shall be of substantial construction, constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use.

Construction and disposal of new machinery.

61. (1) Where any machine in a workplace is a machine intended to be driven by mechanical power—

(a) every set-screw, bolt or key on any revolving shaft spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and

(b) all spur and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased.

(2) An importer, manufacturer, designer or supplier of machinery, plant, and equipment shall avail information concerning the correct installation, use, maintenance and disposal of the machinery, plant and equipment and provide information on any likely hazards and means to prevent or control them.

(3) A person who sells or lets on hire, or as agent of the seller or hirer, causes or procures to be sold or let on hire, knowing it to be for use in a workplace in Kenya, any machine intended to be driven by mechanical power which does not comply with the requirements of this section commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand shillings.

Self acting machines.

62. (1) No traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of fifty centimetres from any fixed structure not being part of the machine.

(2) An occupier shall ensure that all practicable steps are taken to instruct the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

Hoists and lifts.

63. (1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, free from patent defect and be properly maintained.

(2) Every hoist or lift shall be thoroughly examined at least once in every period of six months or after any modifications or extensive repairs or within a shorter period, by a person approved for the purposes of this section by the Director by certificate in writing, and a report of the result of every such examination, in the prescribed form and containing the prescribed particulars, shall be signed by the person carrying out the examination and shall be entered in or attached to the general register within fourteen days of the examination.

(3) Where the examination under subsection (2) shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report, shall—

(a) inform the area occupational safety and health officer within twenty-four hours of the completion of the examination who may then issue an improvement notice or a prohibition notice as appropriate; and

(b) send a written notice of the examination in the prescribed form containing the prescribed particulars to the area occupational safety and health office within seven days of its occurrence.

(4) Every hoist way or lift way shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the hoist way or liftway or coming into contact with any moving part of the hoist or lift.

(5) A gate referred to in subsection(4) shall be fitted with efficient interlocking or other devices to ensure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.

(6) Every hoist or lift and every enclosure shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(7) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on any hoist or lift.

(8) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise—

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;

(b) every cage shall, on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to ensure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened; and

(c) where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(9) Where a hoist or lift is not connected with mechanical power—

(a) in subsection (2) the reference to six months shall be substituted by a reference to twelve months;

(b) subsection (5) shall be substituted by the following subsection—

(5) Any gate referred to in subsection (4) shall be kept closed and fastened except when the cage or platform is at rest at the landing; and

(c) subsection (8) shall not apply,

(10) For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

Chains, ropes and lifting tackle.

64. (1) The following provisions shall be complied with respect to every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials—

(a) no chain, rope or lifting tackle shall be used unless it is of good construction ,

sound material, adequate strength and free from patent defect;

(b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be prominently displayed on the premises, so, however, that the provisions of this paragraph shall not apply in relation to any lifting tackle if the safe working load thereof, or in the case of a multiple sling the safe working load at different angles of the legs, is plainly marked upon it;

(c) no chain, rope or lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table referred to in paragraph (b) or marked upon it;

(d) all chains, ropes and lifting tackle in use shall be thoroughly examined at least once in every period of six months, or at such greater intervals as the Director may in any particular case permit, by a person approved for the purposes of this section by the Director by certificate in writing;

(e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be used in any workplace for in that workplace unless it has been tested and thoroughly examined by a person approved by the Director for the purposes of this section, and a certificate of such a test and examination, specifying the safe working load and signed by the person carrying out the test and examination, has been obtained and is kept available for inspection:

Provided that the provisions of this paragraph shall not apply as respects any chain, rope or lifting tackle in respect of which there has been obtained, and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the chain, rope or lifting tackle;

(f) every chain and lifting tackle, except a rope sling, shall, unless of a class or description exempted by the Director by notice published in the Gazette, be annealed at least once in every fourteen months, or, in the case of a chain or sling of half-inch bar or smaller, or chain used in connexion with molten metal or molten slag, in every six months, so, however, that a chain and lifting tackle not in regular use need be annealed only when necessary.

(2) In this section, "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.

Cranes and other lifting machines.

65. (1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All parts and gear referred to in subsection (1) shall be thoroughly examined, at least once in every period of twelve months, or after any modifications or extensive repairs or within a shorter period, by a person approved for the purposes of this section by the Director by certificate in writing.

(3) No lifting machine shall be used in any workplace, for the first time in that workplace, unless it has been tested and all the parts and working gear of the

machine specified in subsection (1) have been thoroughly examined, by a person approved by the Director for the purposes of this section and a certificate of the test and examination, specifying the safe working load or loads of the machine and signed by the person who carried out the test and examination, has been obtained and is kept available for inspection:

Provided that the provisions of this subsection shall not apply with respect to any lifting machine in respect of which there has been obtained, and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the machine.

(4) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength, and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.

(5) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(6) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (5).

(7) If any person is employed or is working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within six metres of that place.

(8) A lifting machine shall not be operated except by a person who is trained and possesses a certificate in writing to that effect from a recognised institution, to operate that machine, except that it shall be permissible for such machine to be operated by a person who is under the direct supervision of a qualified person for the purposes of training, and no person under the apparent age of eighteen years of age shall be employed to operate any lifting machine driven by mechanical power or to give signals to the operator of any such machine.

(9) In this section, "lifting machine" includes a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway used for raising or lowering of goods.

Register of chains, ropes and lifting tackle and lifting machines.

66. A register, containing the particulars set out in the Sixth Schedule, shall be kept in every workplace with respect to all chains, ropes or lifting tackle except fibre rope slings, to which section 64 applies, and with respect to all lifting machines to which section 65 applies.

**Steam
boilers.**

67. (1) Every steam boiler and all its fittings and attachments shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) Every steam boiler, whether separate or one of a range shall —

(a) have attached to it—

(i) a suitable safety valve, separate from and incapable of being isolated by any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler, and a suitable stop-valve connecting the boiler to the steam pipe;

(ii) a correct steam pressure gauge, connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in kilograms per square centimetre and have marked upon it, in a distinctive colour, the maximum permissible working pressure;

(iii) at least one water gauge, of transparent material or other type approved by the Director, to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds two point eight kilograms per square centimetre, the gauge shall be provided with an efficient guard but not so as to obstruct the reading to the gauge;

(iv) where it is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible;

(b) be provided with means for attaching a test pressure gauge; and

(c) be provided with a suitable fusible plug or an efficient low-water alarm device:

Provided that subparagraph (ii) of paragraph (a) shall not apply with respect to economizers, and subparagraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c), shall not apply with respect to economizers or superheaters.

(3) For the purposes of subsection (2), a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(4) Every steam boiler attendant shall be properly instructed on his duties.

(5) No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

(a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or

(b) all valves or taps controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boiler or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(6) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for persons employed.

(7) The boiler room shall be kept clean and shall not be used as a resting place or storeroom or for any other purpose at any given time.

(8) Every steam boiler and all its fittings and attachments shall be thoroughly examined by an approved person, at least once in every period of twelve months, and also after any modifications or extensive repairs:

Provided that the person carrying out any such examination may specify in writing a period exceeding twelve months but not exceeding fifteen months within which the next examination is to be carried out.

(9) Any examination in accordance with the requirements of subsection (8) shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economizer or super heater, of an examination when it is under normal steam pressure; the examination under steam pressure shall be made as soon as possible after the examination of the boiler when cold, and the person carrying out the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(10) The Seventh Schedule shall apply in respect of an examination of a boiler when it is cold.

(11) A report of the result of an examination under subsection (8) shall be made in the prescribed form and containing the prescribed particulars, including particulars of the maximum permissible working pressure, and shall be signed by the person who carried out the examination as soon as practicable and in any case within twenty-eight days of the completion of the examination and be entered in or attached to the general register.

(12) For the purposes of subsections (11), (13) and (14), the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(13) No steam boiler which has previously been used shall be taken into use in any workplace or premises for the first time in that workplace or premises until it has been examined and reported on in accordance with subsections (8), (9) and (11).

(14) No new steam boiler shall be taken into use for the first time in any workplace unless there has been obtained in respect thereof—

(a) the manufacturer's complete specifications which shall include full details of the composition and physical properties of all rivets, plates, sections, tubes, bars and electrodes used for pressure part;

(b) dimensional drawings of the complete boiler showing the thickness of plates, details of riveting and the position and extent of all welds;

(c) the manufacturer's certificate of test; and

(d) a certificate specifying the maximum permissible working pressure of the boiler, stating the nature of the tests to which the boiler, attachments and fittings have been submitted, issued and signed by the person making the examination.

(15) The person carrying out an examination under this section shall within twenty four hours of the examination, report to the area occupational safety and health officer, any defect which would render the boiler imminently dangerous if not rectified immediately.

(16) The person making the report of an examination under this section shall, within seven days, after completion of the examination, send to the area occupational safety and health office, a copy of the written report in every case where the maximum permissible working pressure is reduced, or where the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time and the officer in charge of the office may, on the basis of the report, issue an improvement notice or prohibition notice as appropriate.

(17) If the person making the examination under this section fails to carry out a thorough examination as required by this section, makes a report which is false or deficient in any material particular, or fails to send to the Director a copy of any report as required, that person commits an offence shall a conviction be liable to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

(18) Where the report of any examination under this section specifies conditions for securing the safe working pressure of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(19) In this section—

"approved person" means any person who is approved by the Director, by certificate in writing, to carry out examinations of steam boilers in accordance with, and for the purposes of, this section and to issue the certificate referred to in subsection (11);

"maximum permissible working pressure", in the case of a new steam boiler means, that specified in the certificate referred to in subsection (14) of this section, and, in the case of a steam boiler which has been examined in accordance with this section, that specified in the report of the last examination.

Steam receivers and steam containers.

68. (1) Every steam receiver and all its fittings shall be of good construction, sound material, adequate strength, and free from patent defect, and shall be properly maintained.

(2) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with-

(a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure of the receiver being exceeded;

(b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded;

(c) a correct steam pressure gauge, which shall indicate the pressure of steam in the receiver in kilograms per square centimetre;

(d) a suitable stop valve;

(e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible;

and the safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(3) For the purposes of paragraphs (a), (b), (c) and (d) of subsection (2), any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purpose paragraphs (a), (b) and (c) of subsection (2), any other set of receivers supplied with steam through a single pipe may be treated as one receiver:

Provided that this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the said single pipe.

(4) Every steam receiver and all its fittings shall be thoroughly examined by an approved person, so far as the construction of the receiver permits, at least once in every period of twenty-four months or after repairs.

(5) A report of the result of every examination referred to in subsection (4), shall be in the prescribed form containing the prescribed particulars, including particulars of the safe working pressure and shall be entered in or attached to the general register shall be signed by the person who carried out the examination.

(6) No steam receiver which has previously been used shall be taken into use in any workplace for the first time in that workplace until it has been examined and reported on in accordance with subsections (4) and (5).

(7) No new steam receiver shall be used in a workplace for the first time unless there has been obtained from the manufacturer of the receiver, or from a person approved by the Director, a certificate specifying the safe working pressure of the receiver stating the nature of the tests to which the receiver and fittings have been submitted, and the certificate is kept available for inspection, and the receiver is so marked as to enable it to be identified as the receiver to which the certificate relates.

(8) No person shall use, in any workplace, a steam receiver, or a steam container which does not comply with the standards set out in this section.

(9) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(10) In this section—

“approved person” means any person who is approved by the Director, by certificate in writing, to carry out examinations of steam receivers in accordance with, and for the purposes of, this section and to issue the certificate referred to in subsection (6);

“maximum permissible working pressure” has the same meaning as in section 67;

“safe working pressure” means, in the case of a new steam receiver, that specified in the certificate referred to in subsection (6) and, in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

“steam container” means any vessel, other than a steam pipe or coil, constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure, or at approximately that pressure, for the purpose of heating, boiling, drying, evaporating or other similar purpose;

“steam receiver” means any vessel or apparatus other than a steam boiler, a steam container, a steam pipe or coil, or a part of a prime mover used for containing steam under pressure greater than atmospheric pressure.

Air receivers.

69. (1) Every air receiver shall—

(a) have marked upon it, so as to be plainly visible, the safe working pressure;

(b) in the case of a receiver connected with an air compressing plant either be so constructed as to withstand with safety, the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded;

(c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded;

(d) be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch;

(e) be fitted with a suitable appliance for draining the receiver;

(f) be provided with a suitable manhole, hand hole or other means which will allow the interior to be thoroughly cleaned; and

(g) in a case where more than one receiver is in use in the workplace, bear a distinguishing mark which shall be easily visible.

(2) For the purpose of the provisions of subsection (1) relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver:

Provided that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

(3) Every air receiver and its fittings shall be of sound construction and properly maintained.

(4) No person shall use in any workplace, an air receiver which does not comply with the standards set out in this section.

(5) Every air receiver shall be thoroughly cleaned and undergo a thorough examination by an approved person at least once in every period of twenty four months or after any extensive repairs:

Provided that in the case of a receiver of solid drawn construction—

(a) the person making any such examination may specify in writing, a period exceeding twelve months but not exceeding forty-eight months within which the next examination is to be carried out; and

(b) if it so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination,

every such examination and test shall be carried out by an approved person, and a report of the result of every such examination and test, shall be in the prescribed form containing the prescribed particulars, including particulars of the safe working pressure, be signed by the person who carried out the examination or test and be entered in or attached to the general register.

(6) In this section—

“air receiver” means-

(a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or

(b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine;
 “approved person” means any person who is approved by the Director, by certificate in writing for the purpose of carrying out examinations and tests of air receivers in accordance with, and for the purposes of this section.

Cylinders for compressed, liquefied and dissolved gases.

70. (1) Every cylinder for compressed, liquefied and dissolved gases, and its fittings, shall be-

(a) so designed as to be suitable for the particular circumstances of their use; and

(b) of sufficient strength to sustain the internal pressures to which they will normally be subjected.

(2) Every cylinder for compressed, liquefied and dissolved gases shall conform to a standard specification prescribed under [the Standards Act](#) or where a standard is not prescribed, a standard specification approved by the Director and the Kenya Bureau of Standards for purposes of this Act and shall be of good construction, sound material, adequate strength and free from patent defect.

(3) Every cylinder, when constructed or sold, shall be covered by the manufacturer’s test certificate showing compliance with the safety and health standards specifications prescribed under section 4, and the certificate shall be obtainable, during the whole life of the cylinder, from the owner of the cylinder.

(4) Every cylinder owner shall keep a cylinder maintenance register in which shall be noted, under the corresponding dates, all tests, internal and external examination, cleanings and repairs undertaken on the cylinder, and the register shall be available for inspection by an occupational safety and health officer at all times.

(5) It shall be the duty of a cylinder owner to ensure that all cylinders belonging to him are examined and tested and the results of such examinations and tests are entered in the cylinder maintenance register by a person approved by the Director by certificate in writing -

(a) before being placed in service for the first time; or

(b) before being placed in service after repairs other than changing the neck ring which carried the cap, re-tapping the neck or changing the foot-ring and;

(c) at intervals not exceeding two years in the case of cylinders for corrosive gases and five years in the case of cylinders for other gases.

(6) The test that a cylinder other than an acetylene cylinder shall undergo to comply with the provisions of subsection (5) shall comprise—

- (a) a hydraulic pressure test which shall exceed the maximum permissible working pressure; and
- (b) an internal and external examination in the accordance with the requirements of the standard specification referred to in subsection (2) of this section.

(7) The following particulars shall be clearly and boldly marked on every cylinder—

- (a) owner's name;
- (b) registered number as shown in maintenance register;
- (c) clear indication of the gas to be charged;
- (d) date of type of test undertaken;
- (e) country and year of manufacture;
- (f) permissible maximum charging pressure; and
- (g) standard specification used.

(8) Every cylinder for compressed, liquefied and dissolved gases shall be clearly marked for the purpose of identification of their contents in a colour conforming to a standard specification of cylinder colour markings.

(9) Markings required under the provisions of subsection (7) shall not be—

- (a) cut into the metal of the cylinder unless special reinforcement has been provided for that purpose; or
- (b) placed on the cap.

(10) In addition to the requirements of subsection (7), every cylinder for—

- (a) liquefied gases shall be clearly and boldly marked with the permissible maximum weight of the charge of gas for which the cylinder is designed;
- (b) the compressed gases shall be clearly and boldly marked with the permissible maximum weight of the charge of gas for which the cylinder is designed; and
- (c) the compressed gases shall be clearly and boldly marked with the cubic capacity.

(11) Before being charged for the purposes of subsection (10), every cylinder shall—

- (a) be carefully examined at the charging station to ensure that it complies with the provisions of this section; and

(b) except in the case of acetylene, be completely emptied.

(12) Every cylinder for liquefied gases with a critical temperature exceeding the usual ambient temperature shall not be completely filled in order to prevent the generation of dangerous pressure when used at temperatures exceeding this critical temperature, and, cylinders for liquefied gases shall be weighted during charging.

Refrigeration plants.

71. (1) Every refrigeration plant capable of being entered by an employee shall—

(a) have all control valves situated outside the cold storage room; and

(b) have all doors of cold storage room capable of being opened easily and quickly from the inside and outside.

(2) Every refrigeration plant which has a positive displacement compressor shall be provided with—

(a) an automatic pressure relief device for that compressor; and

(b) a suitable pressure gauge to indicate the discharge pressure from such plant.

(3) The occupier of a workplace in which a refrigeration plant specified in subsection (1) is in use, shall cause an approved person to examine, test and certify at least once in every period of twelve months the entire plant together with all its components and auxiliary parts.

(4) A report of the examination shall be in the prescribed form containing the prescribed particulars, be signed by the person making the examination and shall, as soon as practicable and in any case within twenty-eight days of the completion of the examination, be entered in or attached to the general register.

(5) In this section—

“approved person” means any person who is approved by the Director, by certificate in writing for the purpose of carrying out examinations and tests of refrigeration plants in accordance with, and for the purposes of this section.

Examination and testing of plants.

72. Any person who, for purposes of this Part, desires that an examination of any equipment or plant be carried out by a person approved for that purpose under this Part, and any person who desires to obtain the certificates referred to in sections 63, 64, 65, 67, 68, 69, 70 and 71 from any such approved person, may, on payment of the prescribed fee, request such an approved person to carry out the necessary tests and examination with a view to obtaining the certificate.

Part VIII- Safety- General Provisions

Vessels containing dangerous

73. (1) Every fixed vessel, structure, sump or pit of which the edge is less than one metre above the adjoining ground or platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to

Liquids.	<p>at least that height to prevent any person from falling into the vessel, structure, sump or pit.</p> <p>(2) A plant referred to in subsection (1) shall have a warning notice, indicating the nature of the danger, in a form readily understood by the persons in the workplace and shall be marked on or attached to the plant or, if this is not practicable, be posted in a conspicuous location near the plant.</p>
Storage.	<p>74. (1) All goods, articles and substances stored in a workplace shall be stored or stacked—</p> <p>(a) in such manner as will ensure their stability and prevent any fall or collapse of the stack;</p> <p>(b) in such manner as not to interfere with the adequate distribution of natural or artificial light, the natural ventilation systems, the proper operation of machines or other equipment, the unobstructed use of passageways, gangways or traffic lanes, and the efficient functioning of sprinkler systems, the unobstructed access to other fire extinguishing equipments within the workplace; and</p> <p>(c) on firm foundations not liable to overload any floor.</p> <p>(2) No goods, articles or substances shall be stored or stacked against a wall or partition unless the wall or partition is of sufficient strength to withstand any pressure caused thereby.</p>
Ladders.	<p>75. (1) Every ladder to be issued in workplace shall be of good construction, sound material adequate strength and suitable for the purpose for which it is used and shall be properly maintained.</p> <p>(2) No ladder shall be used unless—</p> <p>(a) it is securely fixed in a position to prevent it from slipping or falling, except that when this is impracticable, a person shall be stationed at the base of the ladder to prevent it from slipping or falling;</p> <p>(b) it stands on a firm and level footing except in the case of suspended ladder;</p> <p>(c) it is secured where necessary to prevent undue swaying or sagging;</p> <p>(d) it is equally and properly supported on each stile or side;</p> <p>(e) in the absence of adequate handhold, it extends at least one metre above the place of landing or the highest rung to be reached by the feet of the person using the ladder, or if this is impracticable, to the greatest height; and</p> <p>(f) there is sufficient space at each rung to provide adequate foothold.</p> <p>(3) Subsection (2) shall not apply to any folding stepladder, provided that it has a level and firm footing and is used in the fully open position with any spreaders locked.</p>

Ergonomics at the workplace.

- 76.** (1) Machinery, equipment, personal protective equipment, appliances and hand tools used in all workplaces shall comply with the prescribed safety and health standards and be appropriately installed, maintained and safe guarded.
- (2) Every employer shall take necessary steps to ensure that workstations, equipment and work tasks are adapted to fit the employee and the employee's ability including protection against mental strain.
- (3) Every manufacturer, importer and supplier or an agent of a manufacturer, importer and supplier of the machinery and equipment referred to in paragraph (1) shall ensure that the equipment complies with the safety and health standards prescribed under this Act and shall provide adequate and appropriate information including hazard warning signs.
- (4) An employer shall not require or permit any of his employees to engage in the manual handling or transportation of a load which by reason of its weight is likely to cause the employee to suffer bodily injury.

Safe means of access and safe place of employment.

- 77.** (1) All floors, steps, stairs, passages and gangways in a workplace shall be of sound construction and be properly maintained.
- (2) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.
- (3) There shall, so far as is practicable, be provided and maintained safe means of access to every place at which any person, has at any time, to work.
- (4) Necessary precautions including warning signs, shall be taken to prevent injury to employees and other persons at a workplace from mobile plants falling objects and objects ejected from machines and work processes.
- (5) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and, in the case of a staircase having two open sides, such a handrail shall be provided and maintained on both sides; and any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.
- (6) Sufficient clear and unobstructed space shall be maintained at every machine while in motion to enable the work to be carried on without unnecessary risk.
- (7) Where any person is to work at a place from where he is liable to fall a distance of more than three metres, then, unless the place is one which affords secure foothold and, where necessary, secure handhold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring

his safety.

(8) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure handhold on each side of the opening or doorway; the fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

(9) While any person is within a workplace for the purpose of employment or meals, the doors of the workplace, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the workplace from any building or from any enclosure in which the workplace is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

Fire prevention.

78. (1) All stocks of highly inflammable substances shall be kept either in a fire-resisting store or in a safe place outside any occupied building:

Provided that no such store shall be so situated as to endanger the means of escape from the workplace or from any part thereof in the event of a fire occurring in the store.

(2) Where highly flammable liquids are to be conveyed within a workplace they shall, where it is practicable so to do, be conveyed through a totally enclosed system incorporating pipe-lines and pumps or similar appliances but where conveyance of highly flammable liquids within a workplace through such a totally enclosed system is not practicable, they shall be conveyed in vessels which are so designed and constructed as to avoid so far as practicable, the risk of spilling.

(3) Where in any process or operation any highly flammable liquid is liable to be spilled or to leak, all reasonably practicable steps shall be taken to ensure that any highly flammable liquid, which is spilt, or leaks shall be contained or immediately drained off to a suitable container or to a safe place, or otherwise treated to make it safe.

(4) No means likely to ignite vapours from highly flammable liquids shall be present where a dangerous concentration of vapours from flammable liquids may reasonably be expected to be present.

(5) No person shall smoke, light or carry matches, lighters or other flame producing articles, or smoking materials, in any place in which explosive, highly flammable or highly combustible substances, are manufactured, used, handled or stored and the occupier shall take all practicable steps to ensure compliance with the foregoing provisions of this subsection, including the display at or as near as possible to every place in which this subsection applies, a clear and bold notice indicating that smoking is prohibited in that place.

Precautions in places where

79. (1) Where work has to be done inside any chamber, tank, vat, pit or other confined space, in which dangerous fumes are liable to be present—

dangerous fumes likely.

- (a) the confined space shall be provided with adequate means of egress; and
 - (b) no person shall enter the confined space for any purposes unless the following requirements are complied with—
 - (i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside; or
 - (ii) the person entering shall wear a suitable breathing apparatus; and
 - (c) suitable breathing apparatus a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible;
 - (d) a sufficient number of the persons employed shall be trained and practiced in the use of such apparatus and in the method of restoring respiration; and
 - (e) no person shall enter a confined space for any purpose unless authorized in writing by the occupier.
- (2) No person shall perform work in a confined space unless he is sufficiently trained and informed on hazards involved in confined spaces.

Precautions with respect to explosive or inflammable dust or gas.

- 80.** (1) Where, in connection with any grinding, sieving or other process giving rise to dust, there may escape into any workroom, dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, and by exclusion or effective enclosure of possible sources of ignition.
- (2) Where there is present in any plant used in any process referred to in subsection (1), dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connexion with the plant, of chokes, baffles and vents, or other equally effective appliances.
- (3) Where any part of a plant contains any explosive or highly flammable liquid, gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions—
- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the liquid, gas or vapour into the part or into any such pipe shall be effectively stopped by a stop valve or otherwise; and
 - (b) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the liquid, gas or vapour in the pipe or part of the plant to atmospheric pressure; and if any such fastening has been loosened or removed,

no explosive or flammable liquid, gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising there from, or to render them non-explosive or non-inflammable; and, if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The Director may, by certificate in writing and subject to any condition specified in the certificate, exempt any part of a plant from compliance with any of the requirements of subsection (3) in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Safety provisions in case of fire.

81. (1) In every workplace or workroom there shall be——

(a) provided and maintained, and conspicuously displayed and free from any obstruction so as to be readily accessible, means for extinguishing fire, which shall be adequate and suitable having regard to the circumstances of each case; and

(b) present, persons trained in the correct use of such means of extinguishing fire during all working hours.

(2) Every workplace shall be provided with adequate means of escape, in case of fire, for the persons employed therein, having regard to the circumstances of each case.

(3) All the means of escape referred to in subsection (2) shall be properly maintained and kept free from obstruction.

(4) The contents of any room in which persons are employed shall be so arranged that there is a free passageway for all persons working in the room to a means of escape in case of fire.

(5) All doors affording a means of exit from the workplace for the persons employed therein shall, except in the case of sliding doors, be constructed to open outwards.

(6) While any person is within a workplace for the purpose of employment or meals, the doors of the workplace, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the workplace from any building or from any enclosure in which the workplace is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(7) Every window, door or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in red letters of an

adequate size.

(8) There shall be marked on the floor of every workroom gangways to facilitate proper arrangement of the contents of the workroom with a view to keeping all fire extinguisher points and fire exits free from obstruction and for ensuring proper housekeeping.

(9) Every occupier of a workplace shall take effective steps to ensure that all the persons employed therein are familiar with the means of escape in case of fire, and with the routine to be followed in case of fire.

Evacuation procedures.

82. (1) Every occupier of a workplace shall design evacuation procedures to be used during any emergency and have the procedures tested at regular intervals.

(2) Every occupier shall take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate persons employed as appropriate.

(3) Every occupier shall be required to provide where necessary, measures to deal with emergencies and accidents including adequate first aid arrangements.

(4) Every occupier shall take effective steps to ensure that all persons employed are familiar with the means of escape in case of fire, and with the routine to be followed in case of fire or other emergency.

Part IX- Chemical Safety

The handling, transportation and disposal of chemicals and other hazardous substances.

83. (1) The Director shall, after consulting the Council, establish safety and health requirements based on risk assessments, technical standards and medical opinion, for the safe handling and transportation of chemicals and other hazardous substances.

(2) An employer shall not require or permit his employee to engage in the manual handling or transportation of a load which by reason of its nature is likely to cause the employee to suffer bodily injury.

(3) Any person supplying, distributing, conveying or holding in chemicals or other toxic substances shall ensure that they are packaged, conveyed, handled and distributed in a safe manner so as not to cause any ill effect to any person or the immediate environment.

(4) At every workplace where chemicals or other toxic substances are manipulated, the employer shall develop a suitable system for the safe collection, recycling and disposal of chemical wastes, obsolete chemicals and empty containers of chemicals to avoid the risks to safety, health of employees and to the environment.

Material safety data sheets.

84. (1) Every manufacturer, importer, supplier or distributor of chemicals shall make available to employers, material safety data sheets for chemicals and other hazardous substances, containing detailed essential information regarding their identity, supplier, classification of hazards, safety precautions and emergency procedures.

(2) A supplier of hazardous chemicals shall ensure that revised labels and chemical safety data sheets are prepared and provided to an employer whenever new and relevant safety and health information becomes available.

(3) Every employer shall ensure the availability at the workplace of material safety data sheets for all chemicals and other hazardous substances in use at the premises of the employer, containing detailed essential information regarding the identity, suppliers' classification of hazards, safety precautions and emergency procedures.

Classification of hazardous chemicals and substances.

86. (1) Every supplier of chemicals whether as a manufacturer, importer or distributor shall ensure that all chemicals are—

(a) classified according to their characteristics, properties such as toxicity, chemical, physical, corrosive and irritant; allergenic, sensitising, carcinogenic, teratogenic and mutagenic, effects as well as their effect on the reproductive systems;

(b) labelled in a way so as to easily understood by employees and other users, and so as to provide essential information regarding their classifications, the hazards they present and the safety precautions to be observed; and

(c) marked so as to indicate their identity.

Corrosive substances.

87. Where corrosive substances are used and there is danger of an employee being splashed thereby, the employer shall provide for use by an employee in case of an emergency—

(a) adequate and readily accessible means for drenching with water or any other appropriate substance; and

	(b) sufficient and suitable means of flushing the eyes, whole body or any other exposed part of the body, conveniently situated and marked, the location of which is made known to all employees.
Exposure limits to hazardous substances.	88. The Minister may, after consultation with the Council, establish or adopt exposure limits on hazardous substances in the workplace so as to protect persons employed.
Control of air pollution, noise and vibration.	<p>89. (1) In every workplace in which, in connexion with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom and the dust, fumes or impurity shall not be allowed to enter into the atmosphere without undergoing appropriate treatment to prevent air pollution or other ill-effect to life and property.</p> <p>(2) No stationary internal combustion engine shall be used unless provision is made for conducting the exhaust gases from the engine into the open air and the exhaust gases shall not be allowed to enter the atmosphere without undergoing appropriate treatment so as to prevent air pollution, or other ill effect to life and property.</p> <p>(3) In every workplace where the level of sound energy or vibration emitted can result in hearing impairment or be harmful to health or otherwise dangerous, all practicable measures shall be taken by the employer to ensure the elimination or control of such sound energy for purposes of protecting any person who may be exposed.</p> <p>(4) In every workplace where any vibration, which is transmitted to the human body through solid structures, is harmful to health or otherwise dangerous, all practicable control, preventive and protective measures shall be taken by the employer to secure the safety and health of any such person who may be exposed to the vibration.</p>
Redeployment on medical advice.	90. Where work involves exposure to air pollution, noise or vibration or any other adverse working conditions, a medical practitioner may recommend redeployment if he is of the opinion that the employee cannot continue working in that environment.

Part X- Welfare- General Provisions

Supply of	91. (1) Every occupier shall provide and maintain an adequate supply of
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drinking water.	<p>wholesome drinking water at suitable points conveniently accessible to all persons employed.</p> <p>(2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination, and a drinking water supply whether laid on or not shall, in such cases as an occupational safety and health officer may direct, be clearly indicated as the occupational safety and health officer may require.</p>
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Washing facilities.	<p>92. (1) Every occupier shall provide and maintain for the use of persons employed, adequate and suitable facilities for washing, which shall be conveniently accessible and shall be kept in a clean and orderly condition.</p> <p>(2)The Director may, by certificate in writing, except from any of the requirements of subsection (1) any workplace where, by reason of the difficulty of obtaining an adequate supply of water or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or such other special circumstances as may be specified in the certificate, the application of the requirement would in his opinion be unreasonable.</p> <p>(3)The Minister may by rules prescribe, either generally or with respect to any class or description of workplace or with respect to the persons employed in any process, standard adequate and suitable washing facilities.</p>
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Accommodation for clothing.	<p>93. Every occupier shall provide and maintain for the use of a person employed, adequate and suitable accommodation for clothing not worn during working hours.</p>
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Facilities for sitting.	<p>94. Every occupier shall provide and maintain, for the use of a person employed whose work is done standing, suitable facilities for sitting, sufficient to enable the person employed to take advantage of any opportunities for resting which may occur in the course of his employment</p>
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First-aid.	<p>95. Every occupier shall be provide and maintain so as to be readily accessible, a first-aid box or cupboard of the prescribed standard.</p>
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Part XI- Health, Safety and Welfare- Special Provisions

Permit to work.	<p>96. (1) An employer shall issue a permit to work to any employee, likely to be exposed to hazardous work processes or hazardous working environment, including such work processes as the maintenance and repair of boilers, dock work, confined spaces, and the maintenance of machinery and equipment, electrical energy installations, indicating the necessary precautions to be taken.</p> <p>(2) In this section 'permit to work' means a written notice, which sets out the work to be done, the hazards involved and the precautions to be taken before the work commences in order to secure the safety and health of the employee.</p>
Work processes which may harm persons below eighteen years.	<p>97. Employer shall not allow a person below the apparent age of eighteen years to be employed at any workplace or work process, or perform work, which by its nature or the circumstances, in which it is carried out, is likely to harm the person's safety or health</p>
Supervision of apprentices and indentured learners.	<p>98. No person under going apprenticeship or indentured learnership shall be allowed to attend to any machinery, equipment, tools, plant or process unless adequate supervision and protection against hazardous work conditions and environment is provided and maintained</p>
Training and supervision of inexperienced workers.	<p>99. (1) No person shall be employed at any machine or in any process, being a machine or process liable to cause ill health or bodily injury, unless he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed, and—</p> <p>(a) has received sufficient training in work at the machine or in the process; or</p> <p>(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process.</p> <p>(2)The training referred to in subsection (1) shall be carried out on—</p> <p>(a) recruitment;</p> <p>(b) transfer or change of job;</p> <p>(c) the introduction of new work equipment or materials or change in equipment or materials; and</p>

(d) introduction of new technology;

(3) The training shall be—

(a) adapted to take into account new changed risks, and

(b) repeated periodically

(4) Every occupier shall ensure that an employee from other undertakings or establishments including contractors engaged in work at the occupier's workplace receive appropriate instructions regarding safety and health risks including emergency procedures at the workplace during their activities at the workplace and action to be taken in case of an emergency.

(5) The training referred to in sub section (4) shall not be at the expense of the employee and shall take place during working hours.

(6) Any person who fails to comply with any of the provisions of this section commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Meals in certain dangerous trades.

100. No person shall be permitted to partake of food or drink where a poisonous or otherwise injurious substance is used so as to give rise to any dust or fume.

Protective clothing and appliances.

101. (1) Every employer shall provide and maintain for the use of employees in any workplace where employees are employed in any process involving exposure to wet or to any injurious or offensive substance, adequate, effective and suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings.

(2) The Director shall register safety consultants to assess the suitability and effectiveness of protective clothes and appliances.

Protection of eyes in certain processes.

102. (1) Every employer shall provide suitable goggles or effective screens to protect the eyes of person employed engaged in any of the processes specified in the Eighth Schedule.

(2) Every employer shall ensure that where in any workplace electric arc welding is carried on, effective provision is made, by screening or otherwise, to prevent employees, other than employees engaged in the welding process, being exposed to the electric arc flash.

Medical surveillance.

103. (1) Where the Minister is satisfied that—

(a) cases of illness have occurred which he has reason to believe may be due to

the nature of the process or other conditions of work;

(b) by reason of changes in any process or in the substances used in any process or, by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of a worker engaged in the process;

(c) there may be risk of injury to the health of workers from any substance or material brought to the industries to be used or handled therein or from any change in the conditions in the industries, he may make regulations requiring such reasonable arrangements as may be specified in the regulations to be made for the medical surveillance and medical examination, not including medical treatment of a preventive character, of the persons or any class of persons employed.

(2) Regulations made under this section may require the medical surveillance to be carried out by persons registered by the Director, and may prescribe the qualifications and other conditions which are to be satisfied in order to be registered for the purpose of this section.

(3) Where the Minister is satisfied that any work involves a risk to the health of employees, he may make rules requiring—

(a) medical examination of the employees before they are employed, during their employment, and after the termination of their employment; and

(b) regular or individual examinations or surveys of health conditions from the point of view of industrial medicine and industrial hygiene

(4) The costs of the examinations referred to in subsection (3) shall be paid by the employer.

(5) An employer shall ensure that the examination specified in this section shall take place without loss of earnings for the employees and if possible within normal working hours during their employment.

(6) An employee and former employee of the employer under this section shall be under an obligation to undergo examination in accordance with the regulations.

(7) A person who contravenes the provisions of this section or any regulation made there under commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Part XII- Special Applications

Premises where part of building is separate workplace.

104. (1) Where a part of a building is let off as a separate workplace, the provisions of this Act shall apply to that part of the building used for the purposes of the workplace.

Premises in which steam boilers are used.	<p>105. (1)The provisions of this Act shall apply to any premises (not being premises forming part of a workplace) in which a steam boiler is used, as if the premises were a workplace and as if the person having the actual use or occupation of the premises were the occupier of a workplace.</p> <p>(2) If at any time a steam boiler is to be used in any premises, not being premises forming part of a workplace, the occupier shall, within one month after the date upon which the boiler is first used, send to the Director a written notice containing the particulars set out in the Ninth Schedule.</p>
Premises in which hoists or lifts are used.	<p>106. (1) The provisions of this Act shall apply to any premises (not being premises forming part of a workplace,) in which a hoist or a lift is used, as if the premises were a workplace and as if the person having the actual use or occupation of the premises were the occupier of a workplace.</p> <p>(2) If at any time a hoist or a lift is to be used in any premises not being premises forming part of a workplace, the occupier shall, within one month after the date upon which the hoist or lift is first used, send to the Director a written notice of the address at which the hoist or lift is used.</p>
Platforms erected over water.	<p>107. (1)Every occupier or owner of a vessel or platform erected over water or in water shall ensure that adequate measures have been taken to protect the safety and health of persons employed on any vessel or platform and shall at all times comply with the provisions of this Act.</p> <p>(2)The provisions of subsection (1) shall apply to fishing vessels, training and diving operations and other works carried in or on water, including works of engineering construction and similar operations.</p>

Part XIII- Offences, Penalties and Legal Proceedings

Offences.	<p>108. (1) In the event of any contravention in connexion with or in relation to a workplace of the provisions of this Act, the occupier, or if the contravention is one in respect of which the owner is by or under this Act made responsible, the owner of the workplace shall, subject to this Act be guilty of an offence.</p> <p>(2) In the event of a contravention by an employee of the provisions of this Act with respect to duties of employees or of a contravention by any person of any rule or order made under this Act, which expressly imposes any duty upon him, that employee shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the said provisions of this Act, or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matter by virtue of some provision other than the provisions or provision aforesaid.</p> <p>(3) If the occupier of a workplace avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.</p>
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	<p>(4) If any persons are employed in a workplace otherwise than in accordance with the provisions of this Act, there shall be deemed to be a separate contravention in respect of each person so employed.</p> <p>(5) Where an offence under this Act is committed by a company, co-operative society or other body of persons and is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, he, as well as the company, co-operative society or other body of persons, shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.</p>
General penalty.	<p>109. (1) Any person who commits an offence under this Act for which no express penalty is provided shall on conviction be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.</p> <p>(2) Where the contravention in respect of which a person is convicted is continued after the conviction, shall that person subject to the provisions of section 110, be guilty of a further offence and liable in respect thereof to a fine not exceeding ten thousand shillings for each day on which the contravention is so continued.</p>
Court may order cause of contravention to be remedied.	<p>110. (1) Where the occupier or owner of workplace is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him, within the time specified in the order, to take such steps as may be specified to remedy the matters in respect of which the contravention occurred, and may, on application, extend the time so specified.</p> <p>(2) Where an order is made under subsection (1), the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or extended by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten thousand shillings for each day on which the non-compliance continues.</p>
Penalty in case of death or injury.	<p>111. If any person is killed, or dies, suffers any bodily injury, in consequence of the occupier or owner of a workplace having contravened any provision of this Act, the occupier or owner of the workplace shall, without prejudice to any other penalty, be liable to a fine not exceeding one million shillings or, to imprisonment for a term not exceeding twelve months; and the whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the Minister may determine:</p> <p>Provided that—</p> <p>(i) in the case of injury to health, the occupier or owner shall not be liable to a penalty under this section unless the injury was caused directly by the contravention; and</p> <p>(ii) the occupier or owner shall not be liable to a penalty under this section if a</p>

	charge against him under this Act in respect of the act or default by which the death or injury was caused has been heard and dismissed before the death or injury occurred.
Forgery, false declaration, etc.	<p>112. A person who—</p> <p>(a) forges or counterfeits any certificate required by, under or for the purposes of this Act;</p> <p>(b) gives or signs any certificate knowing it to be false in any material particular;</p> <p>(c) knowingly utters or makes use of any forged, counterfeited or false certificate;</p> <p>(d) knowingly utters or makes use of, as applying to any person, any certificate which does not so apply;</p> <p>(e) personates any person named in any certificate;</p> <p>(f) falsely pretends to be an occupational safety and health officer;</p> <p>(g) willfully connives at any counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;</p> <p>(h) wilfully makes a false entry in any register, notice, certificate or document required by, under or for the purposes of this Act to be kept, served or sent;</p> <p>(i) wilfully makes or signs a false declaration required by, under or for the purposes of this Act;</p> <p>(j) knowingly makes use of any such false entry or declaration, commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.</p>
Penalty on persons committing offence for which occupier is liable.	<p>113. Where an act or default for which an occupier or owner of a workplace is liable under this Act is in fact the act or default of an agent, servant, worker or other person, that agent, servant, worker or other person shall be deemed to have committed the offence and shall be liable to the like penalty as if he were the occupier or owner, as the case may be.</p>
Exemption of occupier or owner on conviction of	<p>114. (1) Where the occupier or owner of a workplace is charged with an offence under this Act, he shall be entitled, upon a charge duly made by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender (whether or not</p>

actual offender.	<p>that person is his agent or servant) brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or owner of the workplace proves to the satisfaction of the court-</p> <p>(a) that he has used all due diligence to enforce the execution of this Act and of any relevant order or rule made hereunder;</p> <p>(b) that the said other person committed the offence in question without his knowledge, connivance or wilful default,</p> <p>that other person shall be convicted of the offence and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, also be liable to pay any costs incidental to the proceedings.</p> <p>(2) The prosecution shall have the right in any case to cross-examine the occupier or owner if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.</p> <p>(3) When it is made to appear to the satisfaction of an occupational safety and health officer at the time of discovering an offence-</p> <p>(a) that the occupier or owner, as the case may be of the workplace has used all due diligence to enforce the execution of this Act;</p> <p>(b) the person who committed the offence; and</p> <p>(c) that it has been committed without the knowledge, connivance or wilful default of the occupier or owner and in contravention of his orders, the occupational safety and health officer shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner of the workplace</p>
Proceedings against persons other than occupiers or owners.	<p>115. Where, under this Act, any person is substituted for the occupier or owner of a workplace with respect to any provisions of this Act, any order, summons, notice or proceeding which, for the purpose of any of those provisions, is, by or under this Act, required or authorized to be served on or taken in relation to the occupier or owner is hereby required or authorized, as the case may be, to be served on or taken in relation to that person.</p>
Prosecution of offences.	<p>116. (1) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered in a magistrates court.</p> <p>(2) In any proceedings under this Act, it shall be sufficient in the charge or information to allege that the workplace is a workplace within the meaning of this Act and to state the name of the ostensible occupier of the workplace or, where the occupier is a firm, the title of the firm; and the burden of proving that the premises are not a workplace, or that the occupier specified in the charge or information is not the occupier of the workplace, shall lie upon the person alleging such fact.</p> <p>(3) Where any offence is committed under this Act by reason of a failure to carry</p>

out an examination, make a report or do any other thing at or within a time specified by this Act, the offence shall be deemed to continue until the examination is carried out or the report made, or the other thing done, as the case may be.

Special provisions as to evidence.

117. (1) If a person is found in a workplace at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the workplace:

Provided that this subsection shall not apply to a workplace in which the workers are members of the same family dwelling there.

(2) Where any entry is required by this Act to be made in the general register or in any other register or record, the entry made by the occupier of a workplace or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act has not been made shall be admissible as evidence that that provision has not been observed

Service of documents.

118. (1) Any document, including any summons or order, required or authorized to be served under this Act may be served—

(a) on any person, by delivering it to him, or by leaving it at, or sending it by registered post to, his residence or place of business;

(b) on any firm, by delivering it to any partner of the firm, or by leaving it at, or sending it by registered post to, the office of the firm;

(c) on the owner or occupier of a workplace, including any such owner or occupier being a company to which [the Companies Act](#) applies or a co-operative society to which [the Companies Act](#) applies or a co-operative society to which [the Co-operative Societies Act](#) applies, in any such manner as aforesaid, or by delivering it, or a true copy thereof, to the manager, foreman or other responsible person at the workplace.

(2) A document referred to in subsection (1) may be addressed, for the purpose of the service thereof on the occupier of a workplace, to “the occupier” at the proper postal address of the workplace, without further name or description.

(3) The provisions of subsections (1) and (2) shall apply, with the necessary modifications, to documents required or authorized under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing and delivery of such documents.

Power to modify agreements.

119. If by reason of an agreement between the owner and the occupier of premises, the whole or any part of which has been let as a workplace, the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or in order to conform with any standard or requirement imposed by or under this Act, the owner or occupier may apply to a judge in chambers for the terms of the agreement to be set aside or modified, and the judge, after hearing the parties and any witnesses whom they may desire to call, may make such an order setting

aside or modifying the terms of the agreement as he considers just and equitable in the circumstances of the case

Power to apportion expenses.

120. Where in any premises the whole or any part of which has been let as a workplace, any structural or other alterations are required in order to comply with the provisions of this Act, or in order to conform with any standard or requirement imposed by or under this Act, and the owner or occupier, as the case may be, alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to a judge in chambers for the expenses of the alterations to be apportioned between them; and the judge, after hearing the parties and any witnesses who they may desire to call, may make such an order concerning the expenses or their apportionment as he considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or, in the alternative, determine the lease.

Posting of abstract of Act, rules and notices.

121. (1) There shall be kept posted in a prominent position in every workplace—

- (a) the prescribed abstract of this Act;
- (b) a notice of the address of the Director and of the area occupational safety and health officer;
- (c) printed copies of any rules made under any provision of this Act which are for the time being in force in the workplace, or the prescribed abstract of such rules;
- (d) notices stating the danger or ill health that may be caused and precautionary measures to be observed in areas where persons are exposed to injurious or offensive substances; and
- (e) any other notice and document required by this Act to be posted in the workplace.

