

## Draft Safety and Health in Agriculture Regulation

---

### ARRANGEMENT OF SECTIONS

#### **PART I PRELIMINARY**

Section

1. Title.
2. Interpretation of terms.
3. Scope of application

#### **PART II IDENTIFICATION AND MANAGEMENT OF OCCUPATIONAL HAZARDS AND RISKS**

4. Common occupational hazards and risks in agriculture
5. Risk assessment
6. Establishment of Occupational Safety and Health Management Systems
7. Duties of employers
8. General duties of manufacturer, designer and supplier
9. Duties of supervisor or safety and health representative
10. Duties and rights of workers
11. Contractor safety and health management

#### **PART III SAFE USE OF CHEMICALS IN THE WORKPLACE**

12. Chemical safety and health management
13. Education and training on chemical management
14. Personal Protective Clothing and Equipment for prevention of chemical exposure
15. Workplace and personal hygiene
16. Transportation, storage, use and disposal of chemicals
17. Measuring, mixing, loading and application of agrochemicals
18. Normal and early re-entry into sprayed areas
19. Health surveillance of chemical handlers
20. Cholinesterase monitoring
21. Environmental protection

#### **PART IV ZOO NOTIC EXPOSURES**

22. Zoonotic exposures

**PART V  
EXPOSURE TO SHARPS**

- 23. Needle stick injuries and sharps exposures

**PART VI  
MACHINERY SAFETY AND ERGONOMICS**

- 24. Safe use of farm machinery, equipment, vehicles and tools
- 25. Motor vehicle safety
- 26. Other agricultural machinery, equipment and tools
- 27. Ergonomic hazards and control strategies

**PART VII  
USE OF ENERGY SOURCES**

- 28. Electricity and other energy sources

**PART VIII  
OCCUPATIONAL HYGIENE**

- 29. Occupational hygiene measures
- 30. Noise
- 31. Vibration
- 32. Ventilation
- 33. Ultraviolet light radiation
- 34. Lighting
- 35. Dust, fumes and other hazardous gaseous exposure
- 36. Use and storage of volatile flammable substances

**PART IX  
PROVISION ON MANUAL AND MATERIAL HANDLING**

- 37. Manual and material handling

**PART X  
PROVISION ON SAFETY AND HEALTH IN FORESTRY, FISHING AND CROCODILE  
FARMING OPERATIONS**

- 38. Forestry operations
- 39. Forest road
- 40. Hand tools and portable power tools
- 41. Forestry mobile equipment
- 42. Truck or Trailer
- 43. Hand felling
- 44. Timber logs circular saw
- 45. Safety and health measures in Fishing
- 46. Crocodile farming safety

**PART XI  
GENERAL WORKPLACE SAFETY AND HEALTH**

- 47. Agriculture installations

48. Slips, trips and falls
49. Ladders and step ladders
50. Farm workshop
51. Fuel storage
52. Welding, flame cutting, soldering and allied work
53. Ventilation of work room
54. Precautions in hazardous situations
55. Stacking of materials
56. Emergency preparedness plan and procedure
57. Protection against lightning hazards
58. Handling of animals
59. Confined spaces
60. Provision of seats
61. Welfare and accommodation facilities
62. Water
63. Toilets
64. Food services
65. Occupational Health Services
66. Health surveillance
67. First aid provision
68. Housing and Shelter
69. Workplace wellness programme
70. Workplace violence, harassment and bullying
71. Personal protective equipment
72. Young workers and hazardous work
73. Temporary and Seasonal workers
74. Women workers
76. Workers working alone

## **PART XII**

### **RECORDING AND NOTIFICATION OF OCCUPATIONAL ACCIDENTS AND DISEASES**

77. Accident and disease register
78. Accident and disease reports

## **PART XIII**

### **PROCEDURES AND MISCELLANEOUS**

79. Application of regulations
80. Copies of the Act and Regulations
81. Appeals

- Schedule 1: Risk assessment
- Schedule 2: Guideline for personal protective equipment use
- Schedule 3: Accident register
- Schedule 4 : Report of Accident

In exercise of powers conferred by section 95 of the Occupational Safety, Health and Welfare Act, Cap. 55:07, I,,,,,,....., Minister of Labour, hereby make the following Regulations—

**PART 1**

**PRELIMINARY**

*Title*

1. (1) These regulations may be cited as the Occupational Safety, Health and Welfare (Safety and Health in Agriculture) Regulation, 2025.
- (2) These regulations shall come into operation on the .....

*Interpretation of terms*

2. In these regulations, unless the context otherwise requires-

“**Act**” means Occupational Safety, Health and Welfare Act

“**Agricultural enterprises**” shall include all workplaces in all agricultural sectors, such as general agriculture, horticulture, tea/coffee plantation, fisheries, agro-processing, animal husbandry, poultry production, sugarcane growing/production, wildlife conservancy, forestry and timber production, crocodile farming and any other agricultural sectors and activities

“**Agrochemicals**” shall include those chemical products which are made to kill insects, fungi and regulate plant growth and may be poisonous and thus may be harmful to people when handled incorrectly or carelessly. These agrochemicals include principally insecticides (insects), fungicides (fungal and bacterial diseases), herbicides (weeds), acaricides (mites), nematicides (nematodes), rodenticides (rodents), molluscicides (snails), avicides (birds), plant growth regulators, repellents and defoliants

“**Cholinesterase monitoring**” is the measurement and monitoring of acetylcholinestrase enzyme activity in the blood of exposed persons to pesticides against the person’s established baseline (prior to pesticide exposure) with a view to identify overexposure before occurrence of clinical illness

**“Commercial fishing”** means all fishing operations, including fishing operations on rivers, lakes, canals and other water bodies, with the exception of subsistence fishing and recreational fishing;

**“Contractor”** A person or an enterprise providing services to an employer at the workplace in accordance with national laws and regulations, or with agreed specifications, terms and conditions. For the purpose of this regulation, contractors include principal contractors, subcontractors and labour supply agents.

**“Director”** means the Director of Occupational Safety and Health appointed under section 5 of the Act;

**“Directorate”** means the Directorate of Occupational Safety and Health established under section 4 of the Act;

**“Dust”** shall include that dust frequently generated during preparation of fields for planting, harvesting, cleaning, primary processing, bagging and transportation of farm produce, preparation and handling of hay, production of birds and livestock animals. Furthermore, dust may include such components as straw, bagasse, husks of grain, moulds, fungal and bacterial residues, bio- aerosols, endotoxins, pesticides residues, fumigants, faecal matter and particles of silica;

**“Employer”** means:

- (a) any person, body corporate, undertaking, public authority or body of persons who or which employs an employee and includes heirs, successors and assignees of the employer; or
- (b) were appropriate, a former employer

**“Fisher”** means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers; (*C188 - Work in Fishing Convention, 2007 (No. 188)*)

**“Hazard”** means anything including work material, substance, equipment, plant, work method or practice which has the potential to cause harm, injury or disease to people, or damage to property or to the environment or any combination of these

**“Hazardous substance”** means any matter which by virtue of its chemical, physical or toxicological properties constitutes a risk to safety, health or welfare of persons;

**“Health”** in relation to work, means not merely the absence of disease or infirmity; but also includes the physical and psychosocial elements affecting health directly related to safety and hygiene at work.