(2) The documents referred to in subsection (1) shall be in English and in such other vernacular languages as an occupational safety and health officer may direct, and if a form has been prescribed for any document, it shall be posted in that form.

(3) The occupier of a workplace who contravenes the provisions of this section commits an offence.

General register.

122. (1) There shall be kept in every workplace a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register –

- (a) the certificate of registration of the workplace;

- (b) every other certificate issued in respect of the workplace by the Director under this Act;
 - (c) the prescribed particulars as to the washing, whitewashing, colourwashing, painting or varnishing of the workplace;
 - (d) the prescribed particulars as to every accident and case of occupational disease occurring in the workplace of which notice is required to be sent to a occupational safety and health officer under the provisions of any law for the time being in force;
 - (e) all reports and particulars required by any provision of this Act to be entered in or kept with the general register; and
 - (f) such other matters as may be prescribed.
- (2) The occupier of a workplace shall send to an occupational safety and health officer such extracts from the general register as the occupational safety and health officer may from time to time require for the purpose of the execution of his duties under this Act.
- (3) The occupier of a workplace who contravenes the provisions of this section commits an offence.

Preservation of registers and records.

- 123.** (1) The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any occupational safety and health officer for at least three years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.
- (2) The Minister may, after consultation with the Council, make regulations prescribing—
- (a) the records to be kept; and
 - (b) the returns to be rendered by employers and the person or persons to whom such returns shall be rendered.

Prohibition notices.

- 37.** (1) This section applies to any activities which are being or are about to be carried on by or under the control of any person, being activities to or in relation to which this Act or the rules made there under apply or will, if the activities are so carried on, apply.
- (2) If as regards any activities to which this section applies an occupational safety and health officer is of the opinion that, as carried on or about to be carried on by or under the control of the person in question the activities involve or, as the case may be, will involve a risk of serious personal injury, the occupational safety and health officer may serve on that person a notice (in this Part referred to as “a prohibition notice”).
- (3) A prohibition notice shall—

- (a) state that the occupational safety and health officer is of the said opinion;
- (b) specify the matters which in his opinion give or as the case may be, will give rise to the said risk;
- (c) where in his opinion any of those matters involve or, as the case may be, will involve a contravention of any provision of this Act or the rules made there under, state that he is of that opinion, specify the provision or provisions in respect of which he is of that opinion, and the particulars of the reasons why he is of that opinion; and
- (d) direct that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served unless the matters specified in the notice in pursuance of paragraph (b) and any associated contraventions of provisions so specified in pursuance of paragraph (c) have been remedied.
- (4) A direction given under subsection (3) (d) shall take immediate effect if the occupational safety and health officer is of the opinion, and states it, that the risk of serious personal injury is or, as the case may be, will be imminent, and shall have effect to the end of a period specified in the notice in any other case.
- (5) In order to enforce a prohibition imposed under this section an occupational safety and health officer may block, seal, bar, barricade, immobilise or fence off that part of the workplace, plant or machinery to which the prohibition applies, and no person shall interfere with or remove such blocking sealing, bar, barricade, immobiliser or fence.
- (6) An employer shall forthwith bring the contents of a prohibition notice issued under this section to the attention of the health and safety committee at the workplace, where it exists.
- (7) An employee shall not lose any wages or benefits for work not done as a result of the imposition of a prohibition notice.
- (8) Any person who having been served with a prohibition notice under this section—
 - (a) continues to carry on the activities to which the notice relates; or
 - (b) breaks or removes or defeats the blocking, seal, bar, barricade, immobiliser or fence specified in subsection (5),
 commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both and if the contravention in respect of which he is convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding seven days, or to both, for each day on which the offence is so continued.

against improvement or prohibition notice.

notice.

(2) A person to whom an improvement or a prohibition notice is issued under section 36 or 37 shall comply with the notice notwithstanding that an appeal against its issuance has been lodged.

(3) A person who is aggrieved by a notice issued by an occupational safety and health officer under sections 36 or 37 may, within fourteen days from the date of such notice, appeal to the Director who may, after considering the appeal, by order in writing confirm, revoke or vary the notice.

(4) A person who is aggrieved by a decision of the Director made under subsection (3) may, within fourteen days from the date of the decision, appeal to an appeal committee appointed by the Minister under section 46.

(5) Where an improvement or a prohibition notice is issued by the Director in exercise of the powers conferred under sections 36 or 37, the appeal shall be made to an appeal committee appointed by the Minister under section 46.

Labelling and marking.

85. (1) Every supplier of hazardous substances, whether as manufacturer, importer or distributor of hazardous substances shall ensure that containers filled with hazardous substances, are—

(a) plainly painted, marked or labeled in a distinctive and uniform manner, with a legible, durable label indicating the hazard, and which is easily understood by persons employed; and

(b) accompanied with instructions for the safe handling of the contents and

(c) the measures to be taken in case of spillage or accidental exposure to persons employed.

(2) For purposes of this section, labeling in accordance with the United Nations Labeling system shall be adequate.

(3) Every supplier of chemical substances which have not been classified in accordance with subsection (1) shall identify the chemicals they supply and assess the properties of those chemicals on the basis of a search of available information in order to determine whether they are hazardous chemicals.

(4) Every employer shall ensure that all chemicals used at a workplace are labeled or marked and that chemical safety data sheets have been provided and are made available to employees and their representatives.

(5) It shall be the duty of an employer who has received chemicals for which chemical safety data sheets have not been provided or which have not been labeled or marked as required, to obtain the relevant information from the supplier or from other reasonably available sources.

(6) An employer who uses chemicals referred to in subsection (5) without the said

information commits an offence.

(7) Every employer shall ensure that only chemicals, which are classified in accordance with section 86 or identified and assessed to determine whether they are hazardous on the basis of a search of information available, and labeled or marked in accordance with subsection 86(1)(b) are used, and that any necessary precautions are taken when they are used.

(8) Every employer shall maintain a record of hazardous chemicals used at the workplace, cross-referenced to the appropriate chemical safety data sheets, which record shall be accessible to all employees concerned and their representatives.

FIRST SCHEDULE

(s. 43 and 44)

PARTICULARS TO BE SUBMITTED BY OCCUPIER, OR INTENDING OCCUPIER OF A WORKPLACE

1. The name of the workplace.
2. Address and location of the workplace.
3. Name of the occupier or intending occupier of the workplace.
4. The name and address of the owner of the premises or building.
5. The address to which communications relating to the workplace may be sent.
6. Nature of the work carried on, or proposed to be carried on, in the workplace.
7. The name of the manager of the workplace for the purposes of this Act.
8. List of chemical substances used or intended to be used in the workplace the chemical and trade name including chemical safety data sheet for each chemical substance.
9. Whether mechanical power is used or intended to be used and, if so, its nature.
10. Whether power presses are in use or intended to be used if so, the following particulars in respect of each power press-
 - (a) type, description and distinctive number;
 - (b) country and year of manufacture;
11. Whether passenger or goods lifts are used or intended to be used and, if so, the following particulars in respect of each such lift –
 - (c) type, description and distinctive number;

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- (d) country and year of manufacture;
- (e) date of the last thorough examination and name of the person by whom the examination was made;
- (f) maximum permissible working load

12. Whether steam boilers are used or intended to be used and, if so, the following particulars in respect of each such boiler-

- (g) type, description and distinctive number;
- (h) country and year of manufacture;
- (i) date of the last thorough examination and name of the person by whom the examination was made;
- (j) maximum permissible working pressure in pounds per square inch.

13 (a) Total number of persons employed, or intended to be employed, in the workplace.

(b) Where persons are employed, or intended to be employed, in shifts, the maximum number employed, or intended to be employed, at any one time.

SECOND SCHEDULE

(s. 44)

CERTIFICATE OF REGISTRATION OF A WORKPLACE

No. of Certificate.....

Date of issue.....

I hereby certify that the workplace named below has been duly registered in pursuance of sectionof the Occupational Safety and Health Act.

Name of occupier

Address and location of workplace.....

Nature of work.....

.....
Director, Occupational Safety and Health Services.

THIRD SCHEDULE (s. 66)

REGISTER OF CHAINS, ROPES AND LIFTING TACKLE AND LIFTING MACHINES

1. Name of the occupier of the workplace.
2. Address and location of the workplace.
3. Distinguishing number of mark and description sufficient to identify the chain, rope or lifting tackle, or the lifting machine.
4. Date when the chain, rope or lifting tackle, or the lifting machine, was first taken into use in the workplace.
5. Date of each examination made under section 64 (1) (d) or section 65 (2), as the case may be, and the name of the person by whom it was carried out.
6. Particulars of any defect found at any such examination and affecting the safe working load, and of the steps taken to remedy such defect.
7. Date and number of the certificate relating to any test and examination made under section 64 (1) (e) or section 65 (3), as the case may be, together with the name and address of the person who issued the certificate.
8. In the case of chains and lifting tackle (except rope slings), dates of annealing or other heat treatment.

FOURTH SCHEDULE (s. 102)

PROCESSES REQUIRING PROVISION OF SUITABLE GOGGLES OR EFFECTIVE SCREENS

1. Dry grinding of metals, or articles of metal, applied by hand to a revolving wheel or disc driven by mechanical power.
2. Turning (external or internal) of non-ferrous metals, or of cast iron, or of articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools.
3. Welding or cutting of metals by means of an electrical oxyacetylene or similar process.
4. The following processes when carried on by means of hand tools or other portable tools-
 - (a) fettling of metal castings involving the remove of metal;

- (b) cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from boilers or other plant or from ships;
- (c) chipping or scaling of boilers or ships' plates;
- (d) breaking or dressing of stone, concrete or slag.

FIFTH SCHEDULE

(s. 105)

PARTICULARS TO BE SUBMITTED BY OCCUPIER OF PREMISES (OTHER THAN A WORKPLACE) IN WHICH A STEAM BOILER IS USE

- 1. Name of the occupier of the premises.
- 2. Address and location of the premises.
- 3. Nature of the work carried on in the premises.
- 4. The following particulars in respect of each steam boiler in use-
 - (a) type, description and distinctive number;
 - (b) country and year of manufacture;
 - (c) date of the last thorough examination and name of the person by who the examination was made;
 - (d) maximum permissible working pressure in pounds per square inch.

SIXTH SCHEDULE

(s. 67(8)(b))

THE MANNER OF PREPARING A STEAM BOILER FOR THE EXAMINATION WHEN IT IS COLD

1. In addition to the steps required to be taken under paragraph (2) of the schedule, the preparation of the interior and exterior of a boiler (including, where fitted, and economizer and super heater) for its examination when cold and a section 67 shall consist of all or any of one or more of the following steps, that is to say –

- (a) The opening out, cleaning and descaling of the boiler; including the removal of doors from mudholes, manholes and handholes;
- (b) The removal of firebars;
- (c) In the case of shells type boilers the dismantling of firebridges (if made of brick) and all furnace protective brickwork; and
- (d) The opening out for cleaning and inspection of fittings including the pressure parts of automatic controls; and
- (e) In the case of water tube boilers, the removal of drum internal fittings, and if the person making the examination may require other preparations to be made.

2. All brickwork, baffles and coverings must be removed for the purpose of the thorough examination to the extent required by the person making the examination but in any case these parts must be removed to the extent necessary to expose headers, seams and shells of drums—
- (a) Not less frequently than once in every six years in the case of a steam boiler situated in the open or exposed to the weather of damp; and
- Not less frequently than once in every ten years in the case of every other steam boiler.

SEVENTH SCHEDULE (s. 21)
DANGEROUS OCCURRENCES

1. Bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.
2. Collapse or a failure of a crane, derrick, winch, hoist or other appliance used in raising or lowering persons or goods, or any part thereof (except the breakage of chain or rope-slings), or the overturning of crane.
3. Explosion or fire causing damage to the structure of the room or place in which persons are employed or to any machine or plant contained therein, and resulting in the complete suspension of ordinary work in such room or place or stoppage of machinery or plant for not less than five hours, where such explosion or fire is due to the ignition of dust, gas or vapor.
4. Electrical short circuit or failure of electrical machinery plant or apparatus, attended by explosion or fire are causing structural damage is thereto and involving its stoppage or disuse for not less than five hours.
5. explosion or fire affecting any room in which persons are employed and causing complete suspension of ordinary work therein for not less than twenty-four hours.
6. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid of solid resulting from the compression of gas.
7. The explosion of any steam boiler, failure of fire tubes of steam tubes or furnace collapse or fusible plug.
8. Accidental or otherwise, escape or leakage of dangerous or toxic gases, fumes, liquid

or substances injurious to health.

EIGHTH SCHEDULE

(s. 22)

PRESCRIBED OCCUPATIONAL DISEASES

<i>Description of disease or injury</i>	<i>Nature of occupation</i>
Poison by:	Any occupation involving
1. Lead or a compound of lead	The use or handling of or, exposure to the fumes, dust or vapour of, lead or a compound of lead, or substance containing lead.
2. manganese or a compound of manganese	the use or handling of, or exposure to the fumes, dust or the vapour of manganese or a compound, or a substance containing manganese
3. Phosphorus or phosphine or poisoning due to the anti-cholinesterase action of organic phosphorus compounds.	The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a substance containing for phosphorus
4. arsenic or compound of arsenic	The use of, handling of, or exposure to the fumes, dust or vapour of, arsenic, or a substance containing arsenic.
5. Mercury or a compound of mercury	The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury or substance containing mercury.
6. carbon bisulphide	The use or handling of, or exposure to the fumes, dust or vapour of, carbon bisulphide, or substance training cub on bisulphide
7. Benzene or a homologue of benzene	The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues ,
8. A nitro- or amino- or chloro-derivative of benzene or a homologue of benzene or poisoning by nitro-chloro-benzene.	The use or handling of, or exposure to the fumes of, or vapour containing a nitro- or amino- or chloro-derivative benzene or nitrochlorobenzene.
dinitrophenol or a homologue or by substituted dinitrophenols or by the salts of such substances	The use or handling of, or exposure to the fumes of, or vapour containing dinitrophenol or a homologue or substituted dinitrophenols or the salts of such substances.
tetrachloroethane	The use or handling of, or exposure to the fumes of, or vapour containing, tetrachloroethane.
tri-cresylphosphate	The use or handling of, or exposure to the fumes

Tri-phenylphosphate	of, or vapour containing tricresylphosphate. The use or handling of, or exposure to the fumes of, or vapour containing triphenylphosphate
9. Diethylene dioxide (dioxan)	The use or handling of, or exposure to the fumes of, or vapour containing
10. Methyl bromide	The use or handling of, or exposure to the fumes of, or vapour containing
11. Chlorinated naphthalene	The use or handling of, or exposure to the fumes of, or vapour containing
12. Nickel carbonyl	Exposure to nickel carbonyl gas
13. nitrous fumes	The use or handling of nitric acid or exposure to nitrous fumes
14. <i>Gonioma Kamassi</i> (African Boxwood)	The manipulation <i>gonioma Kamassi</i> or any process in or incidental to the manufacture of articles there from.
15. Anthrax	the handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax
16. Glanders	Contact with equine animals or their carcasses
17. (a) Infection by leptospira icterohaemorrhagiae;	Work in places which are, or are liable to be, infected by rats
(b) infection by leptospira canicola	Work at dog kennels or the care or handling of dogs
18. (a) dystrophy of the cornea (including a ulceration of the corneal surface)	the use of, handling of, or exposure to arsenic, tar, which, bitumen, mineral oil (including kerosene), soot or any compound product (including quinone or hydroquinone), or residue of any of these substances.
(b) localized new growth of the skin, papillomatous or keratotic	
(c) Squamous-celled carcinoma of the skin due in any case to arsenic, tar, pitch, bitumen, mineral oil (including (kerosene), soot or any compound product (including quinone or hydro-quinone or residue of any of these substances).	
19. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues	Exposure to electromagnetic radiations other than radiant heat or to ionizing particles.

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| or of the bones or blood dyscrasia, or cataract due to electromagnetic radiations (other than radiant heat), or ionizing particles. | |
| 20. heat cataract | Frequent or prolonged exposure to rays from molten or red-hot materials. |
| 21. decompression sickness | Subjection to compressed or rarefied air. |
| 22. Cramps of the hand or fore arm due to repetitive movements. | Prolonged periods of handwriting, typing or other repetitive movements of the fingers or arm. |
| 23. subcutaneous cellulitis of the hand (beat hand) | Manual labour causing severe or prolonged friction or pressure on the hand. |
| 24. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (beat knee) | Manual labour causing severe external friction or pressure at or about the knee. |
| 25. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (beat elbow). | Manual labour or frequent or repeated movement of the hands or wrist. |
| 26. Traumatic inflammation of the tendon of the hand or forearm or the associated tendon sheaths. | Manual labour, or frequent or repeated movement of the hand or wrist. |
| 27. Poisoning by beryllium or a compound of beryllium | The use or handling of, or exposure to the fumes, dust or vapor of beryllium or compound beryllium, a substance containing beryllium. |
| 28. Primary neoplasm of the epithelial lining of the urinary bladder. | <p>(a) Working the building in which any of the following substances is produced for commercial purposes:</p> <p>(i) Alpha-naphthylamine or beta-naphthylamine</p> <p>(ii) Diphenyl substituted by at least one nitro- or primary amino- group or by at least one nitro- of a primary amino-group.</p> <p>(iii) Any of the substances</p> |

	mentioned in subparagraph (ii) the father of ring substituted by halogeno, methyl or methoxy groups, but not by other groups.
	(iv) The salts of any of the substances mentioned In subparagraphs (i) to (iii)
	(v) Auramine or magnet
	(b) The use or handling of any of the substances mentioned in subparagraphs (i) to (iv) of paragraph (a), or work in a process in which any such substance is used or handled or the liberated.
	The maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms part or in the laundry maintained and used solely in connection with such works.
29. Poisoning by cadmium	Exposure to cadmium fumes
30. Inflammation or ulceration of the mucous membranes of the upper respiratory passages or mouth produced by dust, liquid or vapour.	Exposure to dust, liquid or vapour.
31. Non- infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electromagnetic radiations other than radiant heat)	Exposure to dust, liquid, or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionizing particles or electromagnetic radiations other than radiant heat)
32. pulmonary disease due to the inhalation of the dust of mouldy hay of the mouldy vegetable produce and characterized by symptoms and signs attributable to a reaction in the peripheral part of the broncho-	Exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment – (a) in agriculture, horticulture or forestry; (b) loading or unloading or handling in storage such hay or other vegetable matter; or

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| | pulmonary system, and give rise to a defect in the does exchange (farmer's lung) | handling bagasse. |
| 33. | Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the plaura or of the peritoneum | <p>(a) the working or handling of asbestos or any admixture of asbestos;</p> <p>(b) The manufacture or repair of asbestosis tiles or other articles containing or composed of asbestos;</p> <p>(c) The cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;</p> |
| 34. | Adeno-carcinoma of the nasal cavity or associated air sinuses. | Substantial exposure to the dust arising from any of the foregoing operations. Attendance for work in or about a building where wooden furniture is manufactured. |
| 35. | Pneumoconiosis (including silicosis and asbestosis), byssinosis. | the mining, quarrying and dressing of sandstone, slate and granite; any occupation involving exposure to asbestos dust; iron and steel foundry work; steel dressing; work in the pottery industry; the manufacture of refractory products such as silica bricks; any dusty process which results in pneumoconiosis. |
| 36. | Various carcinoma, | Exposure to various chemicals or substances which are known to be carcinogenic. |

NINTH SCHEDULE

(Section 27)

CONDUCT OF MEETINGS OF THE NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH

1. The members of the Council shall hold office for a term of three years or for such shorter period as the Minister may specify and shall be eligible for reappointment for maximum of two terms.
2. (1) a member of the Council may at any time-
 - (a) Resign from the Council by a notice in writing to the Minister: or

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(b) Be removed from the Council by the Minister for permanent incapacity or other sufficient cause, and upon such resignation or removal the term for which he was appointed shall be deemed to have expired.

(2) Where any question arises as to whether any incapacity or cause exists or whether any incapacity is temporary or permanent or any cause is sufficient, the decision of the Minister shall be final.

3. (1) the following persons shall be disqualified from being appointed to or being members of the Council;

(a) a person who has been found or is declared to be of unsound mind;

(b) A bankrupt;

(c) a person who has been convicted of any offence involving fraud, dishonesty or moral turpitude, or any offence relating to occupational safety and health under any law made there under; or

(d) A person who is otherwise unable or incapable of performing the functions as a member of the Council.

(2) A member of the Council appointed under section 29 shall cease to be a member

(a) if he fails to attend three consecutive meetings of the Council without the permission in writing of the Chairman;

(b) If he becomes disqualified under subparagraph (1); or

(c) If his appointment is revoked by the Minister.

4. (1) The Minister shall summon the first meeting of the Council and thereafter the Council shall meet not less than once in four months at such place as the Chairman may appoint.

(2) The Chairman shall call a meeting of the Council on the request of any two members of the Council and such request shall be in writing with the reason therefor.

(3) At any meeting of the Council the Chairman shall preside, and in his absence the members shall elect one of their numbers to preside over the meeting.

(4) The quorum of the Council shall be eight.

(5) If on any question to be determined by the Council there is equality of votes, the Chairman or, in the case where the Chairman is absent, the member presiding over the meeting, shall have a casting vote.

(6) Subject to subparagraphs (3), (4) and (5) the Council shall determine its own procedure.

(7) The Council shall cause proper records of its proceedings to be kept.

5. There shall be paid such allowances to members of the Council for attending meeting of the Council as shall be determined by the Minister with the approval of the Treasury.

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6. A member of the Council who has a pecuniary interest whether direct or indirect in any matter to be considered by the Council shall declare the nature of that interest at every meeting at which the matter is considered.

7. No member of the Council shall incur any personal liability for any loss or damage caused by any act or omission in administering the affairs of the Council unless the loss or damage was occasioned intentionally or through recklessness or gross negligence.

SUBSIDIARY LEGISLATION

(Subsidiary)

Rules under sections 61 and 128

L.N. 431/1959

THE OCCUPATIONAL SAFETY AND HEALTH (WOODWORKING MACHINERY) RULES

PART I - PRELIMINARY

1. These Rules may be cited as the Occupational Safety and Health (Woodworking Machinery) Rules.

2. In these Rules-

“circular saw means a circular saw working in a bench (including a rack bench) for the purpose of ripping, deep cutting or cross cutting, but does not include a swing saw or other saw which is moved towards the wood;

“gauge” means the Imperial Standard Wire Gauge;

“pendulum saw” means a swing saw which is suspended from a pivot above a table, bench or other support or which wood is placed and which is operated by being pulled across such table, bench or other support.

“plain band saw” means a band saw, other than a band mill or band re-saw, the cutting portion of which runs in a vertical direction;

“planing machine” includes a machine for overhand planing, thicknessing, moulding, matching or tenoning or any two or more of these operations, but does not include a vertical spindle moulding machine;

“woodworking machine” means a circular saw, pendulum saw, plain band saw, band mill, bank re-saw, planing machine, vertical spindle moulding machine, routing machine or chain mortising machine operating on wood.

3. (1) These Rules shall apply to all workplaces in which any woodworking machine is used.

3. (2) If the director is satisfied in respect of any workplace that, owing to the special conditions of the work or otherwise, any of the requirements of these Rules can be suspended or relaxed without danger to the persons employed therein, he may by certificate in writing (which he may at his discretion revoke) authorize such suspension or relaxation as may be indicated in the certificate for such period and on such conditions as he may think fit.

4. It shall be the duty of the occupier of every workplace to which these Rules apply to observe Part II of these Rules; and it shall be the duty of all persons employed in every such workplace to observe Part III of these Rules.

PART II - DUTIES OF OCCUPIERS

5. The floor surrounding every woodworking machine shall be maintained in a good and level condition and, as far as practicable, free from chips or other loose material and shall not be allowed to become slippery.

6. Every circular saw shall be fenced as follows-

- (a) the part of the saw below the bench table shall be protected by the two plates of metal or other suitable material, one on each side of the saw; such plates shall not be more than one hundred and fifty millimetres apart and shall extend from the axis of the saw outwards to a distance of not less than fifty millimetres beyond the teeth of the saw; metal plates, if not beaded, shall be of a thickness at least equal to 14 gauge, or, if beaded, be of a thickness at least equal to 20 gauge.
- (b) behind and in a direct line with the saw there shall be a riving knife, which shall be at its greatest thickness not less than the thickness of the saw blade and less than the width of the saw kerf, and which shall have a smooth surface, shall be strong, rigid and easily adjustable, and shall also conform to the following requirements-
 - (i) the edge of the knife nearer the saw shall form an arc of a circle having a radius not exceeding the radius of the largest saw used on the bench;
 - (ii) the knife shall be maintained as close as practicable to the saw, having regard to the nature of the work being done at the time, and at the level of the bench table the distance between the front edge to the knife and teeth of the saw shall not exceed twelve millimetres.
 - (iii) for a saw of a diameter of less than six hundred millimetres, the knife shall extend upwards from the bench table to within twenty five millimetres of the top of the

saw, and for a saw of a diameter of six hundred millimetres or more shall extend upwards from the bench table to a height of at least two hundred and thirty millimetres;

(c) the top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw farthest from the fence; the guard shall be kept so adjusted that the said flange shall extend below the roots of the teeth of the saw; and the guard shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

7. A suitable push-stick shall be kept available for use at the bench of every circular saw which is fed by hand, to enable the work to be carried on without necessary risk.

8. The following provisions shall apply to every pendulum saw -

- (a) the top half of the saw shall be completely and securely covered by sheet metal or other suitable material;
- (b) the work table, bench or support shall be of rigid construction and shall incorporate a suitable back rail against which the stock may be rested during sawing;
- (c) there shall be provided and maintained an efficient device which automatically returns the saw to the back position when released at any point of its travel; such device shall not depend for its proper functioning on any fibre rope; the saw shall not be deemed to be in the back position until the front edge of the saw is at least one inch behind the front edge of the back rail;
- (d) when the saw is in the back position it shall be enclosed or otherwise securely guarded as far as practicable;
- (e) limit chains or other effective devices shall be provided and maintained to prevent the front edge of the saw from travelling beyond the front edge of the work table, bench or support.

9. Every plain band saw shall be guarded as follows;

- (a) both sides of the bottom pulley shall be completely encased by sheet metal or other suitable materials;
- (b) the front of the top pulley shall be covered with sheet metal or other suitable material;
- (c) all portions of the blade shall be enclosed or otherwise securely guarded, except the portion of the blade between the table and the top guide.

10. (1) The blade of every band mill or band re-saw shall be enclosed or otherwise securely guarded as far as practicable.

(2) In the case of a band mill or band re-saw the cutting portion of which runs in a vertical direction -

- (a) both sides of the bottom pulley shall be completely encased by sheet metal or other suitable material; and
- (b) the front of the top pulley shall be covered with sheet metal or other suitable material.

(3) In the case of a band mill or band re-saw the cutting portion of which runs in a horizontal direction, the front of both pulleys shall be covered with sheet metal or other suitable material.

11. Every planing machine which is not mechanically fed and is intended to be used for overhand planing shall be fitted with a cylindrical cutter block.

12. Every planing machine intended to be used for overhand planing shall be provided with a “bridge” guard capable of covering the full length and breadth of the cutting slot in the bench and so constructed as to be easily adjusted in both a vertical and a horizontal direction.

13. Every planing machine intended to be used for thicknessing; moulding, matching or tenoning shall be provided with guards which shall enclose-

- (a) the cutters; and
- (b) the feed rollers,

as far as practicable.

14. The cutter of every vertical spindle moulding machine and of every routing machine shall, whenever practicable, be provided with the most efficient guard having regard to the nature of the work which is being performed.

15. For such work as cannot be performed with an efficient guard for the cutter, the wood being worked at a vertical spindle moulding machine or routing machine shall, if practicable, be held in a jig or holder of such construction as to reduce, as far as possible, the risk of accident to the worker.

16. A suitable “spike” or push-stick shall be kept available for use at the bench of every vertical spindle moulding machine and of every routing machine.

17. The chain of every chain mortising machine shall be provided with a guard which shall enclose the cutters as far as practicable.

18. The guards and other appliances required by these rules shall be maintained in an efficient state and shall be constantly kept in position while the machinery is in motion, except when, owing to the nature of the work being done, the use of the guards or

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appliances is rendered impracticable; the guards shall be so adjusted as to enable the work to be carried on without unnecessary risk.

19. Rules 6, 8, 9, 10, 12 and 13 of these Rules shall not apply to any woodworking machine in respect of which it can be shown that other safeguards are provided and maintained which render the machine equally safe as it would be if guarded in the manner prescribed by these Rules.

PART III – DUTIES OF PERSONS EMPLOYED

20. Every person employed on a wood working machine shall-

- (a) use and maintain in proper adjustment the guards provided in accordance with these Rules; and
- (b) use the “spikes” or push-sticks and holders provided in compliance with rules 7, 15 and 16 of these Rules,

except when, owing to the nature of the work being done, the use of the guards or appliances is rendered impracticable.

PART IV – DISPOSAL OF WOODWORKING MACHINERY

21. The provisions of subsection (2) of section 61 of the Act (which prohibits the sale or letting on hire of certain machines which do not comply with the provisions of that section) shall extend to any machine, being a circular saw, plain band saw, planing machine or chain mortising machine, that does not comply with the requirements of rule 6, rule 9 rule 11, rule 12, rule 13 or rule 17, as the case may be, of these Rules:

Provided that this rule shall not apply in the case of any circular saw, plain band saw or planing machine in respect of which it can be shown that other safeguards are provided which render it equally safe as it would be if provided with the guards and other appliances required by these Rules.

Order under sections 63 (2), 67 (8) and (9), 68 (5) and (69) (4)

THE OCCUPATIONAL SAFETY AND HEALTH (EXAMINATION OF PLANT) ORDER

G.N. 958/1951

1. This order may be cited as the Occupational Safety and Health (Examination of Plant) Order.

PART I – PREPARATION FOR STEAM BOILERS FOR EXAMINATION

2. Any person who desires that an examination of a steam boiler should be carried out for the purposes of section 67 of the Act shall provide such facilities for the examination of the interior and exterior of the boiler and for hammer testing, drilling, lifting, hydraulic testing, steam trial or other means of testing as may be required by the authorized boiler inspectors carrying out the examination and, without prejudice to the generality of the foregoing, shall cause-

- (a) the steam boiler to be thoroughly opened up and all flues and other parts to be thoroughly cleaned and scaled;
- (b) all doors of man-holes, mud-holes and hand-holes to be taken off;
- (c) brickwork, composition covering, fire-bars, fire-bridges, tubes and stays to be removed to the extent required by the authorized boiler inspector;
- (d) all junction valves, feed valves and safety valves to be taken apart and cleaned.

PART II – REPORTS OF RESULTS OF EXAMINATIONS

3. The report of the result of every examination of a hoist or lift, steam boiler, steam receiver or air receiver shall be in the form of, and contain the particulars specified in, forms printed and published by the Government Printer, and bearing the following respective numbers:-

- | | |
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| (a) for hoists or lifts | DOSH. Form 10 |
| (b) for steam boilers when cold | DOSH. Form 11 |
| (c) for economizers when cold | DOSH. Form 12 |
| (d) for superheaters when cold | DOSH. Form 13 |
| (e) for steam boilers under normal steam pressure .. | DOSH. Form 14 |
| (f) for steam tube ovens or steam tube hotplates .. | DOSH. Form 15 |
| (g) for steam receivers | DOSH. Form 16 |
| (h) for air receivers | DOSH. Form 17 |
| (i) for steam receivers or air receivers under normal pressure | DOSH. Form 18 |

Exceptions under section 63 (10)

The class or description of hoist or hoistway specified in the first column hereunder are excepted from the requirements of section 63 of the Act specified in the second column hereunder, subject however to the conditions and limitations set opposite thereto in the third column hereunder; and in these exceptions “hoist” and “hoistway” include “lift” and “liftway” respectively.

Class or description of hoist or hoistway	Requirements of section 63 which shall not apply	Conditions or limitations
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1. Hoistways of pavement hoists, that is to say, hoists in the case of which the top landing is the surface of a street or public place, or of a yard or other open space where persons are required to pass.	<p>Subsection (3), in so far as it requires the hoistway to be protected by an enclosure and gate at or above the top landing.</p> <p>Subsections (4), except in the case of a hoist with more than one landing other than the top landing.</p>	<p>The hoistway shall be securely covered or securely fenced at the top landing except when and where access is required for persons, goods, or materials,</p> <p>Every gate shall be kept closed and fastened except when the cage or platform is at the landing.</p>
2. Hoistways of hoists of movable type which are used for the stacking, loading or unloading of goods or materials but not for carrying persons and which do not pass through any floor.	Subsections (3) and (4)	-
3. Hoistways of hoists not of movable type which are used for the stacking, loading or unloading of goods or materials, and which do not pass through any floor, and in the case of which the height of travel of the cage or platform exceeds one thousand five hundred and twenty four millimetres	Subsections (3) and (4)	<p>The hoistway shall, so far as is reasonable practicable, be protected at ground or floor level by an enclosure not less than 7ft. in height and fitted with a gate or gates in connexion with which subsection (4) shall apply; and if the hoist is used for carrying persons it shall be provided with a cage.</p> <p>A gate or gates or other fittings shall be provided to prevent any person being endangered by the underside of the platform.</p>
4. Hoistways of hoists not of movable type which do not pass through any floor, and in the case of which the height of travel of the platform does not exceed one thousand five hundred and twenty four millimetres	Subsections (3) and (4)	

<p>5. Hoistways of hoists used solely for lifting material directly into a machine.</p>	<p>Subsections (3) and (4)</p>	
<p>6. Hoistways of hoists which are not used for carrying persons and into or from which goods or material are not loaded or unloaded except at a height of not less than eight hundred thirty nine millimetres above the level of the floor or ground where the loading or unloading is performed.</p>	<p>Subsection (4)</p>	<p>This exception shall not apply to any gate unless there is a fixed enclosure not less than eight hundred thirty nine millimetres height below the bottom of the gate and reaching down to the level of the floor or ground; and every gate to which this exception does apply (i) shall be fitted with an efficient device to secure that the cage or platform cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened, or , (ii) where it is not reasonably practicable to fit such a device, shall be kept closed and fastened except when the cage or platform is at rest at the gate.</p>
<p>7. Hoists which are not connected with mechanical power and which are not used for carrying persons, and the enclosures of the hoistways of such hoists.</p>	<p>Subsection (5)</p>	
<p>8. Hoists mainly used for raising materials for charging lime-kilns.</p>	<p>Subsection (3), in so far as it requires a gate at the bottom landing; sub-section (4); subsection (5); and paragraph (b) of subsection (7).</p>	

9. Hoists or lifts used in premises in or adjacent to and belonging to a quarry or mine, being premises in which the only process carried on its process ancillary to the getting, dressing or preparation for sale of minerals.	All.	
10. Hoists or lifts used solely in connexion with a building operation as defined in section 2 of the Act.	All.	
11. Hoists or lifts used solely in connexion with a work of engineering construction as defined in section 2 of the Act.	All.	
12. Hoists used for transferring vehicles from one floor or level to another in the working of a semi-automatic car parking system operated without attendants on the parking floors or levels.	Subsections(3) and (4), except at those floors or levels where there is access for the purpose of leaving or collecting vehicles . Subsection (5), except in so far as it related to the counter-balance weight. Subsection (7) (b).	(1) No person shall operate or travel on the hoist unless he has been so authorized by the occupier by certificate attached to the general register. (2) When the hoist is in motion no person shall be in such a position that he is in danger of being trapped between any part of the hoist and any fixed structure..

Exceptions under section 64 (1) (f)

The following classes of chain and lifting tackle are exempted from the requirements of section 64 (1) (f) as to annealing:-

1. Chains made of malleable cast iron.

2. Plate link chains.
3. Chains, rings, hooks, shackles and swivels made of steel or any non-ferrous metal.
4. Pitched chains working on sprocket or pocketed wheels.
5. Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.
6. Hooks and swivels having screw-threaded parts or ball bearings or other case-hardened parts.
7. Socket shackles secured to wire ropes by white metal capping .
8. Bordeaux connexions.
9. Any chain or lifting tackle which has been subjected to the heat treatment known as “normalizing” instead of annealing.

L.N. 276/1956
L.N. 277/1956
L.N. 87/1964

The types of steam receiver specified in the first column hereunder are excepted from the requirements of section 68 of the Act specified in the second column hereunder, subject however to the conditions and limitations set opposite thereto in the third column hereunder.

PART A

Types of steam receiver	Requirements of section 68 which shall not apply	Conditions and limitations
1. Steam traps, steam separators or dryers, steam strainers, steam de-superheaters and oil separators.	All except subsection (1).	If not so constructed as to withstand with safety the maximum pressure that can be obtained therein, shall be fitted with a suitable safety valve so adjusted as to permit the steam to escape as soon as the pressure which such receiver can withstand with safety is exceeded. Such safety valve may be fitted in the pipe connecting such receiver with the source of supply.
2. Steam receivers of the type specified in this	{ All	

<p>paragraph and used in the following industries: laundries; job dyeing; dry cleaning; and manufacture, repair, cleaning or renovating of wearing apparel-</p> <ul style="list-style-type: none"> (a) steam-heated heads and beds of garment-pressing machines, but not including any such machine having a roll or cylinder, nor any in which the pressing operation is effected by means of a hand-operated screw; (b) steam-heated portable hand irons <p>3. Steam receivers of the following types-</p> <ul style="list-style-type: none"> (a) steam-heated tools and dies, heads, moulds, beds or platens of presses, and steam-heated dies of machines used for extruding material in a plastic state, but not including such steam receivers in which the steam passages are drilled nor any presses in which the pressing operation is effected by means of a hand-operated screw; (b) any air heater used 		<p>(1) (a) Every steam receiver connected to any source of steam supply by a pipe in which the maximum steam pressure which can be obtained does not exceed-</p> <ul style="list-style-type: none"> (i) the maximum pressure specified by the maker which such receiver is constructed and maintained to withstand with safety; or (ii) if the maximum pressure is not so specified by the maker, the maximum pressure specified by an authorized boiler inspector after he has obtained such particulars of the construction of the receiver as may be necessary and made such examination of the receiver as is reasonably practicable, <p>shall comply with conditions (2) and (3) .</p> <p>(b) If the steam pressure which can be obtained in the pipe connecting a steam receiver with any source of steam supply exceeds the specified maximum pressure for the receiver ascertained</p>
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<p>in conjunction with a fan; radiators (including “columnar” radiators) and tubular driers with headers.</p>		<p>in accordance with the foregoing paragraph (a) such receiver shall comply with conditions(2), (3) and (4).</p> <p>(c) The specification of the maximum pressure of every steam receiver in accordance with the foregoing paragraph (a) shall bear the signature, address and number and date of the certificate of authorization of the authorized boiler inspector so specifying, and be entered into or attached to the general register.</p> <p>(2) Every part of every steam receiver shall be of good construction, sound material and adequate strength, and free from patent defect.</p> <p>(3) Every steam receiver and its fittings shall be properly maintained.</p> <p>(4) Every such steam receiver to which this condition applies shall be fitted with-</p> <p>(a) a suitable reducing valve or other suitable automatic appliance to prevent the specified maximum pressure</p>
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		<p>being exceeded; and</p> <p>(b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the specified maximum pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the specified maximum pressure is exceeded; and</p> <p>(c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch; and</p> <p>(d) a suitable stop valve.</p> <p>(5) Except where only one steam receiver is in use, each steam receiver shall bear a distinctive number.</p> <p>(6) The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the specified maximum pressure being exceeded.</p> <p>(7) Any set of receivers supplied with steam</p>
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		<p>from a single pipe and forming part of a single machine may, for the purposes of the foregoing requirements, be treated as one receiver, and any other set of receivers supplied with steam through a single pipe may be treated as one receiver except that each receiver shall be fitted with a suitable stop valve: Provided that the reducing valve or other appliance to prevent the specified maximum pressure being exceeded shall be fitted on the said single pipe.</p> <p>(8) The aforesaid fittings shall be thoroughly examined by an authorized boiler inspector at least once in every period of twenty-six months and a report of the result of every such examination, containing the particulars specified in the Appendix hereunder, shall be signed by the authorized boiler inspector and thereafter entered in or attached to the general register. The report may deal with a group of similar receivers supplied with steam from the same</p>
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		source.
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APPENDIX

Particulars of Result of Examination of Fittings of Steam Receivers of the types specified in Part A of the Exceptions from the Requirements of section 68 of the Occupational Safety and Health Act.

- (1) Name of occupier.
- (2) Address of the workplace.
- (3) Receivers-
 - (a) Description of receiver or group of similar receivers supplied with steam from the same source (state the distinctive numbers of the receivers in each group)
 - (b) Minimum pressure of steam at source of supply.
 - (c) Maximum pressure which the receiver(s) is/ are constructed to withstand with safety (as specified in accordance with condition (1) of the Conditions and Limitations), and by whom specified.
- (4) Fittings-
 - (a) Are all the required fittings provided, properly maintained and in good condition.
 - (b) Repairs (if any) and period within which they should be executed.
 - (c) Date of examination when cold.
 - (d) Date of examination when under normal pressure.
- (5) Name, address and number and date of the Certificate of Authorization of the authorized boiler inspector making examination.

PART B

Types of steam receiver	Requirements of section 68 which shall not apply	Conditions or limitations
1. Steam receivers used in the following industries, namely laundries, job dyeing, dry cleaning, and manufacture, repair, cleaning or renovating of wearing apparel, and being any steam-heated "form" or "shape" for finishing an individual		1. Every part of every steam receiver shall be of good construction, sound material, adequate strength, and free from paten defect. 2. Every steam receiver and its fittings shall be properly maintained.

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garment or part of a garment, e.g. sleeve, collar, cuff, neckband, glove or hosiery. 2. Steam receivers of the following types in which the steam passages are drilled- steam-heated tools and dies, heads, moulds, beds, and platens of presses, and steam-heated of machines used for extruding material in a plastic state.	All.	
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The types of air receiver specified in the first column hereunder are excepted from the requirements of section 69 of the Act specified in the second column hereunder, subject however to the conditions and limitations set opposite thereto in the third column hereunder.

Types of air receiver	Requirements of section 69 which shall not apply	Conditions or limitations
1. The type of air receiver known as the air pressure tank used in conjunction with a fire sprinkler installation.	All.	-
2. Air receivers surrounded by a coiled cooling pipe and wholly or mainly immersed in a tank containing water which are used in conjunction with Monotype Casting Machines.	Subsection (4).	The maximum working pressure of the air receiver shall not exceed 20lb. Per square inch, and the capacity shall not exceed 3 cubic feet.

(SUBSIDIARY)

**THE OCCUPATIONAL SAFETY AND HEALTH (CELLULOSE AND
OTHER INFLAMMABLE SOLUTIONS) RULES**

L.N.231/1957

Part I-Preliminary

1.Citation

These rules may be cited as the Occupational Safety and Health (Cellulose and other Inflammable Solutions) Rules

2. Interpretation:

In these Rules-

“cellulose cabinet” means a cabinet, booth or similar structure within which cellulose and other inflammable solutions or inflammable liquids are manipulated or used;

“cellulose solution” means any solution in inflammable liquid of cellulose nitrate, cellulose acetate or other cellulose compound, or of celluloid, or any other substance containing cellulose nitrate, cellulose acetate or other cellulose compound, with or without the admixture of other substances;

“cellulose space” means a room or part of a room within which cellulose and other inflammable solutions or inflammable liquids are manipulated or used otherwise than in a cellulose cabinet;

“cellulose store” means any room, chamber or similar structure in which cellulose and other inflammable solutions or inflammable liquids are stored;

“director” means the director of occupational safety and health services appointed under this Act;

“fire-resisting material” means –

- (a) properly constructed brickwork, stone or concrete-block work of not less than one hundred and fourteen millimetres in thickness; or
- (b) concrete of not less than seventy-six millimetres in thickness; or
- (c) iron or steel of not less than 16 Imperial Standard Wire Gauge in thickness; or
- (d) glass of not less than six millimetres in thickness in the centre of which wire mesh is embedded; or
- (e) for doors only, oak or teak or other wood of similar hardness of not less than forty-five millimetres in finished thickness; or

- (f) except for cellulose stores, wood completely and securely covered on both sides with compressed asbestos of not less than six millimetres in thickness; or
- (g) any other material approved in writing by Director of Occupational Health and Safety Services

“inflammable liquid” means any liquid or mixture of liquids used or intended for use in connexion with cellulose and other inflammable solutions which has a flash point of less than one hundred degrees Fahrenheit Abel closed test at an atmospheric pressure of one kilogramme per square centimetre;

“Other places of work” means any room or space closed or open moving or stationery where an employee is employed in manual work or which is often entered by an employee on behalf of an employer where a source of danger may exist.

“storage tank” means a tank used for storing cellulose solutions or inflammable liquids.

“Workplace” includes, any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment.

3. Application:

(1) These Rules shall, subject to the exceptions hereinafter provided, apply to all Occupational Safety and Health in which Cellulose and Other Inflammable Solutions are used or stored.

(2) Nothing in these Rules shall apply to the painting of any building, or to any process in the manufacture of artificial silk, or of explosives within the meaning of the Explosives Act.

(3) Rules 6, 7 and 9 shall not apply to any cellulose space in which cellulose and other inflammable solutions or inflammable liquids are not manipulated or used for more than 15 minutes on any day.

(4) If the Director of Occupational Health and Safety Services is satisfied in respect of any workplace or any class of process that, owing to the special conditions or special methods of work or otherwise, any of the requirements of these Rules can be suspended or relaxed without danger to the persons employed therein, or that the application of these Rules or any part thereof is for any reason impracticable, he may by certificate in writing (which he may at his discretion revoke) authorize such suspension or relaxation as may be indicated in the certificate for such period and on such conditions as he may think fit.

4. Duties:

It shall be the duty of the occupier of any workplace to which these Rules apply to observe Part II of these Rules; and it shall be the duty of every person employed in such a workplace to observe Part III of these Rules.

PART II – DUTIES OF OCCUPIERS

5. Notice or Use of storage of cellulose solutions:

The occupier shall not use or store cellulose and other inflammable solutions in any workplace in which he did not use or store such solutions before the commencement of these Rules unless and until he has given to the Director of Occupational Health and Safety Services fourteen clear days' notice in writing of his intention to do so, or such shorter notice as the Director may agree to accept.

6. Construction of Cellulose Cabinets, Cellulose Spaces and Ventilating Ducts:

(1) Every cellulose cabinet shall be completely closed except in so far as openings are necessary for the purposes of the work or for the operation of the ventilating apparatus required by rule 7.

(2) Every cellulose space shall be separated by enclosure from every other part of the building or room except in so far as openings are necessary for the purposes of the work or for the operation of the ventilating apparatus required by rule 7.

(3) Every cellulose cabinet and all walls, partitions, door, windows, floors, tops and ceilings enclosing or forming part of the enclosure of any cellulose space shall be constructed of fire-resisting material:

Provided that the provisions of this paragraph shall not apply to any tops or ceilings of single storey buildings or of top floor rooms, or any outside walls, doors or windows, other than any of the aforesaid parts of a building in respect of which the Minister specially directs that the said provisions shall apply; and

(4) All ducts, trunks or casings used in connexion with the means of ventilation required by rule 7 shall be constructed of fire-resisting material:

Provided that such ducts, trunks or casings made of iron or steel may be of a thickness less than 16 Imperial Standard Wire Gauge.

7. Ventilation:

(1) Every cellulose cabinet or cellulose space shall be adequately ventilated by mechanical means so as to remove as completely as possible from the building any vapours of cellulose and other inflammable solutions or inflammable liquids, and to prevent their escape into any occupied room or work space. Such ventilation shall be kept in full operation for a period of at least five minutes after the cessation of any process in the manipulation or use of cellulose and other inflammable solutions or inflammable liquids.

(2) Where cellulose and other inflammable solutions are applied by spraying apparatus, arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between the ventilating outlet and the article being sprayed.

Precautions against ignition of cellulose and other inflammable solutions, inflammable liquids and solid residues:

8. (1) No fire, flame, open light or other agency likely to ignite cellulose and other inflammable solutions or inflammable liquids or the vapour thereof shall be allowed within six metres of the any cellulose cabinet, cellulose space, cellulose store or storage tank unless effectively separated there from by means of intervening fire-resisting material.

(2) All heating and electrical apparatus (including lamp fittings and resistances) liable to attain a temperature of 180° Fahrenheit shall be so situated or so protected as to prevent the deposition thereon of any solid residues resulting from the manipulation or use of cellulose solutions.

9. Means of escape in case of fire:

Adequate means of escape in case of fire, including a sufficient number of safe exits not fewer than two in number, shall be provided and maintained for every room in which a cellulose cabinet is situated and for every cellulose space, and such exits shall be so constructed as to open outwards.

10. Disposal of Waste Materials:

Cotton waste, cleaning rags, or similar material liable to spontaneous combustion shall, after use, be deposited without delay in metal containers with covers. All such containers shall be emptied at the end of the day's work and their contents disposed of in a safe manner.

11. Removal of Solid Residues:

(1) Effective steps shall be taken to remove any solid residues resulting from the manipulation or use of cellulose and other inflammable solutions from all cellulose cabinets and cellulose spaces and also from all ducts, trunks, casings or fans used in connexion therewith, and such residues shall be disposed of in a safe manner.

(2) No such removal shall be effected by scraping with iron or steel implements.

12 Storage of Cellulose Solutions and Inflammable Liquids:

All stocks of cellulose and other inflammable solutions or inflammable liquids shall be kept in-

- (a) fixed storage tanks of safe construction and in safety positions, each such tank being separately and effectively earthed; or
- (b) metal drums, cans or similar vessels situated in cellulose stores, which shall either be constructed of fire-resisting material or be in safe positions not less than nine metres from any occupied building and to which no unauthorized person shall be allowed to have access.

13. Cellulose solutions and Inflammable Liquids in Workrooms:

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(1) The quantity of cellulose and other inflammable solutions or inflammable liquids shall be kept as small as practicable having regard to the work carried on and shall not, in any case exceed the estimated requirements for one day's work. Such cellulose and other inflammable solutions or inflammable liquids shall, when not in actual use, be kept in a metal cupboard or other receptacle at least as safe.

(2) All drums, cans or similar vessels containing cellulose and other inflammable solutions or inflammable liquids shall be kept securely closed when the contents are not in actual use, and shall, after the contents have been expended, be removed without delay to a store constructed or situated in accordance with rule 12, or to some other place, outside the building, at least as safe.

PART III – DUTIES OF PERSONS EMPLOYED

14. Prohibition of Smoking, Open Lights, etc

(1) No person shall smoke in any room in which a cellulose cabinet is situated or in any cellulose space, or in any cellulose store, or within six metres of any cellulose store or storage tank unless he is effectively separated from the cellulose store or tank by fire-resisting material.

(2) All persons employed shall observe the requirements of paragraph (1) of rule 8.

15. Disposal of Waste Materials:

Any person using cotton waste, cleaning rags or similar material shall comply with the requirements of rule 10.

16. General

Every person who is engaged in the manipulation or use of cellulose and other inflammable solutions or inflammable liquids shall make full and proper use of the ventilating and other appliances provided for the purposes of these Rules, shall report forthwith to the occupier, manager or other responsible person any defect in the same, and shall observe such directions as may be given to him with a view to carrying out these rules.

POSTING OF RULES – Printed copies of any Rules made under the Occupational Safety and Health Act Cap. 514, which are for the time being in force in the workplace must be kept posted in the workplace in a prominent position

(Subsidiary)

OCCUPATIONAL SAFETY AND HEALTH (DOCKS) RULES

L.N. 306/1962

ARRANGEMENT OF RULES

PART I - PRELIMINARY

Rule

1. Citation.
2. Application.
3. Interpretation.
4. Classification of ships.
5. Exemptions.
6. Duties.

PART II FACILITIES ON SHORE

7. Means of approach over dock, wharf or quarry.
8. Lighting.
9. Means of rescue from drowning.
10. First-aid boxes and cupboards.
11. Stretchers.
12. Provision of ambulance.
13. Ambulance rooms.
14. Notices as to first-aid appliances.
15. Sanitary conveniences and washing facilities.
16. Drinking water.

PART III GENERAL PROVISIONS AS TO SAFETY ON BOARD

SHIP

17. Means of access from ship to shore and shore to ship.
18. Means of access from ship to ship.
19. Means of access to holds, etc.
20. Lifting gear for hatch beams.
21. Marking of hatch coverings and hatch beams.
22. Maintenance of hatch beams and hatch coverings
23. Provision of hand grips, etc., on hatch coverings.
24. Working space around hatches.
25. Lighting of ships.

PART IV – LIFTING MACHINERY, PLANT AND EQUIPMENT

26. Lifting machinery.
27. Lifting tackle.
28. Ropes.
29. Competent persons.

30. Register of lifting machinery and lifting tackle
31. Marking of safe working loads on pulley blocks.
32. Marking of safe working loads on slings.
33. Marking of safe working loads on cranes and derricks.
34. Fencing of machinery and plant.
35. Special provisions regarding conveyors.
36. Stability of lifting appliances.
37. Cranes and winches – prevention of accidental descent of load.
38. Access to and fencing of crane platforms.
39. Steam cranes and winches.
40. Precautions with respect to the use of chains and ropes.
41. Pallets and cargo trays.

PART V – PROVISIONS AS TO SHIPS OF CLASSES 2 AND 3

42. Keeping of registers, etc., by Class 2 ships.
43. Requirements on first visits of Class 3 ships.

PART VI – GENERAL PRECAUTIONS IN CONDUCTING THE PROCESSES

44. Disposition of goods on wharf or quay.
45. Use of deck stages, hand trucks, etc.
46. Fencing or covering of hatches.
47. Securing of hatch beams.
48. Work at intermediate decks.
49. Work on skeleton decks.
50. Stacking of cargo.
51. Means of escape from holds, etc.
52. Restrictions on use of hooks.
53. Use of signallers.
54. Overloading of machinery, and use of coupled derricks.
55. Drivers of cranes or winches, and signallers.
56. Ventilation.
57. Precautions where dangerous fumes liable to be present.
58. Protection against dust.
59. Provisions of protective clothing.
60. Transport to or from ship by water.

PART VIII --GENERAL DUTIES AS TO USE AND MAINTENANCE OF SAFETY APPLIANCES, ETC.

61. Prohibition of removal or interference with safety appliances.
62. Prohibition of removal of fencing.

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- 63. Use of means of access.
- 64. Prohibition as to going on beams.
- 65. Prohibition as to riding on conveyors.

PART VII – SPECIAL DUTIES

- 66. Duty of master with respect to hold which has been fumigated.
- 67. Duty of employer as to use to of machinery.
- 68. Duty of employers as to means of access and lighting.
- 69. Prescribed register.

THE OCCUPATIONAL SAFETY AND HEALTH (DOCKS) RULES

PART I – PRELIMINARY

Citation 1. These Rules may be cited as the Occupational Safety and Health (Docks) Rules.

Application 2. Save as hereinafter provided these Rules shall apply to the process of loading, unloading, moving and handling goods in, or at any dock, wharf or quay in any part or harbour specified in the First Schedule to these Rules, and to the processes of loading and unloading of any ship in any such port or harbour.

Interpretation 3. In these Rules, except where the context otherwise requires- the expression “coupled derricks” has the same meaning as “ married gear” and “Union Purchase”;

“the Docks Regulations” means the Docks Regulations 1934 made under the Factory and Workshop Act 1901 of the United Kingdom, as from time to time amended;

“hatch” means an opening in a deck used for the purpose of the processes or for trimming, or for ventilation;

“hatchway” means the whole space within the square of the hatches, from the top deck to the bottom of the hold;

“lifting machinery” means masts and mast stays, cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks and eye-bolts and all other permanent attachments to the derricks, masts and decks, used in hoisting or lowering in connexion with the processes;

“person employed” means a person employed in the processes;

“processes” means the processes mentioned in rule 2 of these Rules, or any of them;

“pulley block” means pulley, block, gin and similar gear, other than a crane block especially constructed for use with a crane to which it is permanently attached;

“plant” includes any gangway, ladder, cargo stage, deck stage, hatch covering or hatch beam;

“ship” includes every description of vessel used in navigation not propelled by oars;

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

Classification of ships 4. For the purposes of these Rules, ships shall be divided into three classes as follows-

Class 1, Ships registered in Kenya including such ships plying on Lake Victoria;

Class 2. Ships on board of which the lifting machinery and plant complies with-

- (a) the Docks Regulations; or
- (b) in the case of ships registered in a country other than the United Kingdom or Kenya, regulations made by the

Government of that country if they are, in the opinion of the director, substantially equivalent to these Rules; or

- (c) in the case of ships registered in a country in which no regulations in the matter have been made by the Government thereof, regulations made by any corporation or association for the survey of ships recognized for that purpose by the Government of that country if they are; in the opinion of the director, substantially equivalent in their requirements to these Rules; and

Class 3. All other ships.

Exemptions 5. (1) Nothing in rule 19 (2) and (3) and nothing in Part IV of these Rules shall apply to machinery and plant carried on board-

- (a) a ship of Class 2; or
- (b) a ship of Class 3 visiting a Kenya port for the first and second time after the commencement of these Rules:

Provided that this exemption shall not apply on the occasion of the second visit if the period between the aforesaid visits exceeds six weeks.

(2) Nothing in Parts III to VIII inclusive of these Rules shall apply to the unloading of fish from a ship employed in the catching of fish.

(3) Nothing in rules, 17, 18, 19, 20, 21, 23, 24, 46 (1) and 64 of these Rules shall apply to a barge or lighter.

(4) Nothing in these Rules shall apply to the loading or unloading of naval ships when such loading or unloading is undertaken solely by members of the armed forces.

Duties 6 (1) It shall be the duty of the person having the general management and control of a dock, wharf, or quay to comply with Part II of these Rules:

Provided that-

(i) if any other person has the exclusive right to occupation of any part of the dock, wharf or quay, and has the general management and control of such part, the duty in respect of that part shall devolve upon that other person; and

(ii) it shall be the duty of the employer of the persons employed to comply with rule 16 of these Rules in so far as they apply to persons employed on board a ship not lying at a wharf or quay.

(2) It shall be the duty of the owner, master, or officer in charge of a ship to comply with Part III of these Rules.

(3) In the case of machinery or plant which is-

- (a) carried on board a ship of Class 1; or
- (b) not carried on board a ship,

being machinery or plant used in the processes, it shall be the duty of the owner thereof to comply with Part IV of these Rules, and in the case of machinery or plant carried on board a ship of Class 3, it shall also be the duty of the master of such ship to comply within that Part:

Provided that it shall be the duty of the person who by himself, his agents, or workmen carries on the processes to comply with rule 36(3) of these Rules so far as they relate to the stability of any mobile crane used by him and under his control.

(4) It shall be the duty of the master or officer in charge of a ship to comply with Part V of these Rules.

(5) It shall be the duty of every person who by himself, his agents or workmen carries on the processes, and of all agents, workmen and persons employed by him in the processes, to comply with Part VI of these Rules;

Provided that, where the processes are carried on by a stevedore or other person other than the owner of the ship, it shall be the duty of the

owner, master or officer in charge of the ship to comply with rule 46 of these Rules, so far as it concerns-

- (i) any hatch not taken over by the said stevedore or other person for the purpose for the processes;
- (ii) any hatch which, after having been taken over by the said stevedore or other person for the purpose of the processes, being a hatch at which the processes have been completed or completed for the time being, has been left by the said stevedore fenced or covered as required by rule 46 of these Rules, or has been taken into use by or on behalf of the owner of the ship; and
- (iii) the covering of any hatch fitted with a mechanically operated cover the control of which is solely within the responsibility of the owner, master or offer in chare of the ship.

(6) It shall be the duty of all persons, whether owners, occupiers or persons employed to comply with Part VII of these Rules.

(7) Part VIII of these Rules shall be complied with the persons on whom the duty is placed in the Part.

PART II – FACILITIES ON SHORE

Means of
Approach over
dock wharf or
quay

7. Every regular approach over a dock, wharf or quay which persons employed have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the persons employed; and in particular-

(a) the following parts shall, as far as is practicable having regard to the traffic and working, be securely fenced so that the height of the fence shall in no place be less than one metre, and the fencing shall be maintained in good condition ready for use-

- (i) all breaks, dangerous corners, and other dangerous parts or edges of a dock, wharf or quay; and
- (ii) both sides of such footways over bridges, caissons and dock gates as are in general use by persons employed, and each side of the entrance at each end of such footway for a sufficient distance which need not exceed five yards; and
- (iii) the edges of all ditches, pits, dangerous openings and excavations, but not if secure covering is provided and maintained

(c) the edge or coping of every dock, wharf or quay shall be properly maintained.

Lighting	8. All places on shore at which persons employed are employed, any dangerous parts of the regular road or way over a dock, wharf or quay forming the approach to any such place from the nearest highway, shall be efficiently lighted.
Means of rescue from drowning	9. Provision for the rescue from drowning of persons employed and shall be made and maintained, and shall include- <ul style="list-style-type: none"> (a) a sufficient number of lifebuoys kept in readiness on the dock, wharf or quay and spaced not more than sixty one metres apart; each such lifebuoy shall be adequately protected from exposure to the weather; and (b) effective means at or near the surface of the water, at reasonable intervals, for enabling a person immersed to support himself, which shall be reasonably adequate having regard to all the circumstances; and (c) suitable vertical ladders extending from the water to the edge or coping of the dock, wharf or quay and spaced not more than one hundred and one thousand five hundred and twenty four centimetres apart (or at such greater intervals as the Director may by certificate in writing approve) to enable a person to escape from the water.
First aid boxes and cupboards	10. (1) A sufficient number of first-aid boxes or cupboards of the standard set out in the Fourth Schedule to these Rules shall be provided at every working place and, if more than one is provided, at reasonable distances from each other. <p>(2) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.</p> <p>(3) A first-aid box or cupboard shall be kept stocked and in good order and shall be placed under the charge of a responsible person, who shall always be readily available during working hours; and such person shall except at docks, wharves or quays at which the total number of persons employed at any time does not exceed fifty, be a person proficient in first-aid.</p>
Stretchers	11. There shall be provided and maintained at every dock, wharf or quay, and so as to be readily accessible, a sufficient number of stretchers so constructed as to enable an injured person to be raised from a hold and further transported in a safe manner.
Provisions of	12. There shall be provided and maintained at every dock, wharf or quay,

ambulance	at which the total number of persons employed at any time exceeds fifty a suitably constructed ambulance carriage, maintained in good condition, for the purpose of the removal of serious cases of accident or sickness and, if such cases have to be removed by water, a suitably equipped boat propelled by mechanical power, unless arrangements have been made for obtaining such a carriage or boat when required from a hospital or other place situated not more than three miles (or at such greater distance as the Director may by certificate in writing approve) from the dock, wharf or quay and in telephonic communication therewith.
Ambulance rooms	<p>13. (1) A suitable ambulance room shall be provided and maintained at every dock, wharf or quay at which the total number of persons employed at any time exceeds two hundred, which shall be placed under the charge of a person trained in first aid, who shall always be readily available during working hours.</p> <p>(2) The Director may by certificate in writing exempt such a dock, wharf or quay from the requirements of rule 10 of these Rules relating to first-aid boxes and cupboards to such extent and subject to such conditions as he may specify in the certificate.</p>
Notices as to first aid appliances	<p>14. Notices shall be exhibited in prominent positions at every dock, wharf or quay stating-</p> <ul style="list-style-type: none"> (a) the position of each first-aid box and the place where the person in charge thereof can be found; (b) the position of each stretcher; and (c) the position of the ambulance carriage and boat or, where such is not provided, the position of the nearest telephone and the name and telephone number of the hospital or other place from which such carriage or boat may be obtained.
Sanitary conveniences and washing facilities	<p>15. There shall be provided, maintained and kept clean at every dock, wharf or quay so as to be readily accessible to the persons employed-</p> <ul style="list-style-type: none"> (a) a sufficient number of suitable sanitary conveniences in respect of which effective provision shall be made to provide adequate lighting; and (b) adequate and suitable washing facilities.
Drinking water	<p>16. An adequate supply of wholesome drinking water shall be provided and maintained at suitable points conveniently accessible to all persons employed; and a drinking water supply shall, in such cases as an Occupational safety and health officer may direct, be clearly indicated by a notice in English and in such other languages as the Occupational safety</p>

and health officer may require.

PART III – GENERAL PROVISIONS AS TO SAFETY AND BOARD SHIP

Means of access from ship to shore and shore the ship

17. If a ship is lying at a wharf or quay for the purpose of loading or unloading, there shall be safe means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows-

- (a) where reasonably practicable, the ship's accommodation ladder or a gangway or a similar construction not less than fifty-six centimetres wide, properly secured, and fenced throughout on each side to a clear height of eighty-four centimetres by means of upper and lower rails, taut ropes or chains or by other equally safe means;
- (b) in other cases, a ladder of sound material and adequate length which shall be properly secured to prevent slipping:

Provided that-

- (i) nothing in this rule shall apply to cargo stages or cargo gangways if other proper means of access is provided in conformity with these Rules; and
- (ii) as regards any ship not exceeding 200 ton net registered tonnage, this rule shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances;

Means of access from ship to ship

18. (1) If a ship is alongside any other ship, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

2) If one of such ships is a ship of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

Means of access to holds etc

19. (1) If the depth from the level of the deck to the bottom of the hold exceeds one hundred and fifty three centimetres, there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

(2) Save as hereinafter provided, such access shall be afforded by ladder, and by ladder cleats or cups on the coamings, and shall not be deemed to be safe-

- (a) unless the ladders between the lower decks are in the same line as the ladder from the top deck, if that is practicable having regard to the position of the lower hatch or hatches;
- (b) unless the ladders provide a foothold of a depth including any space behind the ladder of not less than twelve centimetres for a width of twenty six centimetres and a firm handhold;
- (c) unless the cleats or cups provided on coamings-
 - (i) provide a foothold of a depth including any space behind the cleats or cups of not less than twelve centimetres for a width of twenty six centimetres and a firm handhold;
 - (ii) are so constructed as to prevent a man's foot slipping off the side;
 - (iii) are placed vertically one above the other and in the same line as the ladders to which they give access;
- (d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less than twelve centimetres and a firm handhold;
- (e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;
- (f) if the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway;

Provided that such access may be afforded-

- (i) where the provision of a ladder on a bulkhead or a trunk hatchway can be shown to be reasonably impracticable by cleats or cups complying with the requirements of subparagraph (c) of this paragraph;
- (ii) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements of subparagraphs (b), (d) and (e) of this paragraph.

(3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

(4) In the preceding paragraphs, in the case of any ship of Class 1 which is newly registered in Kenya after the commencement of these Rules, fifteen centimetres shall be substituted for, twelve centimetres and thirty one centimetres for twenty six centimetres:

Provided that this requirement shall not come into force until such time as the director by notice in the Gazette, so directs.

Lifting gear for hatch beams	20. All hatch beams used for hatch covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.
Marking of hatch coverings and hatch beams	21. (1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein: Provided that this rule shall not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable. (2) This rule shall apply to hatch beams as it applies to hatch coverings.
Maintenance of hatch beams and hatch coverings	22. All hatch beams used for hatch coverings and all hatch coverings shall be maintained in good condition.
Provision of hand grips	23. All hatch coverings shall be provided with suitable means for lifting them on and off as follows- (a) adequate hand grip; or (b) (b) if the size, weight or construction of the hatch coverings is such as to render them incapable of being lifted into and out of position by two men, such means shall consist of adequate provision for the attachment of a sling.
Working space around hatches	24. Where the working space around a hatch is less than ninety-two centimetres wide, such provision shall be made as will enable persons employed to remove and replace in safety all hatch beams used for hatch covering and all hatch coverings
Lighting of ships	25. When the processes are being carried on- (a) the places in the hold and on the deck where work is being carried on; (b) the means of access provided in pursuance of rules 17 and 18 of these Rules; and (c) all parts of the ship to which persons employed may be required to proceed in the course of their employment, shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed and of the navigation of other

vessels.

PART IV – LIFTING MACHINERY, PLANT AND EQUIPMENT

Lifting
machinery

26. (1) All lifting machinery shall have been tested and examined by a competent person in the manner set out in the Second Schedule to these Rules before being taken into use.
- (2) All masts and mast stays, and all derricks and permanent attachment, including bridle chains, to the derrick, mast and deck, used in hoisting or lowering, shall be inspected by a competent person once in every twelve months and be thoroughly examined by a competent person once at least in every four years.
- (3) All other lifting machinery shall be thoroughly examined by a competent person once at least every twelve months.
- (4) For the purposes of this rule, thorough examination means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and, if necessary for the purpose, parts of the machines and gear must be dismantled.

Lifting tackle

27. (1) No chain, ring, hook, shackle, swivel or pulley block shall be used in hoisting or lowering unless it has been tested and examined by a competent person in the manner specified in the Second Schedule to these Rules.
- (2) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels, shall be effectually heat-treated under the supervision of a competent person in the manner specified in the Third Schedule to these Rules, and such heat-treatment shall be carried out at the following intervals-
- (a) half-inch and smaller chains, rings, hooks, shackles and swivels in general use, once at least in every six months;
- (b) All other chains, rings, hooks, shackles and swivels in general use, once at least in every twelve months:
- Provided that-
- (i) in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in subparagraph (a), and two years for twelve months in subparagraph (b), of this paragraph; and
- (ii) where the Director is of the opinion that, owing to the size, design, material or infrequency of use of any such gear or

class of such gear, the requirement of this rule as to heat-treatment is not necessary for the protection of persons employed, he may by notice in the Gazette, exempt such gear or class of gear from such requirement subject to such conditions as may be specified in such certificate.

(3) All chains, other than bridle chains, attached to derricks or masts and all rings, hooks, shackles, swivels, pulley blocks, cargo trays, and similar gear, shall be inspected by a responsible person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.

(4) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall before being again taken into use be adequately tested and re-examined by a competent person.

Ropes

28. (1) No rope shall be used in hoisting or lowering unless-

- (a) it is of suitable quality and free from patent defect; and
- (b) in the case of wire rope, it has been examined and tested by a competent person in the manner specified in the Second Schedule to these Rules.

(2) Every wire rope in general use for hoisting or lowering shall be properly maintained and shall be inspected by a responsible person once at least in every three months, and after any wire has broken in such rope it shall be inspected once at least in every month.

(3) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds 10 per cent of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one half of the wires cut out of each strand; and strands in all cases shall be tucked against the lay of the rope:

Provided that this rule shall not prevent the use of another form of splice or fastening which can be shown to be as efficient as that laid down in this rule.

Competent persons

29. For the purposes of rules 26, 27 and 28 of these Rules, a person shall be deemed to be a competent person-

- (a) if he is resident in Kenya and has been authorized by the

Director by certificate in writing stating the class or classes of lifting machinery, lifting tackle or ropes which he is competent to test, heat-treat or examine; or

- (b) if he is not resident in Kenya and the Director has not given notice in writing that such person is, in his opinion, not technically qualified to carry out the test, examinations or heat-treatment required by these Rules:

Provided that, as regards the examination of any lifting machinery, lifting tackle or ropes carried on board a ship, paragraph (a) of this rule shall not apply to the master or officers of the ship on board of which such lifting machinery or lifting tackle is carried.

Register of lifting machinery

30. (1) Certificates in the forms in the Fifth Schedule to these Rules, and containing the particulars specified in the said forms with regard to the tests, examinations, inspections or heat-treatment required under rule 26, 27 (1) and (2) and rule 28 (1) of these Rules, shall be obtained, and entered in or attached to the register prescribed by that Schedule before the machinery, chain rope or other gear to which the certificate refers is subsequently taken into use in connection with the processes:

Provided that, in the case of any test, examination or heat-treatment not carried out in Kenya, the requirements of this rule shall be deemed to have been complied with if a certificate prescribed under the Docks Regulations or a certificate conforming to the standard international certificate approved by the International Labour Organization or containing substantially the same particulars is entered in or attached to the register.

(2) The prescribed register with the certificates required to be attached to it shall be kept on the premises unless some other place has been approved in writing by the director.

Marking of safe working loads

31. No pulley block shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.

Marking of safe working loads on slings

32. Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under such conditions as it may be used, and as regards.

- (a) chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto;
- (b) wire rope slings, such means shall consist of either the means specified in paragraph (a) of this rule or a notice or notices, so exhibited as to be easily read by any person concerned, stating

the safe working loads for the various sizes of wire rope slings used.

Marking of safe working loads on cranes and derricks	33. Every crane and derrick shall have the safe working load plainly marked upon it, and every shore crane if so constructed that the safe working load may be varied by the raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator of safe working loads, provided that, in cases where the jib may be raised or lowered, provisions on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered sufficient compliance.
Fencing of machinery and plant	34. (1) All motors, cog-wheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall be securely fenced so far as is practicable without impeding the safe working of the ship. (2) The nips between the belt and the end drums of every belt conveyor shall be securely fenced. (3) All fencing provided in pursuance of paragraphs (1) and (2) of this rule shall be of substantial construction, and shall be constantly maintained and kept in position while the parts required to be fenced are in motion or in use: Provided that the requirements of this rule shall not apply to any parts of machinery if it can be shown that such parts are equally safe to every person employed as they would be if securely fenced.
Special provisions regarding conveyors	35 (1) Every conveyor, including roller conveyors and chutes, used in the processes shall be of good construction, sound material and adequate strength, and shall be free from patent defect. (2) Every conveyor driven by mechanical power shall be provided with efficient means for cutting off the power in an emergency; such means shall be provided at loading and unloading points and, where necessary, at a sufficient number of other convenient positions. (3) Where a conveyor passes over any place where persons employed are employed, the sides of the conveyor shall be provided with adequate guards or screens to prevent the fall of goods or material, unless the conveyor is so placed, enclosed or constructed as to make the provision of such guards or screens unnecessary for the protection of the persons employed.
Stability of	36. (1) Appropriate measures shall be taken to prevent the foot of a

lifting appliances	<p>derrick being accidentally lifted out of its socket or support.</p> <p>(2) Every mobile crane shall be adequately counterbalanced in order to reduce to a minimum the risk of overturning.</p> <p>(3) No mobile crane shall be used on a soft or uneven surface or on a slope in circumstances in which the stability of the appliance is likely to be affected unless adequate precautions are taken to ensure its stability.</p>
Cranes and winches – prevention of accidental descent of load	<p>37. (1) Every crane or winch shall be so constructed, or shall be provided with such means, as to reduce to a minimum the risk of the accidental descent of a load while being raised or lowered; and in particular</p> <p>(a) the lever controlling the reversing gear shall be provided with a suitable spring or other locking arrangement, unless the construction of the crane or winch is such as to render the provision of such a device unnecessary; and</p> <p>(b) in the case of a crane or winch driven by an internal combustion engine or by electricity, such crane or winch shall be so constructed as to prevent; in the event of the power failing; the accidental descent of the load.</p> <p>(2) Every crane or winch shall be provided with an efficient brake.</p>
access to and fencing of crane platforms	<p>38. The driver's platform on every crane or tip driven by mechanical power shall be provided with safe means of access and every such platform from which a person is liable to fall a distance of more than one hundred and twenty two centimetres shall be securely fenced; and in particular; where access is by ladder-</p> <p>(a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided; and</p> <p>(b) the landing placed on the platform shall be maintained free from obstruction; and</p> <p>(c) in cases where the ladder is vertical and exceeds nine hundred and fifteen centimetres in height, a resting place shall be provided approximately midway between the platform and the foot of the ladder.</p>
Steam cranes and winches	<p>39. Adequate measures shall be taken to prevent exhaust steam from, and so far as is practicable live steam to, any crane or winch obscuring any part of the decks, gangways, stages, wharf or quay where any person is employed in the processes.</p>
Precautions	<p>40. (1) Chains shall not be shortened by tying knots in them.</p>

with respect to
 the use of
 chains and
 ropes

(2) Suitable packing shall be provided to prevent wire ropes, fibre ropes and the links of chains coming into contact with sharp edges of loads of hard materials.

Pallets and
 cargo trays

41. Every pallet, cargo tray or similar appliance used in raising or lowering goods shall be of good construction, sound material and adequate strength, shall be suitable for the purpose for which it is used and shall be properly maintained.

PART V – PROVISIONS AS TO SHIPS OF CLASSES 2 AND 3

Keeping of
 registers in etc,
 by class 2
 ships

42. In the case of a ship of Class 2 -

(a) the following documents shall be kept on board and shall be produced on the application of an Occupational safety and health officer-

- (i) a copy of the regulations applicable to the lifting machinery and plant used in the processes and carried on board the ship together with, in the case of regulations in any language other than English, an English translation thereof;
- (ii) current certificates of test of such lifting machinery and plant made in conformity with those regulations; and
- (iii) a register of such lifting machinery and plant as required by those regulations or as prescribed;

(b) the register shall be properly kept and the various items of lifting machinery and plant to which it relates shall be readily identifiable there from;

(c) all lifting machinery and plant used in the processes shall be maintained in accordance with the regulations applicable thereto and shall be available for inspection by an Occupational safety and health officer at any time.

requirements
 on first visits
 of class 3 ships

43. In the case of a ship of Class 3, which first visits and subsequently visits a Kenya port within a period of six weeks after the commencement of these Rules, all lifting machinery and plant used in the processes and carried on board the ship shall be of sound construction, free from patent defect, properly maintained and in all respects suitable for the purpose for which is intended.

PART VI - GENERAL PRECAUTIONS IN CONDUCTING THE PROCESSES

- | | |
|--|--|
| Disposition of goods on wharf and quay | <p>44. Where goods are placed on a wharf or quay -</p> <ul style="list-style-type: none"> (a) a clear passage leading to the means of access to the ship required by rule 17 of these Rules shall be maintained on the wharf or quay; and (b) if any space is left along the edge of the wharf or quay, it shall be at least ninety two centimetres wide and clear of all obstructions other than fixed structures, plant and appliances in regular use. |
| Use of deck stages, hand trucks, etc | <p>45. (1) No deck-stage or cargo-stage shall be used in the processes unless it is soundly constructed and adequately supported and, where necessary, securely fastened.</p> <ul style="list-style-type: none"> (2) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe. (3) Any stage, which is slippery, shall be made safe by the use of sand or otherwise. |
| Fencing or covering of hatches | <p>46. (1) If any hatch of a hold accessible to any person employed and exceeding one hundred and fifty two centimetres in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods or other material, or for trimming, and the coamings are less than seventy six centimetres in height, such hatch shall either be fenced to a height of ninety two centimetres or be securely covered:</p> <p style="padding-left: 40px;">Provided that this requirement shall not apply-</p> <ul style="list-style-type: none"> (i) to ships not exceeding 200 tons net registered tonnage which have only one hatchway; (ii) to any ship during meal times or other short interruptions of work during the period of employment. <p>(2) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.</p> <p>(3) Hatch coverings shall be replaced on the hatches in the position indicated by the markings made thereon in pursuance of rule 21 of</p> |

these Rules.

Securing of hatch beams	<p>47. (1) The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent their displacement or the displacement of any hatch coverings supported by them.</p> <p>(2) Hatch beams and hatch coverings shall, when they are removed from a hatch, be so stacked or secured as not to cause danger to persons passing along the deck, working in the hold or overside; and in particular, if the construction of the ship so allows, a clear working space at least ninety two centimetres wide shall be maintained between hatch coverings and hatch beams which have been so removed and the side of the hatch coaming.</p> <p>(3) Roller or hinged hatch covers when stowed in the vertical position shall be adequately secured by lashings or other effective means.</p>
Work at intermediate decks	48. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it
Work on skeleton decks	49. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of sixty one of such deck.
Stacking of cargo	50. Where stacking, unstacking, stowing or unstowing of cargo or handling in connexion therewith cannot be safely carried out unaided, reasonable measures to guard against accident shall be taken by shoring or otherwise.
Means of escape from holds etc	51. Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with bulk cargo.
Restrictions on use of hooks	<p>52. (1) When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands of fastenings of bales of cotton, jute, sisal, gunny bags or other similar goods, nor shall can hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.</p> <p>(2) Nothing in this rule shall apply to breaking out or making up slings.</p>
Use of signallers	53. When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed, and where more than one fall is being worked at a hatchway a separate signaller shall be employed to attend to each fall:

Provided that this rule shall not apply in cases where a ship is being loaded or unloaded if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where work is being carried on.

Overloading of machinery, and use of coupled derricks 54. (1) No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load, except that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other responsible person, if on each occasion -

- (a) the written permission of the owner or his responsible agent has been obtained; and
- (b) a record of the overload is kept:

Provided that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purposes of this rule to be half the actual load.

(2) No load shall be left suspended from a crane, winch or other machine unless there is a responsible person actually in charge of the machine which the load is so left.

(3) Where two derricks are used as coupled derricks for the purpose of hoisting or lowering goods-

- (a) the load shall not exceed one half of the safe working load of the derrick having the lower lifting capacity; and
- (b) there shall be used, in addition to the outer guy of each of the two derricks so coupled and as nearly parallel to such outer guy as possible, a wire rope preventer guy which shall be of adequate strength and securely attached to the head of the derrick and to a suitable deck fastening.

Drivers of cranes or winches and signallers 55. No person who is not sufficiently competent and reliable shall be employed to drive a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver or to attend to cargo falls on winch-ends or winch-bodies.

Ventilation 56. In every hold or compartment in which cargo is being worked effective and suitable provisions shall, if necessary, be made for securing and maintaining by the circulation of fresh air the adequate ventilation of the hold or compartment.

Precautions where dangerous 57. Where work has to be done in any hold or compartment in which dangerous fumes are liable to be present or in which there is reasonable cause to believe that the atmosphere may be deficient in oxygen to such

fumes liable to be present extent as to endanger life-

(a) no person employed shall enter the hold or compartment for any purpose unless the following requirements are complied with-

(i) all practicable steps shall be taken to remove any fumes which may be present or, as the case may be, by ventilation or otherwise, to render the atmosphere safe and, unless it has been ascertained by a suitable test that the hold or compartment is free from dangerous fumes or is safe to enter, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside; or

(ii) the person entering shall wear a suitable respirator or breathing apparatus and shall, in addition, wear a belt to which there is securely attached a rope of which the free end is held by a person outside; and

(b) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and sufficient number of persons and maintained so as to be readily accessible; and

(c) a sufficient number of persons employed shall be trained and practiced in the use of such apparatus and in the method of restoring respiration.

Protection against dust

58. Where the processes give rise to any substantial quantity of dust of any kind or to dust of such a character and to such extent as to be likely to be injurious to the persons employed, all practicable measures shall be taken to protect the persons employed against the inhalation of such dust, and, if necessary, suitable masks or respirators shall be provided and maintained for the use of persons employed who are exposed to such dust.

Provision of protective clothing

59. Suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, shall be provided and maintained for the use of persons employed-

(a) when engaged in handling any injurious or offensive substance; and

when working in a refrigerated space.

Transport to or from ship by water

60. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport; and vessels used for this purpose shall be in the charge of a competent person, shall not be overcrowded and shall be properly equipped for safe navigation and maintained in good

condition.

PART VII - GENERAL DUTIES AS TO USE AND MAINTENANCE OF SAFE APPLIANCES ETC.

Prohibition of removal or interference with safety appliances	<p>61. (1) No person shall, unless duly authorized or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these Rules to be provided.</p> <p>(2) If removed, such things shall be restored at the end of the period during which their removal was necessary by the persons last engaged in the work that necessitated such removal.</p>
Prohibition of removal of fencing	<p>62. (1) The fencing required by rule 7 of these Rules shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing.</p> <p>(2) If removed, the fencing shall be restored forthwith at the end of that period by the person engaged in the work that necessitated its removal.</p>
Use of means of access	<p>63. Every person employed shall use the means of access provided in accordance with rules 17, 18 and 19 of these Rules, and no person shall authorize or order another to use means of access other than those provided in accordance therewith.</p>
Prohibition as to going on beams	<p>64. No person shall go upon the fore and aft beams or thwartship beams for the purpose of adjusting gear for lifting them on and off or for any other purpose in connexion with the processes, nor shall any person authorize or order another to do so.</p>
Prohibition as to riding on conveyors	<p>65. No person shall ride upon any conveyor nor shall any person authorize or order another to do so.</p>

PART VIII - SPECIAL DUTIES

Duty of master with respect to hold which has been fumigated	<p>66. The master or officer in charge of a ship shall not allow any hold or compartment to be taken into use for the purpose of the processes for the first time subsequent to such hold or compartment having been fumigated, unless a certificate, signed by a qualified person, and stating that such hold or compartment is free from dangerous fumes and is safe to enter, has been obtained and is kept available for inspection.</p>
Duty of employer as to use of	<p>67. No employer of persons in the processes shall allow machinery or gear to be used by such persons if he knows or has reason to believe that such machinery or gear does not comply with Part IV or Part V of these Rules,</p>

machinery as the case may be.

Duty of employers as to means of access and lighting 68. If the persons whose duty it is to comply with rules 17, 18 and 25 of these Rules fail to do so, then it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required to comply with the said rules within the shortest time reasonably practicable after such failure.

Prescribed register 69. The prescribed register shall, on the application of an Occupational safety and health officer, be produced by the person in charge thereof; if it relates to the lifting machinery and other gear of a ship and is kept on the ship, it shall be produced, together with the certificate of the ship's register, by the person for the time being in charge of the ship.

FIRST SCHEDULE

PORTS AND HARBOURS TO WHICH THE RULES APPLY

- (1) Mombasa Harbour as defined by the East African Harbour Limits and Compulsory Pilotage Order 1953 of the High Commission.
- (2) The port of Kisumu.

SECOND SCHEDULE

MANNER OF TEST AND EXAMINATION BEFORE TAKING LIFTING

MACHINERY AND GEAR INTO USE

1. Every winch with the whole of the gear accessory thereto (including masts and mast stays, derricks, goose necks, eye-plates, eye-bolts or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

Safe Working Load	Proof Load
Up to 20 tons	25 per cent in excess
20-50 tons	5 tons in excess
Over 50 tons	10 per cent in excess

The proof load shall be applied (a) by hoisting movable weights or (b) by means of a spring or hydraulic balance or similar appliance, with the derrick at an angle which shall not exceed 15 degrees to the horizontal, or, where this is impracticable, at the lowest practicable angle; the angle at which the test was made shall be stated in the certificate of test.

In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

So far as possible every such test shall be carried out by means of movable weights, and no exception shall be allowed in the case of gear on new ships. In the case of replacements or renewals, however, a spring or hydraulic balance or similar appliance may be used where movable weights are not available.

Where a spring or hydraulic balance or similar appliance is used it shall be accurate, and the test

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shall not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

2. Every crane and other lifting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load as follows-

Safe Working Load	Proof Load
Up to 20 tons	25 per cent in excess.
20-50 tons	5 tons in excess
Over 50 tons	10 per cent in excess

The proof load shall be hoisted and swung as far as possible in both directions.

In the case of a jib-crane, if the jib has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radii of the jib.

In case of hydraulic cranes or hoists, where, owing to the limitation of pressure, it is impossible to hoist a load 25 per cent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

3. Every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table-

Article of Gear	Proof Load
Chain Ring Hook Shackle Swivel	Twice the safe working load.

Pulley Blocks	Proof Load
Single Sheave Block	Four times the safe working load
Multiple Sheave Block with safe working load up to and including 20 tons.	Twice the safe working load.
Multiple Sheave Block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple Sheave Block with safe working load over 40 tons.	One and a half times the safe working load.

Provided that, where the Director is of the opinion that, owing to the size, design, construction, material or use of any such loose gear or class of such gear, any of the above requirements are not necessary

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for the protection of persons employed, he may by notice in the Gazette exempt such gear or class of gear from such requirement, subject to such conditions as may be stated in the certificate.

4. After being tested as aforesaid, all machines with the whole of the gear accessory thereto and all loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part is injured or permanently deformed by the test.

5. In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one-fifth of the breaking load of the sample tested.

THIRD SCHEDULE

MANNER OF HEAT-TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS

Chains, rings, hooks, shackles and swivels shall, if made of wrought iron, be annealed by being placed in a suitably constructed furnace and heated uniformly until the whole of the metal has attained a temperature between 1,100 degrees Fahrenheit (600 degrees Centigrade) and 1,200 degrees Fahrenheit (650 degrees Centigrade) and, after being so heated, allowed to cool uniformly:

Provided that, if the past history of any such gear is not known, the gear shall be normalized by being placed in a suitable constructed furnace and heated until the whole of the metal has attained a temperature between 1,750 degrees Fahrenheit (950 degrees Centigrade) and 1,830 degrees Fahrenheit (1,000 degrees Centigrade) and, after being so heated, allowed to cool uniformly.

After heat-treatment the gear shall be carefully inspected by a competent person, and details of any defects found shall be entered in the prescribed form.

FOURTH SCHEDULE

STANDARD FOR FIRST-AID BOXES

First-aid boxes or cupboards shall comply with the following standard-

(1) each first-aid box or cupboard shall contain at least -

a copy of the first aid leaflet (DOSHS. 250/1) issued by the Directorate of Occupational Health and Safety Services;

- (a) a sufficient number (not less than 24) of small sterilized unmedicated dressings for injured fingers;
- (b) a sufficient number (not less than 12) of medium-sized sterilized unmedicated dressings for injured hands or feet;
- (c) a sufficient number (not less than 12) of large sterilized unmedicated dressings for other injured parts;
- (d) a sufficient number (not less than 36) of adhesive wound dressings of a suitable type and of assorted sizes;
- (e) a sufficient number (not less than 8) of triangular bandages of unbleached calico, the longest side of which measures not less than one hundred and thirty centimetres and each of the other side not less than ninety two centimetres;
- (f) a sufficient supply of adhesive plaster;

- (g) a sufficient supply of absorbent sterilized cotton wool in half-ounce packets;
- (h) a sufficient supply of Workplace Eye Drops, B.P.C.;
- (i) a sufficient number (not less than 8) of sterilized eye-pads in separate sealed packets;
- (j) a tourniquet;
- (k) a supply of safety pins;
- (4) all materials for drugs and dressings contained in first aid boxes or cupboards shall be those designated in, and of a grade or quality not lower than the standards specified by, the British Pharmaceutical Codex including an supplement thereto;
- (5) Each first aid box or cupboard shall be plainly marked 'FIRST-AID'.

FIFTH SCHEDULE

PRESCRIPTION OF REGISTER AND FORMS

1. The register shall be in the form of the register printed and published by the Government Printer entitled "Register of Machinery, Chains, etc, and Wire Ropes" and bearing the reference "DOSH. 290".

2. The certificate of every test, examination or heat-treatment shall be in the form of, and contain the particulars specified in, forms printed and published by the Government Printer, being forms bearing the reference "DOSH." followed by the numbers respectively set out hereunder in relation thereto, that is to say-

- (a) for the test and examination of masts and mast stays, winches, derricks and accessory gear, before being taken into useDOSH 291
- (b) for the test and examination of cranes or hoists, and their accessory gear, before being taken into useDOSH 292
- (c) for the test and examination of chains, rings hooks, shackles, swivels and pulley blocks, being taken into useDOSH. 293
- (d) for the test and examination of wire rope, before being taken into use.. .. .DOSH. 294
- (e) for the heat-treatment of chains, rings, hooks, shackles and swivels which require such treatmentDOSH 295

Classes of gear exempted from the requirements of rule 27 as to heat-treatment, under rule 27 (2), proviso (ii) of the Occupational Safety and Health (Docks) Rules—

- (a) chains made of malleable cast iron;
- (b) plate link chains;
- (c) chains, rings, hooks, shackles and swivels made of steel;
- (d) pitched chains;
- (e) rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines;
- (f) hooks and swivels having screw-threaded parts or ball bearing or other case-hardened parts;
- (g) bordeaux connexions,

subject to the condition that such gear shall be thoroughly examined by a competent person once at least in every twelve months, and that certificates in the form printed and published by the Government Printer bearing the reference "DOSH. 296" and containing the particulars specified in the said form with regard to such examinations shall be obtained and entered in or attached to the prescribed register before the gear to which the certificate refers is subsequently taken into use in connexion with the processes.

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For the purposes of this exemption, thorough examination means a visual examination, supplemented if necessary by other means, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and if necessary for the purposes, parts of the gear must be dismantled.

Classes of gear exempted from the requirements of paragraph 3 or the Second Schedule, under paragraph 3 of the Occupational Safety and Health (Docks) Rules—

- (a) pitched chains used with hand-operated pulley blocks and rings, hooks, shackles or swivels permanently attached thereto;
 - (b) hand-operated pulley blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto,
- subject to the condition that such gear shall have been tested by a competent person with a proof load at least equal to one and a half times the safe working load.