**“Imminent danger”** means a dangerous situation which is about to happen or threatening to happen

**“Inspector”** means a public officer appointed as such under section 5 of the Act and includes the Director

**“Lone worker”** means an employee who works by themselves without close or direct supervision

**“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, confirming, transforming, transmitting, transferring, or controlling any form of energy

**“Medical surveillance”** means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by a medical practitioner

**“Minister”** means the Minister responsible for Labour

**“motor vehicle”** means any self-propelled vehicle and includes—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals and engine or motor

**“Musculature”** refers to system or arrangement of injuries in the body or part of the body or an organ

**“Musculoskeletal injuries”** are a range of disorders involving muscles, bones, tendons, blood vessels, nerves and other soft tissues which include carpal tunnel syndrome, tendinitis and tenosynovitis

**“Noise”** means sound which may result in hearing impairment or which may be harmful to health or which is dangerous,

**“Occupational accident”** means an occurrence arising out of or in the course of work which results in death, injury and or property damage

**“Occupational disease”** means any disease contracted as a result of an exposure to risk factors arising from work activity

**“Occupational health services”** means health or medical functions involved in treating the employer, the employees and their representatives in an undertaking and advising them on the requirements for establishing and maintaining a safe and healthy working environment which facilitate optimal physical and mental health in the workplace

**“Occupational injury”** includes death, any personal injury or disease resulting from an occupational accident

**“Occupational safety and health”** means the discipline dealing with prevention of work related injuries and diseases as well as the protection and promotion of the safety and health of workers including contractor personnel, visitors or any other person in the workplace

**“Occupational safety and health management system”** means part of an organization’s management system used to develop and implement the organization’s safety and health policy, objectives, targets

**“Occupational safety”** means freedom from unacceptable risk of harm at work;

**“OSH”** refers to Occupational Safety and Health;

**“OSHMS”** refers to Occupational Safety and Health Management System;

**“MBS”** refers Malawi Bureau of Standards

**“Personal Protective Equipment”** refers to equipment that will protect the user against the risk of accidents or of adverse effects on health

**“PPE”** refers to personal protective equipment;

**“Reportable occupational accident”** is an accident that causes loss of life or injury to an employee resulting in disablement and employee is certified unfit to work for a day or more

**“Responsible person”** means a competent person appointed by the employer in writing to take charge of machinery, plant and installation at the workplace approved by the Director.

**“Competent person”** in relation to any duty or function, means a person who has theoretical and practical knowledge, relevant qualifications, and experience to enable him to perform that duty or function.

“**Risk assessment**” means the overall process of determining the existence of a risk, estimating the magnitude of the risk and identification of the appropriate measures to either remove, reduce or control the risk

**Risk**” means the chance, or probability or likelihood, that a hazard will result in injury, illness to person(s) at work, damage to the environment, property, plant or equipment

“**Safety and health committee**” means a committee established under section 40 of the Act

“**Safety and health representative**” means a person elected and designated as a safety and health representative under section 41 of the OSHW Act

“**Sanitary conveniences**” means urinals, water closets, earth closets or privies, ash pits, chemical closets and any similar convenience and includes washing facilities

“**Skipper**” means the fisher having command of a fishing vessel

“**vehicle**” means a device designed or adapted principally to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves exclusively on rails

“**Worker or employee**” means:

- (a) a person who offers his services under an oral or written contract of employment, whether express or implied
- (b) any person, including a tenant share cropper, who performs work or services for another person for remuneration or reward on such terms and conditions that he is in relation to that person in a position of economic dependence on, and under an obligation to perform duties for, that person more closely resembling the relationship of employee than that of an independent contractor
- (c) were appropriate, a former worker or employee

“**Workplace**” means all places where persons need to be or to go by reason of their work and which are under the direct or indirect control of employer

“**Zoonotic diseases**” include anthrax from handling infected animals and tissue, brucellosis from handling placental tissues of infected livestock, campylobacter and cryptosporidium infections contracted from livestock through contaminated food or water resulting in gastrointestinal symptoms such as diarrhea, leptospirosis contracted from rodents and rabies contracted from infected bites by dogs, wild animals and bats.



Zoonotic diseases shall include those diseases which employees may develop from handling infected animal or animal products or contaminated drinking water and disposing of infected fecal material.

### *Scope of application*

3. These Regulations will apply to—

- (a) any employer or self-employed person in all agricultural enterprises (
- (b) all workers in agricultural enterprises, whether seasonal, casual, temporarily employed for limited periods/durations, contractors or permanent workers.
- (c) a designer, manufacturer, importer or supplier of machinery, plant or chemicals or work systems for use at an agricultural enterprise.

This regulation excludes

- (a) subsistence farming;
- (b) industrial processes that use agricultural products as raw material and the related services; and
- (c) the industrial exploitation of forests. (*ILO C184*)

*NB Self-employed person is a person who own and operate unincorporated enterprises. Self-employed workers are divided into “Self-employed person with employee” and “Self-employed person without employee”.*

*Self-employed person with employee: Self-employed person who usually employ one or more employees in their enterprises*

*Self-employed person without employee: Self-employed person who operate their own businesses alone or only with members of the family*

## **PART 11**

### **IDENTIFICATION AND MANAGEMENT OF OCCUPATION HAZARDS AND RISKS**

#### *Common occupational hazards and risks in agriculture*

4. Hazards which employers and employees in the agricultural sector work with or are exposed to may be classified as—

- (a) Engineering hazards arising from use of or other contact with dangerous moving parts of machinery such as tractors, vehicles, harvesters, cutting and piercing tools or getting in contact with live electrical connections or wires.
- (b) chemical hazards arising from use of or other contact with chemicals such as pesticides, fertilizers, carcinogenic substances such as arsenical and phenoxy-acetic herbicides, antibiotics, other veterinary products and dusts;
- (c) physical hazards such as exposure to excessive noise and vibration, dust, poor lighting, high or low temperatures, confined spaces such as silos, pits, cellars and tanks and working in tunnels during tobacco curing; slips, trips and falls from heights; bad weather conditions;
- (d) ergonomic hazards (use of inadequate equipment and tools, awkward body positions or prolonged static postures), poor workstation design, lifting and carrying of heavy objects giving rise to musculoskeletal disorders, repetitive work;
- (e) biological hazards such as transmissible livestock and animal diseases;
- (f) psychosocial hazards that include excessive overtime, poor remuneration, job too easy or too difficult, lack of involvement in decision making, workplace violence and harassment
- (g) environmental hazards such as various types of waste discharged out of various operations in agricultural enterprises
- (h) other hazards such as drowning, fire, lightning strikes, snake bites and attack by animals.

### ***Risk assessment***

5.(1) A risk assessment process shall involve identification, evaluation and control of occupational safety and health risks at every agricultural enterprise. Evaluation of the risk shall take into account both the likelihood of the hazard causing harm to persons and the severity of the harm if it were to occur in accordance with Schedule 1

(2) The employer shall make arrangements to conduct risk assessment of all activities or operations in the agricultural enterprise on a periodic basis in order to systematically identify, evaluate and control occupational hazards and risks to workers' safety and health

(3) The carrying out of risk assessment shall take a minimum of five steps namely—

- (a) identification of hazards;
  - (b) identification of associated risks
  - (c) assessment (evaluation) of the risks
  - (d) controlling the risks through the application of the hierarchy of risk control
  - (e) recording, monitoring , reviewing and updating the assessment when necessary.
- (4) The employer shall provide education and training on risk assessment to all workers and contractors working at the agricultural enterprise
- (5) The employer shall establish a hazard/risk register for all the hazards and risks within his or her operations which shall be kept updated and subject to inspection by the inspector.

### ***Establishment of Occupational Safety and Health Management Systems***

6. (1) Every employer shall establish and implement an Occupational Safety and Health Management Systems that is appropriate to the size of the agricultural enterprise and nature of activities .

- (2) As a minimum, the OSH management system shall contain the key elements namely—
- (a) OSH Policy that is implemented and periodically reviewed for its relevance and effectiveness;
  - (b) hazard and risk assessment register indicating the controls for each identified risk
  - (c) identification of applicable national OSH legislation and other requirements;
  - (d) defined objectives and targets largely consistent with the risk assessment output;
  - (e) implementation and operation covering roles, responsibilities and accountabilities of various players involved in the implementation of the OSHMS, training, competence and awareness issues, communication, consultation and participation, documentation and document control, emergency preparedness and response planning;
  - (f) checking and corrective action covering performance monitoring and measurement, Accident/Incident and Hazard Reporting and Investigation, Records and Records management and Audit;
  - (d) Management review of the occupational safety and health management system.
- (3) In order to effectively implement the safety and health management systems and provisions of these regulations, every employer shall,
- (a) appoint suitably qualified or trained personnel to assist him or her in the observance of the regulations.
  - (b) promote the establishment of occupational safety and health structures at his enterprise.