L. N. 160/1977

THE OCCUPATIONAL SAFETY AND HEALTH (FIRST-AID) RULES, 1977

Citation

1. These Rules may be cited as the Occupational Safety and Health (First-Aid) Rules, 1977.

Contents of first-aid boxes

2. In every workplace there shall be provided, maintained and readily available and accessible in every first aid box or cupboard required under section 95(1) of the Act items in accordance with the following –

- (a) In every workplace in which the number of employees does not exceed ten—
 - (i) a copy of the first-aid leaflet (DOSHS. 250/1) issued by the Directorate of Occupational Safety and Health Services;
 - (ii) a sufficient number (not less than six) of small sterilized unmedicated dressings for injured fingers;
 - (iii) a sufficient number (not less than three) of medium sized sterilized unmedicated dressing for injured hands or feet.
 - (iv) a sufficient number (not less than three) of large sterilized unmedicated dressings for other injured parts;
 - (v) a sufficient number (not less than twelve) of adhesive wound

dressings of a suitable type and of assorted sizes;

- (vi) a sufficient number (not less than two) of triangular bandages of unbleached calico, the longest side of which measures not less than one hundred and thirty centimetres and each of the other sides not less than ninety-one centimetres.;
- (vii) a sufficient supply of adhesive plaster;
- (viii) a sufficient supply of absorbent sterilized cotton wool in fourteen gramme packets;
- (ix) a sufficient supply of Workplace Eye Drops, B.P.C.;
- (x) a sufficient supply (not less two) of sterilized eye pads in separate sealed packets;
- (xi) tourniquet; and
- (xii) a sufficient supply of safety pins;

(b) in every workplace in which the number of employees exceeds ten but does not exceed fifty--

- (i) a copy of the first-aid leaflet DOSH. 250/1 issued by the Directorate of Occupational Safety and Health Services;
- (ii) a sufficient number (not less than twelve) of small sterilized unmedicated dressings for injured fingers;
- (iii) a sufficient number (not less than six) of medium sized sterilized unmedicated dressing for injured hands or feet.
- (iv) a sufficient number (not less than six) of large sterilized unmedicated dressings for other injured parts;
- (v) a sufficient number (not less than twenty four) of adhesive wound dressings of a suitable type and of assorted sizes;
- (vi) a sufficient number (not less than four) of triangular bandages of unbleached calico, the longest side of which measures not less than one hundred and thirty centimetres. and each of the other sides not less than ninety-one centimetres;
- (vii) a sufficient supply of adhesive plaster;
- (viii) a sufficient supply of absorbent sterilized cotton wool in fourteen gram packets;
- (ix) a sufficient supply of Workplace Eye Drops, B.P.C.;
- (x) a sufficient supply (not less four) of sterilized eye pads in separate

- sealed packets;
 - (xi) tourniquet; and
 - (xii) a sufficient supply of safety pins
- (c) in every workplace in which the number of employees exceeds fifty--
- (i) a copy of the first-aid leaflet DOSH. 250/1 issued by the Directorate of Occupational Safety and Health Services;
 - (ii) a sufficient number (not less than twenty four) of small sterilized unmedicated dressings for injured fingers;
 - (iii) a sufficient number (not less than twelve) of medium sized sterilized unmedicated dressing for injured hands or feet.
 - (iv) a sufficient number (not less than twelve) of large sterilized unmedicated dressings for other injured parts;
 - (v) a sufficient number (not less than thirty six) of adhesive wound dressings of a suitable type and of assorted sizes;
 - (vi) a sufficient number (not less than eight) of triangular bandages of unbleached calico, the longest side of which measures not less than one hundred and thirty centimetres and each of the other sides not less than ninety-one centimetres;
 - (vii) a sufficient supply of adhesive plaster;
 - (viii) a sufficient supply of absorbent sterilized cotton wool in fourteen gram packets;
 - (ix) a sufficient supply of Workplace Eye Drops, B.P.C;
 - (x) a sufficient supply (not less eight) of sterilized eye pads in separate sealed packets;
 - (xi) tourniquet; and
 - (xii) (xii) a sufficient supply of safety pins

Grade and quality of drugs and dressings

3. All materials for drugs and dressings contained in first aid boxes or cupboards shall be those designated in, and of a grade or quality not lower than the standards specified by the British Pharmaceutical Codex or any supplement thereof.

Marking of first aid boxes and cupboards

4. Every first aid box or cupboard shall be plainly and clearly marked on the outside with the words "FIRST AID".

Trained personnel to be always available	<p>5. (1) In every workplace where there are more than ten but less than fifty employees, there shall be at least to persons trained in first aid and at least one such person shall always be available in the workplace at all times during all working hours.</p> <p>(2) In every workplace where there are more than fifty but less than one hundred employees there shall be at least three persons trained in first aid and at least one such person shall always be available in the workplace at all times during all working hours.</p> <p>(3) In every workplace where there are more than one hundred employees there shall be at least three persons trained in first aid, plus one additional person for each extra hundred employees (or part thereof) beyond the first 100 employees, and two such trained persons shall always be available in the workplace at all times during working hours.</p>
First-aid room in large workplaces	<p>6. In every workplace where more than five hundred persons are employed there shall be a first aid room which shall always be open and manned by a trained nurse during working hours.</p>
Qualifications	<p>7. No person shall be placed in charge of a first aid box or cupboard unless he or she has received adequate training in the application of first-aid to the injured persons and holds a certificate of competence issued by –</p> <ul style="list-style-type: none"> (i) The St. John Ambulance of the St. John Council of Kenya, or (ii) The Kenya Red Cross Society, or (iii) Such other body or society as may be approved from time to time, by the Director <p>Provided that any certificate of competence issued in accordance with this paragraph shall be valid for one year only and must be renewed annually.</p>
Application of Rules	<p>8. The provisions of these Rules shall apply to both day and night shifts and during all hours a workplace is open.</p>
Offenses, penalties and legal proceedings.	<p>9. Where any offence is committed under these Rules the owner or the occupier of the workplace concerned, as the case may be, shall be guilty of an offence and if the provisions of Part XI of the Act as to offences, penalties (including the amounts thereof) and proceedings shall apply, <i>mutatis mutandis</i>, to these Rules as if they were set out there in.</p>
Sub. Leg.	<p>10. TheOccupational Safety and Health (first aid) order is hereby revoked.</p>

L N. 44/1978

THE OCCUPATIONAL SAFETY AND HEALTH (PROTECTION OF EYES) RULES, 1978

ARRANGEMENTS OF RULES

Rule

1. Citation
2. Commencement
3. Interpretation
4. Application of Rules
5. Exemption certificates
6. Protection of persons employed in the specified processes
7. Protection in certain cases of persons at risk from a specified process
8. Issue of eye protectors
9. Replacement of eye protectors
10. Eye protectors and shields – construction and marking
11. Fixed shields -- construction, maintenance and positioning
12. Use of five protectors of shields

THE OCCUPATIONAL SAFETY AND HEALTH (PROTECTION OF EYES) RULES,
1978

Citation

1. These Rules may be cited as the Occupational Safety and Health (Protection of Eyes) Rules , 1978

Commencement

2. These Rules shall come into operation On the 1st day of March, 1978

Interpretation

3. In these Rules, except where the context otherwise requires—
“Approved” means approved for the time being for the purposes of these Rules by certificate of the director.

“Eye protectors” includes the goggles, visors, spectacles and face screens, being equipment made to be worn by a person;

Workplace includes any premises and any place to which these Rules apply;

“Fixed shield” means a screen which is free-standing or which is, or is made to be, attached to machinery, plant or other equipment, or to a building structure;

“Possession” does not include ownership

“Shield” means a helmet or hand shield, being equipment made to be worn or held by a person;

“Specified process” means any process specified in Schedule 1 of these Rules.

Application of the Rules

4. (1) these Rules shall apply to—

- (a) all factories;
- (b) all premises, places, processes, operations and works to which the provisions of the Occupational Safety and Health Act and Rules made there-under apply; and
- (c) Building construction works and works of engineering construction

(2) the provisions of these Rules shall be in addition to other requirements imposed by or under the Occupational Safety and Health Act.

Exemption certificates

5. (1) where the director is satisfied that certain requirements are not necessary for the protection of persons employed are not practicable he may, by certificate in writing and subject to such conditions as may be specified therein, exempt from all or any of the contents of these Rules—

- (a) Any workplace or part of any workplace ;
- (b) Any class or description of factories or parts thereof ;
- (c) Any machine, plant, apparatus, losses, operation or work, or any class or description of machines, plant, apparatus , processes, or works;

(2) where an exemption is granted under the provisions of this rule a legible copy of the certificate, showing the conditions, if any, subject to which it has been granted shall be kept posted in any workplace to which the exemption applies in a position where it may be conveniently read by the persons so employed;

(3) a certificate issued under the provisions of this rule may be invoked at any time by the director in his discretion;

Protection of persons employed in the specified processes

6. (1) Where any person is employed in a workplace to which these Rules apply for any of his time in any of the specified processes his employer shall provide him with –

- (a) eye protectors, in the case of a person employed in a process that specified in Part I of Schedule 1 to these Rules;

(b) a shield or a sufficient number of fixed shields, in the case of a person employed in a process specified in Part II of the said Schedule;

(c) eye protectors or a shield or a sufficient number of fixed shields;

(2) In addition to what is provided under paragraph (1) of this rule the employer shall, where necessary and so far as reasonably practicable, provide fixed shields between adjacent positions in each of which persons employed in a process specified in paragraph 6, 7, or 32 of Schedule 1 to these Rules are working independently of the persons so employed in an adjacent position

Protection in certain cases of persons at risk from a specified process

7.(1) Where any process specified in Schedule 2 to these Rules is being carried on in a workplace, to which these Rules apply, and persons other than those employed in that process are employed in a place where there is a reasonably foreseeable risk of injury to their eyes from the carrying on of the process –

(a) in the case of a process specified in paragraph (3) of the said Schedule, eye protections or a shield or a sufficient number of fixed shields shall be provided by their employer for their use; and

(b) in the case of any other process a sufficient number of fixed shields shall be provided for their protection by the employer of the persons employed in that process.

Issue of eye protectors

8. Eye protectors provided in pursuance of rules 6(a) or (c) or 7(a) of these Rules shall be given by the employer into the possession of each person for whom they are provided except in the case of persons occasionally employed for whose use a sufficient number of eye protectors shall be provided, maintained and kept readily available by their employer.

Replacement of eye protectors

9. (1) Where consequent upon a report under rule 12 of these Rules it is confirmed that any eye protectors given into the possession of a person in accordance with rule 8 of these Rules have been lost or destroyed or are so defective as to be unsuitable for the purpose for which they were provided, the employer shall forthwith give into the possession of the person for whom they were provided eye protectors to replace those lost, destroyed or defective, unless such person has ceased to be a person within the protection provided for by rules 6(1) (a) or (c) or (7) (a) of these Rules or has become a person occasionally employed or unless these Rules are being complied with in his case, in accordance with these Rules, by the provision of a shield or fixed shields.

(2) the employer shall in addition to any eye protectors provided in

accordance with paragraph (1) of this rule keep available as many eye protectors as may be sufficient, so far as can reasonably be foreseen, to enable him to comply with the requirements of this rule.

Protectors and shields – construction and marking

10. (1) kicked as and shields provided in pursuance of these Rules shall—

- (a) Be suitable for the person for whose use they have been provided;
- (b) Be made in conformity with an approved a specification for eye protectors or shields, as the case may be being an approved specification for eye protectors or shields which are appropriate to the specified process in which the said person is employed or from the carrying on of which there is a reasonably foreseeable risk of injury to the eyes of the said person, as the case may be;
- (c) Be marked in such a manner and accompanied by such particulars as may be approved in order to indicate the purpose or purposes for which the eye protectors or shields were designed.

Fixed shields— construction, maintenance and positioning.

11. Fixed shields provided in pursuance of these Rules shall –

- (a) When provided in pursuance of rule 6 (1) of these Rules for the use of a person employed in a process specified in Part II or Part III of Schedule 2 of these Rules, as the case may be, except, where rule 6 (1), 7(a) and 11 of these Rules, be made in conformity with an approved a specification for fixed shields;
- (b) Be properly maintained and, if that is necessary that we should be transparent, be kept clean; and
- (c) Whether or not required by these Rules to be made in conformity with an approved a specification for fixed and shields, be so constructed and kept in position as to protect is so far as practicable, the size of the persons for use protection the data provided of those persons have coming on a specified process, or while those persons are employed in a place where there is a reasonably foreseeable risk of injury to their eyes from the carrying on of such a process as the case may be.

Use of eye protectors or shields

12. (1) Every person who is provided with eye protectors or a shield in pursuance of these Rules shall use the said, eye protectors or shield at all times while he is employed in a specified process or while he is

employed in a place where there is reasonable risk of injury to his eyes from the carrying on of the process specified in paragraph 3 of Schedule 2 to these Rules, as the case may be, except, rules 6(1), 7(a) and 11 of these Rules are being complied with in his case, in accordance with these Rules, by the provision of a fixed shield.

(2) Every person who is provided with eye protectors or shield in pursuance of these Rules shall –

- (a) Take reasonable care of the said eye protectors or shields and not wilfully misuse them or it; and
- (b) Report forthwith to employer or his agent the loss or destruction of, or any defect in, the shield and protectors or shield.

(3) Every person for whom use of shield is provided in pursuance of these Rules shall make full and proper use of it.

SCHEDULE 1

(Rules 3, 6 and 11)

Specified processes

Part I

Processes in which approved eye protectors are required

1. The blasting or erosion of concrete by means of shot or other abrasive materials propelled by compressed air.
2. The cleaning of buildings or structures by means of shot or other abrasive materials propelled by compressed air.
3. Cleaning by means of high pressure water jets.
4. The striking of masonry nails by means of a hammer or other hand tool or by means of a power driven portable tool.
5. Any work carried out with a handheld cartridge-operated tool, including the operation of loading and unloading live cartridges into such a tool, and handling of such a tool for the purpose of maintenance, repair or examination when the tool is loaded with live cartridge
6. the chipping of metals and that chipping, knocking out, cutting out, or cutting off of cold rivets, bolts, nuts, lugs, pins, collars or similar articles from any structure or plant, or from part of any structure or plant, by means of a hammer, chisel, punch, or similar hand tool, or by means of a power driven portable tool.
7. The chipping or scurfing of paint, scale, slag, rust or other corrosion from the surface of metal or other hard materials by means of hand tool or by means of power driven portable tool or by applying articles of metal for such materials, power driven

tool.

8. The use of a high speed metal cutting saw an abrasive cutting-off wheel or disc, which in either case is power-driven.
9. The pouring or skimming of molten metal in foundries.
10. Work at a molten salt bath when the molten surface is exposed.
11. The operation, maintenance, dismantling of demolition of plant or any part of plant, being plant or part of plant which contains or has contained acids, alkalis, dangerous, corrosive substance, whether liquid or solid, or other substances which are similarly injurious to the eyes and which have not been so prepared (by isolation, reduction of pressure, emptying or otherwise), treated or designed and constructed as to prevent any reasonably foreseeable risk of injury to the eyes of any person engaged in such work from any of the said contents.
12. The handling in open vessels or manipulation of acids, alkalis, dangerous corrosive materials, whether liquid or solid, and other substances which are similarly injurious to the eyes, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from drops splashed all particles thrown off.
13. The driving in or on of bolts, pins, collars, or similar articles to any structure or plant by means of a hammer, chisel, punch or similar hand tool where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
14. Injection by pressure of liquids or solutions into buildings or structures or parts thereof where in the course of any such work there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from any such liquids or solutions.
15. The break-up of metal by means of a hammer, whether power-driven or not, or by means of a tup, where in either of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
16. The breaking, cutting, cutting into, dressing, curving or drilling by means of a power driven tool or by means of power driven tool, or by means of a hammer, chisel, pick or similar hand tool other than that trowel, of any of the following that is to say –
 - (a) glass, hard plastics, concrete, fired clay, plaster, slag or stone (whether natural or artificial);
 - (b) Materials similar to any of the foregoing;
 - (c) materials consisting of wholly or partly of the foregoing;
 - (d) Stonework, brickwork or block work;
 - (e) Bricks, tiles or blocks (except blocks made of wood),

where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.

17. The use of compressed air for removing swarf, dust, dirt, or other particles, where the course of any such work there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments for one off.
18. Work at a furnace containing molten metal, and pouring or skimming of molten metal in places other than foundries, where there is are foreseeable risk of injury to the eyes of any person engaged in any such work from molten metal.
19. Process in foundries where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from the hot sand thrown off.
20. Work in the manufacture of wire rope where of where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off or from flying ends of wire.
21. The operation of coiling wire, the operations connected therewith, where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from particles or fragments thrown off or from flying ends of wire.
22. The cutting of wire or metal strapping under tension ,where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in such work from flying ends of wire or flying ends of the metal strapping.
23. Work in the manufacture of glass and in the processing of glass and the handling of cullet, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.

Part II

Process in which approved shields or approved fixed shields are required

24. Any process involving the use of an exposed stream or arc plasma.

Part III

Processes in which approved eye protectors or approved shields or approved fixed shields are required

25. Work at filling stations on pressure bottling machines, bottle corking, bottle capping where in the course of any such work there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
26. The welding of metals by means of apparatus to which oxygen or any flammable gas, or vapour is supplied under pressure.
27. The cutting, boring, cleaning, surface conditioning or spraying of materials by means of apparatus (not being apparatus mechanically driven by a compressed air) which air, oxygen or any flammable gas or vapor is supplied under pressure excluding any

such process elsewhere specified, where in any of the foregoing cases there is enough reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off or from intense light or other radiation.

28. Any process involving the use of an instrument which produces light amplification by the stimulated emission of radiation, being a process in which there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the process from radiation.

Part IV

Processes in which approved protectors or approved shields or fixed shields are required

29. Turning or dressing of an abrasive wheel where in either of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
30. Work with drop hammers, power hammers, horizontal forging machines, forging presses other than hydraulic presses, used in any case for the manufacture of forgings.
31. The dry grinding of particles by applying them by hand to a wheel, disk or band which in any such case is power-driven or by means of a power driven portable tool, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
32. The fettling of metal castings, involving the removal of metal including runners, gates and risers, and the removal of any other material during the course of such fettling, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.
33. The production of metal castings at pressure die casting machines where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from molten metal thrown off.
34. The machining of metals, including dry grinding process not elsewhere specified where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from particles or fragments, off.
35. The welding of metal by an electric resistance process or a submerged electric arc, where there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from particles or fragments thrown off.

SCHEDULE 2

(Rules 1 and 7)

CASES IN WHICH PROTECTION IS REQUIRED FOR PERSONS AT RISK FROM, BUT NOT EMPLOYED IN THE SPECIFIED PROCESS

1. The chipping of metal, and the chipping, knocking out, cutting out or cutting

off of cold rivets, bolts, nuts, lugs, pins, collars, or similar articles from any structure or plant, or from any part of any structure or from any part of any structure or plant, by means of hammer, chisel, punch or similar tool, or by means of a power driven portable tool where in any, of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person not engaged in any such work from particles or fragments thrown off.

2. Any process involving the use of an exposed electric arc or an exposed stream of arc plasma.
3. Work with drop hammers, power hammers, horizontal forging machines and forging presses other than hydraulic presses used in any case for the manufacture of forgings.
4. The fettling of metal castings, involving the removal of metal, including runners, gates and raisers and the removal of any other material during the course of such fettling where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person not engaged in any such work from particles or fragments thrown off.
5. Any process involving the use of an instrument which produces light amplification by the stimulated emission of radiation where in any such process the result reasonably foreseeable risk of injury to the eyes of any person not engaged in the process for radiation.

L.N. 340/1978

OCCUPATIONAL SAFETY AND HEALTH (ELECTRIC POWER) (SPECIAL) RULES, 1979

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- 10-- Provision for cutting of pressure
- 11—Protection against excess current
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OCCUPATIONAL SAFETY AND HEALTH (ELECTRIC POWER) (SPECIAL)
RULES, 1979

- Citation 1. These Rules may be cited as the Occupational Safety and Health (Electric Power) (Special) Rules, 1979
- Interpretation 2. In these Rules, except where the context otherwise requires—
- "apparatus" includes electrical apparatus and all apparatus, machines, and fittings in which conductors are used or of which they form a part;
- "authorised distributor" includes a public or local authority, company, person, or body of persons holding a distributing licence to distribute or supply electrical energy for any purpose;
- "authorized person" includes—
- (a) the occupier;
 - (b) a contractor for the time being under contract with the occupier; or
 - (c) a person employed, appointed or selected by the occupier, or by a contractor, to carry out certain duties incidental to the generation, transformation, distribution or use of electrical energy; such occupier, contractor, or person being a person who is competent for the purposes of these Rules:
- "bare" means not covered with insulating material;
- "conductor" means an electrical conductor arranged to be electrically connected to a system;
- "covered with insulating material" means adequately covered with insulating material of such quality and thickness as is capable of eliminating danger;
- "circuit" means an electrical circuit forming a system or branch of a system;
- "dead" means at, or about, zero potential, and disconnected from any live system;
- "danger " means to health or danger to life or limb from shock burn or other injury to persons employed, or from fire, attendant upon the generation, transformation, distribution or use of electrical energy
- "earthed" means connected to the general mass of earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger;
- "insulated stand" means a floor, platform, stand or mat of such size, quality and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;
- "insulating screen" means a screen of such size, quality and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger:
- "insulating boots" means boots of such size, quality and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;
- "insulating gloves" means gloves of such size, quality and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;

"pressure" means the elective difference of electrical potential between any two conductors or between a, conductor and earth and is said to be—

- (a) "low" when it does not exceed 250 volts under normal conditions, subject however to the percentage variation allowed by any rules made under the Electric Power Act;
- (b) "medium" when it exceeds 250 volts but does not exceed 650 volts under normal conditions, subject however to the percentage variation allowed by any rules made under the Electric Power Act;
- (c) "high" when it normally exceeds 650 volts but does not exceed 3.000 volts:
- (d) "extra high" when it normally exceeds 3.000 volts:

"public supply" means the supply of electrical energy by a local authority company or person authorized under the Electric Power Act:

"substation" means any premises in which electrical energy is transformed or converted to or from pressure above medium pressure, except for the purpose of working instruments, relays or similar :auxiliary apparatus if such premises or part of premises are large enough for a person to enter after the apparatus is in position;

"switchboard" means the collection of switches or fuses, conductors and other apparatus in connexion therewith used for the purpose of controlling the current or pressure in any system or part of a system:

"switchboard passage-way" means any passage-way or compartment large enough for a person to enter and used in connexion with a switchboard when live:

"system" means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electromotive force

Application

3(1) These Rules apply to the generation, transformation, conversion, switching, controlling, regulating, distribution and use of electrical energy in any factory and in any premises, place, process, operation or work to which the provisions of the Occupational Safety and Health Act, are, applied

(2) Every occupier shall comply with these Rules, and every agent, workman and person employed shall conduct his work in accordance with these Rules.

Safety of operators and conductors

4. Every apparatus and conductor shall be sufficient in size and power for the work for which it is used and so constructed, installed, protected, worked and maintained as to prevent danger so far as is

reasonably practicable

Insulation of
conductors

5. Every conductor shall either be covered with insulating material and further efficiently protected where necessary to prevent danger or be so placed and safeguarded as to prevent danger so far as is reasonably practicable.

Construction
of switch,
circuit
breaker, etc

6. Every switch, switch fuse, circuit breaker and isolating link shall be—
 (a)so constructed, placed or protected as to prevent danger;
 (b)provided with an efficient handle or other means of working, and insulated from the system and so arranged that the hand cannot inadvertently touch live metal;
 (c)So constructed and adjusted as accurately to make and maintain good contact
 (d)so constructed or arranged that it cannot accidentally for all his into contact and left out of contact

Construction
of coal,
multiple
switch, etc

7(1) Every pole of double pole, multiple switch, circuit breaker, or every switch intended to be used for breaking a circuit, shall be so constructed that it cannot, with proper care, be left in partial contact
 (2) Every switch intended to be used for breaking the circuit and every circuit breaker shall be so constructed that an arc cannot accidentally be maintained

construction
and
arrangement
of fuse and
automatic
circuit
breaker

8(1) Every fuse or every automatic circuit breaker used in place thereof shall be so constructed and arranged as effectively to interrupt the current before it exceeds the working rate as to involve danger and shall be of such construction or be so guarded or placed as to prevent danger from overheating, or from arching , or the scattering of hot metal or other substance, when it comes into operation
 (2) Every fuse shall be either of such construction or so protected by a switch that the fusible metal may be readily renewed without danger.

Construction
of electrical
joints and
connection

9. Every electrical joint and connexion shall be of proper construction as regards conductivity, insulation, mechanical strength and protection.

Provision for
cutting off
pressure

10. Efficient means suitably located, shall be provided for cutting off all pressure from every part of a system as may be necessary

to prevent danger.

protection
against
excess
current

11. Efficient means, suitably located, shall be provided for protecting from excess of current every part of a system as may be necessary to prevent danger.

Prohibition
of single-
pole switch

12. (1) Where one of the conductors of a system is connected to earth, no single pole-switch other than a link for testing purposes or a switch for use in controlling a generator shall be placed in such conductor or any branch thereof.

(6) A switch or automatic cut-out, ay, however, be placed in the connexion between the conductor and earth at the generating station for use in testing and emergencies only.

bare and
uninsulated
conductors

13. Where one of the main conductors of a system is bare and uninsulated, such as a bare return of a concentric system, no switch, fuse or circuit breaker shall be placed in that conductor, or in any conductor connected thereto, and the conductor shall be earthed; but switches, fuses or circuit breakers may be used to break the connexion with the generators or transformers supplying the power so long as, in the case of bare conductors, no connexion of the conductor with earth is thereby broken.

Protection of
motor
converter
and
transformer

14. Every motor, converter and transformer shall be protected by efficient means suitably placed and so connected that all pressure may thereby be cut off from the motor, converter or transformer, as the case may be, and from all apparatus in connexion therewith; but where on point of the system is connected to earth there shall be no obligation to disconnect on that side pf the system which is connected to earth.

Control of
electrical
motor

15 (1) Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping so placed as to be easily worked by the person in charger of the motor.

(2) In every place in which machines are being driven by any electrical motor there shall be means at hand for either switching off the motor or stopping the machines if necessary to prevent danger.

Portable
apparatus

16. (1) Every flexible wire for portable apparatus for alternating currents or for pressures above 150 volts direct current shall be

connected to the system either by efficient permanent joints or connexions or by a properly constructed connector.

(2) In all cases where the person handling portable apparatus or pendant lamps with switches for alternating current or pressures above 150 volts direct current would be liable to get a shock through a conducting work or otherwise if the metal work of the portable apparatus became charged it shall be efficiently earthed, and any flexible metallic covering of the conductors shall be itself efficiently earthed and shall not itself be the only earth connexion for the metal of the apparatus.

(3) A lamp holder shall not be in metallic connexion with the guard or other metal work of a portable lamp.

(4) In any place where the pressure exceeds low pressure, the portable apparatus and its flexible wire shall be controlled by efficient means suitably located and capable of cutting off the pressure, and mean the metal work shall be efficiently earthed independently of any flexible metallic cover of the conductors And any such flexible, covering shall itself be independently earthed.

Switchboard
arrangement

17. The general arrangement of switchboards shall, so far as reasonably practicable, be such that-

- (a) all parts which may have to be adjusted or handled are readily accessible;
- (b) The course of every conductor may where necessary be readily traced;
- (c) conductors not arranged for connexion to the same system are kept well apart, and can where necessary be readily distinguished; and
- (d) all bare conductors are so placed or protected as to prevent danger from accidental short circuits.

Protection of
switchboard
with bare
conductors

18. (1) Every switchboard having bare conductors normally so exposed that they may be touched shall, if not located in an area or areas set apart for the purpose thereof, where necessary, be suitably fenced or enclosed.

(2) No person other than an authorized person or a person acting under his immediate supervision shall for the purpose of carrying out his duties have access to any part of an area so set apart.

Apparatus
appertaining
to a switch
board

19. Every apparatus appertaining to a switchboard and requiring handling shall so far as practicable be so placed or arranged as to be operated from the working platform of the switchboard, and every measuring instrument and indicator connected therein shall so far as practicable be so placed as to be observed from the working platform, and where such apparatus is to be worked or observed from any other place adequate precaution shall be taken to prevent danger.

Switchboard
working
platform and
passageway

20. (1) At the working platform of every switchboard and in every switchboard passage-way, if there is any bare conductor exposed or arranged to be exposed when alive so that it may be touched, there shall be a clear and unobstructive passage of ample width and height with a firm and even floor; and adequate means of access, free from danger, shall be provided for every switchboard passage-way.

(2) A switchboard, working platform and passage way, unless the bare conductors, whether overhead or at the sides of the passage-ways, are otherwise adequately protected against danger by divisions or screens or other suitable means, shall—

(a) if constructed for low pressure and medium pressure switchboards, have a clear height of not less than two hundred. and twenty centimetres and a clear width measured from a bare conductor of not less than one hundred centimetres;

(b) if constructed for high pressure and extra high pressure switchboards, other than operating desks or panels working solely at low pressure, have a clear height of not less than two hundred and fifty centimetres. and a clear width measured from any bare conductor of not less than one hundred centimetres; or

(c) not have bare conductors exposed on both sides of the switchboard passage-way unless either-

i) the clear width of the passage is in the case of low pressure and medium pressure not less than one hundred and fifty centimetres and in the case of high and extra high pressure not less than two hundred and fifty centimetres in each case measured between bare conductors; or

(ii) the conductors on one side are so guarded that they cannot be accidentally touched.

Protection of
high pressure
or extra high
pressure
switchboard

21. (1) In every switchboard for high pressure or extra high pressure-

(a) every high pressure and extra high pressure conductor within

reach from the working platform or in any switchboard passage way shall be so placed or protected as adequately to prevent danger;

- (b) the metal cases of all instruments working at high pressure or extra high pressure shall be either earthed or completely enclosed with insulating covers; and
- (c) All metal handles of high pressure or extra high pressure switches and, where necessary to prevent danger, all metal gear for working the switches, shall be earthed.

(2) Where any work is done on any switchboard for high pressure or extra high pressure the switchboard shall be made dead on unless relevant section of the switchboard on which the work is done is made dead and every other section which is live is—

(a) so separated from the relevant section by permanent or removable divisions or screens as not to be a source of danger to people working on the relevant section; or

(b) in such a position or of such construction as to be as safe as if so separated according to the provisions of these Rules, or the switchboard itself is so arranged as to secure that the work is done without danger without taking any of the precautions required by the provisions of these Rules.

Protection of high pressure generator, motor, etc

22. Every part of a generator, motor, transformer or other similar apparatus, at high pressure or extra high pressure, and within reach from any position in which any person employed may require to be, shall be so far as reasonably practicable so protected as to prevent danger.

Protection against accidental charge from high pressure system

23. Where a high pressure or extra high pressure supply is transformed for use at lower pressure, or energy is transformed up to above low pressure, suitable provision shall be made to guard against the danger by reason of the low pressure system becoming accidentally charged above its normal pressure by leakage or contact from the high pressure system.

Earthing of metal at and conductor

24. So as to prevent danger, where necessary, adequate precaution shall be taken either by earthing or by other suitable means to prevent any metal other than the conductor from becoming

electrically charged.

Protection of conductor or apparatus against accidental charge	25. Adequate precaution shall be taken to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon.
Insulating stands or screens	26. So as to prevent danger adequately, where necessary, insulating stands or screens shall be provided and kept, permanently in position and shall be maintained in sound condition
Portable insulating stands, screens boots and gloves	27. Portable insulating stands, screens, boots and gloves or other suitable means shall be provided and used when necessary adequately to prevent danger, and shall be periodically examined by an authorized person.
Working space and means of access.	28. Adequate working space and means of access, free from danger, shall be provided for all apparatus that has to be worked or attended to by any person.
Lighting of premises	29. All of those parts of premises in which apparatus is placed shall be adequately lighted to prevent danger.
Protection of conductors and apparatus from weather. etc	30. All conductors and apparatus exposed to the weather, wet, corrosion, inflammable surroundings, or explosive atmosphere, or used in any process for any special purpose other than for lighting power, shall be so constructed or protected and such special precautions shall be taken as maybe necessary adequately to prevent danger in view of such exposure or use.
Authorized persons	31. (1) No person, other than an authorized person or competent person acting under his Immediate supervision, shall undertake any work where technical knowledge or experience is required in order to adequately avoid danger, and no person shall work alone in any case in which the Minister by notice directs that he shall not. (2) No person other than an authorized person or competent person over 21 years of age acting under his immediate supervision, shall undertake any repair, alteration, extension, cleaning or similar work where technical knowledge or experience is required in order to avoid danger, and no one shall do such work unaccompanied. (3) Where any contractor is employed, and the danger to be avoided is under his control, it shall be the contractor who shall

appoint the authorized person required by the provisions of this rule, but if the danger to be avoided is under the control of the occupier, then it shall be the occupier who shall appoint the authorized person.

Display of instructions for electric shock treatment.

32. Instructions as to the treatment of persons suffering from electric shock shall be affixed in all premises where electrical energy is generated, transformed or used at a pressure normally exceeding 125 volts alternating or 250 volts direct; and in such premises or classes of premises in which electrical energy is generated, transformed or used at a pressure normally 125 volts alternating or 250 volts direct as the Minister may by notice direct.

Construction of substation

33. Every substation shall be substantially constructed and shall be so arranged that no person other than the authorized person can obtain access thereto otherwise than authorized person can interfere with the apparatus or conductors therein from outside, and it shall be provided with efficient means of ventilation and kept dry.

Control and substation

34. Every substation shall be under the control of an authorized person and no person other than an authorized person or a person acting under his immediate supervision shall enter any part thereof where there may be danger.

Underground substation

35. Every underground substation not otherwise easily and safely accessible shall be provided with adequate means of access by a door or a trap-door with a stair-case or ladder securely fixed and placed that no live part of any switchboard or any bare conductor shall be within reach of a person thereon:

Provided that the means of access to such substation shall be by doorway and staircase-

- (i) if any person is regularly employed therein otherwise than for inspection or cleaning; or
- (ii) If the substation is not of ample dimensions and there is therein either moving machinery, other than ventilating fans, or extra high pressure.

Exemptions

36. Nothing in rules, 5,6,7,10,12, 13, 14, 18, 19, 20, 24, 25, 26, 27, 28, 29, 31, 32, 33 and 34 shall apply, except where due to special circumstance the Minister has given notice to the occupier that they shall apply-

(a) To any system in which the pressure does not exceed 125 volts alternating current.

(b) In any public supply generating station, to any system

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which the pressure between it and earth does not exceed low pressure; or

(c) In any above-ground substation for public supply to any system not exceeding low pressure.

(2) Nothing in these rules shall apply to any service lines or apparatus on the supply side of the consumer's terminal or any chamber containing such service lines or apparatus, where supply is given from outside by an authorized distributor and no live metal is exposed so that it may be touched.

(3) If the occupier can show, in regard to any requirements of these rules, that the special conditions in his premises are such as adequately to prevent danger, such shall be deemed to be satisfied, and the Minister may by order direct that any class of special conditions defined, in the order shall be deemed for the purpose of, all or any, of the requirements of these Rules to prevent danger.

(5) The minister may, by order, exempt from the operation of all or any of these rules any premises to which any special rules or regulations under any other Act as to the generation, transformation, distribution or use of electrical energy apply.

(6) The minister may, if satisfied that safety is otherwise practicably secured, or that exemption is necessary on the grounds of emergency of special circumstances, by order, grant an exemption subject to any conditions that may be prescribed therein

THE OCCUPATIONAL SAFETY AND HEALTH (BUILDING OPERATIONS AND WORKS OF ENGINEERING CONSTRUCTION) RULES 1984

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THE OCCUPATIONAL SAFETY AND HEALTH (BUILDING OPERATIONS AND WORKS OF ENGINEERING CONSTRUCTION) RULES 1984

PART I---PRELIMINARY

PART I---PRELIMINARY

Citation 1. These Rules may be cited as the Occupational Safety and Health

(Building Operations and Works of Engineering Construction)
 Rules 1984

Application	<p>2. (1) These Rules shall apply—</p> <p>(a) to building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and any line or siding which is used in connection therewith and for the purposes thereof; and</p> <p>(b) the building operations and works of engineering construction undertaken by or on behalf of the Government and local authority, or a public body</p> <p>(2) A reference to building operations and works of engineering construction in these Rules shall be a reference to those operations and works in which the Rules apply</p>
Interpretation	<p>3. (1) in these Rules, unless the context otherwise requires-</p> <p>“authorised person” means a person approved by the Director by certificate in writing for the purpose of sections 63,64,65,69 and 70 of the Act and an authorized boiler inspector under sections 67 and 68 of the Act</p> <p>“building operations” means the construction, structural alteration, repair or maintenance of a building (including repointing , redecoration and external clearing of the structure), the demolition of a building and the preparation for and laying of the foundation of an intended building, but does not include any operation which is a work of engineering construction;</p> <p>“director” means the Director of Occupational Safety and Health Services appointed under section 23 of the Act</p> <p>‘Competent’ person includes the safety supervisor and any person suitably qualified by experience or otherwise for the purpose for which he is required under these Rules</p> <p>‘Contractor’ means a contractor or an employer of workmen who is undertaking a building operation or works of engineering construction, and includes a sub-contractor</p> <p>‘Hoist’ means a lifting machine, whether worked by the mechanical power or not, with a carriage, platform or cage the movement of which is restricted by a guide or guides</p> <p>‘Ladder’ does not include a folding stepladder</p> <p>‘Ladder scaffold’ means a scaffold with a working platform which is supported directly on a ladder or by means of a crutch or bracket on a</p>

rung of a ladder

‘lifting appliance’ means a crab , winch, pulley block or gin wheel used for raising or lowering and includes a hoist, crane, sheer legs ,excavator, dragline, piling frame, aerial cableway, aerial rope way and overhead runway

‘Lifting gear’ means a chain sling, rope sling or similar gear and includes a link, plate clamp, shackle, several or eye bolt;

‘Mobile crane’ means crane capable of travelling under its own power, but does not include a crane which travels on a line of rails

‘Plant or equipment’ includes any plant, equipment, gear, machinery, apparatus or appliance or any part thereof ;

“Raising or lowering or as a means of suspension’ where that expression occurs in Rules 115,116, 117, 120, 121 and 122” means raising or lowering or as a means suspension either of a load on a lifting appliance or lifting gear or of a scaffold, but does not include the use of a rope or chain solely as a means of making a lapped joint or the use of rope or chain solely for the movement of a load in a horizontal direction;

‘Safe working load’ means either relevant safe working load required to be specified in the latest certificate of test obtained for the purposes of Rules 109, 115, 116 and 121 or, where no such certificate is required, the relevant safe working load required to be marked or exhibited on the lifting appliance, lifting gear chain, rope or other plant or equipment by Rules 110 and 115;

“Scaffold” means any temporary structure on or from which persons perform work in connection with a building operation or work of engineering construction and which enables persons to obtain access to or materials to be taken to any place at which the building operations work is performed, and includes any working platform, working stage, gang way, run, ladder, or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guard rail, toe board or other safe guards and all fixings but does not include a lifting appliance or a structure used merely to support such an appliance or support of the plant or equipment;

Site means any place where building operations or works of engineering construction or both those operations and works are carried on;

‘Slung scaffold’ means a scaffold suspended by means of lifting gear, ropes chains or rigid members which cannot be raised or lowered by a lifting appliance;

‘Suspended scaffold’ means scaffold (not being a slung scaffold) suspended by means of ropes chains and capable of being raised or lowered, but does not include a boatswain’s chair or similar appliance;

Trestle scaffold includes any scaffold in which the supports for the platform are any of the following which are self-supporting, that is to say, split heads, folding step-ladders, tripods or movable contrivances similar to any of the foregoing;

‘Training organization’ means the St. John Ambulance Association, the Kenya Red Cross Society or any other body or society approved for the purposes of these Rules;

‘Working platform’ includes all working stage.

(2) For the purposes of these Rules, the number of persons employed shall be determined by reference to the number at work at any one time.

Exemptions

4. The Director of Occupational Safety and Health Services may by certificate in writing and subjects to such conditions as he may specify in the certificate exempt—

(a) any plant or equipment or any class or description of plant or equipment; or

(b) any building operations or works of engineering construction or any class or description thereof,

from all or any of the requirements of these Rules if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are not a reasonably practicable.

PART II- general safety MEASURES

Duty of contractor to ensure health, safety and welfare

5 Every contractor shall comply with the requirements of these Rules designed to ensure the health, safety and welfare of all persons engaged in building operations or works of engineering construction undertaken by him or in any activity incidental to and at the site of the building operations or works of engineering construction.

Notification of commencement or taking over operations or works

6. (1) A main contractor shall, within seven days of commencing or undertaking building operations or works of engineering construction, notify the director in writing of—

(a) The contractor’s name and postal address;

(b) The address or a location of the site of the operations or

works;

- (c) the date of commencement;
- (d) The expected date of completion;
- (e) Whether mechanical power is used or not;
- (f) The number of persons expected to be employed.

(2) The Director may, after receipt of the notice under paragraph (1), require more information to be supplied.

(3) The Director shall, upon receipt of the notice under this rule, cause to be entered in a register of contractors maintained by him the information notified to him and shall issue a certificate of registration of operations undertaken in such a form as he may approve.

Appointment of
safety
supervisors

7 (1) Every contractor who employs more than twenty persons shall, for every site on which he is the contractor, appoint one or more persons experienced in the operations or works carried on at the site and suitably qualified for the purpose to-

(a) advise the contractor as to the observance of the safety, health and welfare requirements under the Act and under these rules; and

(b) supervise and ensure the observance of those requirements and promote the safe conduct of work generally at the sites.

(2) A contractor who employs twenty or less persons may appoint either himself or another person to be safety supervisor in accordance with paragraph (1).

(3) The person appointed safety supervisor may be a site engineer, site agent, foreman or charge hand.

(4) The name of every person appointed under this rule shall be notified to the Director and shall also be entered in the copy of the abstract of these Rules maintained by the contractor.

(5) Nothing in these Rules shall be construed as preventing the same person or persons being appointed for a group of sites or as preventing two or more contractors jointly appointing the same person or persons.

(6) A person appointed under this rule may be assigned duties additional to the duties mentioned in paragraph (1), but so that he is not prevented by the additional duties from efficiently discharging his duties as safety supervisor.

PART III- EXCAVATIONS, SHAFTS AND TUNNELS

Prevention of

8. (1) The walls and roof of any excavation, shaft, earthwork or tunnel,

danger in excavations deeper than 1.2 metres shall be reinforced with the fervour of suitable quality or with other suitable material event, so far as is reasonably practicable, danger of injury resulting from a fall or dislodgement of earth, or other matter from the walls or roof, to any person employed or making the inspection or examination under rule 9.

(2) Where a person is engaged in reinforcement work for the purposes of complying with this rule, appropriate precautions shall taken to ensure his safety as far as circumstances permit.

Inspection and examination of excavations, etc

9(1) The safety supervisor appointed pursuant to rule 7, shall –

(a) once in every day during which persons are employed therein inspect every part of an excavation, shaft, earthwork, or tunnel;

(b) at the commencement of every shift inspect –

(i) the face of every tunnel

(ii) the working end of every trench which is more than two metres deep

(iii) the base or crown of every shaft,

to ensure safe working conditions.

(2) No person shall be employed in any excavation, shaft, earthwork or tunnel which or near which explosives have recently been used or where there has been a fall of earth, rock or other matter, unless the excavation, shaft, earthwork or tunnel has been inspected and examined by a safety supervisor or the contractor and found to be safe to work in.

(3) This rule does not apply to an excavation, shaft or earth work which is less than 1.2 metres in depth.

Some provision and execution of timbering and other works

10(1) No timbering or other support for any part of an excavation, shaft, earthwork or tunnel shall be protected or be substantially added to, altered or dismantled except under the direction of the safety supervisor and so far as possible by competent workmen possessing adequate experience of that work

(2) Any material to be used in adding to, altering or dismantling under paragraph (1) shall be inspected by safety supervisor before being used and defective materials shall not be used

(3) Timbering or other support for any part of an excavation, shaft, earthwork or tunnel shall be of good construction, sound material, free from patent defect and of adequate strength for the purpose for which it is used and shall be properly maintained

	(4) All struts and braces in an excavation, shaft, earthwork or tunnel shall be properly and adequately secured so as prevent their accidental displacement or fall.
Means of egress in case of flooding	<p>11(1)in an excavation, shaft, earthwork or tunnel where there is reasonable danger of flooding by rising worker or irruption of water or other matter, a contractor shall provide, so far as this practicable, means to an able persons employed therein reach positions of safety .</p> <p>(2)no contractor shall be held not to have complied with paragraph (1) in tunneling operations where the danger –</p> <p>(a)is proved to have been the deal to physical conditions or other matter over which he had no control; and</p> <p>(b)what is not reasonably foreseeable at the commencement of the operations to enable adequate preventive steps to be taken</p>
Excavations, etc likely reduce security of structure	12. No excavation, shaft, earthwork or tunnel, which is likely to reduce the security or stability of any part of structure thereby endangering persons employed shall be commenced or continued unless adequate steps are taken prevent danger to the persons employed .
Fencing of excavations, etc	13. a contractor shall ensure that any excavation, shaft, pit or opening in the ground more than two metres in depth shall be securely covered, fenced or otherwise provided the basic cable car year when access by workmen, plant and equipment or material to it or from it is not necessary.
Safeguarding edges of excavations, etc	<p>14(1)material shall not be placed on stacked near the edge of any excavation, shaft, pit or opening in the ground so as to endanger persons employed below</p> <p>(2)no load or plant or equipment likely to cause a collapse of the side of an excavation, shaft, pit or opening shall be placed or moved near the edge of the excavation, shaft, pit or opening.</p>
PART IV—COFFERDAMS AND CAISSONS	
Construction and maintenance of cofferdams and caissons	15.A cofferdams or a caisson and every part thereof shall be well constructed, of suitable and sound material, free from patent defect, of adequate strength and shall be properly maintained
means of egress	16(1) in cofferdams and caissons there shall be, so far as is reasonably

in the case of flooding in cofferdams and caissons	<p>practicable, adequate means for persons which safety in case of flooding.</p> <p>(2)no person shall be held not to have complied with part of one where the flooding –</p> <p>(a)is proved to have been due to physical conditions or other matter over which he has no control: and</p> <p>(b)was not reasonably foreseeable to enable adequate preventive steps to be taken</p>
supervision of work and inspection of materials in cofferdams and caissons	<p>17(1)no cofferdam or caisson or part thereof shall be constructed of the placed in position of the substantially added to or altered or be dismantled except under the direct supervision of the safety supervisor and so far as possible by a competent workmen possessing adequate experience of that work</p> <p>(2)All material for the construction of fixing of cofferdams or caisson shall be inspected by the safety supervisor before being used and material found to be unsuitable of defective in any respect shall not be so used.</p>
Inspection and examination of cofferdams and caissons	<p>18(1)no person shall be employed in our cofferdams or case—</p> <p>(a)in which are near which explosives have recently in used in a manner likely to have affected its the strength of stability; or</p> <p>(b) which has been substantially damaged before it has been examined by a safety supervisor or the contractor and found to be safe to work in.</p> <p>(2) A report of the examination under paragraph (1) in the prescribed form shall be made and signed by the person making it.</p> <p>(3) One copy of the report shall be filed in the general register required to be kept under section 62 of the Act and another copy shall be sent to the director</p> <p>(4) As far as circumstances permit; appropriate precautions shall be taken to ensure the safety of any person carrying out the examination under paragraph (1).</p> <p>(5) The safety supervisor shall inspect a cofferdam or caisson once in every day on which persons are employed therein to ensure that it is safe to work in.</p>

PART V- EXPLOSIVES

- Explosives 19. (1) A safety supervisor with adequate knowledge of the dangers connected with the use of explosives shall supervise and directly control the handling and use of explosives.
- (2) The safety supervisor shall ensure that when a charge is fired, persons employed are in positions of safety where, as far as can be reasonably anticipated, they will not be injured by the explosion or any flying materials.

PART VI- CONTROL OF DANGEROUS AND UNHEALTHY ATMOSPHERES

- Inhalation of dust and fumes to be prevented. 20. In any building operation or work of engineering construction where dust or fumes likely to be injurious to the health of persons employed are given off, all reasonably practicable, measures shall be taken to prevent the inhalation of dust or fumes by the person employed by ensuring adequate ventilation or providing suitable respirators at the place where the operation or work is carried on.
- Ventilation of excavations, etc 21. (1) effective steps shall be taken to ensure and maintain adequate ventilation of every working place in any excavation, pit, hole, adit, tunnel, shaft or caisson and in any other enclosed or confined space where building operations or works of engineering construction are carried on and of every approach to those working places and enclosed or confined spaces so as-
- (a) to maintain an atmosphere which is fit for respiration; and
- (b) to render harmless, so far as is reasonably practicable, all fumes, dust or other impurities in the atmosphere therein which may be dangerous or injurious to health and which are generated, produced or released by explosives or by any other means.
- (2) where there is reason to apprehend that the atmosphere in any of the working places or approaches thereto mentioned in paragraph (1) is poisonous or asphyxiating, then, notwithstanding the requirements of that paragraph, no person shall be employed in or allowed to enter the working place or its approach until the atmosphere has been suitably tested by or under the immediate supervision of a competent person, and he is satisfied that the working place or approach is for the time being free from the danger of a person being overcome by poisoning or asphyxiation.
- (3) No person shall be held not to have complied with requirement of the foregoing paragraphs of this rule by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make

provision.

Internal combustion engines.

22. No stationary internal combustion engine shall be used unless provision is made for conducting the exhaust gases from the engine into the open air.

PART VII- OPERATIONS AND WORKS ON OR ADJACENT TO WATER

Transport by water

23. (1) when a person employed is conveyed to or from a working place by water, proper measures shall be taken for his safe transport.

(2) a vessel used for transportation by water of a person employed shall be-

- (a) of suitable construction;
- (b) properly maintained;
- (c) in the charge of a competent person,

And shall be not over-crowded or over-loaded.

Prevention of drowning

24. (1) where there is danger of a person employed drowning in water on or near a site, suitable and efficient measures shall be taken to prevent or rescue a person drowning.

(2) Measures to be taken pursuant to paragraph (1) shall include provision of properly maintained rescue equipment, well trained rescue personnel and, where there is a special risk of a person falling from land, structures or floating stages adjacent to, over or on water, and secure fencing which may be removed whenever access for persons or materials to or from the water is necessary.

PART VIII- TRANSPORT GENERALLY

Rails and rail tracks

25. (1) All rails on which a locomotive, truck or wagon moves shall-

- (a) have an even running surface, be sufficiently and adequately supported and be of adequate section;
- (b) be properly and securely junctioned to prevent any material variation in their gauge;
- (c) be supported in a surface sufficiently firm to prevent undue movement of the rails;
- (d) be laid in straight lines or in curves of such radii that the locomotive, truck or wagon can move freely and without danger of derailment;

	(e) Be provided with an adequate stop or buffer on each rail at each end of a track.
	(2) All rails, locomotives, trucks and wagons shall be properly maintained.
Maintenance of locomotives, etc	26. Every locomotive, truck and wagon in use for transport purposes and every power driven capstan or winch used for the movement of trucks or wagons shall be of good construction, sound material, adequate strength, free from patent defect and properly maintained.
Clearance	<p>27.(1) In connection with the erection, working or use of a line of rails on which a locomotive, truck or wagon moves, there shall, except where clearance so that persons are not liable to be crushed or trapped by any passing locomotives, truck or wagon or any part of the load thereon.</p> <p>(2) Without prejudice to the provisions of paragraph (1) there shall, save to the extent to which arrangements are impracticable, be arrangements, including where appropriate the provision of suitable recesses, so that the lack of adequate clearance does not extend for more than 18m in length.</p> <p>(3) Where there is no adequate clearance there shall be effective arrangements for warning any person liable to be crushed or trapped of the danger and of the approach of a locomotive, truck or wagon.</p> <p>(4) Where a locomotive is, or is to be driven, all reasonable steps shall be taken to avoid or obviate low clearance and, overhead obstructions which would not afford a clearance of at least 1.1m above the seat of the driver when driving the locomotive in a normal seating position and 2.0m above the footplate if he is driving it in a standing position; and appropriate steps shall be taken by means of suitable warning devices, warning notices or otherwise to warn the driver and any passengers of danger at any point at which there is low clearance or obstruction or inadequate overhead or side clearance.</p>
Gantries	28 Every gantry or elevated structure carrying rail on which a locomotive, truck or wagon moves shall, but every act alone which persons employed have to pass on foot, be provided with a suitable and adequate footway and where the footway is on the outside of the rail track and a person is liable to fall more than 2.0m therefrom, the footway shall be provided with suitable guardrails not less than 1.0m in height.
Breaks, sprags and scotches	29(1) every locomotive shall be fitted with effective brakes.

	(2) every truck and wagon shall be fitted with an effective brake or brakes unless the circumstances in which it is used render a brake unnecessary for safety
	(3) a sufficient number of suitable sprags or scotches shall be provided for the use of persons employed on movement of tracks or wagons, and the sprags and scotches shall be used and never necessary and shall be in good condition
Replacement of derailed locomotives, etc	30. Suitable equipment shall be provided and used for replacing on the track any locomotive, truck or wagon which may become derailed and which is so replaceable.
Warning devices on locomotives, etc.	34. Every locomotive, power driven capstan or haulage winch shall be fitted with an efficient whistle or other warning device for sound or visual signals which shall be properly maintained and which shall be used by the driver or person in charge in appropriate circumstances.
Competent person to drive locomotive, etc.	32. No person who is not trained and competent and is under eighteen years of age shall, except for training purpose and then under direct supervision of a person qualified for the purpose, drive or operate a locomotive, a vehicle to which rule 34 applies or a power driven capstan or haulage winch.
Precautions in connection with capstans and haulage winches.	33. Where a power driven capstan or haulage winch is used for the movement of trucks or wagons, the space in the immediate vicinity thereof shall be kept clear of all obstruction and shall be sufficient for safe working.
Mechanically propelled vehicles and trailers	34. (1) a mechanically propelled vehicle and a mechanically drawn trailer vehicle, other than a locomotive truck or wagon, used in connection with building operation or works of engineering construction, whether for the carriage of workmen or materials or not, shall, unless being moved to a place for repairs- <ul style="list-style-type: none"> (a) be in efficient state, efficient working order and in good repair; (b) not be used in an improper manner; © Not be loaded in such a manner as to such an extent as to interfere with the safe driving or operation of the vehicle. (2) Without prejudice to paragraph (1) the provisions of the Traffic Act and any Rules made there under in respect of construction,

maintenance and loading of vehicles shall be observed by a person using a vehicle or trailer in connection with building operations or works of engineering construction.

Riding in insecure positions on vehicles, etc	<p>35. no person shall ride or be required to or permitted to ride on the buffer, running board or other insecure position-</p> <p>a) On a vehicle to which rule 34 applies; or</p> <p>b) On locomotive, truck or wagon, other than at the place thereon provided for that purpose</p>
Remaining on a vehicle during loading	<p>36. no person shall remain or be required or permitted to remain on a vehicle to which rule 34 applies or on any truck wagon during the loading of loose materials by means of a grab, excavation or similar appliance, if he risks dangers or harm.</p>
Vehicles near edge of excavations, etc	<p>37. Where a vehicle is used for tipping materials into an excavation or pit or over the edge of an embankment or earthwork, adequate measures to prevent the vehicle from over-running the edge of the excavation, pit, embankment or earth work shall, where necessary, be taken.</p>

PART IX- DEMOLITIONS

Application of Part IX.	<p>38. (1) The requirements of this part shall apply as respects the demolition of the whole or any substantial part of a building or other structure.</p> <p>(2) For the avoidance of doubt, this part shall be in addition to the other provisions of these Rules as they apply to building operations and works of engineering construction generally.</p>
Joint operations.	<p>39. Where more contractors than one are undertaking a demolition, they shall, prior to commencing the operation, consult among themselves and with their safety supervisors appointed under rule 7 as to the method by which, and the time at which, the operation shall be carried out.</p>
Fire and flooding.	<p>40. Before any demolition is commenced and also during the work all practicable steps shall be taken to prevent danger to any person or property-</p> <p>(a) from risk of fire or explosion through leakage or accumulation of gas or vapour or otherwise; and</p> <p>(b) from flooding.</p>

Further precautions in connection with demolition

41. (1) In any demolition works, no part of a building or of any structure shall be so overload with debris or material or persons as to render it unsafe to persons employed.
- (2) Immediate supervision and direction of work by the safety supervisor shall be provided during-
- (a) the actual demolition of a building or structure or any part of a building or of a structure where there is a reasonably foreseeable risk of collapse in the course or as a result of demolition which may be a danger to any person employed, whether the collapse is of the building, the structure or the part being demolished or any other part; and
- (b) the cutting of reinforced concrete, steel work or iron work forming part of the building or structure being demolished.
- (3) Before any steel work or iron work is cut or released precautions shall be taken to avoid danger from any sudden twist, spring or collapse.
- (4) all practicable precautions shall be taken to avoid the collapse of any framed or partly framed building or structure when any part of the framing is removed.
- (5) except where a person is actually engaged in erecting or replacing shoring or other safeguards to a building to be demolished and appropriate precautions are taken to ensure the safety, precautions shall, where necessary before and during demolition, be taken to ensure the safety of persons employed by adequate shoring or other safeguards to prevent, as far as practicable, the accidental, collapse of any part of the building or structure to be or being demolished, or of any adjoining building or structure.

PART X-- ADDITIONAL SAFETY MEASURES

Fencing of machinery

42. Every –
- (a) flywheel;
- (b) moving part of any prime mover
- (c) but of transmission machinery; and
- (d) dangerous part of other machinery (whether or not driven by the mechanical power),

Shall, when on the site and not under examination or repair, be securely fenced to obviate danger or injury to any person employed unless it is in such a position or of such construction as to be as safe as

it would be if it was so securely fenced.

Fencing of new machinery	<p>43(1) without prejudice to rule 42, every prime mover and other machine intended to be driven by mechanical power for prime mover of a machine used or intended to be used in building operations or works and of engineering construction shall unless constructed before the date of commencement of these Rules, be so constructed that any revolving shaft, flywheel, coupling, toothed drive and all projecting screws, bolts or keys on revolving shaft, wheels or pinions on the prime mover or machine are securely fenced or at the such a position or of such construction as to be as safe as they would be if they were securely fenced.</p> <p>(2) This rule shall not apply to those parts of energy-generating prime mover which transmits energy from that prime mover to another machine unless the prime mover and the machine are constructed as a unit.</p>
Electricity	<p>44. Any live electric cable or apparatus at a site which is liable to be a source of danger to persons employed shall, by all practicable means, be rendered electrically dead or otherwise it's safe.</p>
Generation of steam, smoke and vapor	<p>45. A contractor shall take measures to prevent, so far as practicable ,steam, smoke or other vapour generated at a site where persons employed are present from obscuring any part of the work or operation any scaffolding, machinery or other plant or equipment</p>
Protection from falling material	<p>46. (1) every contractor shall, at any site where material including waste material, scaffold material, tools or other objects and articles are likely to fall or drop or be thrown down, take proper and adequate steps to prevent any person, whether employed and working at the site or not, from being struck by a material, tool, object or article falling on or within the close cartilage and precinct of the site.</p> <p>(2) notwithstanding, paragraph (1)—</p> <p>(a) Material (including waste material), scaffold material, tools or other objects and articles shall where practicable be properly lowered and not be thrown, tipped to or shot down from a height where they have a liable to cause damage, harm or injury to persons or property; and</p> <p>(b) Where proper lowering is not practicable and during demolition of breaking off, adequate steps shall be taken to prevent flooding of flying debris from causing damage, harm or injury to persons or property.</p>

Lighting of working places etc	<p>47. There shall The adequate and suitable lighting in –</p> <p>(a)every working place and approach thereto ;</p> <p>(b)every place where raising and lowering operations with the use of lifting appliances in progress; and</p> <p>(c) or openings dangerous to persons employed.</p>
projecting nails and loose material	<p>48. (1) No timber or material with projecting nails shall be placed or be allowed to remain in any place at a site where they are a source of danger persons employed</p> <p>(2) loose material is not required for use shall not be placed or left so as to unduly restrict the passage of persons upon platforms, gangways, floors or other places on the site, but shall be removed and be securely stocked and of stored in a place where they are not a danger or obstruction persons employed and they do not render unsafe a floor, roof, or other part of a building or structure.</p>
Construction of temporary structures	<p>49. A temporary structure erected for the purpose of operations or works which of these Rules apply, more to being a scaffold or other structure which rule 92 applies, shall (having regard to the purpose for which it is used) of good construction and adequate strength and stability under shall be of sound material, free from patent defect and properly maintained.</p>
Avoidance of danger from collapse during construction	<p>50. (1) while a building or others structure is being constructed, renovated or repointed, cautions shall be taken by the use of temporary guys, stays, supports and fixings or other safeguards, preventive danger to any person employed so through the collapse of parts of the building or structure during a temporary state of weakness or instability of the building or structure.</p> <p>(2) where work is carried on which could reduce an the security of stability of part of a building or structure that is being constructed, all practicable steps shall be taken by shoring or otherwise you that danger to any person employed from collapse of the reading of structure of the fall of any part thereof .</p>
Where to paint or cement wash on ironwork or steelwork	<p>51. Except when moving or manipulating steelwork or ironwork when actually painting or cement washing it, steelwork or ironwork at a site shall not be moved or manipulated unless all the paint (other than paint for the purpose of the jointing) or wash on it is dry, just and no person shall walk or work or be required are permitted to walk or work on erected ironwork or steelwork on which the paint (other than paint for the purpose of jointing) you or cement wash it is wet.</p>

Helmets crowns for pile driving	52. Every helmet or crown used in connection with pile driving shall be of good construction, of sound and suitable material, of adequate strength and free from patent defect.
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Lifting excessive weights and	53. A person shall not be employed to lift, carry or move a load so heavy as to be to be likely cause injury to him.
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PART XI--EXTENSION OF APPLICATION OF SECTION 61(2) OF THE ACT

Prohibited sale or hire of machinery	54. The provisions of section 61(2) of the Act (which prohibits the sale or letting for hire of certain machines which do not comply with the provision of the section) shall extend to prime movers of machines which do not comply with the requirements of rule 43.
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PART XII--SCAFFOLDS AND OTHER WORKING PLACES

General	<p>55. Without prejudice the rest of this part –</p> <p>(a) there shall be so far as is reasonably practicable, suitable and sufficient safe and properly maintained access to and egress from every place at which a person at any time works;</p> <p>(b) every place at which a person at any time works shall, so far as is reasonably practicable, be made and kept safe for a person working there ;and</p> <p>(c) properly maintained scaffolds or, where appropriate, ladders or other means of support which shall be sufficient and suitable for the purpose shall be provided, placed and kept in position for use where work cannot be safely done on or from the ground or from part of a building or other permanent structure.</p>
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Supervision of work and inspection of material	56. No scaffold shall be erected or be substantially added to, or altered or be dismantled, except under immediate supervision of the safety supervisor pointed under rule 7 and so far as possible by a competent workmen possessing adequate experience, of that work, and all material for a scaffold shall be inspected by the safety supervisor on each occasion before being taken into use.
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Construction and material	<p>57(1) every scaffold and every part thereof shall be would construction, of suitable and the sound material and of adequate strength for the purpose for which it is used.</p> <p>(2) Sufficient material shall be provided for and shall be used in the</p>
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	<p>construction of the scaffolds.</p> <p>(3) Timber used for scaffolds shall be of suitable quality, be in good condition, and have the bark completely stripped off.</p> <p>(4) Timber used for scaffolds, trestles, ladders and folding step-ladders shall not be so painted or treated that defects cannot easily be seen.</p> <p>(5) Metal parts used for scaffolds shall be of suitable quality and be in good condition and free from patent defect likely materially to affect the strength.</p>
Defective materials	<p>58. (1) no rope bond which is defective –</p> <p>(a) through contact with acid ;or</p> <p>(b) through contact with other corrosive substance; or</p> <p>(c) for any other reason;</p> <p>shall be used in the scaffold.</p> <p>(2) All materials for, and parts of, a scaffold shall, when not in use, be kept under good conditions and apart from materials or parts unsuitable for scaffolds.</p>
Maintenance of scaffolds	<p>59. Every scaffold shall be properly maintained and every part of a scaffold shall be kept so fixed, secured or placed in position so as to prevent, so far as is practicable, accidental displacement.</p>
Partly erected or partly dismantled scaffolds	<p>60. No partly erected or partly dismantled scaffolds are part of a scaffold shall be used unless it is then so erected or dismantled that it complies with these Rules as to safety; and a prominent warning notice prohibiting the use of and access to partly erected or partly dismantled scaffold shall be affixed on or at any point of access to the scaffold.</p>
Standards or uprights, ledgers and putlogs	<p>61.(1) standards or uprights of scaffolds shall –</p> <p>(a) where practicable be either vertical or slightly inclined towards the building or another structure; and</p> <p>(b) be fixed sufficiently close together to secure their stability of the scaffold having regard to the circumstances</p> <p>(2) the foot or base of a standard or upright shall be placed on an adequate base plate in a manner prevent slipping or sinking, or its displacement shall be prevented in some other sufficient way.</p> <p>(3) ledgers shall be as nearly as possible horizontal and shall be securely fastened to the standards or uprights by efficient means.</p> <p>(4) putlogs or other supports on which a platform rests shall be</p>

securely fastened to the standards or uprights, of their movement shall be prevented by other efficient means, and where one end of a putlog is supported by a wall, that end shall extend into or on to the wall sufficiently to provide a supporting surface of sufficient area .

(5) the distance between two consecutive putlogs and other supports on which a platform rests shall be fixed with due regard to the anticipated load and then nature of the platform flooring, and the distance with a single planking shall not as a general rule exceed 1.0m with planks of 32 millimetres thickness, 1.5m with planks of 40 millimetres thickness of 2.6 m with planks of 51 millimetres thickness.

Ladders used in scaffolds

62. (1) ladders serving as uprights or scaffolds shall –

(a) be of adequate strength ;

(b) be placed so that two stiles or sides of each ladder are evenly supported or suspended; and

(c) Be secured prevent slipping.

(2) Ladder scaffolds shall be used only if the work is of such a light nature and the material required for the work is such that this type of scaffold can be used safely.

Stability of scaffolds

63.(1) every scaffold shall be securely supported or suspended and shall where necessary be sufficiently and properly strutted or braced to prevent collapse, and shall be rigidly connected with the building or other structure unless the scaffold is so designed and constructed as to ensure stability without that connection.

(2) Every structure and appliance used as a support for a scaffold shall be of sound construction, have a firm footing or be firmly supported, and shall where necessary be sufficiently and properly strutted or braced so, as prevent collapse and to ensure stability ,

(3) every scaffold which can be moved on wheels or skids (not being a suspended scaffold or slung scaffold)shall –

(a) be constructed with due regard to stability and, if necessary for stability, be adequately weighted at base;

(b) be used only on a firm and even surface not so sloping as to risk of instability of the scaffold or load thereon;

(c) be adequately secured to prevent movement when any person is working upon it or any ladder, plant or equipment which is supported by scaffold ;and

- (d) be moved only by the application of force at or near the base.
- (4) loose bricks, drain pipes, chimney pots or other unsuitable material shall not be used for construction of support of the scaffolds, save that bricks or small blocks may, they provide a firm support, be used to support a platform not more than 610 millimetres above the ground or floor.
- Stung scaffolds** 64. 1) No chain, wire rope, lifting gear, metal tube or other means of a suspension for slung scaffolds shall be used unless the following requirements (in so far as they are applicable) are observed, (in addition as respects chains, ropes and lifting gear to satisfying the requirements of part XIII), that is to say-
- a) It is suitable and of adequate strength for that purpose for which it is used;
 - b) It is properly and securely fastened to safe anchorage points to the scaffold ledgers or other main supporting members;
 - c) It is so placed as to ensure stability of the scaffold;
 - d) It is as nearly as vertically is reasonably practicable; and
 - e) It is kept taut.
- 2) no rope other than a wire rope shall be used for the suspension of a slung scaffold
- 3) Where chains or wires are used for the suspension of a slung scaffold, steps shall be taken to prevent the chains or wire ropes coming into contact at points of suspension with edges where this would cause danger.
- 4) Every slung scaffold shall be secured to prevent undue horizontal movement while it is used as platform.
- Cantilever, jib, figure and bracket scaffolds.** 65. 1) no cantilever scaffold or jib scaffold or bracket scaffold shall be used unless it is adequately supported, fixed and anchored, has outriggers of adequate length and strength, and is, where necessary, sufficiently and properly strutted or braced to ensure rigidity and stability.
- 2) No figure scaffold or bracket scaffold supported or held by dog spikes, or similar fixing liable to pull out of the stone-work, brick-work or other surface in which they are gripped or fixed shall be used.
- Support for scaffolds, etc** 66.(1) no part of a building or other structure shall be used as support for the scaffolds, ladder, folding stepladder or crawling ladder, or for part thereof , unless the part of the building or other structure is sound material and sufficiently stable and of sufficient strength to afford safe support.

(2) no gutters shall be used as the supporters unless they and their fixings are suitable and are of adequate strength and, in the case of overhanging eaves, gutters shall not be so used and less in addition they have been specially designed to as walkways.

Suspended
scaffolds (not
power operated
)

(67) (1) the requirement of this rule (in addition, as respects lifting appliances, chains, ropes and lifting gear used in connection therewith, to the requirements PART VIII), shall be observed as respects –

(a) every suspended scaffold ; and

(b) plant or equipment, which is permanent plant or equipment of a building and which, but for the fact that it is permanently provided, would be a suspended scaffold,

being in any case a suspended scaffold, plant or equipment which is not raised or lowered by a power driven lifting appliance of power driven lifting appliances; and no such suspended scaffold, plant or equipment shall be used unless it complies with the requirement of this rule.

(2) in the application of paragraph (1), references therein to suspended scaffolds shall be construed as references to suspended scaffolds to which this rule applies and as including references to plant or equipment of the kind referred to in paragraph (1) (b).

(3) every suspended scaffold shall be provided with adequate and suitable chains or ropes and winches or other lifting appliances of similar devices and shall be suspended from suitable outriggers, joists, runways, rail tracks or other, equally safe anchorage.

(4) the winches or other lifting appliances of similar devices, suspended scaffold shall be –

(a) provided with a brake or similar device which comes into operation when the operating handle or lever is released

(b) adequately protected against an effects of weather, dust or material likely cause damage

(5) the outriggers for a suspended scaffold shall be of adequate length and strength and properly installed and supported and, subject to paragraph (17), shall be installed horizontally and provided with adequate stops at their outer ends; and the outriggers shall be properly spaced having regard to the construction of the scaffold and of the runway, joist or rail track on which the scaffold is carried.

(6) Where counterweights are used with outriggers the counterweight shall be securely attached to the outriggers and shall not be less in

length than three times the weight which would counterbalance to the suspended from the outrigger including the weight of the runway , joists or rail track, the suspended scaffold and persons there on.

(7)The points of suspension of every suspended scaffold shall be an adequate horizontal distance from the face of the building or other structure.

(8) every runway, joist and rail track supporting the suspended scaffold shall be of suitable and sound material, adequate strength for the purpose for which it is used and free from patent defect, and shall be provided with adequate stops at each end and be properly secured to the building or other structure or, where outriggers are used, to the outriggers.

(9) the suspension ropes or chains of the suspended scaffold shall be securely attached to the outriggers or other supports and to the platform framework or to any lifting appliance or other device attached thereto, as the case may be, and shall be kept in tension.

(10) where winches are used with a suspended scaffolds the suspension ropes shall be of such length that at the lowest position at which the scaffold is intended to be used there are not less than two turns of rope remaining on each winch drum and the length of each rope shall be clearly marked on its winch.

(11) every part of a suspended scaffold and our plant and equipment used for the purposes thereof shall be good construction suitable and sound material, of adequate strength for the purpose for which it is used as shall be properly maintained, and where constructed of metal shall be free from corrosion and other patent defect, being, corrosion and defects likely materially to affect its strength.

(12) adequate arrangements shall be made to prevent undue tipping, tilting or swinging of a suspended scaffold and to secure it prevent undue horizontal movement while it is being used as a working platform.

(13) no rope other than the wire rope shall be used for the raising, lowering and suspension of a suspended scaffold, except that raising, lowering and suspension may be carried out by means of fibre rope.

(14) the platform of every suspended scaffold shall –

(a) except to the extent necessary for drainage, be closely boarded, planked, or plated; and

(b) subject of a paragraph (17), be of adequate with two afford adequate working space at every working point and shall, in any

event –

- (i) believe at least 640 millimetres wide if used as a footing only and not for the deposit the material ; and
- (ii) be at least 870 millimetres wide if used for the deposit of material ;and
- (iii) not to be used for the support behind any higher scaffold.

(15) the platform of every suspended scaffold shall be so arranged or secured that at each working position the space between face of the building or other structure and the platform is as small as reasonably practicable, so, however, that where workmen sit at the edge of the platform to work there may be a space not exceeding 300 millimetres, and, where necessary, a device shall provided and used the platform a sufficient distance from the wall when persons have to work in a sitting position.

(16) if a suspended scaffold is carried on fibre ropes and pulley blocks the ropes shall be spaced not more than 3.2m apart.

(17) where the work to be carried out from a suspended scaffold is of such a light nature under the material required for the work is such that the cradle or similar light weight suspended scaffold is used, the following requirements of this rule shall not apply –

- (a) the requirements of paragraph (5) that the outriggers shall be installed horizontally and that the stops shall be provided; and
- (b) requirements of paragraph (14) (b) as to the width of the platform

(18) platform of a suspended scaffold to which paragraph (17) applies shall not be less than 440 millimetres wide.

Boatswain's chairs, cages, skips, etc (not power operated)

68.(1) no boatswain's chair, cage, skip or similar plant or equipment (not being a boatswain's chair, cage, skip or similar plant or equipment which is a raised or lowered by a power driven lifting appliance) shall be used unless –

- (a) It is of good construction, suitable and sound material, adequate strength, free from patent defect, and properly maintained;
- (b) The outriggers or other supports of adequate strength and properly installed and supported
- (c) The chains, ropes, lifting gear or other means of suspension used therewith (in addition to satisfying the requirements of Part XIII) of securely attached to outriggers or other supports to the chair, cage, skip or similar plant equipment or to any lifting

appliance or other device attached thereto , as the case may be;

(d) Suitable means are provided to prevent an occupant falling out;

(e) It is free of any material or article liable to interfere with the occupant's handhold or foothold or otherwise endangering him;

(f) Suitable measures are to be taken to prevent spinning or tipping in a manner dangerous to an occupant;

(g) In the case of a skip or other receptacle the key is at least 1.0 metres deep; and

(h) Its installation has been, and its use is, supervised by a competent person.

(2) no boatswain's chair, cage, skip or similar plant or equipment (not being a boatswain's chair, cage, skip or similar plant or equipment which is a raised or lowered by a power driven lifting appliance) shall be used as the working place in circumstances in which a suspended scaffold be used unless the work is of such short duration that the use of a suspended scaffold would be unreasonable, or the use of a suspended scaffold is not reasonably practicable.

Trestle
scaffolds

69.(1) or two a source and supports used for construction of any trestle scaffold shall be of good construction, suitable and sound material, adequate strength for purposes for which they are used and free from patent defect and shall be properly maintained .

(2) trestle scaffold shall not be used –

(a) if the scaffolds so situated that a person would be liable to fall from its working platform a distance of more than 4.5m ; or

(b) If constructed with more than one tier where folding supports are used

(3) no trestle scaffold shall be erected on a scaffold platform unless –

(a) The width of platform leaves sufficient clear space for the transport of materials along the platform

(b) The trestle or supports are firmly attached to the platform and adequately braced to prevent displacement.

Inspection of
scaffolds,
boatswain's
chairs etc.

70.(1)subject to the provisions of this rule , no scaffold (including any boatswain's chair, cage, skip or similar plant or equipment) and no plant or equipment used for the purposes of any of the foregoing shall be used unless in addition to satisfying the requirements of Part III—

- (a) It has been inspected by the safety supervisor within the immediate preceding seven days
- (b) It has been inspected by safety supervisor scenes exposure to weather conditions likely to have affected its strength and stability or to have displaced any part ;and
- (c) a report has been made of the results of every such inspection in the form set out in the First Schedule containing the particulars therein specified and signed by the person making the inspection;

Provided that subparagraph (a) shall not apply in the case of a scaffold no part of which has been erected for more than seven days ,and subparagraph (c) shall not apply to ladder scaffold, trestle scaffold or a scaffold from no part of which a person is liable for a distance of more than 2m.

(2) Paragraph (1) shall not require a scaffold to be inspected by reason only that it has been added to, altered or partly dismantled.

(3) in the case of a site where the employer for whom the inspection carried out has reasonable grounds for believing that the operation or works will be completed in a period of less than six weeks, the provisions of this rule requiring that a report shall have been made and signed shall be deemed to have been satisfied if the person in charge of the operations or works carried on by that employer at that site has himself carried out the inspection and is a competent person and if, within one week of the date of the inspection the reports to his employer in writing that a scaffold, boatswain's chair, cage, skip or similar plant or equipment, as the case may be, and any equipment and plant used for the purpose of any of the foregoing, was inspected by him and that he found it in good order or observed certain defects, as the case may be, and date of the inspection and the results thereof together with the name of the person making the inspection at entered by the employer in the prescribed form together with the relevant particulars.

Scaffolds used by workmen of different employers

71. Where a scaffold or part of a scaffold is to be used by or on behalf of an employer other than the employer for whose workmen it was first erected, the first-mentioned employer or his safety supervisor shall, before the use, undeveloped prejudice to any other obligations imposed upon him by these Rules, it expects east to satisfy himself that the scaffold or part thereof is stable, that the materials used in its construction, sound and that the safeguards required by these Rules are

in position.

Construction of working platforms, gangways, and runs	<p>72.(1)subject to the provisions of paragraph (2) every working platform, gangway and run from any part of which the person is liable for distance of more than 2m shall be closely guarded plant or plated.</p> <p>(2) to provisions of paragraph (1) shall not apply to—</p> <p>(a) The platform, gangway or run consisting of open metal work having interstices none of which exceeds three thousand eight hundred and seventy square millimetres in area, if there is no risk of persons below any such platform, gangway or run being struck by materials or articles falling through the platform, gangway or run; or</p> <p>(b) a platform, gangway or run, the boards, planks or plates of which are so secured as to prevent their moving and so placed that the space between adjacent boards, planks or plates does not exceed 25 millimetres, if there is no risk of the person below any such platform, gangway or run being struck by material or articles falling through the platform.</p> <p>3) no gangway or run, the slope of which exceeds one vertical to one and a half horizontal shall be used.</p> <p>4)where the slope of the gangway or run renders additional foot hold necessary and in every case where the slope is more than one vertical to four horizontal there shall be provided proper stepping laths which shall-</p> <p>a) Be placed at suitable intervals;</p> <p>Be the full width of the gangway or run, except that where necessary they may be interrupted over widths of not more than 100 millimetres facilitate the movements of barrows.</p>
Boards and planks in working platforms, gangways and runs.	<p>73) 1) every board and plank forming part of a working platform, gangway or run shall be-</p> <p>a) Of thickness which is such as to afford adequate security having regard to the distance between the putlogs or other supports;</p> <p>b) Not less than 210 millimetres wide or, in the case of the boards or planks exceeding 51 millimetres in thickness, not less than 155 millimetres wide</p> <p>2) no board or plank which forms part of a working platform, gangway or run shall project beyond its end support to a distance-</p> <p>a) Exceeding four times the thickness of the board or plank unless it is effectively secured to prevent tipping; or</p> <p>b) Which, having regard to thickness and strength of the board or plank, renders the projecting part of an unsafe support for any weight that may be upon it.</p>

3) suitable measures shall be taken either by the provision of adequate beveled pieces or otherwise to reduce to a minimum the risk of tripping and to facilitate the movement of barrows where boards or planks which form part of a working platform, gangway or run-

- a) Overlap each other; or
- b) Are not of reasonably uniform thickness where they meet each other; or
- c) Owing to warping or for some other reason, do not provide a reasonably even surface;

But the provisions for this paragraph shall not apply to working platform, gangway or run one side of which is continuous to a curved surface of a cylindrical or spherical structure forming a part of a work of engineering construction.

(4) Every board or plank which forms part of working platform, gangway or run shall-

- (a) rest securely and evenly on its supports; and
- (b) rest on at least three supports unless, taking into account the distance between the supports and the thickness of the board or plank, undue or unequal sagging can be prevented.

(5) Where work has to be done at the end of a wall or working face the working platform at wall or face shall, wherever practicable, extend at least 640 millimetres beyond the end of the wall or face.

Width of
working
platforms

74. (1) subjects to paragraph (2) and (4) every working platform (other than working platforms of suspended scaffolds and working platforms referred to in Rules 76 (7) (c) and 83 from which a person is liable to fall a distance of more than 2.0m, shall-

- (a) if used as footing only and not for the deposit of material be at least 640 millimetres wide;
- (b) if used for the deposit of material, be at least 870 millimetres wide and have a clear passage way of not less than 440 millimetres wide between one side of the working platform and the deposited material adequate in width for the passage of the persons;
- (c) if used for the passage of material, afford a clear passage way not less than 640 millimetres wide which is adequate in width for the passage of materials without removal of the guard rails and toe boards;
- (d) if used for the support of any higher platform, be at least 1.07m wide;
- (e) if used to dress or roughly shape stone be at least 1.3m wide;
- (f) if used for the support of any higher platform and is one upon which stone is dressed or roughly shaped, be at least 2.5m wide; and
- (g) in every case be of sufficient width to afford adequate working space at every part.

(2) subject to paragraph (4), the following working platform to which this rule applies shall not be less than 440 millimetres wide-

- (a) a platform-
 - (i) of a ladder scaffold;
 - (ii) supported directly by folding trestles or folding step ladders;
 - (iii) supported or suspended from roof members or the roof under a roof and used for work on or in the vicinity of the roof on which the work is light and of short duration in any one position and the provisions of paragraph (1) (a) and (b) can be dispensed with safety; and
- (b) a platform which is used for work in connection with cylindrical or spherical metal structures.

(3) where work at the face of a building or other structure is done from a working platform to which this rule applies the space between the face and the working platform shall be as small as practicable, so however, that where workmen sit at the edge of the platform to work, there may be a space not exceeding 300 millimetres.

(4) the provision of paragraphs (1) and (2) as to width shall not apply to a working platform to which this rule applies where it is impracticable to reason of limitations of space to provide a platform of the required by those paragraphs, but the platform shall in any case be as wide as is reasonably practicable.

Width of gang ways and runs.

75. 1) subject to paragraph (2) every gangway and run from any part of which a person is liable to fall a distance of more than 2.0m shall-

- a) If used for the passage of persons only, be at least 440 millimetres wide;
- b) If used for the passage of materials, be adequate in width for the passage of materials and in any case be not less than 640 millimetres wide.

2) The provisions of paragraph (1) shall not apply to a gangway or run where it is impracticable by reason of limitations of space to provide a gangway or run of the width required by those provisions, but the gangway or shall- in any case be as wide as is reasonably practicable

Guard-rails and toe-boards at working platforms and places

76. 1) every side of a working platform or working place being aside from which a person is liable to fall a distance of more than 2.0m, shall subject to paragraphs (4) and (7) and except as provided in paragraph (9) be provided –

- a) With a suitable guard – rail or guard – rails of adequate strength to a height of between 920 millimetres and 1.15m above the platform of working place and above any raised standing place

- on the platform or walking place; and
- b) With toe-boards or other barriers up to sufficient heights which shall in no case be less than 150 millimetres unless provisions thereof is impracticable on account of the nature of the work.
- 2) a guardrail, toe board or other barriers provided under the provisions of this rule shall be so placed as to prevent so far as possible the fall of persons, materials and articles from a working platform- or working place.
- 3) Without prejudice to the provisions of rule 59, the outward movement of guard rails and toe boards or barriers shall (unless they are so designed and used to prevent the movement) be prevented by placing them on the inside of an upright or by other equally effective means.
- 4) where guard rails are required to be provided, the distance between any toe-board or other barrier and the lowest guard rail above it shall not exceed 760 millimetres
- 5) Guard-rails, toe-boards and barriers required by paragraph (1) may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of materials or for other purposes incidental to the work; but guard rails, toe boards and barriers removed or remaining unerected for any of these purposes shall be replaced or erected as soon as practicable.
- 6) on the side of a suspended scaffold next to the wall or working face-
 - a) Guard rails where required by this rule need not extend to a height of more than 690 millimetres above the platform if the work is impracticable with a guard rail at a greater height; and
 - b) Guard rail at toe- boards or other barriers shall not be required if the workers seat at the edge of platform to work and ropes or chains affording all the workers a safe and secure hand hold are provided.
- 7) none of the requirements of paragraph (1), (2) & (3) shall apply-
 - a) The plat form of a ladder scaffold if a secure hand hold is provided along the full length of the platform;
 - b) The plat form of a trestle scaffold when the platform is supported on folding trestles, split heads or similar devices or folding stepladder;
 - c) A platform which is used only in the course of erecting a frame work or pre-fabricated unit forming part of a building or other permanent structure for the purpose of jointing, bolting up riveting or welding work and which is used for such a short period that to provide guard rails or toe boards or barriers would be unreasonable-

- i. The plat form is 870 millimetres wide;
 - ii. There is adequate hand fold; and
 - iii. The plat form is not used for the deposit of materials otherwise than in boxes or receptacles suitable to prevent the fall of the material or article from the platform;
- d) a temporary plat form passing between two adjacent glazing bars of a roof with a sloping surface if those bars or the roof frame work afford secure handhold along the full length of the plat form, but toe boards or barriers shall be provided in accordance with paragraphs (1), (2) & (3) unless the provision of toe boards or barriers or impracticable on account of the nature of circumstances of the work
- e) a plat form under a roof being a platform which is supported by or suspended from roof members or the roof and which is used only for work on or in the vicinity of the roof and of a light nature and of such short duration as to make the provisions of guard rails or toe board or barriers unreasonable if –
 - i. there is hand hold at every working position; and
 - ii. a material required for the work is such that the plat form can be used with safety;
- f) a working plat form or working place one side of which is continuous to the concave surface of a cylindrical or spherical structure so long as reasonably practicable steps are being taken to prevent persons working thereon from falling a distance of more than 2.0m
- 8) except as provided in rule 83, the provisions of this rule shall not apply to working plat forms and working places being working platform and working places to which that rule applies

Guard rails etc
for gangways,
runs and stairs

77. 1) except for the time and to the extent necessary for the access of persons or the movement of material, stairs shall be provided throughout their length with hand rails or other efficient means to prevent the fall of persons, and, where necessary to prevent danger to any persons the handrails or other means shall be continued beyond the end of the stairs

2) every side of any gangway, run or stairs from which a person is liable to fall a distance of more than 2.0m shall be provided-

- a) with a suitable guard rail or guard rails of adequate strength to a height of between 920 millimetres and 1.15m above the gangway, run or stairs; and
- b) except in the case of stairs and paragraph (3), with toe boards and other barriers up to a sufficient height which shall in no case

	<p>be less than 155 millimetres and which shall be so placed as to prevent as far as possible the fall of persons, materials and articles; and the space between such any such toe boards or barriers and the lowest guard rail above it shall not exceed 760 millimetres</p> <p>3) the provisions of paragraph (2) shall not apply to a temporary gangway which is used only in the course of erecting frame work forming part of a building or of other permanent structure designed for a work of such short duration as to make the provision of a gangway with guard rails and toe boards or other barriers unreasonable</p> <p>4) guard rails, toe boards and barriers required by paragraph (2) may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of material or other purposes of the work; but guard rails, toe boards and barriers removed or remaining unerected for any these purposes shall be replaced or erected as soon as practicable.</p>
Platforms, gangways, runs and stairs to afford foothold	<p>78. (1) if a platform, gangway, run or stair becomes slippery, appropriate steps shall as soon as reasonably practicable be taken by way of sanding, cleaning or otherwise to remedy the dangerous condition</p> <p>(2) every platform, gangway, run or stair shall be kept free from unnecessary obstruction and material and free from rubbish and projecting nails.</p>
Construction and maintenance of ladders	<p>79. (1) every ladder and folding step ladder shall be of good construction, of suitable and sound material and of adequate strength for the purpose of which it is used and shall be properly</p> <p>(2) a contractor shall not use a ladder in which a rung is missing or is defective</p> <p>(3) every rung of a ladder shall be properly fixed to the stiles or sides.</p> <p>(4) no ladder shall be used in which any rung depends for its support solely o nails, spikes or other similar fixing.</p> <p>(5) Where in the case of a wooden ladder, the tendon joints are not secures by wedges, reinforcing ties shall be used.</p> <p>(6) Wooden stiles or sides and wooden ranks of ladders shall have all the grains running lengthwise.</p> <p>(7) the requirements of paragraphs (3), (4), (5) and (6) of this rule shall not apply to ladders to which rule 83 applies.</p>
Use of ladders	<p>80. (1) the provisions of this rule shall apply to ladders and folding step ladders being ladders and folding step ladders which afford a means of access and egress, communication or support to a person or persons</p>

employed, but not to any ladder lying upon a roof or to a crawling board or crawling ladder.

(2) subject to the provisions of paragraph (3) no ladder standing on a base shall be used unless—

(a) it is securely fixed near to its upper resting place, or, in the case of a vertical ladder, near to its upper end, and where the fixing is impracticable the ladder shall be securely fixed at or near to its lower end,

(b) a person is stationed at the foot of the ladder when it is in use and is holding it to prevent it slipping where it is impracticable to fix in accordance with subparagraph (a);

(c) it has a level and firm footing and is not standing on loose bricks or other loose packing;

(d) it is secured where necessary to prevent undue swaying or sagging; and

(e) it is equally and properly supported on each stile or side.

(3) paragraph (2) shall not apply to a ladder which is not more than 3.0m in length and which is not used as a means of communication, if the ladder is securely placed so as to prevent it from slipping or falling.

(4) a) no ladder shall be used unless-

(i) it extends to height at least 1.0m above the place of landing or the highest rung to be reached by the feet of any person using the ladder, as the case may be, or, if this is impracticable, to the greatest practicable height;

or

(ii) there is other adequate hand hold; and

c) there is sufficient space at each rung to provide adequate foot hold

5) every ladder other than a ladder to which paragraph (2) applies, shall, before being used-

a) be securely suspended ;

b) be secured where necessary to prevent undue swinging or swaying'

c) be equally and properly suspended by each stile and side

6) no folding step ladder shall be used unless it has a level and firm footing or while it is standing on bricks or other loose packing

7) no ladder or rung of ladder rising vertical distance of over 9.0m shall be used unless, if practicable provided with intermediate landing places so that the vertical distance between any two successive landing places does not exceed 9.0m

8) every landing place shall be of adequate dimensions and , if a person is liable to fall a distance of more than 2.0m from there it shall except in so far as it is not reasonably practicable, be provided with sufficient and suitable guard rails to a height of between 1.0m and

1.15m above the landing place and with toe boards or other barriers up to a sufficient height which shall be in no case be less than 150 millimetres, so placed as to prevent as far as possible the fall of persons, materials and articles and so that the space between any toe board or other barrier and the lowest guard rail above it shall not exceed 760 millimetres

9) Where any ladder passes through an opening in the floor of a landing place, the opening shall be as small as is reasonably practicable.

Openings,
corners, breaks,
edges and open
joisting

81.(1), paragraphs (2) and (3) shall apply to every opening, corner, break or edge –

(a) In or of a roof (to which rule 83 applies), floor, wall or other a similar part of a building of any other structure whether the floor, roof, wall or other similar part is complete or only partly complete or is in course of construction, maintenance, repair or demolition; and

(b) In or of a working platform, gangway or run; being an opening, corner, break or edge which the person is liable to pass.

(2) subject to rule 83, in the case of an opening, corner, break or edge to or from which a person is liable to fall a distance of more than 2.0m or to fall into any liquid or material so as to involve risk of drowning or serious injury there shall be provided either –

(a) A suitable guardrail of guard-rails of adequate strength to a height of between 1.0m and 1.15m above the surface force which persons are liable to pass from; and toe boards or other barriers up to a sufficient height which shall in no case be less than 150 millimetres, and so placed as to prevent us from as possible the fall of persons, materials and articles with the space toe board or other barrier and the lowest guard-rails above it not exceeding 760 millimetres ;

(b) The covering so constructed as to prevent in the fall of persons, materials and articles, which covering shall be clearly and boldly marked to show its purpose and be securely in position.

(3) subject to rule 82, in the case of an opening, corner, break or edge (not being an opening, corner, break or edge to which paragraph (2) applies) through or from which materials or articles are liable to fall so as to endanger persons employed, suitable precautions by a way of erection of toe-boards, secure covering or otherwise shall be taken to prevent materials so falling.

(4) subject to rule 82, when work is done on or immediately above an open joisting through which a person is liable to fall a distance of more than 2.0m, the joisting shall be securely covered by the boards of other temporary covering to the extent necessary to afford safe access to or foothold for the work, or other effective measures shall be taken to prevent persons from falling.

Exceptions
from rule 81

82. (1) Guard-rails, toe-boards, barriers and covering required by rule 81 may be removed or remain an erected –

- (a) Where and when this is necessary in order to proceed with for any permanent filling in, covering or closure; or
- (b) for the time being and to the extent necessary for the access of persons or movement of materials or other purposes of the work, that guard-rails, toe-boards, barriers and coverings removed or remaining unerected for any of these purposes shall be replaced or protected as soon as possible.