### ***Duties of employers***

7. Employers shall ensure that —

- (a) such equipment, materials and protective devices as may be prescribed for his class of business are provided,
- (b) the equipment, materials and protective devices provided by him for purposes of protecting worker's health or safety are maintained in good condition;
- (c) adopt a systems approach to managing workplace safety and health
- (d) such health and safety measures and procedures as may be prescribed for his class of business are carried out in the workplace;
- (e) the equipment, materials and protective devices provided by him are used as prescribed;
- (f) such occupational health services for workers as may be prescribed are established and maintained in accordance with standards prescribed;
- (g) records of the exposure of a worker to biological, chemical or physical agents are accurately kept, maintained and made available to affected workers;
- (h) report all reportable accidents, injuries and diseases to the Director and workers compensation commissioner
- (i) maintain up to date accidents and disease registers that shall be made available to the inspector of workplaces on demand
- (j) the Director is notified of the use or introduction into a workplace of such biological, chemical or physical agents as may be prescribed;
- (k) compliance with such standards limiting the exposure of a worker to biological, chemical or physical agents as may be prescribed is enforced;
- (l) where so prescribed, only a worker who has undergone such medical examinations, tests, or X- rays as may be prescribed and who is found to be physically fit to do the work in that workplace be permitted to do that work;
- (m) the worker is provided with information and instructions on measures and procedures to be taken for the protection against risks to health or safety, and such instructions shall be given in writing or in the manner or language understood by the majority of workers in the workplace;
- (n) occupational health and safety training programmes at the workplace are carried out or that workers be released to attend such training programmes during work times;
- (o) he or she establishes and regularly updates a written policy that addresses the health and safety problems at the workplace and develops and maintains a programme for the implementation of that policy;
- (p) a safety and health committee is appointed and operationalized at agricultural enterprises with at least twenty workers and the necessary assistance and co- operation afforded to the committee in carrying out its functions;
- (q) a supervisor or health and safety representative who shall take all necessary measures to ensure the health or safety of the workers is appointed at all agricultural enterprise that have at least five (5) employees and above

- (r) the number of safety and health representatives appointed is depended on the nature of business, the complexity and severity of the occupational safety and health risks.
- (s) first aid and emergency preparedness and response arrangements at the enterprise is organized ;
- (t) compliance with OSH requirements by contractors and subcontractors working at the agricultural enterprise is enforced;
- (u) he or she investigates and prescribe corrective action to all occupational incidents, accidents, diseases, dangerous occurrences
- (v) measures for OSH provision of vulnerable workers in agriculture including casual and seasonal workers, lone workers, women, pregnant women, young workers are taken.

### ***General duties of manufacturers, designers and suppliers***

- 8. It shall be the duty of any person—
  - (1) designing, manufacturing, importing, selling or hiring out any machinery, implement, safety equipment or other technical device to take steps to ensure that it affords adequate security against risks to safety and health. Such equipment when delivered shall be accompanied by the necessary information and instructions concerning its assembly, use and maintenance;
  - (2) manufacturing, importing and selling a substance liable to cause risks to health or safety to take the measures necessary to prevent or counteract any health and safety hazards resulting from the use, handling and storage of such a substance.

### ***Duties of supervisor or safety and health representative***

- 9. A supervisor or safety and health representative shall ensure that a worker—
  - (a) works in the manner and with the protective devices, clothing, measures and procedures which ensure the protection of the worker's safety and health;
  - (b) uses or wears the equipment, protective devices or clothing that employer has provided to be used or worn;
  - (c) reports accidents or incidents or identifies potential hazards which may affect the health or safety of workers;
  - (d) is advised of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
  - (e) where so prescribed, is provided with instructions in writing or any other manner as to the measures and procedures to be taken for his protection;

(f) takes every precaution necessary in the circumstances for his protection as a worker.

***Duties and rights of the worker***

10. (1) A worker shall—

- (a) report to the employer or supervisor or safety and health representative the existence of any hazards or absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself or another worker;
- (b) where so prescribed, have, at the expense of the employer, such medical examinations or tests at such time or times and at such place or places as prescribed;
- (c) work in compliance with such requirements as may be prescribed for the protection of the safety or health of the worker;
- (d) use or wear the equipment, protective devices or clothing the employer requires to be used or worn;
- (e) not remove or make ineffective any protective device prescribed or required by the employer
- (f) not use or operate any equipment, machine, device or thing, or otherwise work, in a manner that may endanger himself or any other worker;
- (g) not take away from the workplace protective devices or clothing for purposes not connected with the protection of the worker at work.

(2) Workers and their representatives where appropriate, shall have the right —

- (a) to be informed and consulted on OSH matters;
- (b) to fair and safe labour practices;
- (c) to know the OSH hazards and risks and the effects they are likely to suffer due to exposure;
- (d) to participate in the application and review of OSH measures and in the selection of their OSH representatives in their area of operation;
- (e) to bring to the attention of their representatives, the employer, union, Directorate of OSH hazards and risks they are exposed to;
- (f) to notify the Director and worker compensation commissioner of the occurrence of occupational accident or disease arising from their working environment;
- (g) to remove themselves from danger when they have reasonable justification to believe that there is an imminent and serious risk to their safety and health and that of other people.
- (h) to be informed of medical examinations results in confidence after being subjected to medical examinations in respect to various occupational health exposures .The results of the medical examinations shall be communicated

individually to the worker concerned and kept confidential and shall not be used to discriminate against workers;

(i) Female employees shall have the right, in case of pregnancy or when breastfeeding, to alternative work not hazardous to their health and that of the unborn or nursing child, and shall be entitled to return to their previous jobs at the appropriate time without loss of earnings.

(j) to be provided by the employer on a periodic basis appropriate OSH training using effective methods for minimizing OSH risks, provided that all such trainings shall be done during working hours.

### ***Contractor safety and health management***

11. (1) The employer shall evaluate and select contractors based on a record of good OSH performance and provision of an adequate OSH management system among other critical requirements
- (2) The employer shall ensure the contracts of engagement with contractors specify OSH requirements as well as sanctions and penalties in case of non-compliance
- (3) Contracts shall include the right for supervisors mandated by the employer to stop contractors work whenever a risk of serious injury is apparent and to suspend operations until the necessary remedies have been put in place
- (4) The employer shall ensure that the same safety and health training requirements in the agricultural enterprise apply to the contractors and their workers as to the enterprise's workers and such training is provided to them prior to work commencing and as work progresses.
- (5) The employer shall monitor contractors' compliance to on-site OSH procedures and arrangements and OSH performance of contractor activities on a regular basis
- (6) The employer shall establish a system or arrangement to ensure the reporting of work-related injuries and diseases, ill health and incidents by the contractor to the employer, the Director and Workers compensation commissioner while performing work.

## **PART III**

### **USE OF CHEMICALS IN THE WORKPLACE**

#### ***Chemical safety and health management***

12. (1) Any agricultural enterprise using agrochemicals shall implement risk assessment to prevent safety and health risks to employers and employees, visitors, the general public and the environment.
- (2) Employers shall apply the hierarchy of risk control in the management of chemicals on the agricultural enterprise as follows—

- (a) elimination that entail complete avoidance of use of chemical where necessary;
  - (b) substitution where a more hazardous substance or chemical is substituted with a less hazardous one or harmless one ;
  - (c) engineering control measures in which well-designed systems for storage, issuance and dispensing of chemicals are carried out;
  - (d) administrative controls such as establishing procedures and instructions of operations, education and training of workers ,restricting entry in chemicals storage areas and areas that have been sprayed with pesticides.
  - (e) provision of appropriate and suitable personal protective clothing and equipment as the last line of defence
- (3) Agrochemicals used shall have comprehensive chemical safety data sheets (CSDS) containing adequate information about the name of the chemical and its ingredients , potential health effects and the precautions to be taken to ensure its safe handling.
- (4) Agrochemicals shall have easily readable labels and relevant leaflets with information and instructions on proper transportation, storage, use and disposal procedures that align with the Globally Harmonized System (GHS) of classification and labelling of chemicals.
- (5) Employer shall ensure where so prescribed, that exposed worker undergoes periodic medical examinations at the expense of the employer
- (6) The employer shall ensure that employees are not exposed to chemicals to an extent which exceeds the occupational exposure limits
- (7) The employer shall ensure that records of all chemicals used at the workplace are accurately kept on site in a register, readily accessible to all employees concerned and their representatives and subject to inspection by the inspector.
- (8) The employer shall establish a written procedure/s on the procurement, handling, storage, transportation, use and disposal of chemicals handled on site.

#### ***Education and training on chemical management***

13. (1) Employers who use agrochemicals shall identify any problems or hazards associated with use of the agrochemical and take necessary measures to inform employees of the known hazards associated with agrochemicals used at their workplace.