(3) notwithstanding the provisions of rule 76, rule 81 shall not apply to an opening, corner, break or edge created in this course of demolition operations to which rule 41 applies or to an or to an opening, corner, break or age created in the course of any of the demolition operation, if in the course of the last to mention to demolition operation the opening, corner, break or edge is not left unattended.

83.(1) In this rule “sloping roof” means a roof or part of a roof having a pitch of more than ten degrees which is covered either wholly or partly and –

- a) which is in the course of construction, maintenance, repair or demolition; or
- b) which is used as a means of access to or egress from building operations or works of engineering construction on a roof or part of a roof.

(2) Except as provided in paragraphs (6) and (7), where a sloping roof has-

- a) A pitch of more than thirty degrees; or
- b) A pitch of thirty degrees or less and a surface on or from which a person is by reason of the nature or condition of the surface or of the weather, liable to slip or fall to such an extent that he is liable to fall from the edge of the roof,

work thereon or there from shall only be carried out by workmen who

are suitable for that work and requirements of paragraphs (3) and (4) shall be complied with.

- (3) Where a sloping roof is used to as a means of access or to egress from building operations or works of engineering construction on a roof or part of a roof, sufficient and suitable crawling ladders or crawling boards shall be provided on that sloping roof and (except where the work is not extensive) either-
 - a) a barrier shall be provided at the lower edge of the sloping roof, (other than the upper surfaces of a tank or similar structure of metal construction), of such a design and so constructed as to prevent a person falling from the edge; or
 - b) the work shall be done from a securely supported working platform not less than 440 millimetres wide which complies with the requirements of paragraph (1) and (5) of rule 76.
- (5) Crawling ladders and crawling boards provided in pursuance of paragraphs (3) and (4) shall be-
 - a) of good construction, suitable and sound material, adequate strength for the purpose for which they are used, free from patent defect and properly maintained;
 - b) properly supported; and
 - c) securely fixed or anchored to the sloping surface or over the roof ridge or securely fixed in some other effective way, so as, in every case, to prevent slipping.
- (6) Crawling ladders or crawling boards shall not be required in the case of a sloping roof where the handhold and foothold afforded by the battens or other similar members of the structure are such that the sloping roof is as safe for every person thereon as it would be if crawling ladders or crawling boards are provided.
- (7) The requirements of paragraph (4)(a), and (b) shall apply only in the case of a sloping roof from the eaves of which a person is liable to fall a distance of more than 2.0 m.
- (8) Suitable and sufficient means shall be provided to prevent the fall of materials or articles from a sloping roof.

Work on or near fragile

84. (1) notwithstanding the provisions of the Rules 81 and the 83, no person shall pass across, or work on or from, material which would be

materials	<p>liable to fracture If his weight were be applied to it and which is so situated that if it were be so fractured the person would be liable to fall a distance of more than 2.0m, unless suitable and sufficient ladders for crawling ladders for crawling boards or duck boards (which shall in any case be securely supported and, if necessary, secured so as to prevent their slipping) or other sufficient means as are necessary, are provided and so used that the weight of any person passing or working on the material is wholly or mainly supported by the ladders or boards or other means.</p> <p>(2) notwithstanding the provisions of Rules 81 and 83, that person shall pass or work near material of the kind and situated as specified in paragraph (1) and a suitable guard-rails of suitable covering or other suitable means prevent, so far as reasonably practicable a person so passing or working from falling through the material, provided and used .</p> <p>(3) where a person passes across or near, or works on or near, material of the kind and situated as specified in paragraph (1), prominent warning notices shall, except where the material consists wholly of glass , be affixed at the approaches to the place where the material is situated.</p> <p>(4) references in this rule person's weight shall be construed as references to the aggregate of his own weight and that of anything he may for the time being supporting by his person.</p> <p>(5) all plant and equipment provided in pursuance of this rule shall be of good construction, suitable and sound material, adequate strength for the purpose for which it is used, free from patent defect and properly maintained.</p>
Loads on scaffolds	<p>85. (1) a scaffold shall not be overloaded and so far as practicable the load thereon shall be evenly distributed.</p> <p>(2) when material is transferred on or to a scaffold it shall be moved or deposited without imposing a violent shock.</p> <p>(3) material shall not be kept upon a scaffold unless the material is needed for work within a reasonable time.</p>
Prevention of falls and provision of safety nets and belts	<p>86.(1) where by reason of the special nature of circumstances of any part of the work of the access to or the ingress from there from it is impracticable to comply with all or any of that requirements of rules 55, 72 to 78, 81 , 83 and 84 so far as they relate to the fall of persons, requirements of those Rules shall be complied with so far as is practicable and in any case, accept as provided paragraphs (2) and (3), there shall be in addition, where practicable, be provided and so erected and kept</p>

in such positions as to be effective to protect persons carrying on in the work or operation or using the access or egress, suitable safety nets or safety sheets of such a design and so constructed and installed as to prevent so far as practicable injury to persons falling on them.

(2) safe nets or safety sheets provided under this rule may be removed or remain unerected for the time and the extent necessary for the access of persons or the movement of materials or other purpose of the work, that shall be replaced or erected as soon as practicable.

(3) whereby a virtue of paragraph (2) safety nets of safety sheets would be required to be provided for the protection of persons carrying on any part of the work or using the access thereto of the egress there from, but to the work can be kind on or the access or egress used while making use of safety belts or other suitable equipment attached continuously to suitable and securely fixed and anchorage, safety nets of safety sheets shall not be required to be provided.

(4) where –

- (a) It is impracticable provide safety nets or safety sheets this would be required to comply with paragraph (1);
- (b) It is not reasonably practicable provide all those nets by reason of the frequent movement of materials or other purposes of work ;or
- (c) The workings of such short duration as to make the provision of all the nets or sheets unreasonable,

Any safety nets or safety provided in accordance with the provisions of this rule shall be provided to the extent to which it is reasonably practicable provide them and in any such case there shall also be provided (together with suitable and sufficient anchorages) suitable and sufficient safety belts or other suitable and sufficient equipment having suitable fittings and being of such a designed and so constructed as to prevent serious injury in the event of a fall to persons using them.

(5) all safety nets, safety sheets, safety belts and other equipment provided in pursuance of this rule shall be properly maintained.

PART XIII-- LIFTING OPERATIONS: CRANES AND OTHER LIFTING APPLIANCES

Lifting
machinery

87(1) lifting appliances, chains, ropes and lifting gear to which this rule applies shall, as respects the incidental or occasional use thereof in or

for the purposes of building operations or works of engineering construction, be excluded from the operations of the rules specified in column 1 of the Second Schedule to the extent respectively specified in column 2 of that Schedule and subject to the exceptions and conditions respectively specified in column 3 of the Schedule.

(2) this rule applies to any lifting appliances, chain, rope or lifting gear

—

- (a) Which forms part of the permanent equipment of a workplace or other premises in which the safety provisions in sections 63, 64 and 65 of the Act apply, and which is used at the workplace or those premises in raising or lowering for purposes other than building operations or works of engineering construction, that is being used for those operations or works at that place's premises; or
- (b) Which is regularly and ordinarily used in the processes of loading, unloading, moving or handling goods in, on or at any dock, wharf or quay in any port or harbour specified in the First Schedule to the Occupational Safety and Health (Docks) Rules, but is being used for building operations or works of engineering construction in, on or at a dock, wharf or quay in any port or harbour as specified in that schedule.

Delivery of loads and lifting gear attached

88. where any article, material or load intended for use in building operation or works of engineering construction is delivered at, or adjacent to, the site of those operations or works with a chain rope or lifting gear attached thereto and designed as a means of raising and lowering that class of load when removing it from the point of delivery to a position on the site, and the chain, rope or gear is free from patent defect, whether of construction or quality, and is not owned or hired by a contractor or employer of workmen, who is undertaking those operations or works on the site, then the requirements of rules 115, 116, 121 and 122 shall not apply in respect of the use of that chain, rope or lifting gear for raising or lowering the load so long as the chain, rope or gear remains attached to the article, material or load,

89. Rule 91, 96, 123 to 127 and 129 not apply to hoist forming part permanent equipment of any structure or underground shaft and which regularly and ordinarily used for the carriage of persons or goods, but no such hoist shall be used for the purpose of the building operations or works of engineering construction unless the following conditions are complied with---

- (a) The hoist shall not be so used for the carrying of persons, material, tools or other articles unless the hoist complies with the

requirement of section 63 of the Act

- (b) The hoist shall not be so used for carrying materials, tools or other articles, other than light articles readily carried by a person who is riding in the hoist, unless the hoist complies with the requirements of section 63 of the Act ;
- (c) On any occasion when the hoist has been used for raising or lowering for the purpose of those corporations or works in hoist way

Hoists
manufactured
before the
commencement
of these Rules

90. (1) in the case of a hoist manufactured before the date of commencement of these Rules, if it is not reasonably practicable, to comply with any requirement of rule 123 (2), 123(3), 125 or 129, it shall be sufficient if the hoist has been brought as near as is reasonably practicable into conformity with that requirement and a certificate that this has been done has been obtained from a competent person.

(2) in the case of a hoist which was in use at that date of commencement of these rules and so on thereafter as it is continued to be used in building operations and works of engineering construction, it shall be sufficient if the requirements of paragraph (1) were complied with within six years from that date.

Construction,
maintenance
and inspections

91.(1) every lifting appliance and every part thereof including all working gear and all other plant or equipment used for anchoring all fixing the appliance shall—

- (a) Be of good mechanical construction, sound material, adequate strength and free from patent defect ;
- (b) Be properly maintained;
- (c) As far as the construction permits, be inspected at least once in every week by the driver competent for the purpose, or other competent person.

(2) A report of the result of every inspection, carried out under the provisions of paragraph (1) (c), signed by the person carrying out the inspection, shall be made forthwith In the prescribed form and containing the prescribed particulars.

(3) in the case of a site where the employer for whom the inspection was carried out has reasonable grounds for believing that the operations or works will be completed in a period of less than six weeks, the provision in this rule requiring that a report shall be made and signed, insofar as it relates to lifting appliances not worked by mechanical power and all plant or equipment used for anchoring of fixing such appliances, shall be deemed to have been satisfied if the

person in charge of the operations or works carried on by that employer at the site has himself carried out the inspection and is competent person, and if, within one week of the date of the inspection, he reports to his employer in writing that the lifting appliance and plant or equipment were inspected by him and that he found them in good order, or observed certain defects, as the case may be, and the date of the inspection and the results thereof together with the name of the person making the inspection at entered by the employer in the prescribed form together with the prescribed particulars.

Support,
anchoring,
fixing and
erecting

92. (1) every lifting appliance shall be adequately and securely supported.
- (2) every part of a stage, scaffold, framework or other structure and every mast, beam, pole or other article of plant or equipment supporting a lifting appliance or any part thereof shall (having regard to the nature of the lifting appliance, its lifting and reaching capacity and the circumstances of its use) be of good construction and adequate strength and shall be of sound material and free from patent defect.
- (3) every part of the framework of every crab or winch, including its bearers shall be of metal.
- (4) any anchoring or fixing arrangements provided in connection with a lifting appliance shall be adequate and secure.
- (5) every temporarily attachment or connection of a rope, chain or plant or equipment, used in the erection or dismantling of a lifting appliance shall be adequate and secure.
- (6) in the case of a crane which is on occasion dismantled, the jib or boom which is separated from the crane in dismantling shall be clearly marked so as to indicate a crane of which it was a part.

Precautions
where lifting
appliance has
travelling or
slewing motion

- 93.(1) On every stage, gantry or other place where and lifting appliance having a travelling or slewing motion is in use, an unobstructed passageway not less than 610 millimetres wide shall be maintained between any travelling or moving part of the appliance and any guard-rails, fencing or other nearby fixture.
- (2) Where at any time it is impracticable to maintain the passageway required by paragraph (1) at any place or point, reasonable steps shall be taken to prevent the access of any person to that place or point.
- 94.(1) where the platform was provided for the person driving or operating a crane, or for a signaller, the platform shall be –

- (a) of sufficient a area for the persons employed thereon
- (b) close planked or plated; and
- (c) provided the safe means of access,

and every side of the platform, being a side thereof from which a person is liable to fall a distance of more than 2.0m, shall be provided with a suitable guardrail or guard-rails of adequate strength, to a height of at least 1.0m above the platform and above any raised standing place on the platform, and with toe boards at a sufficient height not less than 210 millimetres and so placed as to prevent as far as possible the fall of persons, materials and tools from the platform.

(2) the space between any toe-board and lowest guard-rails above it on any platform for the person or persons driving crane, or for a signaler, shall not exceed 680 millimetres.

(3) Guard-rails and toe boards required by this rule may be removed or remain unerected only for the time and to the extent necessary for the access of persons are for the movement of materials.

Cabin for the driver

95(1) subject to (paragraphs (2), (3) and (4), the driver of a power driven lifting appliance shall be provided with a suitable cabin which shall –

- (a) Afford him adequate protection from the weather ; and
- (b) Be so constructed as to afford ready access to such parts of the lifting appliance as are within the cabin and need periodic inspection or maintenance

(2) Not chain shall be provided which prevents the driver from having such clear and unrestricted view as is necessary for the safe use of the appliance.

(3) subject to paragraph (4), where reasonably practicable the cabin shall, before the lifting appliance is put into general use, be completely erected, or other adequate provision shall be made for the protection of the driver from the weather.

(4) paragraphs (1),(2) and (3) shall not apply –

- (a) In cases where the driver is indoors or otherwise adequately protected from the weather;
- (b) To a hoist other than a hoist operated only from one position alongside winch
- (c) to lifting appliances mounted on wheels and having a maximum safe working load of one tonne or less

- (d) To any machine incorporating a lifting appliance where the primary purpose of that machine is not that of a lifting appliance ;
- (e) To lifting appliances for occasional use or for use for only short periods.

.Drums and pulleys

96. Every drum or pulley round which the chain or wire rope of a lifting appliance is carried shall be of suitable diameter and construction for the chain or rope used, and every chain or rope which terminate at the winding drum of a lifting appliance shall be the secured thereto and at least two turns of the chain or rope shall remain on the drum every operating position of the appliance.

Brakes, controls, safety devices, etc

97 (1) every crane, crab and winch shall be provided with an efficient brake or brakes or other safety device which will prevent the fall of the load when suspended, and by which the load can be effectively controlled whilst being lowered.

(2) on every lifting appliance every lever, switch or other device provided for controlling the operation of any part of the appliance , being a lever, handle, switch or other device whose accidental movement or displacement is liable to cause danger, shall, where practicable (unless it so placed or the appliance is so constructed as to prevent accidental movement or the displacement), be provided with a suitable spring or other locking arrangement to prevent their accidental movement or displacement :

Provided that in the case of a lifting appliance which was at the date of commencement of these Rules used, and so long thereafter as it is continued to be used in works of engineering construction, it shall be sufficient if the requirements of this paragraph complied with within six years from that date.

(3) every lever, handle, switch or other device provided for controlling the operation of any part of a lifting appliance shall have to have upon or adjacent sent to it clear markings to indicate its purpose and mode of operation:

Provided that this paragraph shall not apply to rotating handles for raising or lowering the load in the case of a winch or non derricking jib crane not operated by mechanical power.

Safe means of access

98. Where a person engaged and the examination, repair, or lubrication of a lifting appliance is liable for distance of more than 2.0m there shall so far as is reasonably practicable, be provided and maintained safe means of access to and egress from the place at which the person has to work with, where necessary, adequate hand holds and footholds.

Poles or beams supporting pulley blocks of gin wheels	<p>99. No pulley block or gin wheel suspended from or supported by a pole or beam shall be used for raising or lowering materials unless it is effectively secured to the pole or beam and the pole or beam –</p> <p>(a) Is of adequate strength for the purpose for which it is being used; and</p> <p>(b) These adequately and properly secured so as to support the pulley block or gin wheel and the load with the safety and so as to prevent undue movement of the pole or beam.</p>
Stability of lifting appliances	<p>100. (1) From the precautions shall be taken to ensure the stability of lifting appliances used on a soft or uneven surface or on a slope.</p> <p>(2) No crane shall be used for raising or lowering unless, so as to ensure stability, it is either securely anchored or adequately weighted by suitable the ballast which shall be properly placed on the crane structure sufficiently secured to prevent the ballast being accidentally displaced.</p> <p>(3) No part of any rails on which a crane is mounted or the sleepers supporting those rails shall be used as anchorage for a crane used for raising or lowering.</p> <p>(4) The whole of the appliances for the anchorage or the ballasting of a crane shall be examined by a competent person for each occasion before the crane is erected.</p> <p>(5) After each erection of a crane on a site of building operations or works of engineering construction and after each removal of a crane about or to such a site, or any adjustment and to any member of the crane, being a removal or adjustment which involves changes in the arrangements for anchoring or ballasting the crane, the security of the anchorage or the adequacy of the ballasting, as the case may be, shall, before the crane is taken into use, be tested by a competent person, by the imposition in either of a –</p> <p>(a) load of twenty five per cent of the maximum load to be lifted by the crane as erected at the positions where there is the maximum pull on each anchorage ; or</p> <p>(b) lesser load arranged to provide an equivalent test of the anchorage or ballasting arrangements.</p> <p>(6) Report of every test under paragraph (5) and the results thereof, signed by the person carrying out the test, shall be made forthwith in the prescribed form and containing the prescribed particulars.</p> <p>(7) If the person making the test under paragraph (5) considers that</p>

marks among load which may safely be lifted by that crane as erected is less than the safe working load of the crane he shall specify the maximum among the particulars to be recorded.

(8) The person making the test of paragraph (5) shall after every test draw a loading diagram appropriate to the stability of the crane as at the time of the test, taking into account, in the case, of a crane mounted on wheels, the condition of the track, and indicating a modified safe working load or loads which diagram shall be affixed in a position where it can be readily be seen by the crane driver, and any modified safe working load or loads shall be deemed for the purpose of these Rules to be the safe working load or loads of the crane as erected.

(9) Where the stability of a crane is secured by means of removable weights, a diagram or notice indicating the position and amount of those weights shall be affixed on the crane where it can be readily the seen.

(10) No crane shall be used or a erected under weather conditions likely to endanger its stability and after exposure to weather conditions likely to have affected the stability of the crane, and the anchorage arrangements and ballast shall be examined by a competent person as soon as practicable and before cranes used, any necessary steps being taken to ensure the stability of the crane.

Rail mounted cranes

101(1) all rails on which a crane moves shall –

- (a) Be supported on a surface sufficiently firm to prevent undue movement of the rails;
- (b) Have an even running surface, be sufficiently and adequately supported, and be of adequate section,
- (c) be jointed by fish plates or double chair;
- (d) Be securely fastened to sleepers or bearers;
- (e) Be laid in straight lines in curves of such radii that the crane can be moved freely and without danger of derailment; and
- (f) Be provided with adequate stops or buffers on each rail at each end of the track

(2) Subparagraphs (c) and (d) paragraph (1) shall not apply in the case of crane on bridge rails or in the case of any crane if other adequate steps are taken to ensure the proper junction of the rails and to prevent any material variation in their gauge.

(3) All rails and equipment referred to in paragraph (1) shall be properly maintained.

(4) A crane mounted on rails shall be provided with effective brakes for the traveling motion, or sprags, scotches or chocks shall be available, and used when necessary.

(5) Where a scotch derrick crane is mounted on more than one bogie, trolley or wheeled carriages, the crane sleepers or land ties, and if necessary the bogies, trolley or wheeled carriages, shall be rigidly placed and properly connected together, and rails on which each bogie, trolley or wheeled carriage moves shall be level, and the crane shall be moved on the track only in a manner that does not cause instability, rocking distortion either of the crane structure or the supporting framework of track

(6) Every travelling crane on rails shall be provided with guards to remove from the rails any loose material likely to cause danger

Mounting of cranes

102. Every bogie, trolley or wheeled carriage, on which the crane is mounted shall, having regard to the purposes for which the crane is to be or is being used, be of good construction, adequate strength and suitable to support the crane and shall be of sound material, free from patent defect and properly maintained.

Cranes with derricking jibs

103. On every crane having a derricking jib operated through a clutch, there shall be provided and properly maintained an effective interlocking arrangement between the derricking clutch and the pawl sustaining the derricking drum to ensure that the clutch cannot be disengaged unless the pawl is in effective engagement with the derricking drum and the pawl cannot be disengaged unless the clutch is in effective engagement with derricking drum:

Provided that this rule shall not apply to a crane in which –

- (i) The hoisting drum and the derricking drum are independently driven; or
- (ii) The mechanism driving the derricking drum is self rocking.

Restriction on use of cranes

104(1) notwithstanding paragraph (2), and unless no undue stress is imposed on any part of the crane structure or mechanism, and the stability of the crane is not thereby endangered, the hoisting mechanism of crane shall only be used for raising or lowering loads vertically and under the supervision of a competent person.

(2) A crane with a derricking jib shall not be used at a radius exceeding

	the maximum radius required to be specified for the jib in the certificate of test and examination required by rule 109.
Use of cranes with timber structural member prohibited	105. No person shall use a crane which has any timber structural member.
Erection of cranes under supervision	106. No person shall erect a crane except under the immediate and direct supervision of a competent person
Competent persons to operate to lifting appliances and give signals	<p>107(1) No person who is not trained and competent, stories under the age of eighteen years, shall, except for training purposes and then under the direct supervision of a person qualified for the purpose, drive or operate a crane or other lifting appliance.</p> <p>(2) The employer of an operator or driver of a crane or other lifting appliance shall, before taking the driver or operator into employment, taste and ensure the competency of the operator and issue him with a certificate of competency endorsed in respect of the crane or lifting appliance to be operated or driven.</p> <p>(3) no person under the age of eighteen years shall be employed and (except under the direct supervision of a competent person for training purposes) either to give signals to the operator of a lifting appliance driven by mechanical power or to operate the appliance.</p> <p>(4) subject to paragraphs (5) and (6) and except where clear and restricted view is not necessary for safe working, there shall be appointed and suitably stationed throughout the operation, one or more competent persons to give necessary signals to the operator of driver of a crane or other lifting appliance who may not have a clear and unrestricted view of the load and its vicinity of the point of attachment for a load and its vicinity.</p> <p>(5) where and insofar as it is impracticable to comply with the requirements of paragraph (3), other effective measures shall be taken to enable the driver or operator of a lifting appliance –</p> <p>(a) To ascertain the position of the load , or point of attachment for a load, when it is in the vicinity of a loading or unloading point of any other place at danger is reasonably to be anticipated</p> <p>(b) To ensure the safe movement of the load</p>

(6) The provisions of paragraphs (3) and (4) shall not apply –

- (a) In the case of hoist of an aerial cableway, or of an aerial rope way; or
- (b) In the case other than that of a hoist as respects places where the appliance raise or lower the load (or point of attachment for a load) vertically only, without any horizontal or slewing motion, if for safe working the driver or operator of the appliance needs information related to the movement, when it is at or in the immediate vicinity of certain points only and effective arrangements are made by means of a signalling system, position indicators or otherwise for providing the driver or operator with the information necessary for safe working.

(7) There shall be efficient phenomena regents between the driver or operator and persons employed at unloading or unloading point of an aerial cableway or aerial ropeway.

Signals

108.(1) every signal given for the movement or stopping of a lifting appliance shall be distinctively in character And as such that the person to whom it is given is able to hear or see easily.

(2) Devices or apparatus used for giving sound, color or light signals shall be properly maintained and the mean communication shall be adequately protected from accidental interference.

Testing and examination of cranes, etc

109. (1) subject to paragraph (4), no crane, crab, or winch shall be used unless it has been tested and thoroughly examined by a competent person within the previous four years and no pulley block, gin wheel or sheer legs shall be used in the raising or lowering of a load weighing one tonne or more unless it has been tested thoroughly examined by a competent person.

(2) subject to paragraph (4), no crane, crab or winch shall be used after any substantial alteration or repair affecting its strength of stability until it has been tested and thoroughly examined by a competent person and your pulley block, gin wheel or sheer legs shall, after any substantial alteration or repair be used in the raising or lowering load weighing one tonne or more and tearing it has been tested and thoroughly examined by a competent person.

(3) Subject to paragraph (4), no lifting appliance shall be used unless it has been tested and thoroughly examined by a competent person within the previous fourteen months or after it has undergone substantial alteration or repair.

- (4) Nothing in paragraphs (1), (2) and (3), shall apply to a hoist.
- (5) no crane, crab, winch, pulley block or gin wheel shall be used unless there has been obtained, in such a form as may be prescribed, as respects the kind of lifting appliance tested and examined, a certificate of any tests and examination required by paragraphs (1), and (2) signed by the person making or responsible for the carrying out of the test and examination and specifying—
- (a) The safe working load or loads
 - (b) In the case of a crane laths a variable operating radius (including a crane with a derricking jib), the radii of the jib, trolley or crab appropriate to the specified safe working load or loads;
 - (c) In the case of a crane with a derricking jib the maximum radius at which the jib may be worked.
- (6) a report in writing containing the prescribed particulars of the results of every test or examination required by paragraphs (1) (2) and (3) signed by the person carrying out the test or examination, shall be made within twenty-eight days from the completion of the test:
- Provided that this paragraph shall not apply to a test or examination of which a certificate has been obtained in accordance with paragraph (5).
- (7) The person making the report of any test for examination required by paragraphs and shall, within twenty-eight days of the completion of the test or examination, send a copy of the report to the Director and Occupational Safety and Health officer of the area where the test is carried out.

- | | |
|-------------------------------|--|
| Marking of safe working loads | <p>110(1) the safe working load of safe working loads and means of identification shall be plainly marked –</p> <ul style="list-style-type: none"> (a) Platform- every crane, crab or winch; (b) Upon each pulley block, gin wheel, sheer legs, derrick Pohl, derrick must or aerial cableway used in raising or lowering of a load weighing one tonne or more. <p>(2) every crane of variable operating radius (including a crane with a derricking jib) shall –</p> <ul style="list-style-type: none"> (a) Have plainly marked upon it the safe working load at various radii of the jib, trolley or crab, and in the case of a crane with a derricking jib the maximum radius at which the jib may be worked; and |
|-------------------------------|--|

- (b) Be fitted with an accurate indicator, clearly visible to the driver, showing the radius of the cube, trolley or crab, at any time and the safe working load corresponding to the radius.

Indication of
safe working
load of jib
cranes

111(1) no jib crane having either a fixed or a derricking jib (other than a mobile crane) shall be used unless it is fitted with an approved type of automatic safe load indicator which shall be properly maintained, funded indicator shall be tested by a competent person other than the crane driver of the erection or installation of the crane for the purpose of any building operation or work in changing construction and before the crane is taken into use.

(2) more mobile crane having either at fixed or derricking jib shall be used unless it is fitted with an approved type of an automatic safe load indicator which shall be properly maintained, and every such indicator shall be tested by a competent person before the crane is taken into use

—

- (a) On each occasion after it has been wholly or partially dismantled; and
- (b) After each erection, alteration or removal of the crane for the purpose of any building operations or works of engineering construction, being an erection, alteration or removal likely to have affected the proper operation of the indicator

(3) The indicator shall be inspected in any case at intervals not exceeding one week, when the crane is in use, by the person coming out the inspection required under rule 91(1) (c) and the result of those inspections shall be reported in the manner specified in paragraph (2) of that rule.

(4) Report of the results of every test required by this ruling, signed by the person carrying out the test, shall be made forthwith in the prescribed form and containing the prescribed particulars.

(5) this rule shall not apply –

- (a) To a guy derricking crane, being a crane of which the mast is held upright solely by means of ropes with the necessary fittings tightening screws;
- (b) To a hand crane which is being used solely for erecting or dismantling another crane; or
- (c) To the crane having a maximum safe working load of one

ton or less; or

- (d) Until the expiration of two years after the date of commencement of these Rules, to an excavator adapted for use as a crane.

Load not to exceed safe working load

112. Except for the purposes of making tests, when the safe working load may be exceeded, no crane, crab, winch, pulley block, gin wheel, sheer legs, derrick poles and derrick masts shall be loaded beyond the safe working load.

Precaution on raising or lowering loads

113. (1) Where there is lifted on a crane, crab, winch (other than piling winch), sheer legs or aerial cableway a load which is equal to or slightly less than the relevant safe working load and which is not already sustained wholly by the appliance, lifting shall be halted after the load has been reached a shorter distance and before the operation is proceeded with.

(2) where more than one lifting appliance is required to raise or lower more than one load –

- (a) The plant or equipment used shall be so arranged and fixed to that no such lifting appliance shall at any the time be loaded beyond its safe working load or be rendered unstable in the raising or lowering of the load; and
- (b) A competent person shall be specially appointed to directly supervise the operation.

114. (1) of the jib of a scotch derrick crane shall not be erected between the back stays of the crane.

(2) No load which lies in the angle between the back stays of a scotch derrick crane shall be removed by that crane.

(3) Appropriate measures shall be taken to prevent the foot of the king post of scotch derrick crane from being lifted out of its socket or support whilst in use.

(4) where the guys of a guy derrick crane can not be fixed at approximately equal inclinations to the mast and so that the angle between adjacent pairs of guys are approximately equal, such other measures shall be taken as will ensure the stability of crane.

PART XIV—LIFTING OPERATIONS: CHAINS ROPES AND LIFTING GEAR

Construction, testing,

115. (1) subject to the provisions of paragraph, no chain, rope or lifting gear shall be used in raising or lowering or as a means of suspension

examination
and safe load

unless –

- (a) It is of good construction, sound material, adequate strength, suitable quality, and free from patent defect; and
- (b) (except in the case of wire rope used before the commencement of these Rules or a fibre rope or fibre sling) it has been tested and examined by a competent person and there has been obtained, in such a form as may be prescribed, a certificate of that test and examination specifying the safe working load and signed by the person making it responsible for the carrying out of the test and examination; and
- (c) It is marked in plain legible figures and letters with the safe working load under means of identification.

(2) a rope or rope sling need not to be marked with the safe working load if its safe working load is contained in the report required by rule 121 and rope or sling is so marked as to enable its safe working load to be ascertained from that report or if, in the case of wire rope used before the commencement of these Rules or a fibre rope or fibre sling, its safe working load can be ascertained from a table of safe working loads posted in a prominent position on the site of operations or works; and in the case of a rope or rope sling which is not required to have been tested and which is not marked with the safe working load, the safe working load required to be entered in the report are required to be shown by the table, as the case may be, shall be deemed for the purpose of these Rules to be the safe working load of the rope or rope sling.

(3) No wire rope shall be used in raising, lowering or as a means of suspension if in any length of ten diameters the total number of visible broken wires exceeds five per cent of the total number of wires in the rope.

(4) no chain, rope or lifting gear shall be loaded beyond its safe working load except for the purpose of making tests and then only to such extent as a competent person appointed to carry out the test may authorize.

Testing of
chains, rings
etc. altered or
repaired by
welding

116. No chain, ring, link, hook, plate clamp, shackle, swivel or eye-bolt which has been lengthened, altered or repaired by welding shall be used in raising or lowering or as a means of suspension unless, since the lengthening, alteration or repair, it has been tested and thoroughly examined by a competent person and there has been obtained in the prescribed form a certificate of that test and thorough examination, signed by him or by the person responsible for the carrying out of the

test and thorough examination and specifying the safe working load:

Provided that the requirements of this rule as to the testing and certification shall not apply to a chain attached to the bucket of dragline or an excavator

Hooks	117. Every who used For raising or lowering or as a means of suspension shall either be provided with an efficient device to prevent their displacement of the sling or load from the hook, or be of such shape as to reduce as far as possible the risk of any displacement.
Slings	118. (1) every sling used for raising or lowering on a lifting appliance shall be securely attached to the appliance, and the method of attachment shall not be a method likely to result in damage to any part of the sling or to any lifting gear supporting it. (2) more double or multiple sling shall be used for raising or lowering if – (a) The upper end of the sling legs are not connected by the means of a shackle, ring or link of adequate strength; or (b) The safe working load of any sling leg is exceeded as a result of the angle between the sling legs.
Edges of load not to come into contact with sling etc.	119. Adequate steps shall be taken By the use of suitable packing or otherwise to prevent the edges of the load be raised or lowered from coming into contact with any sling, rope or chain, where this would cause danger.
Nor could the chains, etc.	120.(1) a load shall not be raised ,lowered or suspended on a chain or wire rope which has a knot a tied in any part of the chain or rope under direct tension. (2) No chain which is shortened of joined to another chain by means of bolts and nuts inserted through the links shall be used for raising, lowering or suspending any load.
Examination of chains, ropes and lifting gear	121.(1)no chain, rope or lifting gear shall be used for raising or lowering or as a means of suspension unless it has been thoroughly examined by a competent person at least once within the previous six months, that chains, ropes and lifting gear not in regular use need only be examined when necessary. (2)A report, in writing , containing the prescribed particulars of the result of every examination carried out under this rule, signed by the person carrying out the examination, shall be made immediately after the examination is carried out.

- Annealing of chain and lifting gear
- 122.(1) a chain or lifting gear (other than rope sling or lifting gear of a class or description specified in the Third Schedule, or exempted by certificate of Director upon the ground that it is made of a material or is so constructed that it cannot be subjected to heat- treatment without risk of damage) shall not be used in raising or lowering or as a means of suspension unless –
- (a) It has been effectively annealed or subjected to some appropriate form of heat treatment of this provision of a competent person within the previous fourteen months or , in the case of chains or slings of thirteen millimetres bar or smaller material, within the previous six months; and
 - (b) A report has been made in writing containing the prescribed particulars of every annealing or appropriate heat- treatment signed by the competent person and a host of supervision the annealing or a heat treatment was carried out.
- (2) Notwithstanding paragraphs (1), chains or lifting gear not in regular use or used solely on lifting appliances worked by hand may be annealed for subjected to the appropriate heat treatment only when necessary.

PART XV—LIFTING OPERATIONS :SPECIAL PROVISIONS AS TO HOISTS

- Safety of hoist ways, platforms and cages
123. (1) in the hoist way of every hoist shall at all points at which access to the hoist way is provided, or at which persons are liable to be struck by any moving part of the hoist be efficiently protected by a substantial enclosure, and enclosures shall, where access to the hoist is needed, be fitted with gates.
- 2) An enclosure or gate provided under the provision of this rule shall, where practicable, extend to a height of at least 2.0m, except where a lesser height is sufficient to prevent a person falling down the hoist way and there is no risk of a person coming into contact with any moving part of the hoist, but shall in no case be less than 1.0 m
 - 3) Gates fitted under the provision of this rule shall be kept closed except at a landing place where the platform or cage is at rest and it is for the time being necessary for the gate to be open for the purposes of loading or unloading goods, plant or materials, or to allow persons to enter or leave the cage, and without prejudice to the obligation of every contractor and employer of workmen under this Rules, it shall be the duty of every person, immediately after using a gateway, to see that the gate is

closed, unless it is for the time being necessary as explained in this paragraph for the gate to be open

- 4) A hoist shall where practicable be provided with properly maintained efficient devices which will support the platform or cage together with its safe working load the hoist, rope, or ropes or any part of the hoisting gear fail.
- 5) A hoist shall be provided with properly maintained efficient automatic devices which will ensure that the platform or cage does not overrun the highest point to which it is for the time being constructed to travel.

Operation of
hoists

124. 1) The construction and installation arrangements of every hoist shall where practicable be such that it can be operated at any one time only from one position and a hoist shall not be operated from the cage unless requirements of rule 129 are complied with

2) Except where a clear and unrestricted view is not necessary for safe working, effective arrangements shall be made for signals for operation the hoist to be given to the operator of a hoist from each landing place at which the hoist is used and to enable him to stop the platform or cage of the hoist at the appropriate level if he does not have a clear and unrestricted view on the platform or cage throughout its travel

Winches

125 where a hoist is operated by means of a winch, the winch shall be so constructed that the brake is applied when the control lever, handle or switch is not held in the operation position, and the winch shall not be a winch fitted with a pawl and ratchet gear on which the pawl has to be disengaged before the platform or cage be lowered.

Safe working
load and
markings of
hoists

126 (1) The safe working load shall be plainly marked on every hoist platform or cage and no load greater than that load shall be carried, except that for the purpose of carrying out a test the safe working load may be exceeded by such amount as a competent person appointed to carry out the test may authorize.

(2) where a hoist is used for carrying persons the maximum number of persons to be carried at any one time shall be so marked, and a greater number of persons shall not be carried.

(3) There shall be a readily legible notice on the platform or cage stating that the carriage of persons is prohibited if the platform or cage is for carriage of goods and materials only.

- Test and examination of hoists
- 127 (1) no hoist shall be used unless –
- a) in the case of a hoist manufactured or substantially altered or substantially repaired after the date of commencement of these Rules it has, since the manufacture, alteration or repair, as the case may be, been tested and thoroughly examined by a competent person, and there has been obtained in such a form as may be prescribed a certificate of the test and examination, signed by the person making or responsible for the carrying out of the test and examination and specifying the safe working load and in the case of a hoist used for carrying persons the maximum number of persons to be carried at one time;
 - b) in the case of a hoist used for carrying persons, it has, since it was last erected or the height of travel of the cage was last altered, whichever is the later, been tested and thoroughly examined by a competent person and a report of the results of the test and examination, signed by the person making or responsible for the carrying out of the test and examination has been in the prescribed form and containing the prescribed particulars; and
 - c) It has been thoroughly examined by a competent person at least once within the six months preceding any use thereof.
- 2) a report in writing, containing the prescribed particulars of the results of every examination required by paragraph (1) (c) signed by the person making it, responsible for the carrying out of the examination, shall be made within twenty-eight days.
- 3) the person making the report of a test or examination required by paragraph (1) shall within twenty-eight days of the completion of the test or examination send a copy of the report to the Director and to the Occupational Safety and Health officer of the area where the test was made.

PART XVI—LIFTING OPERATIONS CARRIAGE OF PERSONS AND SECURENESS OF LOADS

- CARRYING persons by means of lifting appliances
128. (1) no person should be raised, lowered or carried by a power driven lifting appliance except—
- (a) On the driver’s platform- in case of a crane; or
 - (b) On a hoist; or
 - (c) On an approved suspended scaffold ; or
 - (d) As permitted by paragraph (2)
- (2) A person may be raised, lowered or carried by a power driven lifting appliance otherwise and in accordance with the provision of paragraph (1) only –

- (a) in circumstances where the use of the hoist or of an approved suspended scaffold is not reasonably practicable and the requirements of paragraph (3) and (4) are complied with;
 - (b) On an aerial cableway or an aerial ropeway if the requirements of paragraphs (3) (b) to (d) and (4) are complied with.
- (3) the requirements referred to in paragraph (2) are that--
- (a) the appliance can be operated from one position only;
 - (b) any winch used in connection with the appliance shall comply with the requirements of rule 125;
 - (c) no person shall be carried except in a suitable chair or cage, or in a suitable skip or other receptacle at least 1.0m deep; and
 - (d) suitable measures shall be taken to prevent the chair, cage, skip or other receptacle from spinning or tipping in a manner dangerous to any occupant.
- (4) A chair, cage, skip, or other receptacle used in pursuance of this rule shall be of good construction, sound material, adequate strength and properly maintained, and shall be provided with suitable means to prevent any occupant falling out and shall not contain material or tools liable to interfere with his handhold or foothold or otherwise endanger him.

Hoist carrying persons

- 129(1) no person shall be carried by a hoist unless it is provided with a cage which –
- (a) is so constructed as to prevent, when the cage, gate or gates are shut , a person carried from falling out or from being trapped between a part of the cage and any fixed structure or other moving part of the hoist or from being struck by articles or materials falling down the hoist way; and
 - b) is fitted on each side from which access is provided to a landing place with a gate which, so far as is reasonably practicable, shall have efficient interlocking or other devices to secure that the gate cannot be opened except when the cage is at a landing place, and the cage cannot be moved away from any place until the gate is closed.
- (2) every gate in the hoist way enclosure of a hoist used for carrying persons shall be fitted with efficient interlocking or other devices to secure that no gate can be opened except when the

cage is at a landing place, and the cage cannot be moved away from any place until the gate is closed.

(3) in connection with every hoist used for carrying persons there shall be provided suitable efficient automatic devices which will ensure that the cage comes to rest at point above the lowest point to which the cage can travel.

Secureness
loads

130. (1) Every part of a load shall be securely suspended or supported whilst being raised or lowered and shall be adequately or lowered and shall be adequately secured to prevent danger from slipping or displacement.
- (2) where by reason of the nature of the position of the operation a load is liable, whilst being moved on a lifting gear, to come into contact with any object so that the object may become displaced, special measures shall be adopted to prevent the danger so far as reasonably practicable.
- (3) Every container or receptacle used for raising or lowering stone, bricks tiles, slates or other objects shall be so enclosed, constructed or designed as to prevent the accidental fall of those objects:

Provided that this requirement shall not apply to a grab, shovel, or other similar excavating receptacle if effective steps are taken to prevent any person being endangered by a fall of objects therefrom.

- (4) Goods or loose material shall not be placed directly on a platform of a hoist unless the platform is enclosed or other effective precautions are taken where necessary to prevent the fall of any such goods or material.
- (5) No truck or wheelbarrow shall be carried on a hoist platform unless it is efficiently scotched or secured on the platform.
- (6) No truck or wheelbarrow shall be carried on the open platform of a hoist unless the truck or wheelbarrow is so loaded that no part of the load is liable to fall off.
- (7) No load shall be left suspended from a lifting appliance unless a competent person is actually in charge of the appliance.

PART XVII—HEALTH AND WELFARE

Obligations
under this part

131. (1) except as otherwise provided in this rule, it shall be the duty of every contractor to comply with such of the requirements of this part as affect any person employed by him.
- (2) The requirements of any of rules 132, 135, 136, 137, 138 and 139 shall be deemed to be complied with by a contractor as

regards any period during which there are in operation—

(a) effective arrangements made by him with another contractor or employer or workmen on the site, being arrangements in respect of which the requirements of paragraph (3) are fulfilled; or

(b) effective arrangements made by him with other person for enabling person employed by that contractor to have adequate access to and use of facilities which are respectively of the same kind, and as a adequate and suitable, as those required by any of those provisions to be provided, being facilities which are reasonably accessible to every working position on the site.

(3) A contractor who provides facilities in accordance with an arrangement made in pursuance of paragraph (2) (a) shall as soon as the arrangement comes into operation—

(a) enter in a register in an approved form the approved particulars of that arrangement; and

(b) give to the contractor with whom he has made the arrangement a certificate in an approved form containing the particulars.

(4) All register kept and certificates given in pursuance of paragraph (3) shall be preserved either on the site of the relevant operations or work or at an office of the contractor by whom the register is kept or whom the certificate was given, as the case may be.

(5) All registers kept and certificates given pursuance of paragraph (3) shall at all reasonable times be open to inspection by an Occupational safety and health officer and all such certificates shall at all reasonable time be open to inspection by any person employed affected thereby.

(6) the person keeping a register or having a certificate and given under the provisions of this rule shall send to the Occupational safety and health officer of the area such extracts there from or copies thereof as the Occupational safety and health officer may from time to time require.

(7) where by a virtue of an agreement in accordance with paragraph (2)

(a) a contractor is deemed to have complied with any requirement of this part, the second contractor who has undertaken provide facilities in accordance with that agreement shall be responsible instead of the first contractor for complying with that requirement, and the persons employed by that contractor shall for the purpose of that requirement be deemed to be persons in employment of that second contractor who has undertaken to provide the

facilities.

- (8) landing in this part shall be construed as preventing two or more contractors who jointly appointing the same person or persons to have charge of first aid boxes or cases of a first aid room or be responsible for summoning an ambulance or other means of transport in pursuance of rule 135.

Provision of
First-aid boxes
and cases

- 132(1) except as provided in paragraph (3) where contractors more than five persons in his employment on a site, he shall provide and keep clean and good repair a sufficient number of suitable first aid boxes, or cases, which shall, while work is going on, be reasonably accessible to all positions on the site where persons in his employment are working.
- (2) to First-aid box or case provided in pursuance of this rule shall be distinctively marked “FIRST AID” and placed under the charge of a responsible person whose name shall be plainly indicated in a prominent place on or near the box and who –
- (a) While in charge of the box or case shall be readily available when any persons for whom it is provided at working on the site; and
 - (b) When the box or case is provided by a contractor who has more than 50 persons in his employment on site, shall be a person trained in first aid treatment to the standard required by rule 134.

Contents of
first-aid boxes
and cases

- 133(1) nothing except appliances or requisites for first-aid shall be kept in a first-aid box or case.
- (2) each first-aid box or case provided under this part shall contain the equipment and materials specified in the Fourth Schedule
- (3) the provisions of this rule and rule 132 shall be in addition to and not in the derogation of the Occupational Safety and Health (First Aid) Rules, 1977, and it is declared that the director may in writing approve any standard or grade or quality of materials or drugs that may be contained in a first-aid box notwithstanding anything in those Rules or any subsequent Rules.

Standard of
training in first
aid treatment

- 134.(1) for the purpose of rules 132 and 136 a person shall not be deemed to be trained in first aid treatment unless –
- (a) He is a registered or enrolled nurse; or
 - (b) he is the holder of a certificate in first-aid issued within the immediate preceding twelve months by, or is otherwise a recognized as being qualified in first aid treatment by, a

training organization; and

(c) He is over eighteen years of age.

(2) no contractor shall be held not to have complied with the requirement of rule 132 (2) that the persons in charge of certain first-aid boxes or cases shall be persons trained in first aid treatment, in any case where he proves that he used all due diligence to secure compliance with that provision.

(3) in a case where the person in charge of a first-aid box or case is required by 132 (2) (b) to be a person trained in first aid treatment to the standard required by this rule, the following particulars shall be recorded in writing a serious picked the person, namely –

(a) his name;

(b) his age;

(c) In the nature and date of his qualification is a person trained in first aid treatment; and

(d) The date on which evidence of his being so trained was inspected by the contractor

(4) the record required under paragraph (3) shall be securely fixed inside a first-aid box or case and shall at all reasonable time be open to inspection by any Occupational safety and health officer, and the person keeping that record shall send to an Occupational safety and health officer such extracts there from or copies thereof as the Occupational safety and health officer may from time to time require.

Ambulances

135.(1) per contractor who has in his employment on a site more than twenty- five persons shall –

(a) Notify , if in Nairobi the Director of Medical Services, and thus where the District Medical Officer Of Health and the Provincial Medical Officer of Health for the area where the site is situated (within twenty- four hours of employing for the first time more than twenty - five persons on the site), of the location and address(if any) of the site, and of the nature of the operations or works and the probable date of their completion;

(b) Provide and maintain on the site a suitable stretcher or such number of suitable stretchers as may be necessary;

(c) appoint a responsible person or responsible persons who shall always be ready to be available during working hours and whose duty summon an ambulance or other means of transport if needed in the case of accident or illness, and the contractor shall ensure that legible copies of a notice indicating that person or persons and containing instructions on the making of emergency telephone or radio calls are

affixed in one or more prominent positions on the site
 (2) notwithstanding the provisions of paragraph (1), in the case of a site where means of telephonic link or radio communication with an ambulance station are not readily accessible, a contractor who has in his employment on the site more than twenty-five persons shall provide at or in the immediate vicinity of the site, so as to be readily available during working hours, a motor vehicle constructed or adapted so as to be able to carry a person on a stretcher.

(3) any contractor providing a vehicle in pursuance of this rule shall obtain from the relevant medical officer of health a card showing the address of the nearest hospital named by that officer as one designated to provide accident and emergency services and shall ensure that the card is kept in a prominent position in the vehicle.

- First aid rooms 136. (1) on a site where the number of persons employed exceeds 250, a contractor who has more than 50 persons in his employment on that site shall provide and maintain include order and in fact been condition that or near to the site of the operations or works and conveniently accessible, properly constructed and suitable First-aid room, the interior surface of which shall be capable of being easily kept clean, and the First-aid room shall be used only for purposes of treatment and rest and shall be in the charge of a person trained in first aid treatment the standard required by rule 134 who shall always be readily available during working hours.
- (2) A first-aid room provided in pursuance of this rule shall contain at least the following equipment –
- (a) a sink having smooth impervious internal surface is with hot and cold water always available;
 - (b) Table with a smooth impervious top;
 - (c) Means of sterilising instruments;
 - (d) A supply of suitable dressings, bandages and splints;
 - (e) A couch;
 - (f) Suitable and sufficient structures, including a sling stretcher;
 - (g) Sufficient blankets and hot- water bottles; and

A footbath or basin or bowl suitable for use it as a foot bath.

- Shelters and accommodation for clothing and for taking meals 137.(1) subject to the provisions of paragraphs (2) and(3), there shall be provided at or in the immediate vicinity of every site for the use of the person employed and conveniently accessible to them –
- (a) Adequate and suitable accommodation for taking shelter during interruptions of work owing to bad weather and for

depositing clothing not worn during working hours, being accommodation containing –

- (i) Where more than five persons are employed by a contractor on a site, adequate and suitable means of enabling the persons to warm themselves and to dry weight clothing; or
- (ii) Where five persons or less are employed by a contractor on a site, such arrangements as are reasonably practicable for enabling persons to warm themselves and for drying wet clothing;
- (b) Adequate and suitable accommodation for the deposit of protective clothing used for work and kept, when not in use, at or in the immediate vicinity of the site, with such arrangements is a reasonably practicable for drying the clothing if it becomes wet;
- (c) Adequate and suitable accommodation affording protection from the weather including sufficient tables and seats or ranges for taking meals, with the facilities for holding water and, where a contractor has more than ten persons in his employment on the site and heated food is not available on the site, adequate facilities for heating foods; and
- (d) An adequate supply of wholesome drinking water at a convenient point or points and clearly marked “DRINKING WATER” or patently intended to be used as such.

(2) for the purposes of paragraph (1)(c), in determining accommodation of any kind provided in pursuance of that subparagraph at any time and place is adequate, and that shall be had to the number of persons who appear to be likely to use such accommodation.

(3) for the purposes for a paragraph (1) (a) to (c), in determining whether accommodation is conveniently access, a current shall be taken of any transport provided at appropriate times for the persons employed.

(4) All accommodation provided in pursuance of paragraph (1)(a) to (c) shall be kept in a clean and orderly condition and shall not be used for the deposit of storage of materials or plant.

Washing facilities

138(1) Except in the cases specified under paragraphs (2), (3) and (4), every contractor shall provide adequate and suitable facilities for washing if he has in his employment on a site one or more persons of whom at least one is present on the site on any occasion for more than four consecutive hours.

(2) subject the provision of paragraph (4), and except in the case provided for paragraph (3), where a contractor has more than twenty persons in his employment on a site board of there are

reasonable grounds for believing that the operations or works to be undertaken by him on the site will not be completed within six weeks from their commencement, he shall provide for the persons employed suitable facilities for washing which shall include –

- (a) Adequate troughs, business or buckets having in every case a smooth impervious internal surface;
- (b) Adequate and suitable means of cleaning and drying being soap and towels or other means, as the case may require; and
- (c) A sufficient supply of what and cold or warm water.

(3) subject to the provision of paragraph (4), where a contractor has more than 100 persons in his employment at a site and there are reasonable grounds for believing that the operations or works to be undertaken by him on that site will not be completed within twelve months from the commencement, he shall provide for the persons employed for cities such as are required by paragraph (2) (b) and (c) and also four wash basins, with an additional basin for every thirty-five persons or less in excess of hundred persons.

(4) where persons are employed on the site in a process in which a lead compound or other poisonous substance is used, facilities shall be provided in accordance with paragraph (2) or in accordance, in a case to which it applies, with paragraph (3), and shall include nail brushes and the troughs, basins, buckets or wash-basins so provided shall be on the scale of one for every five persons so employed.

(5) Washing facilities provided in pursuance of this rule shall be conveniently accessible from accommodation for taking meals provided in pursuance of rule 137 and shall be kept in a clean and orderly condition.

Number of
sanitary
conveniences

139.(1) subject to paragraph (2), a contractor shall provide at least one suitable sanitary convenience (not to being a convenience suitable only as a urinal) for Everett and five persons in his employment on a site.

(2) where a contractor has more than hundred persons in his employment on a site, and sufficient urinal accommodation is also provided, it shall be sufficient if there is one such convenience as described in paragraph (1) for every twenty-five persons in his employment on the site of the first hundred, and one for every thirty-five persons thereafter.

(3) in the country making the number of conveniences required by this rule any number of persons less than twenty-five or thirty-five or in excess of multiples of twenty-five or thirty-five, as the case may be, shall be reckoned as twenty-five or thirty-

five.

- 140(1) every sanitary convenience shall be sufficiently ventilated, and shall not, communicate with any workroom or messroom except through the open air or through an intervening ventilated space.
- (2) every sanitary convenience (other than a convenience suitable merely as a urinal) shall be under cover and so partitioned off as to secure privacy at all times and shall have the proper door and fastening, and a urinal shall be so placed or so screened as not to be visible from other places, whether on or off the site.
- (3) the sanitary convenience shall be so arranged as to be conveniently accessible to the persons employed at all times of the act at the site.
- (4) this rule is without prejudice to the requirements in section 52(1) of the Act to the effect that the conveniences shall be maintained and kept clean, that defective provisions shall be made for lighting the conveniences and that where persons of both sexes are or are intended to be employed the conveniences shall afford proper separate accommodation for persons of each sex.

Other
 requirements as
 to sanitary
 conveniences

- 140(1) every sanitary convenience shall be sufficiently ventilated, and shall not, communicate with any workroom or messroom except through the open air or through an intervening ventilated space.
- (2) every sanitary convenience (other than a convenience suitable merely as a urinal) shall be under cover and so partitioned off as to secure privacy at all times and shall have the proper door and fastening, and a urinal shall be so placed or so screened as not to be visible from other places, whether on or off the site.
- (3) the sanitary convenience shall be so arranged as to be conveniently accessible to the persons employed at all times of the act at the site.
- (4) this rule is without prejudice to the requirements in section 52(1) of the Act to the effect that the conveniences shall be maintained and kept clean, that defective provisions shall be made for lighting the conveniences and that where persons of both sexes are or are intended to be employed the conveniences shall afford proper separate accommodation for persons of

each sex.

Protective clothing

- 141.(1) every contractor shall provide adequate and suitable protective clothing for any person so employed who by reason of the nature of his work is required continue working in the open air during rain, sleet or hail.
- (2) every contractor shall provide adequate and suitable safety helmets of safety caps of an approved type for all persons entering a site whether they are persons employed at the site or otherwise.
- (3) no person shall enter or work at a site unless he is wearing a safety helmet or safety cap of an approved type.

Safe access to places where facilities are provided

142. Safe means of access and egress shall so far as reasonably practicable be provided and maintained to and from every place at which any of the facilities provided in accordance with this part is situated and every such place shall, so far as reasonably practicable, be made and kept safe for persons using the facilities.

Records, certificates and other documents

- 143.(1) a report required under rules 18, 70, 91,100, 111 and 127, shall be kept on the site of the operations or works and when there are no relevant operations or works shall be kept that an office of the contractor by whom the inspection, the storage emanation, as the case may be, was carried out: Provided that in the case of a site where the contractor has reasonable grounds for believing that the operations or works will be completed in a period of six weeks, a contractor making the reports at his office.
- (2) all other reports and every certificate or other document required for the purpose of these Rules shall be kept either on the site of the relevant operations or works or at an office of the contractor for whom the report was made, or the certificate or document was obtained, of the plant or equipment which the certificate relates.
- (3) All reports, certificates and other documents required for the purposes of this Rules shall be in the relevant forms specified in the Fifth Schedule and shall at all reasonable times be available for inspection by any Occupational safety and health officer, and if the persons keeping the report, certificates or other documents shall send to an Occupational safety and health officer such extracts there from our copies of thereof as the Occupational safety and health officer may

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from time to time require.

(4) Paragraph (3) shall believe that prejudice to any rule that requires copies of reports to be sent to the director.

FIRST SCHEDULE

THE OCCUPATIONAL SAFETY AND HEALTH (BUILDING OPERATIONS AND WORKS OF ENGINEERING CONSTRUCTION)

SCAFFOLD INSPECTIONS

Form of reports of results of inspection under rule 70 of scaffolds, including boatswain's chairs, cages, skips and similar plant or equipments (and plant or equipment used for the purpose thereof)

Name or title of employer or contractor.....

Address of site.....

Work commenced: date.....

Location and description of scaffold, etc and other plant or equipment inspected (1)	Date of inspection (2)	Result of inspection; state whether in good order (3)	Signature (or incase where not legally required) name of person who made the inspection (4)

SECOND SCHEDULE

Extent of exclusion under rule 87

<i>Rule</i>	<i>Extent of exclusion</i>	<i>Exceptions and conditions</i>
91	Paragraph (1) (c)	--
92	Paragraph (5)	--
93	The whole rule	--
94	The whole rule except subparagraph (a) and (c) of paragraph (1)	--
95`	The whole rule	--
97	Paragraphs (2) and (3)	--
100	Paragraphs (5) and (7)	Save that where the crane is specially erected for use in operations or works to which this Rules apply, the crane shall be before that use be tested in accordance with paragraph (5) and a record shall be kept of the particulars of tests and Paragraphs (7) shall then apply
101	Paragraphs (1) (f) and (4)	--
103	The whole rule	--
109	The whole rule	--
110	Paragraph (2) (b)	--
111	The whole rule	--
115	Paragraph (1) (c)	If these are available to any person using the chain, rope or gear, means ascertaining

		its safe working load
117	The whole rule	--
121	Paragraph (2)	--

THIRD SCHEDULE		(r.122)
CHAINS AND LIFTING GEAR EXPECTED UNDER RULE 122 (as to heat treatment)	1) Chains made of malleable cast-iron. 2) Plate link chains. 3) The following when made of steel or any non-ferrous metal chains, rings, links hooks, plate-clamps, shackles, swivels and eye-bolts. 4) Pitched chains working on sprocket or pocketed wheels. 5) The following when having screw threaded parts or ball bearings or other case hardened parts-hooks, eye-bolts and swivels. 6) Socket shackles secured to wire ropes by white cappings. 7) Bordeaux connections.	

FOURTH SCHEDULE

CONTENTS OF FIRST-AID BOXES OR CASES

PART 1

Where the number of persons employed by a contractor does not exceed ten—

- (h) a copy of the first-aid leaflet DOSH.250/1;
- (ii) a sufficient number (not less than six) of small sterilized and medicated dressings for injured fingers;

- (iii) a sufficient number not less than three) of medium sized sterilized and medicated dressing for injured hands or feet.
- (iv) a sufficient number (not less than three) of large sterilized and medicate dressings for other injured parts;
- (v) a sufficient number (not less than twelve) of adhesive wound dressings of a suitable type and of assorted sizes;
- (vi) a sufficient number (not less than two) of triangular bandages of unbleached calico, the longest side of which measures not less than 130cm. and each of the other sides not less than 91cm.;
- (vii) a sufficient supply of adhesive plaster;
- (viii) a sufficient supply of absorbent sterilized cotton wool in 14 gram packets;
- (ix) a sufficient supply of approved eye ointment;
- (x) a sufficient supply (not less two) of sterilized eye pads in separate sealed packets;
- (xi) a rubber bandage or pressure bandage;
- (xii) a sufficient supply of safety pins

PART 2

Where the number of persons employed by a contractor exceeds 10 but does not exceed fifty--

- (i) a copy of the first-aid leaflet DOSH 250/1;
- (ii) a sufficient number (not less than twelve) of small sterilized and medicated dressings for injured fingers;
- (iii) a sufficient number (not less than six) of medium sized sterilized and medicated dressing for injured hands or feet.
- (iv) a sufficient number (not less than six) of large sterilized and medicate dressings for other injured parts;
- (v) a sufficient number (not less than twenty four) of adhesive wound dressings of a suitable type and of assorted sizes;
- (vi) a sufficient number (not less than four) of triangular bandages of unbleached calico, the longest side of which measures not less than 130 cm. and each of the other sides not less than 91 cm;
- (vii) a sufficient supply of adhesive plaster;
- (viii) a sufficient supply of absorbent sterilized cotton wool in 14 gram packets;

- (ix) a sufficient supply of approved eye ointment;
- (x) a sufficient supply (not less four) of sterilized eye pads in separate sealed packets;
- (xi) a rubber bandage or pressure bandage;
- (xii) a sufficient supply of safety pins

PART III

Where the number of persons employed by a contractor exceeds 10 but does not exceed fifty--

- (i) a copy of the first-aid leaflet DOSH 250/1;
- (ii) a sufficient number (not less than twenty four) of small sterilized and medicated dressings for injured fingers;
- (iii) a sufficient number (not less than twelve) of medium sized sterilized and medicated dressing for injured hands or feet.
- (iv) a sufficient number (not less than twelve) of large sterilized and medicate dressings for other injured parts;
- (v) a sufficient number (not less than thirty six) of adhesive wound dressings of a suitable type and of assorted sizes;
- (vi) a sufficient number (not less than eight) of triangular bandages of unbleached calico, the longest side of which measures not less than 130cm. and each of the other sides not less than 91cm.;
- (vii) a sufficient supply of adhesive plaster;
- (viii) a sufficient supply of absorbent sterilized cotton wool in 14 gram packets;
- (ix) a sufficient supply of approved eye ointment, B.P.C;
- (x) a sufficient supply (not less eight) of sterilized eye pads in separate sealed packets;
- (xi) a rubber bandage or pressure bandage;
- (xii) a sufficient supply of safety pins

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FIFTH SCHEDULE	(r. 143)
PRESCRIPTION OF RECORDS AND REPORTS	
The records and reports as required under these Rules shall be in the form as printed and published by the Government Printer, being forms and registers bearing the reference LD, BCR followed by the number respectively set out hereunder in relation thereto—	
<i>Title of Form</i>	<i>Form No.</i>
(a) Abstract of the Occupational Safety and Health (Building Operations and Works of Engineering Construction) Rules	DOSH BCR 1
(b) general register for building operations and works of engineering construction	DOSH. BCR 2
(c) the register and certificate of shared welfare arrangements	DOSH. BCR 3
(d) records of inspection, examination and the special tests of – Section A -- scaffolding, boatswain's chairs, etc. Reports of results of inspections; Section B-- excavations, cofferdams, etc. Reports of results of weekly thorough examinations; Section C-- Lifting appliances: Reports of results of weekly inspections; Section D—Cranes: reports of results of anchoring and ballasting tests; Section E—automatic safe load indicators: reports of results of tests; Section F—hoists used for carrying persons: reports of results of tests and examinations after alteration of height of travel	DOSH BCR 4 Part I
(e) Record of reports on – Section G— Thorough examination of lifting appliances; Section H—Thorough examination of hoists; Section J-- Record of that the examination of chains ropes and lifting gear; Section K—Heat treatment of chains and lifting gear	DOSH BCR 4 Part II

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(f) Section L--record of other information of chains, ropes and lifting gear	DOSH. BCR 4 Part In III
(g)notice of the building construction or works of engineering construction	DOSH. BCR 5
(h) notice of accidents or dangerous occurrences at building operations or works of engineering construction	DOSH BCR 6
(i) certificate of test and thorough examination of hoists	DOSH. BCR 7
(j) certificate of tests and thorough examination of – (a) Crabs and winches; (b) Pulley blocks and jean wheels used for a load of one tonne or more.	DOSH BCR 8
(k) certificate of test and examination of wire rope	DOSH. BCR 9
(l) certificate of test and thorough examination of crane	DOSH. BCR 10
(m) certificate of test and examination of chains, chain slings [except a fibre rope sling], plate clamp say, shackles, swivels and eye bolts	DOSH. BCR 11
(n) certificate of test for crawler-tracked shovel excavators of crawler-tracked drag-line excavators when adapted for use of cranes	DOSH. BCR 12
(o) notice of appointment of safety supervisor	DOSH BCR 13
(p) certificate of registration of operations or works of contractors	DOSH. BCR 14

(SUBSIDIARY)

L. N. 31/2004

THE FACTORIES AND OTHER PLACES OF WORK (SAFETY AND HEALTH COMMITTEES) RULES, 2004

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Citation	1. These Rules may be cited as the Factories and Other Places of work (Safety and Health Committees) Rules, 2004.
Interpretation	<p>2. In these Rules except, where the context otherwise requires:--</p> <p>“audit” means, periodic evaluation of working environment and organizational management systems in a factory or a workplace for prevention of accidents, occupational diseases and ill health and damage to property.</p> <p>“chairman” means chairman referred to in rule 5(5);</p> <p>“committee” means the Safety and Health Committee established pursuant to section 9 of the Act;</p> <p>“competent person”, in relation to any duty or function, means a person who has had adequate training, relevant qualifications and experience to enable him to perform that duty or function;</p> <p>“director” means the Director of Occupational Health and Safety Services appointed under the Act;</p> <p>“management” means the occupier and the administrative staff, as opposed to the workers;</p> <p>“occupational health and safety officer” means an officer appointed under section 26 of the Act;</p> <p>“occupier” means the person or persons in actual occupation of a workplace, whether as the owner or not;</p> <p>“regular employee” means a person employed on permanent, temporary, or contract terms, including contractors or suppliers, and “regularly employ” shall be construed accordingly;</p> <p>“workplace” includes any land, premises, location, vessel or thing at, in, upon, or near which a worker performs his duty in accordance with his contract of employment;</p>
Application	3. These Rules shall apply to all factories and other workplaces, which regularly employ twenty or more employees.
Formation of Committees	4. (1) The occupier of every factory or other workplace to which these Rules apply shall establish a Safety and Health Committee in the manner provided in these Rules.

- (2) A safety and Health Committees shall consist of safety representatives from the management and the workers in the following proportions-
 - (a) in the case of factories or other workplaces which regularly employ between twenty and one hundred employees, not less than three safety representatives each from the management and from the workers;
 - (b) in the case of factories or other workplaces which regularly employ between one hundred and one thousand employees, not less than five safety representatives each from the management and the workers; and
 - (c) in the case of factories or other workplaces which employ one thousand or more employees, not less than seven safety representatives each from the management and the workers.
- (3) The occupier shall, not later than six months after the coming into operation of these Rules, appoint a competent person, being a member of the management staff, to be responsible for safety, health and welfare in the factory or workplace.
- (4) The person appointed under paragraph (3) shall be the Secretary to the Committee.

Organization of the Committee

- 5.** (1) The safety representatives from -
 - (a) the management, shall include the occupier or his duly authorized representative, and other persons appointed for the purpose of these Rules by the occupier; and
 - (b) the workers, shall be elected by the workers in accordance with these rules.
- (2) The Occupier shall organize and oversee the election of the representatives of the workers following a procedure agreed upon between the occupier and the workers
- (3) The occupier shall, in overseeing elections under paragraph (2), ensure, as far as possible –
 - (a) equitable representation of departments or units that are detached from the main office; and
 - (b) gender parity.
- (4) Safety representatives shall serve on the Committee for a term of three years and shall be eligible for re-election or re-appointment for one further term.
- (5) The occupier, or the occupier's duly authorized representative, shall be the chairman of the Committee.

Functions and duties of the Committees

- 6.** The functions of the Committee shall be to –
 - (a) establish a schedule of inspection of the workplace for each calendar year;

- (b) conduct safety and health inspections at least once in every three months;
- (c) inspect, investigate and make recommendations to the occupier immediately any accident or dangerous occurrence takes place;
- (d) identify occupational hazards and cases of ill health among workers at the workplace and make appropriate recommendations to the occupier.
- (e) compile statistics of accidents, dangerous occurrences and cases of ill-health as primary data for providing remedial measures, planning and allocation of resources.
- (f) investigate complaints relating to workers' health, safety and welfare at the workplace and make representations to the occupier on their findings;
- (g) advise on the adequacy or otherwise of safety and health measures for particular hazardous work or activities;
- (h) establish effective communication channels on matters of health and safety between the management and the workers;
- (i) organize such contests or activities necessary for achieving the fulfilment of the mandate of the committee;-
- (j) conduct seminars and workers' education programmes and provide information for safety, health and welfare at the workplace, and
- (k) carry out any other functions necessary for the promotion of a safe and healthy working environment.

Meetings and minutes of the committee

7. (1) The Committee shall meet not less than four times every year and not more than three months shall elapse between the date of one meeting and the date of the next meeting.

(2) (a) Notwithstanding paragraph (1), the chairman may convene a meeting of the Committee within twenty four hours following any accident or other dangerous occurrence, or the outbreak of an unusual illness, at the workplace.

(b) The minutes of a meeting convened under subparagraph (a) shall be forwarded to the director within seven days.

- (3) Without prejudice to the foregoing, the chairman of a Committee may, on the application of at least half of the members, convene a special meeting of the Committee.
- (4)(a) The quorum shall be not less than two thirds of members representing employees and one third representing the employer.
 (b) The director or his representative may, on his own initiative or upon invitation by the chairman, attend a meeting of the committee
- (5) At least seven days' written notice of every meeting of the committee shall be given to every member of the Committee.
- (6) The Committee may invite on an *ad hoc* basis to its meetings or interview any person it believes has information in relation to any matter which is being considered by the Committee.
- (7) The Committee may co-opt one or more persons by reason of their particular knowledge or experience in health and safety matters as an advisory member of the committee, but such co-opted member shall not be entitled to vote.
- (8) The secretary of the Committee shall in the course of exercising his functions as such cause a summary of the minutes of every meeting, giving the final decisions and plans of actions arrived at therein to be posted at a prominent place so as to be easily accessible to the workers.
- (9) The director may require the occupier to furnish his office with a schedule of the meetings of the Committee and the proceedings of the same.

Role of the Committee

- 8. (a) The chairman of the Committee shall -**
 - (i) preside over all committee meetings at which he is present;
 - (ii) keep the members informed of the safety and health policy of the organization;
 - (iii) assist the Committee in setting its objectives and its scope of activities; and
 - (iv) assign responsibilities to members.
- (b) The Secretary to the Committee shall -**
 - (i) arrange and co-ordinate Committee meetings in consultation with the chairman;
 - (ii) take minutes at Committee meetings;
 - (iii) maintain an up to date record of the activities of the Committee;
 - (iv) obtain and analyse statistics for Committee meetings;
 - (v) co-ordinate and monitor occupational safety and health programmes;
 - (vi) disseminate safety and health information to members;
 - (vii) draw up safety and health inspection schedules;

- (viii) ensure that all reports arising from the functions of the Committee, from the director, or persons approved under these rules or under the Act are availed to the Committee.
- (c) The members of the Committee shall -
 - (i) attend all Committee meetings;
 - (ii) provide feedback to their departments or units on safety, health and welfare issues raised in the meetings.
 - (iii) set good examples of safe and healthy work practices;
 - (iv) monitor compliance with safety and health rules in their respective departments or units;
 - (v) participate in the training of workers in matters related to health and safety;
 - (vi) carry out any others activities necessary for the promotion of occupational safety, health and welfare in the workplace; and
 - (vii) provide written recommendations to the occupier on areas and issues requiring action following inspections carried out under these Rules.

Duties of the occupier

- 9. The occupier shall –**
- (a) provide, at no cost to the Committee, a suitable venue and other facilities for holding Committee meeting;
 - (b) allow members to attend the meetings and other functions of the Committee without loss of earnings, opportunities for promotion or advancement;
 - (c) ensure that all safety representatives have undertaken the training courses organized for purposes of these Rules;
 - (d) provide the Committee with -
 - (i) any information or report on any accidents, dangerous occurrences and incidents of occupational diseases immediately it comes to his knowledge;
 - (ii) statistics of accidents, dangerous occurrences, and incidents of occupational diseases;
 - (iii) all the necessary and relevant information on hazardous substances;
 - (iv) Safety and health reference materials and facilities;
 - (e) cause the monitoring and evaluation of hazards and risks identified by the Committee to be carried out by a competent person;
 - (f) develop a clearly defined safety and health policy and bring it to the notice of all employees at the work place, and send a copy of the policy to the director;
 - (g) facilitate the implementation and review of the organization's safety and health policy;
 - (h) make available to the Committee legislation on occupational safety and health;

- (i) make a report to the director on all accidents as required under the the Act;
- (j) chair meetings, and, in his absence delegate the function to a senior member of the management;
- (k) cause further specialized evaluation as necessitated by the audit report in regard to medical examination of the workers, testing and examination of plant and equipment, monitoring of the work environment or other scope whenever he is required to do so in writing by the Director
- (l) cause to be maintained a record of the proceedings of Committee meetings and reports of the audit referred to in these rules; and
- (m) ensure that all matters set out in these Rules are complied with;

Approval of
safety and
health advisers

10. (1) The director may invite applications by competent persons, for approval to serve as a safety and health advisers.

(2) A person shall be qualified be a safety and health advisor if such person holds a minimum qualification of a certificate in occupational safety and health from a recognised institution and has proven practical experience in this field for a minimum period of five years.

(3) The director shall consider all applications received and approve suitable persons to serve as health and safety and advisers for purposes of these Rules.

(4) The director shall by notice in the Gazette notify the appointments made under paragraph (3) and maintain a register of all persons appointed there under.

(5) Every adviser shall be issued with a certificate by the director, upon payment of the prescribed fee.

(6) The certificate issued under 10 (4) shall be renewable annually.

Duties of a
safety and
health adviser

11. The safety and health adviser shall; -

- (1) carry out safety and health audits of the workplace at the request of the occupier.
- (2) advise the occupier and the safety and health committee members on matters relating to occupational health and safety arising from the audit report.
- (3) submit a copy of the audit report to the director.

Training of the

12. (1) Every member of the Committee shall undertake a prescribed basic

committee training course in occupational health and safety within a period of six months from the date of appointment or election as the case may be, and thereafter further training from time to time.

- (2) The training course referred to in subparagraph (1) shall be in such form and in such institutions as may be approved by the director.
- (3) The director may, on application, exempt any person from undertaking the training courses referred to in paragraph (1) where the director is satisfied that the applicant is suitably qualified for the purposes of these Rules;
- (4) The director shall, once every year, publish in the Gazette a list of the institutions approved for purposes of paragraph (2).
- (5) The director may revoke any approval or certificate issued under these Rules.

Health and safety audit **13.** (1) The occupier of every factory or workplace shall cause a health and safety audit of the workplace to be carried out at least once in every period of twelve months by a safety and health adviser at such a fee as may be agreed upon such adviser.
 (2) The report of the audit shall be kept by the occupier for the purposes of these Rules and a copy of the same shall be sent to the director by the adviser within a period of thirty days following the audit;

Offence in relation to audit **14.** (1) Any person authorized to carry out an audit under these Rules who -
 (a) fails to make a thorough report as required by these rules;
 (b) makes a report which is false or deficient in its technical content;
 (c) fails to send to the director a copy of any report as required,

shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Other offences **15.** Any occupier or any other person who contravenes any of these Rules shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings.

(SUBSIDIARY)

L.N. 24/2005

THE OCCUPATIONAL SAFETY AND HEALTH (MEDICAL EXAMINATION) RULES, 2005

Citation	1. These Rules may be cited as the Factories and other places of work (Medical Examination) Rules, 2005.
Interpretation	<p>2. In these Rules except where the context otherwise requires: -</p> <p>“medical examination” means examination of workers exposed to specified occupational hazards indicated in the First Schedule to these Rules for the purpose of prevention and control of occupational diseases.</p> <p>“ employer” includes owner and/or occupier.</p> <p>“employee” person means a person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer whether the contract is express or implied, oral or in writing and whether the remuneration is calculated by time or by work done or is in cash or in kind.</p> <p>“designated health practitioner” means any medical practitioner whether a public officer or not who is authorized by the director, by certificate in writing, to carry out examination of workers in accordance with, and for the purposes of these Rules.</p> <p>“director” means the directorate of occupational health and safety Services.</p> <p>“occupational diseases” means any departure from health occasioned by exposure to any factor or hazard in the workplace.</p> <p>“workplace” includes any land, premises, location, vessel or thing at, in, upon or near which an employee is on the course of employment.</p>
Application	3. These Rules shall apply to medical examination of all those employees in employment or have been in employment in every workplace, to which the provisions of the Act apply.
Occupations Requiring Medical Examination	<p>4. (1) It shall be the duty of the employer to ensure that all persons employed in any of the occupations outlined in the Eighth Schedule to the Act undergo both pre-employment and periodic medical examinations by the Designated Health Practitioner as outlined in the First Schedule.</p> <p>(2) The fees to be charged by the designated health practitioner shall be as</p>

prescribed by the director.

(3) The minister may, in the Gazette, publish any other work involving risk their health of the employees

Duties of employers and employees as to medical examination

- 5.(1) The employer shall ensure that the examination takes place without any loss of earnings for the employees and if possible within normal working hours during their employment.
- (2) The costs in connection with such examination shall be paid by the employer.
- (3) The employees and former employees shall be under an obligation to undergo medical examination in accordance with these Rules.
- (4) Any person who contravenes this provision shall commit an offence.

Reports on Examination

6. (1) Results of the examinations shall be entered into each individual's medical record by the designated health practitioner and shall be updated with each examination whenever repeat tests are carried out.
- (2) Summary report forms as outlined in the Second Schedule shall be completed after medical examination for each hazard and shall be submitted within 30 days to the director and a copy sent to the employer.
- (3) If there is more than one hazard in the same workplace, separate summary report forms shall be used for each hazard.

Certificate of Redeployment

7. (1) If it is desirable that an employee be removed from further exposure to a particular hazard, the certificate of redeployment as outlined in the Third Schedule shall be filled and be completed in triplicate and a copy sent to the employer, employee and the director within seven days from the date of the examination
- (2) In these rules, unless where it is otherwise indicated, all abnormal examination results shall be repeated within two weeks to ensure consistency.

Certificate of Fitness

8. (1) Examination results for persons entering employment or those returning from sick leave occasioned by occupational diseases shall be entered into the certificate of fitness as outlined in the Fourth Schedule, which shall be kept by the designated health practitioner, and a copy thereof given to the employee.
- (2) If an employee is exposed to more than one of the specified hazards, a separate certificate of fitness shall be completed for each hazard.

- Notification 9. (1) The provisions of section 22 of the Act regarding the notification of occupational diseases shall apply mutatis mutandis for all abnormal results as if they were set out therein.
- (2) Notification shall contain particulars as outlined in the notification form in the Fifth Schedule to these Rules.
- Offences and Penalties 10. Any person who contravenes these Rules shall be guilty of an offence and the provisions of the principal Act shall apply.

FIRST SCHEDULE (RULE 4)
Occupations Requiring Medical Examination (s)

	Work Involving Risk To Health	Medical Examinations	Examination Interval	Indication For Re-Deployment And Notification To The Director
1	Handling animals, animal products, animal carcasses, veterinary work, laboratory and health work	Clinical examination	Pre employment and annual	All cases of definite or suspected zoonotic diseases.
2	Work with arsenic and its compounds	1. Clinical examination 2. Estimation of urinary arsenic content 3. Full size chest x-ray 4. Sputum cytology	Pre employment and annual for all	(i) All cases of definite or suspected arsenic poisoning. (ii) Cases with urine arsenic levels of 500 <i>micrograms per litre</i> in two successive examinations at two weeks interval. (iii) All cases with evidence of cancer.
3.	Work where asbestos is handled	1. Clinical examination 2. Lung function tests. 3. Full size chest x-ray 4. Sputum cytology	Pre-employment and annual for all	(i) Symptomatic worker. (ii) Progressive deterioration in chest X-ray findings. (iii) Suspected or diagnosed cases of asbestosis is and/or mesothelioma and bronchogenic carcinoma.

4.	Work involving exposure to benzene	1. Clinical examination 2. Full haemogram	Pre-employment and annual for both	(i) All cases of definite or suspected poisoning and excessive absorption. (ii) Cases with urine phenol levels of more than 50 <i>micrograms per litre</i> in two successive examinations at a two weeks interval (iv) Cases of anaemia and/or leukaemia.
5.	Work involving exposure to cadmium	1. Clinical examination 2. Blood cadmium estimation. 3. Urine beta 2 micro globulin.	Pre-employment and annual for all	(i) All cases of definite cadmium poisoning and excessive absorption. (ii) Cases with blood cadmium levels of more than 100 <i>micrograms per litre</i> in two successive examinations at a two weeks interval. (iii) Cases with urine beta 2 micro globulin exceeding 200 <i>micrograms per litre</i> . (iv) All cases with evidence of cancer (lung, prostate).
	Work Involving Risk To Health	Medical Examinations	Examination Interval	Indication For Re-Deployment And Notification To The Director

6	Work in adverse atmospheric pressure and compressed air environments	Clinical examination	Pre-employment and thereafter	(i) Type II compressed air illness (ii) Cases with evidence of conditions for which compressed air work is contraindicated. (iii) Cases with juxta-articular lesions
			a. Not less than once in every 3 months for working pressures not exceeding 1 bar.	
			b. Not less than once in every 4 weeks for working pressure exceeding 1 bar.	
			c. Not more than 3 days prior to re-employment in compressed air:	
			(i) After a worker has been employed for more than 14 consecutive days.	
			(ii) After a worker has suffered from cold, chest infection, sore throat and ear ache.	
			(iii) After a worker has suffered from any illness or injury necessitating absence from work more than three consecutive days	
			1. Height, weight and body fat estimation	
			Pre-employment and annual	
			2. Audiometry	
			Pre-employment and annual	
			3. Test in lock	
			Pre-employment and annual	
			4. Full-size chest X-ray	
			Pre-employment and annual	
			5. Radiographic examination for shoulder, hip and knee joints	
			Pre-employment to be carried out within 4 weeks of starting employment in compressed air exceeding 1 bar. Thereafter not less than once in ever 12 months	

		6. Stress electrocardiogram	Pre-employment and annual for workers aged more than 35 years	
7	Handling fossil oil	Clinical examination	Pre-employment and annual	Any abnormal dermatological or respiratory sign.
	Work Involving Risk To Health	Medical Examinations	Examination Interval	Indication For Re-Deployment And Notification To The Director
8	Work where ionising and non-ionizing radiations are emitted.	Clinical examination	Pre-employment and annual	Abnormal visual and/or clinical sign.
9	Work involving exposure to Iron.	Clinical examination	Pre-employment and annual	Any abnormal respiratory sign.
10.	Work involving exposure to lead and its compounds.	1. Clinical examination	(a) Pre-employment and annual	Cases of suspected lead poisoning.
		2. Blood lead levels.	(b) Pre-employment, annual and a repeat depending on blood lead level.	Males and females with blood lead levels of 70 <i>micrograms per litre</i> in every 100 millilitres and 50 <i>micrograms per litre</i> in every 100 millilitres respectively.
		3. Haemoglobin level.	(c) Pre-employment annual and a repeat depending on blood lead level.	Cases of anaemia.
		4. Urine lead level.	(d) Pre-employment annual and a repeat depending on urine lead level.	Cases with urine lead levels of 150 <i>micrograms per litre</i> in two successive examinations within two weeks.
11.	Work involving exposure to manganese and its compounds.	1. Clinical examination.	a. Pre-employment and annual	(i) Cases of definite or suspected manganese poisoning.
		2. Urine manganese	b. Pre-employment annual and a repeat depending on urine manganese level	(ii) Cases with urine manganese levels of more than 50µg/litre in two successive examinations within two weeks.
12.	Work involving exposure to mercury and its compounds	1. Clinical examination.	(i) Pre-employment and annual	(i) Cases of definite or suspected mercury poisoning.
		2. Urine mercury.	(ii) Pre-employment annual and a repeat depending on urine mercury level.	(ii) Cases with urine mercury levels of more than 150 µg litre in two successive examinations within two weeks
		3. Blood mercury.		

			(iii) Pre-employment, annual and a repeat depending on blood mercury level.	
13.	Work involving exposure to nickel, chromium, beryllium	1. Clinical examination. 2. Lung function tests.	Pre-employment and annual for both	Abnormal skin and lung manifestations.
	Work Involving Risk To Health	Medical Examinations	Examination Interval	Indication For Re-Deployment and Notification to The Director
14.	Work involving exposure to noise.	Audiometric examination	Pre-employment and annual.	i. Cases with definite or suspected noise induced deafness. Cases with deterioration of hearing loss of 20dB or more in two successive examinations within two weeks.
15.	Work involving exposure to organophosphate pesticides / carbamates/other pesticides.	1. Clinical examination.	(a) Pre-employment periodic and a repeat depending on results.	(i) All cases of definite or suspected poisoning and/ or excessive absorption.
		2. Red blood cell acetyl cholinesterase estimation.	(b) Pre- employment and repeat depending on results.	(ii) Cases with Red blood cell acetyl cholinesterase estimation. of less than 50% of the pre-employment or laboratory normal level.
		3. Plasma cholinesterase estimation	(c)(i) Pre-employment, periodic and a repeat depending on result; (ii) following accidental skin contact or in suspected acute poisoning cases.	(iii) Cases with Red blood cell acetyl cholinesterase estimation. of between 50% and 70% of the pre-employment level showing a fall of more than 10% in the repeat test results.

16.	Work involving exposure to silica	1. Clinical examination. 2. Full size chest x-ray. 3. Lung function tests.	Pre-employment and annual for all	i. Cases with definite evidence of Silicosis. ii. Cases with cardio-respiratory diseases.
17.	Work involving exposure to sisal, cotton, baggasse and mouldy hay.	1. Clinical examination. 2. Lung function tests.	Pre-employment and annual for both	i. Cases with grade two symptoms. ii. Cases with chronic bronchitis and emphysema. iii. Cases with more than 20% decline in ventilators capacity in two successive annual examinations.
18.	Work involving exposure to tar pitch, bitumen and creosote.	Clinical examination	Pre-employment and annual	i. Cases with pre-malignant lesions and definite or suspected benign/malignant neoplasm of the skin or lungs.
19.	Work at adverse temperatures.	Clinical examination	Pre-employment and annual	Any significant abnormal dermatological or respiratory sign.
	Work Involving Risk To Health	Medical Examinations	Examination Interval	Indication For Re-Deployment And Notification To The Director
20.	Work involving exposure to vinyl chloride monomer	1. Clinical examination. 2. Liver function tests.	Pre-employment and annual for both.	i. Cases of definite or suspected vinyl chloride monomer poisoning. ii. Abnormal liver function tests on two successive examinations.

SECOND SCHEDULE RULE (6)(2)

Summary Report Form

This form should be completed by the designated health practitioner and submitted to the Director within 30 days and a copy sent to the employer.

Name of workplace.....

Workplace registration No.....

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ongoing osh@productivity.co.ke

Location
Tel.....
.....
Address.....
Fax.....
Email.....
.....
Type of risk to health.....
Number of workers exposed.....

RESULTS OF EXAMINATIONS

Number of employees examined.....
Number of employees with abnormal results.....
 (a) Occupational diseases.....
 (b) Non-occupational disease(s)
Number of employees recommended for re-deployment.....

I certify that the information given above is correct. Particulars of all workers with abnormal results including those recommended for re-deployment are attached.

Name of Designated Health Practitioner.....
Approved Registration No.....
Address.....
Physical address of office..... Tel.....
Fax.....
E-mail.....
Signature.....
Date.....

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THIRD SCHEDULE RULE (6)

CERTIFICATE OF RE- DEPLOYMENT

This form should be filled in triplicate and a copy of each sent within seven days to the employer, employee and the nearest Directorate of Occupational Health and Safety Office.

1. Name of employee (as per identity card).....
2. Employment number.....
3. ID/passport No.....
4. Date of birth.....Sex.....
5. Name and Address of workplace.....
6. Type of risk to health present.....
7. Duration of exposure.....

I certify that the above named person examined by me on this day.....
of should not continue to work as a.....
for months, subject to a review on this dayof

In the meantime, the employee should be given alternative work in another area which does not expose him/her to the above mentioned health risk. The reasons for my recommendations are as follows:-

.....
.....
.....

Date..... Signature.....

Name of Designated Health Practitioner.....

Approved registration no.....

Address.....

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ongoing osh@productivity.co.ke

Physical address of office.....

Tel.....

Fax..... E-mail.....

FOURTH SCHEDULE RULE (7)

CERTIFICATE OF FITNESS

This form should be filled for all those entering employment or returning from sick leave occasioned by an occupational disease as applicable.

1. Name of employee
examined.....

2. ID/Passport No.....

3. Employment No.....

4. Date of BirthSex.....

5. Name and Address of employer.....
.....

6. Examinations/Test done.....
.....
.....
.....
.....

I hereby certify that I have examined the above employee on.....this day
of..... and that he/she is fit / not fit

Remarks:.....
.....
.....
.....
.....

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ongoing osh@productivity.co.ke

Signature.....

.....

.

Date.....

.....

Name and Address of Designated Health Practitioner

.....

Approved registration No.....

Address.....

.....

Physical Location of office.

Tel.....

Fax.....

E-mail.....

FIFTH SCHEDULE (RULE 8)

NOTIFICATION FORM

This form shall be completed and forwarded to the nearest Directorate of Occupational Health and Safety Office by a Designated Health Practitioner or any medical practitioner attending to or called in to visit a patient whom he believes to be suffering from an occupational disease.

1. Name of patient.....

2. ID/Passport No.....

3. Employment No.....

4. Date of Birth.....Sex.....

5. Residential address.....

6. Name and Address of employer.....

.....

.....

7. Present Occupation.....

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8. Number of years worked in present occupation.....
9. Diagnosis.....
10. If patient was previously seen by occupational Health Practitioner, state date of last attendance.....
11. Name of Designated Health Practitioner/ Medical Practitioner.....
12. Approved registration Number where applicable.....
13. Name and address of Hospital/Clinic.....
.....
Tel . No..... E-mail..... Fax.....
14. Medical Practitioner's Reference. File No. for patient.....
Signature..... Date.....

SUBSIDIARY LEGISLATION

L.N. 25/2005

THE FACTORIES AND OTHER PLACES OF WORK (NOISE PREVENTION AND CONTROL) RULES 2005

Citation	1 These rules shall be cited as Factories and Other Places of Work (Noise Prevention and Control) Rules 2005
Interpretation	<p>2 In these Rules except where the context otherwise requires: –</p> <p>“daily exposure” means the amount of noise stated in dB(A) to which a person is exposed during work day.</p> <p>“dB(A)” means decibels of noise, measured with an A-weighted filter</p> <p>“director” means the Director of Occupational Safety and Health Services</p> <p>“Directorate” means the directorate of occupational health and safety services.</p> <p>“machinery” includes machines tools and other technical devices used at the place of work</p>

“noise” means all sound energy which can result in hearing impairment or be harmful to health or otherwise dangerous

“Peak sound level ” means the maximum instantaneous sound level in dB(A)

“worker” includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise.

“workplace” includes, any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment.

Application	<p>3 (1) These Rules shall apply to every workplace, premises, place, process and operations to which the provisions of the Act apply.</p> <p>(2) Every occupier shall comply with these Rules and every agent, worker and any other person in the workplace shall conduct his work in accordance with these Rules</p>
Permissible noise level	<p>4. (1) No worker shall be exposed to noise level in excess of the (a) continuous equivalent of ninety dB (A) in eight hours within any twenty-four hours duration.</p> <p>(b) one hundred and forty dB(A) peak sound level at any given time.</p> <p>(3) Where noise is intermittent, noise exposure shall not exceed the sum of the partial noise exposure equivalent continuous sound level of ninety dB (A) in eight hours duration within any twenty-four hours duration.</p> <p>(4) It shall be the duty of the occupier to ensure that noise transmitted from the workplace to the community shall not exceed fifty five dB (A) during daytime and forty five dB (A) at night time.</p>
Noise prevention programme	<p>5(1) Where noise in a workplace exceeds the continuous equivalent of eighty five dB(A) the occupier must develop and implement an effective noise control and hearing conservation programme.</p> <p>(2) The programme must be in writing and should address: -</p> <ul style="list-style-type: none"> (a) noise measurement, (b) education and training, (c) engineering noise control, (d) hearing protection, (e) posting of notices in noisy areas, (f) hearing tests and, (g) annual programme review. <p>(3) The occupier shall maintain in a manner acceptable to the director a record of</p>

the hearing tests for each worker which must be: -

- (a) kept as long as the worker is employed by the employer and not less than two years and
- (b) treated as confidential and not released to anyone without the written permission of the worker.

Noise
measurements and
records

6. (1) (i) It shall be the duty of the occupier to carry out measurements of noise at least once in every period of twelve months in order to determine the prevailing noise conditions.
- (ii) Whenever any facility, equipment, working process or working method has been changed, noise measurements shall be carried out.
- (2) Noise exposure measurement results shall be recorded and specify:-
 - (a) the date and time of the noise measurement;
 - (b) the names and numbers of workers exposed;
 - (c) types of occupations evaluated;
 - (d) measuring conditions;
 - (e) measuring method;
 - (f) measuring equipment;
 - (h) recommended remedial measures taken;
 - (g) name of person taking the measurements.
- (3) The result of the measurement carried out as required by paragraph 6(2) of these Rules shall be kept by the occupier for a period of two years or such other period as may be prescribed by the director and shall be communicated to the workers if requested.
- (4) The director may issue guidelines on how monitoring of noise shall be carried out.