- (2) The employer shall instruct chemical handlers on safe transportation, storage, use, disposal and emergency response as guided by chemical labels and chemical safety data sheets.
- (3) The employer shall ensure chemical handlers are educated and trained on correct and effective use and maintenance of personal protective clothing and equipment and other chemical preventive work practices.
- (4) The education and training issued to employees shall be conducted in a language understood by the generality of the workers and reviewed by the employer as and when it is deemed necessary.
- (5) The employer shall ensure labelling of all chemicals that are transferred into other containers or equipment, in a manner that make them known to workers in terms of their identity, any hazards associated with their use and safety precautions.
- (6) The employer shall post spraying and post-harvest precautionary measures in agricultural areas treated with chemicals, including measures to prevent pollution of food, drinking, washing and irrigation water sources.
- (7) Information on the agrochemicals shall include potential health effects and measures to be taken in case of exposure and such information shall be in a language that is appropriate and understandable by all employees.

***Personal protective equipment and clothing for prevention of chemicals exposure***

14. (1) Appropriate type and quality of personal protective clothing and equipment (PPC/E) that is informed by the hazards and risks at the agricultural enterprise shall be utilised where it is necessary to afford adequate protection to chemical handlers.
- (2) The personal protective clothing and equipment shall meet local (MBS) standards or other international standards approved by the Director
- (3) The cost of PPC/E provision to workers shall be borne by the employer
- (4) The employer shall ensure that the equipment is suitable for purpose and that there shall be a sufficient supply in the workplace in appropriate sizes for workers who require it.
- (5) The inspector may direct the employer to issue certain types of personal protective clothing and equipment based on the hazards and risk identified.
- (6) Workers shall be fully instructed by the employer on proper use of PPC/E

- (7) It shall be the duty of the employer to ensure proper use of the provided personal protective clothing or equipment by the workers
- (8) The employer shall ensure that PPC/E is maintained in good working condition and replaced as and when it is no longer in a state to protect the worker from occupational safety and health hazards.
- (9) The employer who handles chemicals shall establish a change room with separate compartment for personal clothing and personal protective clothing and equipment.
- (10) The employer shall provide the necessary means/facility to ensure that laundering, cleaning, disinfection and examination of chemical protective clothing or equipment for chemical handlers is conducted at the workplace to avoid the possibility of transferring contaminated PPC/E to workers' homes.

#### ***Workplace and personal hygiene***

15. (1) Employers shall provide adequate washing facilities to enable employees to maintain good personal hygiene and ensure that there is no transfer of chemicals from the workplaces to homes. The washing facility for personal hygiene of chemical handlers shall have both cold and hot running water.
- (2) Face and eye washing facilities and safety showers with clean portable water shall be made available by the employer on site for use by employees in the event of a chemical emergency
- (3) The employer shall provide, in consultation with employees and their representatives designated areas for drinking, eating and smoking away from places contaminated with chemicals hazardous to health.
- (4) Employees shall wash their hands and face before drinking, eating and smoking following handling of chemicals.
- (5) Employees handling chemicals shall wash their hands before and after visiting the toilet
- (6) The Employer shall ensure that chemicals are stored separately from non-chemical substances to avoid cross contamination

#### ***Transportation, storage, use and disposal of agrochemicals***

16. (1) It shall be the duty of the employer to ensure that agrochemicals are transported in their original containers.

- (2) Transfer of agrochemicals shall be done into labelled and appropriate containers for distribution or transportation.
- (3) Agrochemicals shall be stored in secure, sheltered and well ventilated storage areas kept locked to restrict their access to authorized personnel only.
- (4) Chemical containers shall be placed on pallets, shelves, platforms or on skids for easy monitoring of spillages.
- (5) The employer shall ensure that chemical storage facilities are fire resistant and leak proof and where liquid chemicals are kept or used on site, the storage area is bunded.
- (6) The employer shall ensure that chemical storage facilities are fitted with emergency face and eye washing facilities and safety showers
- (7) The employer shall ensure that chemical danger warning sign/s are posted at conspicuous locations in and outside the storage areas and facilities.
- (8) The employer shall ensure that chemicals are not transported together with other non-chemical substances to avoid cross contamination and the vehicle used for chemical transportation shall be decontaminated before being used for other purposes.
- (9) The employer shall ensure that used agrochemical containers are treated, handled and disposed of properly according to manufacturers' instruction or other recommended best practices.
- (10) Under no circumstances shall agrochemical containers be used to store food or drinking water for humans or animals
- (11) All chemical empty containers shall be stored in a designated area that is clearly marked and locked to prevent unauthorized usage

***Measuring, mixing, loading and application of agrochemicals***

17. (1) The employer shall establish standard operating procedure/s for measuring , mixing, loading and application of agrochemicals as guided by chemical safety data sheets
- (2) The employer shall provide training on the standard operating procedure/s in subsection (1) to ensure the safety and health of all employees involved in measuring, mixing, loading and application of agrochemicals

The training shall be provided by a competent person in chemical safety and health management.

### ***Normal and early re-entry into sprayed areas***

18. (1) Appropriate restricted entry intervals shall be established by the employer for all agrochemicals in use based on risk assessment results or based on manufacturer's instructions as provided on the chemical safety data sheet or label
- (2) Agrochemicals treated areas shall be identifiable during the restricted entry interval with hazard signs or symbols that are easily understood by all employees and the general members of the public.
- (3) The employer shall provide appropriate and adequate personal protective clothing and equipment to early re-entry employees consistent with label requirements as provided by the manufacturer
- (4) The employer shall provide specialised training to early re-entry employees regarding hazards associated with early entry into agrochemical treated areas.

### ***Health surveillance of employees***

19. (1) The employer shall establish a medical surveillance programme for all workers exposed to agrochemicals.
- (2) Medical surveillance programme shall include pre-employment, periodic and exit medical examinations including incidents of exposure to chemicals hazardous to health and when employees report symptoms of poisoning. The cost of medical surveillance shall be borne by the employer
- (3) The employer shall establish methods or techniques for early detection of effects of exposure to chemical hazards as part of overall health surveillance programme of workers
- (4) Results of medical examinations shall be treated as confidential medical information and shall not be communicated to any other person without the consent of the worker
- (5) Medical examination results shall not be used to discriminate against the worker in any manner.
- (6) The employer shall ensure that employees have access to their own medical records and exposure monitoring results, either personally or through their physicians.

### *Cholinesterase monitoring*

20. (1) The employer using organophosphates (Ops) or carbamates (CMs) pesticides shall develop and implement a plan for cholinesterase monitoring for pesticides handlers.
- (2) Pre-employment medical screening shall be instituted to ensure that those with low-level cholinesterase are prohibited from undertaking work involving organophosphates and carbamates pesticides.
- (3) Baseline medical data shall be established for each person prior to handling organophosphates and carbamates so as to determine each individual's normal cholinesterase levels
- (4) Records of cholinesterase monitoring shall be maintained by the employer and subject to inspection by the inspector.
- (5) The cost of cholinesterase monitoring of pesticides handlers shall be borne by the employer.
- (6) Exposure threshold requiring medical monitoring is handling organophosphorus or carbamate pesticides for 30 or more hours in any consecutive 30 day period.
- (7) A cholinesterase depression of at least 20% or more of either plasma or red blood cell shall trigger an investigation to establish the source(s) of exposure so as to institute measures to minimise or eliminate exposure.
- (8) Employer shall take measures to remove workers from exposure and reassign them to other work until cholinesterase levels return to baseline levels when the medical examination results show a depression of plasma cholinesterase greater than 40% or depression of red blood cell cholinesterase greater than 30%.

NB: ILO code of practice (Both plasma cholinesterase (buteryl or cholinesterase) and red blood cell cholinesterase (acetyl cholinesterase) should be measured in each blood sample.

Blood samples should be drawn periodically to determine if cholinesterase levels have been depressed significantly and repeated when workers show symptoms.

A depression greater than 20 per cent of either plasma or red blood cell cholinesterase normally triggers a workplace inspection in an effort to mitigate handler exposures.

A depression of plasma cholinesterase greater than 40 per cent or a depression of red blood cell cholinesterase greater than 30 per cent normally triggers removal of the handler from pesticide exposure and reassignment to other work until cholinesterase levels return to baseline.

### ***Environmental protection***

21. (1) The employer shall take measures to ensure the protection of the environment from chemical hazards in accordance to the provision of the Environment Management Act, 2017 (No. 19 of 2017)
- (2) The employer shall ensure that chemical aerial spraying is conducted in such a manner as to protect the health of workers, community residents, livestock and wildlife.
- (3) It shall be the duty of the employer to ensure that aerial spraying is only conducted when wind conditions are appropriate to prevent aerial drift, that neighbourhood residents are informed as to the time and nature of the spraying, and that every means is used to prevent contamination of neighbouring fields, pastures, gardens, wetlands and woods
- (4) Under no circumstances shall workers on the ground be used as spotters while aerial spraying is being conducted
- (5) The employer shall take measures to protect water sources from agrochemical drift, run-off or rinse from application equipment and containers.

## **PART IV**

### **ZOONOTIC EXPOSURES**

22. (1) The employer shall undertake to eliminate the occurrence of zoonotic diseases through a combination of diseases eradication measures that include among others : animal vaccination, human vaccination, provision and maintenance of safe drinking water, proper disposal of human and animal waste, work environment sanitation, labour camp sanitation, , prompt treatment or proper disposal of infected animal and animal tissue, proper cleaning and disinfection of contaminated sites and prudent use of antibiotics to minimise growth of resistant strain.
- (2) The employer shall provide hand washing facilities, soap and disinfectants where animals are being handled as an effective measure against many of the pathogens involved in zoonotic disease transmission. The hand wash facilities shall be provided in accordance with the provision of the Act.

(3) The employer shall provide specific training in handling live animals, necropsy of infected animals, and handling of all animal by-products.

(4) The employer shall report outbreaks of communicable infectious diseases in accordance with the provisions of the Public Health Act Chapter 34:01

**NB**

*(i) In every workplace the employer shall provide approved washing facilities in the proportion of at least 1 wash-basin to every 15 persons or part thereof for each sex employed therein, not exceeding 75 employees of each sex*

*(ii) Where the number of employees exceeds 75 but is less than 400, in addition to the washing facilities required in terms of subsection (4), 1 wash-basin shall be provided for every 25 employees or part thereof of each sex in excess of 75 employees*

*(iii) Where the number of employees exceeds 400 hundred, wash-basins in addition to that required for 400 hundred, shall be provided in the proportion of 1 wash-basin to every 50 or part of 50 employees for each sex*

**PART V**

**EXPOSURE TO SHARPS**

*Needle stick injuries and sharps exposures*

23. (1) Employers shall take reasonable steps to minimise the employees' risk of injury from percutaneous needle stick or other sharp objects during tasks that require use of needles and related sharp devices.
- (2) Workers shall be educated and trained on safe use of needles, sharps and related sharp devices
- (3) The employer shall make available to the employees for use in appropriate situations sharps and needle safety devices and sharps disposal containers that may eliminate or reduce the risk of percutaneous injury before, during and immediately after use of such devices.
- (4) Workers shall be prohibited from manually recapping, bending, breaking or clipping of contaminated needles or sharps for which such practices may give rise to harmful needle stick injuries.
- (5) Employer shall take measures to restrain animals from movement during handling in order to prevent needle stick or sharps injury.

**PART VI**

## **MACHINERY SAFETY AND ERGONOMICS**

### ***Safe use of farm machinery, equipment, vehicles and tools***

24. (1) For the purposes of Part VI of this regulation, 'machinery and equipment' shall include those machinery and equipment used in agriculture such as tractors, combine harvesters, cultivators, harrows, sprayers, and mowers, seeding equipment, balers, wagons, trailers, augers, boilers and manure spreaders.
- (2) The employer shall conduct a comprehensive risk assessment and establish a hazard and risk register for all machinery, equipment, vehicles and tools used at the workplace. The hierarchy of risk control shall be used to manage identified hazards and risks.
- (3) The employer shall ensure that machinery, equipment, vehicles and tools used at the workplace comply with safety and health standards, maintained and safeguarded
- (4) Workers whose work involves the use of machinery, equipment, vehicles and tools shall be educated by their employers of the common safety risks associated with use of such machinery, equipment, vehicles and tools and also be provided with information in the form of standard operating procedures on how to use the machinery, equipment, vehicles and tools safely
- (5) The employer shall ensure that all revolving/reciprocating parts, nip, pinch and shear points, shaft ends projecting more than 1/4 of the shaft diameter, gears, sprockets, friction drives, sprocket chains, power-driven cutters, choppers and grinders are securely guarded
- (6) The employer shall take measures to ensure that all machinery, equipment, vehicles and tools used at the farm are ergonomically sound and operated in an ergonomically sound manner
- (7) The employer shall ensure that all agriculture machinery and equipment undergoing servicing, maintenance or repair is appropriately isolated, locked out, and labelled with a warning tag to protect workers against the danger of having the machinery and equipment being started whilst being repaired or under any form of maintenance.
- (8) The employer shall appoint a responsible person for machinery, equipment, vehicles and tools' who will ensure that machinery, equipment, vehicles and tools are being used safely and for intended purpose at the agricultural enterprise

### ***Motor vehicles safety***



25. (1) Employer shall ensure that motor vehicles used at the agricultural enterprise are fitted with safety equipment or devices such as rollover protective structures (ROPS), seat belts and mudguards.

(2) The employer shall establish a planned preventive maintenance programme for motor vehicles to ensure that they are always maintained in a good and safe working condition

(3) The employer shall take measures to ensure that logbooks, maintenance records & pre-operational checks of motor vehicles are completed by workers, maintained and subject to inspection by the inspector

(4) The employer shall educate and train his or her workers on safety precautions to be taken to avoid accidents, and other undesirable occurrences, associated with use of motor vehicles, including overturns, run-overs, slips and falls during climbing and disembarking, and power-take-off entanglement.

Records of such trainings shall be maintained and subject to inspection by the inspector.

(5) The employer shall ensure the protection of worker who use motor vehicles against noise and vibration exposure . If the noise levels may not be reduced by other controls to acceptable levels, then hearing protection shall be provided to all affected mobile equipment and vehicles users.

(6) All motor vehicle users shall have valid drivers license in line with the provision of the Road Traffic regulation of 2000.

(7) No person shall drive a motor vehicle on a public road under the authority of a learner's licence unless such person is accompanied by and is under the direct personal supervision of a person who is in possession of a driver's licence authorizing him to drive that class of vehicle and occupying the seat next to such holder of a learner's licence

(8) The employer shall ensure that seats, brakes, emergency brakes, head lights, signal lights and other safety devices on mobile equipment and vehicles are maintained regularly and are in good working order.

(9) The employer shall ensure that all mobile equipment have means (such as ladder or steps and handrail) to assist the employee to embark and disembark from the mobile equipment safely.

(10) Trailers used for the transport of workers should be designed or modified for that purpose, and be equipped with a braking system, secured seating, side panels, canopies and steps that allow workers to embark and disembark safely .

(11) Under no circumstances shall the employer permit unsafe riding on tractor mudguards and on other types of mobile equipment at the workplace

On tractors equipped with trainee seats, a trainee shall occupy the seat only when actual training activity is under way.

(12) The employer shall ensure that passengers on motor vehicles are seated in accordance with manufacturer's recommendations or in a safe manner so as to avoid the danger of falling from the mobile equipment.

(13) All agricultural enterprises shall take measures to ensure that a maximum speed limit of 30 kilometers per hour (SA 40km/hr ) ; is maintained by all operators of motor vehicles in all areas within the agricultural workplace

(14) All plant machinery and motor vehicles shall carry maximum weight loads as per design in accordance with the manufacturers' instructions.

The maximum weight load shall be kept displayed on the plant machinery and motor vehicles

(15) A competent person shall inspect plant machinery and motor vehicles on a periodic basis as guided by the manufacturer and if necessary and safe to do so, reduce the maximum weight load, based on their assessment of the equipment's condition and potential hazards

(16) No person shall ride on a motor cycle or in a side car attached to a motor cycle, motor tricycle or motor quadrucycle on a public road unless such person at all times wears a protective helmet of a standard approved by the Director

(17) It shall be the duty of employers to enforce use of protective helmets by all riders of motor cycle or in a side car attached to a motor cycle, motor tricycle or motor quadrucycle

(18) All employers shall take measures to comply with all safety precautions with regards to use of motor vehicles in accordance with the provision of the Road Traffic Act and its associated regulations

(19) The employer shall provide free of charge anti vibration gloves for use by riders of motor cycle, motor tricycle or motor quadrucycle and enforce their usage.