Information and
training of
workers

7. (1) The occupier shall inform in writing all the workers in a process where noise level is below ninety dB(A) on:-
 - (a) the results of any noise exposure measurements
 - (b) the significance of those results to the risk of hearing loss and
 - (c) at the request of the worker, the purpose of hearing protection and testing
- (2) The occupier shall inform in writing all workers exposed to noise above 90 dB(A) on: -
 - (a) The results of any noise exposure measurements,
 - (b) The effects of noise on hearing,
 - (c) The proper use and maintenance of hearing protection,
 - (d) The purpose of hearing testing.

	(3) The occupier shall ensure that all workers exposed to noise are fully trained on the hazards involved, and instructed in the measures available for the prevention, control and protection against noise exposure.
Equipment	8. It shall be the responsibility of the occupier to ensure that all noise measuring equipment are regularly calibrated, maintained, inspected and operated according to manufacturer's instructions.
Engineering controls	9. Every occupier shall:- (1) take suitable engineering noise reduction measures at the source of the noise to reduce it and limit its spreading. (2) adopt methods of work, which shall reduce noise exposure of workers to the recommended noise levels. (3) as far as practicable, walls and ceilings of workplaces shall be lined with suitable sound absorbing material to prevent reflection of noise.
Installation and maintenance of machinery or plant.	10. (1) Machinery shall be installed in such a way that the lowest possible noise is emitted when the machine is operating (2) It shall be the duty of the occupier to carry out regular inspection and maintenance of machines and installations to ensure that noise emission is prevented or controlled. (3) (a) Where noise levels exceed ninety dB(A), the process or machinery shall be segregated or be enclosed by suitable structures capable of suppressing noise. (b) Where it is not practicable to segregate or enclose noisy machinery or process as required in Rule 10 (3)(a) of these Rules, there shall be provided a suitable sound reducing enclosure or cabin for use by employees exposed.
Means of communication	11. The occupier shall install, where noise gives rise to difficulties in verbal or sound communication, a visual warning system or any other means of communication.
Hearing protection	12 Where noise cannot be controlled by engineering measures and exceeds ninety dB (A), the employer shall:- (1) Provide and maintain suitable hearing protection to the affected workers and; (2) Ensure that the hearing protection is always worn correctly.
Noise hazard areas	13. Where the noise level is above ninety dB(A), the employer shall:- (1) Post a sign at the entrance to and in every room or conspicuous place,

	clearly and prominently marked “DANGER, HEARING PROTECTION MUST BE WORN” in English, Kiswahili and one local language commonly used where the workplace is situated;
	(2) Supply hearing protection to all persons required to enter such an area and;
	(3) Ensure that all workers and any other person entering this area wear hearing protection.
Workers responsibility in noise hazard areas	14. All workers shall wear hearing protection in all areas, which are posted noise hazard areas, and in accordance with instructions provided by the employer.
Duties of manufacturers	15. (1) It shall be the duty of the occupier to ensure that the machines installed in the workplace are appropriately designed or have built-in noise reduction devices, which ensure the lowest possible emission and in any case not exceeding ninety dB(A). (2) The occupier shall request the supplier of the machine referred to in paragraph (1) to provide information on the noise characteristics of the machine.
Medical examination and hearing tests	16 (1) The occupier shall provide for medical examinations and hearing tests for workers exposed to noise above eighty five dB(A) limit as follows: (a) an initial test upon employment (b) annual tests thereafter or at such an interval as may be required by the director. (2) Every occupier who provides medical examination and hearing tests for his workers shall within twenty one days submit reports in such form as may be prescribed by the director. (3) Where medical examination reveal that a worker is unfit to continue with assignments involving exposure to noise the employer shall find an alternative employment. (4) A worker transferred to alternative employment in compliance with 16(3) of these rules shall not suffer loss of remuneration or any other benefit due to him.
Compensation and notification of occupational deafness	17 (1) Every medical practitioner shall give to the director, after diagnosing occupational hearing impairment, a full report including the name of the patient, the name of the workplace in which the employee was last employed. (2) Occupational hearing impairment shall be compensated as an occupational disease.
Programme Review	18 (1) The occupier shall review the noise control and hearing conservation programme annually to ensure its effectiveness. (2) The review must address: -

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- (a) The adequacy of noise control measures,
- (b) The selection and use of hearing protection and
- (c) Hearing testing and information on the rate and extent of occupational hearing loss.

Offences and penalties

19 Where any offence is committed under these Rules, the provisions of Part XI of the Act to offences, penalties (including the amounts thereof) and the proceedings shall apply, *mutatis mutandis*, to the Rules as if they were set out there in.

Subsidiary Legislation

20 The Noise Rules Legal Notice no.296 made in 1996 is hereby revoked

DRAFT SUBSIDIARY LEGISLATION

THE OCCUPATIONAL SAFETY AND HEALTH (THE CONFINED SPACES RULES) 2005

Citation, commencement

1. - (1) These Rules may be cited as the Confined Spaces Rules 2005 and shall come into force on notice.

Application

These Rules shall apply to all workplaces to which the Occupational Safety and Health Act applies unless otherwise expressly provided,

Interpretation

2. (2)In these rules except where the context otherwise requires-

“Act” means The Occupational Safety and Health Act,;

“confined space” means an enclosed or a partially enclosed space including any chamber, tank, vat, silo, pit, trench, pipe, sewer, flue, well or other similar space:

- a) Not designed or intended for regular human occupancy;
- b) With restricted access or exit and

- c) That is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions.

“system of work” includes the provision of suitable equipment which is in good working order.

- (2) Rule 2 to rule 8 do not apply to a fire fighter engaged in structural fire fighting or rescue, if the fire fighter has received adequate training for confined space entry and rescue.

Duties

3. - (1) Every employer shall -

(a) Ensure compliance with the provisions of these Rules in respect of any work carried out by his employees; and

(b) ensure compliance, with the provisions of these Rules in respect of any work carried out by persons other than his employees insofar as the provisions relate to matters which are within his control.

Work in confined spaces

4. (1) No person at work shall enter a confined space to carry out work for any purpose unless there are no other means to achieve that purpose without such entry.

(2) Without prejudice to paragraph (1) above, no person at work shall enter or carry out any work in or (other than as a result of an emergency) leave a confined space otherwise than in accordance with a system of work which, in relation to any relevant specified risks, renders that work safe and without risks to health.

Assessment and written procedures

5. (1) an employer shall ensure that no person enters a confined space until the employer has fulfilled the requirements of this rule and a competent person has provided a certificate in accordance with Rule 6.

(2) Where a workplace includes a confined space, the employer shall ensure that a person who may be required to enter the confined space has the information necessary to identify it as such.

(3) Where at least one confined space has been identified, an employer shall develop a written confined space entry procedure that includes provision:

a) that prior to the entry of a person into the confined space an assessment of the confined is:

(i) done in accordance with paragraph 5(8)

(ii) recorded by the person conducting the assessment in accordance with rule 6

b) for the training required by a person who may enter a confined space in the course of the person's work, and for the training required by a person who may undertake rescue operations with regard to a confined space, including training on:

(i) proper use of personal protective equipment;

(ii) written rescue procedures;

(iii) maintaining contact between a person in the confined space and an attendant required under paragraph 9(2)(a) and the means by which the written rescue procedure is initiated in the event of an emergency in the confined space;

(iv) the limitations on the type of work that can be performed in the confined space and;

(v) the means of identifying a hazard while in a confined space;

c) for the process of notifying a person entering a confined space of the specific type of work that may be performed in the confined space;

d) for the method to be followed by a person entering into, exiting from or occupying the confined space;

e) for the written emergency procedures to be followed in the event of an accident or other emergencies in or near the confined space, including:

(i) immediate evacuation of the confined space when an alarm is activated or there is any significance, unexpected and potentially hazardous change in the concentration level or percentage referred to in paragraph 5(8);

(ii) a determination of whether more than one person is required to be present outside a confined space during the occupancy by any person and

(iii) a written rescue procedure ;

f) for the protective equipment and emergency equipment to be used by a person who undertakes rescue operations in the event of an accident or other emergency;

g) for a written procedure for testing the confined space in an adequate manner, at regular intervals and on a continuous basis ,if necessary to ensure the concentration level of a hazardous substance or physical agent complies with the limits given in paragraph 5(8) and

h) for a means of ventilating the confined space to ensure the removal or dilution of all air borne hazardous from the confined space.

(4) An employer shall provide to each person entering the confined space and a person who may undertake rescue operations the protective equipment and emergency equipment referred to in this rule.

(5) an employer shall ensure that:

a) A person who enters a confined space is trained at least once every two years in accordance with the procedures set out in paragraph 5(3)(b) and

b) a person who undertakes rescue operations is trained at least once every year in accordance the procedure set out in paragraph 5(3)(b)

(6) Every person who enters into, exits from or occupies the confined space shall follow the written procedures and use the protective equipment and use the emergency equipment as required.

(7) an employer shall review the confined space entry procedure at least once a year and amend it if necessary,

(8) An employer shall designate a competent person who shall perform the assessment required in paragraph 5(3)(a), which shall include:

(a) Where the level of a chemical substance or a mixture of chemical substances may constitute a hazard, tests to ensure that the concentration of a chemical substance or mixture of chemical substances in the confined space does not exceed its occupational exposure limit or fifty per cent of its

lower explosive limit;

(b) Where the level of a physical agent may constitute a hazard, tests to ensure that the level of the physical agent in the confined space is not hazardous;

(c) Tests to ensure that the level of oxygen in the atmosphere in the confined space is not less than nineteen point five per cent and not more than twenty-two point five per cent unless the employer can demonstrate that an unsafe oxygen level is not a possibility in the circumstance;

(d) Determination of whether the concentrations, levels or percentages referred to in clauses (a), (b) and (c) can be maintained during the period of proposed occupancy of the confined space;

(e) A confirmation that any liquid in which the person may drown or any free flowing solid in which a person may become entrapped has been removed from the confined space or that work practices have been developed that specifically address the presence of the liquid or solid;

(f) A confirmation that entry of any liquid, free flowing solid or hazardous substance into the confined space that could endanger the health or safety of a person has been prevented by a secure means of disconnection, the fitting of blank flanges or the implementation of a double block and bleed written procedure established by the employer or similar positive action

(g) Confirmation that a machine, equipment, tool or electric installation that presents a hazard to a person entering into, exiting from or occupying the confined space has been looked out; and

(h) Confirmation that the opening or entry into and exit from the confined space is sufficient to allow safe passage of a person who is using personal protective equipment or emergency equipment.

(9) where there is no possibility that a hazard identified in paragraphs (8) (a), (8) (b) and (8) (c) may occur, the requirements of paragraph (3)(h) do not apply;

(10) The competent person referred to in paragraph (8) shall, when performing the tests required in paragraphs (8) (a), (8) (b) and (8) (c), use appropriate and properly calibrated instruments that have been functionally tested and maintain a written record of the functional and calibration test.

(11) An employer shall keep the assessment and the confined space

entry procedure required under paragraph (3) in the workplace at which the confined space is located.

(12) an employer shall make available a copy of the confined space entry procedure to all persons involved in the entry of a confined space

Certification of
confined space
conditions

6. (1) Subsequent to performing the tests required in paragraphs 5(8)(a), 5(8)(b) and 5(8)(c), a designated competent person shall certify in writing that the conditions the confined space are likely to be maintained within a predicted and recorded range for the entire time the certification is valid and the certification shall include:

- a) The signature of the competent person;
- b) The date and time when the tests were performed;
- c) The type of work that:
 - (i) Can be performed in the confined space; and
 - (ii) is explicitly banned in the confined space
- d) The means by which the work is to be performed;
- e) The expiry date and time of certification; and
- f) a record of the tests performed and of the test results

(2) No certificate issued under paragraph 3(1) shall be valid for longer than twenty-four hours after the time the tests required by paragraph 5(8)(a) and 5(8)(b) were performed.

(3) an employer shall post a copy of the currently valid certificate required in paragraph 3(1) at the entrance to the confined space for the duration of the confined space occupancy;

(4) An employer shall maintain a copy of the certificate required in paragraph 3(1) for twelve months.

Purging and further

7. Where the tests required in paragraphs 5(8)(a), 5(8)(b) and (8)(c)

testing

indicate that the concentration of level of or percentage referred to in those clauses cannot be complied with the employer shall:

- a) Ensure that the confined space is purged at least twice to eliminate the hazards referred to in paragraphs 5(8)(a) to 5(8)(d) and
- b) After the purging, ensure that the tests required under paragraph 5(8) are conducted again.

Response to
hazardous condition

8 (1) an employer shall ensure that no person enters or remains in a confined space where the tests conducted under Rule 2(8) (a) indicate that the concentration of a chemical substance or a mixture of chemical substances in the confined space equals or exceeds fifty per cent of the lower explosive limit of the chemical substance or a mixture of chemical substances.

(2) where the concentration of a chemical substance or a or a mixture of chemical substances may cause a flammable or explosive hazard and where the tests conducted under Rule 2(8)(a) indicate that the concentration of the substance or substances in a confined space is between ten percent and fifty percent of the lower explosive limit an employer shall:

a) Provide explosion proof lighting and ensure that it is used where necessary; and

b) Ensure that the only work performed in the confined space is cleaning or inspecting and is of such a nature that it does not create any source of ignition

(3) Where the level of oxygen in confined space is more than twenty-two per cent and a person is to work in the confined space, an employer shall ensure that the confined space does not contain any substance which would be classified as flammable and combustible material or as a dangerous or reactive material.

(4) Despite the provisions of Rule 5(1), where the tests conducted under Rule 2(8)(a) indicate that the concentrations of the chemical substances or mixture of chemical substances in the confined space exceeds, or is likely to exceed fifty per cent of the lower explosive limit, measured at atmospheric conditions containing twenty point nine per cent oxygen, of the chemical substance or mixture of chemical substances and cannot be lowered below that prescribed threshold level, a person may enter the confined space if the employer ensures that:

- a) The atmosphere is confirmed inert by a competent person after the performance of appropriate tests; and
- b) The person is using appropriate protective equipments when working in the confined space.

Protective equipment
and security
measures

9 (1) an employer shall ensure that all protective equipment and emergency equipment identified under rule 2(3) is provided as close as possible to the entrance into the confined space.

(2) where a person enters a confined space, the employer shall ensure that a designated competent person :

- a) Is in attendance in the immediate vicinity of the confined space;
- b) Has means of adequate communication with a person inside the confined space;
- c) Is provided with a means of activating the rescue procedure in an emergency;
- d) Is adequately trained in the emergency response procedure; and
- e) maintains a record of who is in the confined space;

(3) an employer shall:

- a) provide a person entering into and occupying a confined space with full body harness;
- b) Ensure that a full body harness under rule 6(3)(a) is worn; and
- c) where it does not present a hazard, ensure that an attached lifeline is:
 - (i) Securely fastened to an anchor point, and
 - (ii) Controlled by a competent person referred to in paragraph 6(2)

Respiratory
protective equipment

10 (1) an employer shall provide:

- a) an appropriate respiratory equipment to a person who enters a confined space where the concentration of a chemical substance is or mixture of chemical substances in a confined space is hazardous to the

health or safety of a person ; and

b) Positive pressure respiratory protective equipment to a person who enters a confined space where the concentration of oxygen is less than nine point five per cent.

(2) an employer shall ensure that the respiratory protective equipment referred in to in paragraph 6(1)(b):

a) Has an airline and an independent five minute supply of air ; or

b) Is self contained and equipped with an audible alarm that sounds when the air supply has diminished to

(i) Twenty per cent the capacity of the unit;

(ii) Or a five minute reserve.

Emergency
arrangements

11. (1) Without prejudice to rule 4 of these Rules, no person at work shall enter or carry out work in a confined space unless there have been prepared in respect of that confined space suitable and sufficient arrangements for the rescue of persons in the event of an emergency, whether or not arising out of a specified risk.

(2) Without prejudice to the generality of paragraph (1) above, the arrangements referred to in that paragraph shall not be suitable and sufficient unless -

(a) they reduce, so far as is reasonably practicable, the risks to the health and safety of any person required to put the arrangements for rescue into operation; and

(b) they require, where the need for resuscitation of any person is a likely consequence of a relevant specified risk, the provision and maintenance of such equipment as is necessary to enable resuscitation procedures to be carried out.

(3) Whenever there arises any circumstance to which the arrangements referred to in paragraph (1) above relate, those arrangements, or the relevant part or parts of those arrangements, shall immediately be put into operation.

Hazard of electric shock

12. Where there is a hazard of electric shock in a confined space , an employer shall ensure that electrical equipment taken into the confined space is:

- a) Battery operated;
- b) Double insulated;
- c) Bonded to the earth and not exceeding thirty volts and one hundred volt –amps or;

Equipped with an earth fault circuit breaker for electrical installations and that it is tested before each use.

Warning signs and barricades

13 An employer shall ensure that adequate warning signs and barricades are installed or erected to protect a person working at a part of a confined space entry, if a hazard from any form of traffic exists.

Offences and penalties

14. Any person who contravenes these Rules shall be guilty of an offence.

DRAFT SUBSIDIARY LEGISLATION

THE OCCUPATIONAL SAFETY AND HEALTH (FACILITIES) RULES (s. 128)

Citation, commencement

1. (1) These Rules may be cited as the Occupational Safety and Health (Facilities) Rules.

Interpretations

2. In these rules unless the context otherwise requires ---

‘adjoining premises’ in relation to premises means having a common boundary line

‘corrosive substance’ means a substance which due to its chemical or physicochemical properties may cause bodily injury to the human being;

‘injury’ includes any disease and any impairment of the physical or mental condition of a person.

"use" in relation to work equipment means any activity involving work equipment and includes starting, stopping, programming, setting, transporting, repairing, modifying, maintaining, servicing and cleaning;

"work equipment" means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);

Application

3. These Rules shall apply to all workplaces to which the Occupational Safety and Health Act applies unless otherwise expressly provided,

Suitability of work equipment

4. (1) Every employer shall ensure that work equipment is so constructed or adapted as to be suitable for the purpose for which it is used or provided.

(2) In selecting work equipment, every employer shall have regard to the working conditions and to the risks to the health and safety of persons which exist in the premises or undertaking in which that work equipment is to be used and any additional risk posed by the use of that work equipment.

(3) Every employer shall ensure that work equipment is used only for operations for which, and under conditions for which, it is suitable.

(4) In this rule "suitable" means suitable in any respect which it is foreseeable will affect the health or safety of any person.

Dangerous parts of machinery

5. (1) Every employer shall ensure that measures are taken in accordance with paragraph (2) which are effective –

(a) to prevent access to any dangerous part of machinery or to any rotating stock-bar; or

(b) to stop the movement of any dangerous part of machinery or rotating stock-bar before any part of a person enters a danger zone.

(2) The measures required by paragraph (1) shall consist of -

(a) the provision of fixed guards enclosing every dangerous part or

rotating stock-bar where and to the extent that it is practicable to do so, but where or to the extent that it is not, then

(b) the provision of other guards or protection devices where and to the extent that it is practicable to do so, but where or to the extent that it is not, then

(c) the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so, but where or to the extent that it is not, then

(d) the provision of information, instruction, training and supervision.

(3) All guards and protection devices provided under sub-paragraphs (a) or (b) of paragraph (2) shall -

(a) be suitable for the purpose for which they are provided;

(b) be of good construction, sound material and adequate strength;

(c) be maintained in an efficient state, in efficient working order and in good repair;

(d) not give rise to any increased risk to health or safety;

(e) not be easily bypassed or disabled;

(f) be situated at sufficient distance from the danger zone;

(g) not unduly restrict the view of the operating cycle of the machinery, where such a view is necessary;

(h) be so constructed or adapted that they allow operations necessary to fit or replace parts and for maintenance work, restricting access so that it is allowed only to the area where the work is to be carried out and, if possible, without having to dismantle the guard or protection device.

(4) All protection appliances provided under sub-paragraph (c) of paragraph (2) shall comply with sub-paragraphs (a) to (d) and (g) of paragraph (3).

(5) In this rule -

"danger zone" means any zone in or around machinery in which a person is exposed to a risk to health or safety from contact with a dangerous part of machinery or a rotating stock-bar;

"stock-bar" means any part of a stock-bar which projects beyond the head-stock of a lathe.

Protection against
specified hazards

6. (1) Every employer shall take measures to ensure that the exposure of a person using work equipment to any risk to his health or safety from any hazard specified in paragraph (3) is either prevented, or, where that is not practicable, adequately controlled.

(2) The measures required by paragraph (1) shall -

(a) be measures other than the provision of personal protective equipment or of information, instruction, training and supervision, so far as is practicable; and

(b) include, where appropriate, measures to minimise the effects of the hazard as well as to reduce the likelihood of the hazard occurring.

(3) The hazards referred to in paragraph (1) are -

(a) any article or substance falling or being ejected from work equipment;

(b) rupture or disintegration of parts of work equipment;

(c) work equipment catching fire or overheating;

(d) the unintended or premature discharge of any article or of any gas, dust, liquid, vapour or other substance which, in each case, is produced, used or stored in the work equipment;

(e) the unintended or premature explosion of the work equipment or any article or substance produced, used or stored in it.

(4) For the purposes of this rule "adequately" means adequately having regard only to the nature of the hazard and the nature and degree of exposure to the risk.

Specific risks

7. Where the use of work equipment is likely to involve a specific risk to health or safety, every employer shall ensure that –

(a) the use of that work equipment is restricted to those persons given the task of using it; and

(b) repairs, modifications, maintenance or servicing of that work equipment is restricted to those persons who have been specifically designated to perform operations of that description (whether or not also authorised to perform other operations).

(2) The employer shall ensure that the persons designated for the purposes of sub-paragraph (b) of paragraph (1) have received adequate training related to any operations in respect of which they have been so designated.

High or very low temperature

8. Every employer shall ensure that work equipment, parts of work equipment and any article or substance produced, used or stored in work equipment which, in each case, is at a high or very low temperature shall have protection where appropriate so as to prevent injury to any person by burn, scald or sear.

Sanitary conveniences

9. (1) An employer shall:

(a) provide suitable and convenient sanitary conveniences at readily accessible places.

(b) make accessible a minimum number of toilets for both male and female employees determined according to the to the maximum number of people of each sex who are employed at any one time at the same workplace, as set out in Table I.

(2) Without prejudice to the generality of paragraph (1) sanitary conveniences shall not be suitable unless—

(a) (i) separate rooms containing conveniences are provided for men and women except in the case of workplaces where the only persons employed are members of the same family dwelling there;

(ii) a conspicuous sign outside the entrance to such a room to

indicate the gender of the persons for whom, the room is intended;

(b) the employer---

(i) makes toilet paper available to employees;

(ii) provide every water closet pan designed to have a seat, with a seat;

(iii) supply a towel to every employee for his sole use or disposable paper towels or hot air blowers or clean portions of continuous cloth towels, at the washbasins; and

(iv) provide toilet soap or a similar cleansing agent to employees.

(c) Where toilet facilities are likely to be used by persons other than workers, and such use is substantial and frequent the employer provide separate toilet facilities for those persons.

(d) Each toilet facility required by this rule--

(i) is used exclusively for the purposes for which the facility is designed;

(ii) is free from any obstruction that could prevent the facility from being used;

(iii) is kept free of vermin;

(iv) is supplied with easily cleanable, covered receptacles for waste materials; and

(v) except in the case of a urinal, is equipped with an individual compartment and a door that can be locked from the inside.

(e) In respect of each room in which there are closets, urinals, showers or washbasins the employer provide--

(i) adequate means of ventilating and lighting such rooms;

(ii) the necessary screen walls, partitions or doors in order to ensure privacy.

(3) Notwithstanding the provisions of paragraph (1), an employer may, where less than ten persons are employed on one workplace, make written

arrangements for such persons to use closets and washbasins on adjoining premises.

Provided that –

- (a) such facilities are freely and readily accessible; and
- (b) the facilities comply with the provisions of these rules with respect to –

- (i) the total number of employees who will be using the facilities; and

- (ii) the condition of such facilities

- (iii) distance between the two adjoining premises

(4) It shall be sufficient compliance with the requirement in paragraph (1) to provide sufficient sanitary conveniences in a workplace which, immediately before this rule came into force in respect of it, was subject to the provisions of the Occupational Safety and Health Act, if sanitary conveniences are provided in accordance with the provisions of Schedule 1.

Change and shower facilities

10. (1) Where a worker's work clothing or skin is likely to be contaminated by hazardous or offensive substances as part of the regular work processes at a workplace the employer, shall:

- (a) Provide protective clothing and head cover appropriate to the type of work and hazards involved;

- (b) Ensure that the clothing and head cover is handled and cleaned or disposed of in a manner that will prevent worker exposure to hazardous or offensive substances.

- (c) provide and maintain suitable, adequate and clean change and shower facilities; and

- (d) allow sufficient time during normal working hours without loss of earnings or other benefits for the worker to use the facilities.

(2) an employer, contemplated in paragraph(1) shall –

- (a) ensure that a change-room is not connected directly by means of a door or any other opening to any room in which there is a possibility of exposure to a hazardous substance or in which untanned hides or skins or

unwashed wool are treated, processes or stored;

(b) provide adequate seating in the form of chairs or benches in every change-room for the maximum number of employees that will be using such change-room at any one time;

(c) not store any materials, tools or other goods not related to the use of a change-room in such change-room or allow such items to be stored therein;

(d) where a change-room has windows, glaze such windows in translucent glass or similar material;

(e) screen the entrance to every change-room in order to afford privacy;

(f) provide facilities for the drying of wet clothes, if clothes of the employees for whom a change-room has been provided, may become wet in the course of their work;

(g) ensure that every change-room is naturally or artificially ventilated;

(h) ensure that no employee referred to in paragraph (1) changes his clothing at any other place at a workplace than in a change-room provided for him.

(3) without prejudice to the generality of paragraph (1), the facilities mentioned in that paragraph shall not be suitable unless they include separate facilities for use by men and women where the two are employed or are intended to be employed.

Emergency showers

11. (1)Where at a workplace a person's skin or eyes may be acutely affected by an exposure to a caustic, acidic, or other hazardous substance , an employer shall, as necessary in the circumstances provide ---

(a) an emergency shower ;

(b) an eye wash fountain; or

(c) other equipment sufficient for removal of the substance in the area where the exposure may occur

(2) An employer shall ensure that an adequate emergency shower or eye wash is designed, installed, inspected, tested, maintained and operated in

accordance with the manufacturer's specifications.

Accommodation for
clothing

12. (1) Subject to paragraph (2), an employer, shall provide at a place of employment and maintain for the use of workers sufficient, clean, appropriately located and suitable accommodation for---

(a) clothing that is not worn while at work and

(b) for special clothing which is worn by any person while at work but which is not taken home.

(2) Where street clothing not worn at work is likely to become wet, dirty or contaminated from being kept in the same accommodation for clothing worn at work, the accommodation for street clothing must be separate from the accommodation provided for clothing worn at work.

Facilities for
changing clothing

13. suitable and sufficient facilities shall be provided for any person at work in the workplace to change clothing in all cases where---

(a) the person has to wear special clothing for the purpose of work; and

(b) the person can not, for reasons of health or propriety, be expected to change in another room.

(2) Without prejudice to the generality of paragraph (1), the facilities mentioned in that paragraph shall not be suitable unless they include separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.

Dining-room

14. (1) Every employer of employees who at a workplace –

(a) are exposed to a hazardous substance;

(b) come into physical contact with any known poisonous substance which may cause illness if taken orally;

(c) are exposed to dirt, dust, soot or similar nuisance substances:

provided that when the question arises as to what constitutes dirt, dust, soot or similar nuisance substances, the decision of an occupational safety and health officer shall be conclusive; or

(d) handle or process untanned hides or skins, or unwashed wool or mohair, shall provide a separate dining-room or eating place on the premises.

(2) The employer referred to in paragraph (1) shall -

(a) Provide tables and chairs in every dining room for the maximum number of employees that will be using the dining room at any one time;

(b) Ensure that a dining-room or eating place is not connected directly by means of a door or any other opening with any room in which the exposure to a high-risk substance is equal to, or above the action level for such high-risk substance or in which untanned hides or skins, or unwashed wool or mohair are treated, processed or stored;

(c) not store any materials, tools or other goods not related to the use of a dining-room, in such dining-room or allow such items to be stored therein; and

(d) Ensure that every dining room is naturally or artificially ventilated.

creches

15. In every workplace wherein more than fifty women are ordinarily employed there shall be provided and maintained a suitable room or rooms for use of children under the age of five years of such women.

(2) (a) Such rooms shall:--

provide adequate and suitable accommodation including suitable facilities for washing and changing the children clothing;

(i) be adequately lighted and ventilated;

(ii) be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(b) the employer shall--

(i) make necessary arrangements to ensure the provision of free milk or refreshment or both for such children at the workplace ;

(ii) facilities shall be given in any workplace for the mothers of such children to feed them at the necessary intervals.

Drinking water

16. (1) An employer shall provide, at suitable points that are readily accessible to all workers, an adequate supply of wholesome drinking water.

(2) Where the supply of the wholesome drinking water at a place of employment is not piped, an employer, contractor or owner shall:

(a) provide wholesome drinking water in suitable covered containers;

(b) protect the drinking water from contamination; and

(c) change the water as often as is necessary to ensure that the water is wholesome to drink.

(3) An employer shall make available suitable individual sanitary drinking vessels or cups to be used with drinking water, except where the drinking water is delivered in an upward jet from which a person can drink easily.

(4) Where it is necessary to identify the supply of drinking water, an employer, shall clearly indicate the supply of water with a sign that says “DRINKING WATER” or by another visual means.

(5) Where there is a supply of water at a place of employment that is unfit for drinking, an employer, contractor or owner shall clearly indicate the supply of water with a permanently fixed, durable sign that says “UNFIT FOR DRINKING” or by another visual means.

Smoking

17. (1) In this rule :

(a) “**institution**” means a place of employment where persons who are not workers reside for extended periods, but does not include a private dwelling;

(b) **“Smoke”** means to smoke, hold or otherwise have control over an ignited tobacco product;

(c) **“tobacco product”** means a product that is manufactured from tobacco and intended to be used for the purpose of smoking.

(2) This rule does not apply to a self-employed person at a place of employment where no other self employed person and no employer, contractor, owner or worker is present.

(3) An employer, owner or contractor shall ensure that:

(a) no worker smokes in an enclosed place of employment, worksite or work-related area except in an area designated for smoking pursuant to subsection (5); and

(b) worker exposure to second-hand tobacco smoke is restricted until smoking areas are designated at the place of employment pursuant to subsection (5).

(4) no worker smokes in an enclosed place of employment, worksite or work-related area except in an area designated for smoking pursuant to subsection (5).

(5) An employer or contractor, in consultation with the committee, may:

(a) designate one or more enclosed areas at a place of employment as areas where smoking is allowed if the passage of smoke into non-smoking areas is minimized;

(b) designate one or more worksites or parts of a place of employment as areas where smoking is allowed if the design of the worksite or part of the place of employment or of the mechanical ventilation of the area to be designated will ensure that:

(i) no worker will be exposed to second-hand tobacco smoke; and

(ii) second-hand tobacco smoke from the area to be designated will not contaminate other areas from the place of employment; or

(6) Where the place of employment is an institution, a public place or a private dwelling, an employer, contractor or owner shall:

(a) restrict worker exposure to second-hand tobacco smoke to the

extent that is possible; and

(b) inform workers of the risk to workers' health from second-hand tobacco smoke.

(7) An employer, contractor or owner shall post signs to indicate clearly the areas of a place of employment in which smoking is permitted.

Offences and
penalties

18. Any person who contravenes or fails to comply with any of these Rules shall be guilty of an offence.

Rule 4

TABLE SHOWING

MINIMUM NUMBER OF TOILET FACILITIES IN A WORKPLACE

Add one toilet for each additional 30 workers or less.

Number of Toilet Facilities	
Number of Workers	Toilets
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5

ABSTRACT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

1 *Application* This Act shall apply to all workplaces where any person is at work, whether temporarily or permanently.

2 *Approval of Safety and health Codes of Practice:* Director may

- (i) approve such codes of practice, and or
- (ii) issue such codes of practice as in his opinion are suitable for that purpose;
- (iii) withdraw such a code of practice

GENERAL DUTIES

3. *Duties of employers-* Every employer shall ensure the safety, health and welfare at work of all his employees.

4. *Safety and health audits* - The occupier of every workplace shall cause a thorough safety and health audit of his workplace to be carried out at least once in every period of twelve months by a safety and health advisor who will issue a report of such an audit containing the prescribed particulars to the occupier on payment of a prescribed fee and send a copy to the Director.

5. *Safety and health committees:* -Every employer shall establish a safety and health committee at the workplace in accordance with regulations prescribed by the Minister

6. *Duties of self employed persons:* - Every self-employed person shall

- (i) take all necessary precautions to ensure his own safety and health and that of any other person in his workplace or within the environs of his workplace
- (ii) at all times use appropriate safe systems of work, preventive and control measures and where not feasible, use suitable personal protective appliances and clothing required under this Act

7. *Duties of employees:* - It shall be the duty of every employee while at work:

- (i) to take care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work; and
- (ii) to co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made there under;
- (iii) to wear or use at all times any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health; and

8. *Duties of designers, manufacturers importers etc as regards articles and substances for use at work:* -

- (i) It shall be the duty of any person who designs, manufactures, imports or supplies any article for use at work
- (ii) to ensure, that the article is so designed and constructed as to be safe and without risks to health when properly used

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(iii) to take such steps as are necessary to secure that there will be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any conditions necessary to ensure that, when put to that use, it will be safe and without risks to health

9. Notice of accidents and dangerous occurrences:- An employer or self employed person shall notify the nearest occupational safety and health office of any accident, dangerous occurrence, and occupational poisoning which has occurred at the workplace

10 Notification of industrial diseases:- Every medical practitioner attending or called in to visit a patient whom he believes to be suffering from any disease specified in the Eighth Schedule, contracted in any workplace, shall (unless such a notice has been previously sent) forthwith send to the Director a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the workplace or place of work in which he was last employed.

12.Establishment of the National Council for Occupational Safety and Health:- There shall be a National Council for Occupational Safety and Health . The Council shall consist of a chairman and at least twenty other members appointed by the Minister by a notice in the Gazette.

ADMINISTRATION

13. Establishment of the National Council for Occupational Safety and Health There shall be a National Council for Occupational Safety and Health which shall advise the Minister on the formulation and development of national occupational safety, and health, policy framework; on legislative proposals; on occupational safety, health, including ways and means to give effect to International Labour Organization conventions, and other international conventions and instruments relating to occupational safety, health, compensation and rehabilitation services;

14. Research and related activities The Director shall conduct (directly or in collaboration with other persons or bodies) research, experiments and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques and approaches for dealing with occupational safety and health problems.

ENFORCEMENT

15 Inspections. – Occupational Safety and Health Officers have power to inspect every workplace by day or by night. They may require the production of registers, certificates and other papers. They may examine any person found in the workplace, either alone or in the presence of any other person as they think fit, and may require him to sign a declaration of the truth of the matter about which he is examined. They may also exercise such other powers as may be necessary for carrying the Act into effect, including certain powers of taking samples for analysis. Every person obstructing an Occupational Safety and Health Officer is liable to a penalty.

16 Registration of workplaces Before any person occupies or uses as a workplace any premises which were not so occupied or used by him at the commencement of this Act, he shall apply for the registration of such premises by sending to the Director a written notice containing the particulars set out in the First Schedule to this Act.

17 Indemnity of Occupational Safety and Health officers:- No matter or thing done by an Occupational Safety and Health officer if the matter or thing is done bonafide for the executing of

the functions, powers or duties under this Act, render the officer personally liable for any action claim or demand whatsoever..

HEALTH

18. *Cleanliness.* - Every workplace must be kept clean. In particular, accumulations of dirt and refuse must be removed daily from floors and benches; and floor of every workroom must be cleaned at least once a week; and all inside walls, partitions and ceilings must (a) if they have a smooth impervious surface, be washed with hot water and soap or cleaned by other approved method every 12 months, or (b) if kept painted with oil paint or varnished, be repainted or re-varnished every five years and washed with hot water, etc., every 12 months or (c) in other cases, be whitewashed or colour-washed every 12 months. The prescribed particulars must be entered in the general register.

19. *Overcrowding.* - A workplace must not be overcrowded. There must be in each workroom at least ten cubic metres of space for every person employed, not counting space more than four hundred and fifty centimetres from the floor.

20. Very workroom (subject to any exceptions allowed) must be not less than nine metres in height, measured from the floor to the lowest point of the ceiling or, where there is no ceiling, to the lowest point of the roofing material.

21. *Ventilation.* - Adequate ventilation of workrooms must be secured by the circulation of fresh air.

22. *Lighting.* - There must be sufficient and suitable lighting in every part of the workplace in which persons are working or passing.

23. *Drainage of Floors.* - Where wet processes are carried on, adequate means for draining the floor must be provided.

24. *Sanitary Accommodation.* - Sufficient and suitable sanitary conveniences, separate for each sex, must be provided subject to conformity with any standards prescribed by rules.

25. *Removal of Dust or Fumes* - Where, in connexion with any process, dust or fume likely to be injurious or offensive, or any substantial quantity of dusty of any kind, in given off, all practicable measures must be taken to protect the workers against inhaling it, and where practicable localized exhaust ventilation must be provided and maintained.

26. *Meals in Certain Dangerous Trades.* - A person must not partake of food or drink in workrooms where any poisonous substance is so used as to give rise to dust or fume.

27. *Protective Clothing and Appliances.* - Suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, must be provided and maintained for the use of workers employed in any process involving exposure to wet or to any injurious or offensive substance.

SAFETY - MACHINERY

28. *Safe use of Plant machinery and equipment:* - All plant, machinery and equipment whether fixed or mobile for use either at the workplace or as a workplace shall only be used for work, which they are designed for and be operated by a competent person.

29 *Ergonomics at the workplace*:-Machinery equipment, personal protective equipments and appliances and hand tools used in all workplaces shall comply with the prescribed safety and health standards and be appropriately installed, maintained and safe guarded.

30. *Fencing*. – Every part of the transmission machinery and every dangerous part of other machinery, and all parts of electric generators, motors and rotary converters, and flywheels directly connected to them, must be securely fenced unless in such a position or of such construction as to be as safe to every person employed or working on the premises as if securely fenced; and any part of a stock-bar which projects beyond the head-stock of a lathe must be securely fenced unless it is in such a position as to be as safe to every such person as if securely fenced.

31. Moving parts other prime movers, and flywheels directly connected to them, and the head and tail race of a water wheel or water turbine, must be securely fenced irrespective of their position.

32. Fixed vessels, pits, etc., containing scalding, corrosive or poisonous liquids must, unless the edge is one metre above the adjoining ground or platform, be securely fenced to at least that height or be securely covered; where this is impracticable, other precautions, so far as practicable, must be taken. Fixed vessels, pits, etc., must have a warning notice displayed, in a form readily understood by the persons employed, indicating the nature of the danger.

33. All fencing must be of substantial construction and be maintained in an efficient state.

34. *Further Requirements in Connexion with Transmission Machinery*. – Devices or appliances for promptly cutting off the power from the transmission machinery must be provided in every room or place where work is carried on. Every power-driver machines must be provided with an efficient starting and stopping appliance, the control of which must be readily accessible to the person operating the machine. Efficient mechanical appliances must be provided to move driving belts to and from fast and loose pulleys. Driving belts must not rest or ride on revolving shafts when the belt is not in use.

35. *New Machines*. – New power-driven machines must not be sold, let on hire or used unless certain parts are effectively guarded.

36. *Hoists or Lifts*. – Every hoist or lift must be of good mechanical construction, sound material and adequate strength, and be properly maintained. It must be thoroughly examined every six months by a person approved by the director. A report of the examination must be entered in or attached to the general register.

37. Every hoist way must be efficiently protected by a substantial enclosure and landing gates with efficient interlocking or other devices. The safe working load must be marked conspicuously on each hoist. Additional safeguards (e.g. interlocking gates for cages) must be provided on hoists used for carrying persons, where with goods or otherwise. The requirements are somewhat less stringent in the case of hoists not connected with mechanical power.

38. *Chains and Ropes and Lifting Tackle*. – No chain, rope or lifting tackle used for raising or lowering persons or goods may be used unless it is of good construction, sound material and adequate strength, and free from patent defect. Tables of safe working loads must be prominently displayed on the premises, but need not cover any lifting tackle the safe working load of which is marked on the tackle itself. Chains, ropes and lifting tackle in use must be thoroughly examined by a person approve by the director every six months, and must not

(excepting fibre ropes and fibre rope slings) be taken into use for the first time in the factory unless they have been tested and certified.

39. Periodic annealing is required, except in the case of ropes and rope slings and other tackle exempted by the director.

40. A register of all chains, etc., and also the certificates of tests, must be kept.

41. *Cranes, etc.* – All parts and working gear (including anchoring appliances) of cranes and other lifting machines must be of good construction, sound material and adequate strength, and must be properly maintained. A thorough examination of all such parts by a person approved by the director must be made every twelve months. A lifting machine must not be taken into use for the first time in the workplace unless it has been tested and certified. A register of examinations and tests must be kept. The safe working load must be attached to the crane.

42. Rails and tracks of travelling cranes and transporters must be of proper size and construction. If any person is working near the wheel-track of an overhead travelling crane, steps must be taken to ensure that the crane does not approach within six metres.

43. *Construction of Floors, Precautions Against Falls, etc.* – Floors, passages, gangways, steps, stairs and ladders must be soundly constructed and properly maintained, and handrails must be provided for stairs.

44. So far as is reasonably practicable, there must be provided (i) safe means of access to every place at which any person has at any time to work, and (ii) fencing or other means for ensuring the safety of any person who is to work at a place from which he would be liable to fall more than three metres and which does not afford secure foothold and, where necessary, secure handhold.

45. Every teagle opening or similar doorway used for hoisting or lowering goods must be fenced (except when the hoisting or lowering is going on at that opening), and be provided with a handhold on each side of the opening.

46. *Precautions Against Gassing.* – Special precautions are laid down for work in confined spaces where men are liable to be overcome by dangerous fumes.

47. *Explosions of Inflammable Dust or Gas.* – Precautions against explosions are laid down for certain processes and for welding or soldering on containers, which have held any explosive or inflammable substance.

48. *Steam Boilers, Steam Receivers, etc.* – Every part of every steam boiler and steam receiver must be of good construction, sound material and adequate strength, and free from patent defect. Detailed requirements are laid down as to the valves and other fittings. The outlet of every steam container must at all times be kept open and free from obstruction.

49. Steam boilers and steam receivers and their fittings must be properly maintained, and must be thoroughly examined by an authorized boiler inspector, in the case of boilers every fourteen months and also after extensive repairs, and in the case of steam receivers every twenty-six months. A report of each examination must be attached to the general register. New or second-hand boiler must be examined before being taken into use.

50. *Air Receivers.* – Every air receiver and its fittings must be of sound construction and properly maintained. Detailed requirements are laid down as to the fittings.

51. Air receivers must be thoroughly cleaned, and must be examined or tested every twenty-six months by a person approved by the director, and a report entered in or attached to the general register. In some cases a longer period is allowed.

52 *Cylinders for compressed, liquefied and dissolved gases:* - Cylinders for compressed, liquefied and dissolved gases shall be of good construction sound material, adequate strength and free from patent defect.

53. It shall be the duty of the cylinder owner to ensure that all cylinders belonging to him are examined and tested and the results of such examinations and tests entered in the cylinder maintenances register by a person approved by the Director by certificate in writing - at intervals not exceeding two years in the case of cylinders for corrosive gases and five years in the case of cylinders for other gases.

54. *Refrigeration plants:* - Every refrigeration plant capable of being entered by an employee shall

(i) have all control valves situated outside the cold storage room; and

(ii) Have all doors of cold storage room capable of being opened easily and quickly from the inside and outside.

55. Every user of a refrigeration plant shall cause an approved person to examine, test and certify at least once in every period of 12 months the entire plant together with all its components and auxiliary parts.

56. *Protection of Eyes.* – Goggles or effective screens must be provided in certain specified processes.

57. *Fire.* - Adequate and suitable means for extinguishing fire must be provided in every factory.

58. Adequate means of escape in case of fire must be provided. While any person is in the factory for the purpose of employment or meals, doors must not be so locked or fastened that they cannot be easily and immediately opened from the inside. In the case of newly constructed or converted factories, all doors affording a means of exit from the factory must be sliding doors or open outwards. Fire exits must be marked by a notice printed in red letters of adequate size. Effective steps must be taken to ensure that the workers are familiar with the means of escape and the routine to be followed in case of fire.

59. *Evacuation procedures:* - Every occupier of a workplace shall design evacuation procedures to be used during any emergency and have the procedures tested at regular intervals.

60 *Chemical safety:* - Any person supplying distributing or conveying or holding in chemicals or other toxic substances shall ensure that they are packaged conveyed handled and distributed in a safe manner so as not to cause any ill effect to any person or the immediate environment

61. Manufacturers, importers, suppliers and distributors of chemicals shall make available to employers material safety data sheets for chemicals and other hazardous substances,

containing detailed essential information regarding their identity, supplier, classification hazards, safety precautions and emergency procedures shall be provided to employer

2. *Training and Supervision of Inexperienced Workers.* – A person must not work at any dangerous machine or in any dangerous process unless (i) he has been fully instructed as to the dangers and precautions, and (ii) he has received sufficient training in the work or is under adequate supervision.

WELFARE

63. *Drinking Water.* – An adequate supply of wholesome drinking water must be provided.

64. *Washing Facilities.* – Adequate and suitable washing facilities must be provided and maintained

65. *Accommodation for clothing.* – Adequate and suitable accommodation for clothing not worn during working hours must be provided.

66. *Facilities for Sitting.* – Suitable facilities for sitting must be provided for all female workers whose work is done standing, sufficient to enable them to take advantage of any opportunities for resting.

67. *First-aid.* – In every factory there must be provided a first-aid box or cupboard of the prescribed standards, containing nothing except first-aid requisites, and in charge of a responsible person who must be always readily available during working hours. In every workroom a notice must be affixed stating the name of the person in charge of the box or cupboard provided in respect of that room. Where more than 150 persons are employed at one time, an additional box or cupboard for every additional 150 persons or fractions of that number is required.

68. *Duties of Persons Employed.* – A person employed must not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of the Act for securing health, safety or welfare, and he must use any means or appliance for securing health or safety provided for his use under the Act. He must not wilfully and without reasonable cause do anything likely to endanger himself or others.

69. *Registration.* – Before any premises are occupied or used as a workplace, a certificate of registration must be obtained from the director.

70. *General Register.* – The occupier must keep a general register in the prescribed form.

71. *Safety and Health Regulations.* – The Minister in consultation with the Council may make regulations under this Act to deal with matters of an administrative nature; prohibit exposure to hazards; or prescribe ways to prevent or minimise exposure to hazard;