(20) The operator shall wear a seat belt when operating a tractor that is equipped with a rollover protection structure (ROPS) or a cab.

(21) The employer shall ensure that all tractor drawn implements are fitted with safety chains and collapsible stands on the drawbar.

(22) The employer shall where applicable provide and ensure the use of motor vehicle wheel chocks that are placed against a vehicle's wheels to prevent accidental movement, particularly when parked on an incline and or for physically stopping the wheels from rolling

(23) All operators of motor vehicles shall ensure that bystanders and children are kept away from a distance from areas where motor vehicles is being used.

#### ***Other agricultural machinery, equipment and tools***

26. (1) The employer shall identify hazards associated with use of other agricultural equipment that include among others tillage equipment such as ploughs and cultivators, combines, balers, manure spreaders, feed grinders and mowers and hand held tools such as hoes, hammers, picks, sickles and machetes.

(2)The employer shall institute necessary control measures to safeguard workers against the danger posed by hazards identified in subsection (1).

(3)The employer shall ensure that, in circumstances where workers require regular access to moving parts of the machinery and a fixed guard is not possible, an interlocking guard shall be used to ensure that the machinery shall not start before the guard is closed and will stop if the guard is opened while the machine is operating.

(4) Prior to repair of agriculture equipment, a lock out system shall be implemented where the power to the equipment shall be turned off and safety locks engaged.

(5)The employer shall ensure that clearing of blockages and other reasons for gaining access to dangerous parts of machinery shall be done when machinery is stopped.

(6) The employers shall take measures to ensure the safety of tools by replacing all tools with broken or cracked handles, chisels, and punches with mushroom heads and damaged or broken implements

(7)The employer shall ensure that employees receive relevant training on the proper coupling/hitching of implements and that only trained workers are permitted to perform that function.

(8) Workers shall be authorised to safely stop the machine if it or any implements is not working safely or if any guards or protective devices are faulty and inform their supervisors as soon as possible.

(9) Employer shall never allow workers to operate machinery and equipment while under the influence of alcohol or other substances which might affect their ability to operate the equipment safely.

#### ***Ergonomic hazard and control strategies***

27. (1) Employers in agricultural enterprises shall carry out an ergonomic risk assessment due to manual handling of agriculture machinery, equipment, materials, tools, mobile equipment and vehicles. The assessment shall include—

- (a) characterisation of the agriculture work environment and its implication on employees;
- (b) design of work stations;
- (c) weight of agriculture materials and tools to be lifted and handled;
- (d) frequency of handling agriculture equipment, materials and tools taking into account actions per minute as well as force applied;
- (e) postures assumed by the employees while handling the agriculture products, tools and operation of machinery and equipment; and
- (f) the physical characteristics of the employees engaged in the activities such as gender, sex and age.

(2) The ergonomic risk assessment contemplated in subsection (1) must—

- (a) be conducted at intervals not exceeding two years; and
- (b) include—
  - (i) a complete hazard and risk identification;
  - (ii) the identification of all persons who may be affected by the ergonomic risks;
  - (iii) how employees may be affected by the ergonomic risks;
  - (iv) the analysis and evaluation of the ergonomic risks; and
  - (v) the prioritization of ergonomic risks.

(3) An employer must review the relevant ergonomic risk assessment made in accordance with subsection (1) if—

- (a) such assessment is no longer valid;
- (b) control measures are no longer effective;
- (c) technological or scientific advances allow for more effective control methods;
- (d) there has been a change in—

- (i)the work methods;
  - (ii)the type of work carried out; or
  - (iii)the type of equipment used to control the exposure; and
- (e)an incident occurs or medical surveillance reveals an adverse health effect, where ergonomic risks are identified as a contributing factor
- (4) Workers shall be informed by the employer about the risks associated with ergonomic risk factors and trained on precautionary measures for their protection from ergonomic risks
- (5) Records of ergonomic assessments shall be maintained appropriately by the employer and subject to inspection by the inspector.

## **PART VII**

### **USE OF ENERGY SOURCES**

#### ***Electricity and other energy sources***

- 28.** (1) Employers shall take reasonable steps to ensure that hazards presented by sources of energy, including electrical, mechanical, hydraulic, fuel and pneumatic energy are minimised and controlled.
- (2)Employers shall ensure that energy sources and facilities are appropriately labelled and locked out and that existing overhead power lines and underground cables are mapped.
- (3) Metallic irrigation pipes and any other pipes shall under no circumstances be carried in a vertical position in order to avoid contact with live electrical cables running through the farm.
- (4)The employer shall ensure the provision of standard operating procedures for safe use of electricity and other forms of energy and that handling of electrical and other energy sources installations is carried out by competent persons.
- (5) Employer shall ensure all live overhead electrical lines running on the farm are kept practically free from contact with trees or infrastructure that can transmit electricity

## PART VIII

### OCCUPATIONAL HYGIENE

#### *Occupational hygiene measures*

29. (1) Every employer in agricultural enterprise shall ensure that appropriate occupational hygiene measurements are carried out for his work environment by a competent person to ensure that stipulated threshold limit values are not exceeded.
- (2) The inspector may prescribe the frequency of any such hygiene measurements in line with international best practices.
- (3) The competent person and or such organization employing him shall be approved by the Director.
- (4) Any approval granted by the Director for the purposes of subsection (2) may be withdrawn at any time if falsification of results and non-compliance with the regulations are cited.

#### *Noise*

30. (1) Employers shall take measures to conduct noise risk assessments so as to identify all areas workers are exposed to noise hazards in the workplace and institute appropriate risk control measures according to the hierarchy of risk control.
- (2) Employers shall educate their workers on the risks of exposure to noise hazards
- (3) No person shall be exposed to sound-levels exceeding the limits prescribed in subsections (4) and (5) of this section unless such person has been supplied with, and is using, ear-protectors of a type approved by an inspector, which reduce the sound-level reaching the user's ear to or below the limits allowed for an unprotected ear.
- (4) If exposure to sound-levels is continued for 8 hours in any 1 day and is to a reasonably constant volume of sound, the sound-level shall not exceed 85 dB(A)
- (5) Under no circumstances should the unprotected ear be exposed to a sound-pressure-level measured with an instrument set to the "fast" response exceeding 135 dB(A) or, in the case of impulse noise, and instantaneous sound-pressure exceeding 150 dB(A).
- (6) Areas where persons may be exposed to sound-levels exceeding the limits set out in this section shall be identified as ear-protection areas, and the boundaries shall be clearly defined and marked.
- (7). Entry to ear-protection areas must be restricted to those authorized to do so, and all such persons must use effective ear-protection.
- (8) A prominent warning notice banning unauthorized entry, and entry without the use of ear protection must be posted near every entrance to an ear protection area.

(9) Machines which in normal operations are likely to produce a sound level at the operator's ear, exceeding the limits set out in this section, must carry a prominent warning notice which shall be displayed in a position clearly visible to the operator.

(10) Where noise levels exceed the occupational exposure limit of eighty-five A-weighted decibels (85 dB (A)), employees shall on a periodic basis be subject to audiometric medical examination and employees shall be informed of results of the audiometric medical tests.

(11) It shall be the duty of the employer to institute a hearing conservation program for all employees exposed to excessive noise at the workplace that include among others the following

- i. risk assessment
- ii. medical surveillance program (audiometric testing) (pre, periodic and exit medical examination of workers exposed to excessive noise)
- iii. education and training of exposed employees on noise hazard, risk and control measures and proper utilization of provided personal protective equipment.

(12) A record of audiometric testing for employees shall be kept for the duration of employment plus for a period of 40 years thereafter along with records of noise exposure measurements. *(NIOSH recommends that hearing test records be retained for the duration of employment plus 30 years; ILO code 40 years)*

### ***Vibration***

31. (1) The employer shall carry out a risk assessment to identify sources of vibration risk exposure and take appropriate measures to control the risks.
- (2) No person shall be exposed to whole body and hand arm vibration exceeding daily exposure limit value of  $1.15 \text{ m/sec}^2$  and  $5 \text{ m/sec}^2$  respectively
- (3) Daily exposure action value for the employer to institute measures to control the vibration risks of their workers shall be  $0.5 \text{ m/sec}^2$  and  $2.5 \text{ m/sec}^2$  for whole body and hand arm vibration respectively *(The European Directive (2002/44/EC) defines exposure limit and action values as follows: Hand-arm vibrations • Exposure limit value  $A(8) = 5 \text{ m/s}^2$  • Action value  $A(8) = 2.5 \text{ m/s}^2$  Whole-body vibrations • Exposure limit value for all directions  $A(8) = 1.15 \text{ m/s}^2$  • Action value for all directions  $A(8) = 0.5 \text{ m/s}^2$ )*
- (4) All workers exposed to vibration shall be educated on the risks associated with vibration exposure and measures to be taken to avert the potential risks
- (5) Where workers' exposures remain unacceptably high, employers shall
- (a) minimize exposures through appropriate organizational measures that reduce the time that workers spend with vibrating machinery and equipment; and
  - (b) if appropriate, provide suitable PPE, such as anti-vibration gloves, selecting them in consultation with workers and their representatives.
- (6) The employers shall institute measures to ensure that workers exposed to vibration has access to occupational health services where they can discuss possible symptoms of exposure to whole body vibration or to hand–arm vibration with qualified practitioners

## Ventilations and Thermal Requirements

32. (1) Every agricultural workplace shall have effective and suitable provision for securing and maintaining adequate ventilation of any room, and for rendering harmless, so far as practicable, all such noxious gases, fumes, dust and other impurities generated in the course of any process or work carried on in the workplace as may be injurious to health
- (2) Where the measures prescribed by sub regulation (1) are not practicable, or where there is a danger of unsafe air in the breathing zone of an employee, the employer shall provide every such employee with, and ensure that he correctly uses, respiratory protective equipment of a type that reduces the exposure of the employee to a safe level and the employer shall, further, inform him of the dangers of and the precautionary measures against excessive exposure
- (3) Where the nature of the work carried on in the agricultural workplace involves, or is likely to involve, the exposure temperatures that are outside permissible temperature control range of 16 - 30 degrees celcius, adequate control measures shall be taken to protect employees therein by the employer who shall, when necessary, provide suitable heating or cooling appliances to maintain a reasonable temperature in the workrooms at his premises. *(SA workplace temperature exposure limit is generally considered to be a Wet-Bulb Globe Temperature (WBGT) index of 30°C; According to NIOSH, the recommended "alert limit" for heat exposure is considered to be a Wet Bulb Globe Temperature (WBGT) of 80°F (27°C); OSHA (27°C)*
- (3) No employer shall require or permit an employee to work in an environment in which the time-weighted average dry-bulb temperature taken over a period of four hours is less than 6°C, unless the employer takes reasonable measures to protect such employee against the cold and further takes all precautions necessary for the safety of such employee: Provided that, where outdoor work is performed, the employer shall take such measures and such precautions in an environment in which the actual dry-bulb temperature is less than 6°C at any time.

NB THE INSTITUTE OF HEATING AND VENTILATION ENGINEERS (UK) *(In temperate climates, thermal comfort for workers ranges between 16 – 24 degrees C (60.8 – 72.2 degrees F)*

The [Occupational Safety and Health Administration \(OSHA\) recommends](#) a temperature range of 68–76° F (20–24° C) for thermal comfort in the workplace

## Ultraviolet light (UV) radiation

33. (1) Employers shall –
- (a) conduct risk assessment to identify and assess the tasks that give rise to UV exposure



- (b) institute appropriate controls measures to protect workers from UV radiation
- (e) monitor and evaluate the effectiveness of existing UV prevention and control measures.

(2) Workers exposed to UV, as well as their supervisors, shall be trained on how to recognize UV burn injury, to take the steps needed to prevent onset and to know when to withdraw

(3) Employers shall provide appropriate well-fitting PPE, including sunglasses; and suitable work garments such as sun-safe head gear free of charge to the worker exposed to UV radiation

*Where there is routine exposures to UV radiation , employers shall provide employees with screen products such as lotion*

### **Lighting**

34. (1) No employer shall require or permit any person to work either by day or night unless adequate lighting for the work on which such person is engaged is provided.

(2) Such intensity of lighting shall not be less than three hundred (300) lux or that specified in a standard approved by the Director at the point of operation of any process unless an inspector allows a lesser value according to the nature of the work undertaken.

(3) The employer shall cause all windows, roof lights, fan lights and artificial lighting fitting to be kept clean and unobstructed: Provided that, with the permission of an inspector, windows and sky lights may be white-washed or shaded in order to mitigate heat or glare.

(4) An inspector may authorize a lower or higher standard of natural lighting than that prescribed therein in sub regulation (2), where it can be shown that such lower or higher standard of natural lighting is necessary in order to perform effectively any class of work or carry out any process.

(5) The employers shall ensure that lighting on rotating machinery is such that the hazard of stroboscopic effects is eliminated

### ***Dust, fumes and other hazardous gaseous exposure***

35. (1) In any agricultural workplace where workers are employed on processes in which dust, fluff, fumes, smoke or offensive gases arise or are likely to arise, the employer shall install and maintain in good condition, hoods, air-channels, exhaust-fans or other suitable means of removing such dust, fluff, smoke or offensive gases as near the point of origin as possible.

(2) Where, in the course of any agricultural operation or structural work, siliceous dust, asbestos dust, cotton fluff or dust containing arsenic, lead or other substance is created which may be injurious to health, the operation shall be carried out isolated in a suitable room or cubicle fitted with efficient exhaust fans or extractors, designed to deposit the dust in collectors outside the building at the discretion of any inspector:

Provided, if in the opinion of an inspector it is necessary, the employer shall supply all employees engaged in such operations with approved appropriate personal protective clothing and equipment such as respiratory protection, overalls, gloves, goggles and safety boots and shall take all reasonable steps to ensure that such respirators are used effectively.

(3) Every employer shall ensure that the prescribed exposure limits for airborne substances are not exceeded within his working environment unless appropriate personal protective equipment capable of reducing such exposure is provided.

(4) Buildings or tanks where manure is stored shall be constructed so as to keep levels of dust exposure or other hazardous gaseous material that employees experience to acceptable levels

(5) Where work is done inside any chamber, tank, pit or other confined space in which dangerous fumes or gases are liable to be present every employer shall ensure that-

(a) the confined space is provided with adequate means of egress for persons entering or working therein; and

(b) no person shall enter the confined space for any purpose unless-

(i) all practicable steps have been taken to remove any fumes which may be present and to prevent any ingress of space until it is free from dangerous fumes;

(ii) the person entering wears a safety belt to which there is securely attached a rope of which the free end is held by at least two people outside to facilitate quick evacuation of the person from the confined space in the event of an emergency,

(iii) the person wears a suitable breathing apparatus, and was trained on proper utilization of the breathing apparatus ;

(iv) a suitable permit to work has been issued by a competent person to facilitate safe completion of the work.

(6)The employer shall ensure the provision of adequate ventilation in confined facilities or space where there is a risk of worker exposure to noxious gases such as methane, ammonia and hydrogen sulphide.

(7) The employer shall institute a gas detection and monitoring system to ensure worker safety through pre-entry atmospheric testing, continuous monitoring, and adherence to specific standards for safe gas levels in circumstances where workers are required to enter a confined space where there is a risk of worker exposure to low oxygen

levels or other flammable gases or noxious gases such as methane, ammonia and hydrogen sulphide

Gas detectors shall be equipped with audible and visual alarms to alert workers and attendants to hazardous conditions

(7) The employer shall ensure that at no time shall workers be exposed to hydrogen sulphide and ammonia that exceed the occupational exposure limit of ten parts per million (10ppm) and twenty parts per million (20ppm) respectively over an 8 hour work shift.

NB Recommended gas and dust levels by national/independent agencies

	NH3	H2S	Grain dust	Endotoxin
Labour Canada	25 ppm TLV/8*	10 ppm	10 mgm/m <sup>3</sup> TLV/8**	
US Occupational Safety and Health Administration (OSHA)	50 ppm	20 ppm	10 mgm/m <sup>3</sup> TWA/8**†	
American Conference of Industrial Hygienists (ACGIH)	25 ppm TLV/8*	10 ppm	4 mgm/m <sup>3</sup> TLV/8**	
European Union	20 ppm TLV/8*	10 ppm		
Denmark	20 ppm TLV/8*	10 ppm	3 mgm/m <sup>3</sup> TLV/8**§	
Sweden	25 ppm TLV/8*	10 ppm	5 mgm/m <sup>3</sup> TLV/8** §	
State of California			4 mgm/m <sup>3</sup> TWA/8**†	
Dutch Health Research Council				135 EU/m <sup>3</sup> (under consideration)

\* Threshold limit value (TLV) 8 hour time weighted average. † Time weighted average (TWA) 8 hour. \*\* Total particulate. § Organic dust.

### *Use and storage of volatile flammable substances*

36. (1) The provisions of this section shall apply to all agricultural workplaces in which volatile flammable substances are used or stored, or in which the fumes of volatile flammable substances are generated in sufficient quantities to constitute a serious risk of fire.
- (2) No volatile flammable substances shall be applied or used in a room or cabinet except if the room or cabinet is specially constructed with suitable fire-resistant material.
- (3) In every room or cabinet referred to in subsection (2), efficient inlet and exhaust ventilation shall be provided and maintained, to remove fumes from the building and prevent their return and shall be placed outside to the satisfaction of an inspector

(4) All ducts, trunks or casings through which flammable fumes pass shall be constructed of fire-resisting material having a smooth internal surface and fitted with openings to permit proper cleaning.

(5) No spraying of volatile flammable liquids shall be carried out within ten metres of any open type electrical apparatus.

(6) All stationery metal tanks used for storing volatile flammable substances, all metal pipes used for the supply thereof, and all stationary metal vessels in which substances are mixed, shall be effectively bonded to earth by means of electrically conductive material of adequate cross sectional area.

(7) Only such quantity of volatile substances as is required for use in one day shall be taken into, or allowed to remain in, any room or cabinet mentioned in subsection (2).

(8) All drums, cans or other containers used in connection with volatile flammable substances shall be kept securely closed when not in actual use and shall, after the contents have been emptied, be discarded from the premises without delay.

(9) In any room or cabinet in which volatile substances are used or stored, no fire, flame open light or other agency likely to ignite such substances or their fumes, shall be allowed.

(10) No person shall smoke in any part of a workplace where volatile flammable substances are used or stored and the employer shall post a notice prohibiting smoking, in a conspicuous place, in such portions of the premises.

The employer shall provide a designated and marked smoking area/bay that is kept practically free from the risk of fire.

(11) For the purpose of this section “volatile flammable substances” means all cellulose solutions, petrol, benzene, benzoline, absolute alcohol or any liquid or solid which evaporates giving off flammable vapor, and / or ignites readily.

## **PART IX**

### **PROVISION ON MANUAL AND MATERIALS HANDLING**

#### ***Manual and materials handling***

**37.** The employer shall ensure that

(1) Where reasonable and practicable, mechanical appliances shall be provided and used for lifting and carrying loads in all areas in agricultural workplaces.

(2) No person should be employed to lift, carry, push or pull or move any load which, by reason of its weight, is likely to injure his health or jeopardize his safety.

- (3) Employees that are involved on manual lifting are provided with training on proper lifting and manual handling techniques to avert possible ergonomic risks.
- (4) The maximum permissible lifting weight for an adult man shall be 25kgs and that for an adult woman shall be 16kgs
- (5) Where the lifting weight is greater than the maximum limit prescribed in subsection (4), the employer shall take measure increase the number of workers for the lifting task or to use mechanical means to lift the weight rather than manual lifting.
- (6) As far as possible, adult women workers shall not be assigned to regular manual transport of loads
- (7) Where adult women workers are assigned to regular manual transport of loads, provision shall be made-
  - (a) as appropriate, to reduce the time spent on actual lifting, carrying and putting down of loads by such workers;
  - (b) to prohibit the assignment of such workers to certain specified jobs, comprised in manual transport of loads, which are especially arduous
- (8) No woman shall be assigned to manual transport of loads during a pregnancy which has been medically determined or during the ten weeks following confinement if in the opinion of a qualified medical practitioner such work is likely to impair her health or that of her child.
- (9) Where young workers are engaged in the manual transport of loads, the maximum weight of such loads should be substantially less than that permitted for adult workers of the same sex
- (10)The employer shall ensure as far as possible, that young workers are not assigned to regular manual transport of loads
- (11) Where young workers are assigned to regular manual transport of loads, employers shall make provisions:
  - (a) as appropriate, to reduce the time spent on actual lifting, carrying and putting down of loads by such workers;
  - (b) to prohibit the assignment of such workers to certain specified jobs, comprised in manual transport of loads, which are especially arduous.
- (12)The employer shall take reasonable measures to minimise the risk that workers who undertake highly repetitive work during crop maintenance and harvesting do not develop upper limb musculoskeletal disorders.

## PART X

### PROVISIONS ON SAFETY AND HEALTH IN FORESTRY, FISHING AND CROCODILE FARMING OPERATIONS

#### *Forestry operations*

38. (1) The provisions of this section shall apply to all employers and workers whose work involves forestry operations.
- (2) The employer shall carry out risk assessment to identify and manage hazards and risks associated with all forestry activities so as to prevent any possible mishaps or accidents.
- (3) The risk assessment referred to in subsection (2) shall take into account topography of the land, working methods and equipment to be used, dangerous trees, electricity or telecommunication lines and roads.
- (4) All tools, machines and hazardous chemicals used in forestry work shall be used only by employees who have been trained and assessed as competent to use such tools, machinery and hazardous chemicals.
- (5) The employer shall provide adequate, appropriate and good quality PPE free of charge to all forestry workers and, at a minimum, these shall include safety helmet, work suits, hearing protection, eye protection, gloves, leg protection, chain saw boots and any other necessary forms of PPE depending on the nature of the risk or as may be prescribed by the inspector

#### *Forest road*

39. (1) Every forest road must be
- (a) built and maintained such that any road vehicle used for forest development work can move without danger;
  - (b) wide enough to allow safe usage;
  - (c) designed for passing areas if there is only one lane
- (2) Every bridge on a forest road must be
- (a) built, inspected and maintained by a competent person so as to be safe;
  - (b) equipped on each side with a longitudinal barricade of at least 50 cm in height and firmly fixed to the deck;

(c) used according to its load-carrying capacity, which must be indicated by way of signs and, where applicable, signals installed near the road at a distance of 30 m from each end of the bridge and that are visible day and night.

(3) Bends, steep declines, railway crossings, narrow surfaces such as bridges, truck crossings, areas of reduced visibility and speed limits must be indicated by way of signs and, where applicable, signals placed near the forest road and that are visible day and night.

#### ***Hand tools and portable power tools***

40. (1) The employer shall ensure that hand tools and portable tools used for forest development purposes must be used, maintained and kept in good condition in accordance with the manufacturer's instructions or other standards offering equivalent safety
- (2) The employer shall ensure the use of tools, machines and equipment of good design and construction taking into consideration ergonomic principles.
- (3) The employer shall take into consideration ergonomic principles in the use of specialised machines such as chain-saws, brush saws and grass cutters so as to strike a balance between the machine size and power required for the job.
- (4) All workers who use specialised machines such as chainsaws, brush saws and grass cutters shall be trained to the necessary level of competence required to use the machine safely. Training records for such trainings shall be maintained and subjected to inspection by the inspector.
- (5) A fire extinguisher or other firefighting equipment capable of controlling the beginning of a fire must be within reach of a worker using a chain saw or brush cutter

#### ***Forestry mobile equipment***

41. (1) The employer shall ensure that forestry mobile equipment is:
- (a) equipped with a lighting system when used for night work or during inclement weather conditions ;
  - (b) equipped with an extinguisher placed within the operator's reach;
  - (c) maintained and cleaned so as to prevent any risk of fire;
  - (d) equipped with a parking brake;

- (e) equipped with a roof if there is a risk of falling objects as well as the protection of the operator from bad weather conditions such as rain and intense heat of the sun
- (f) equipped with a cab with full doors and a protective screen if the operator risks being hit by an object;
- (g) equipped with a rollover protective structure where there is a risk of rollover;
- (h) equipped with an ergonomically sound driver's seat as well as with a safety belt.

The wearing of a safety belt shall be mandatory for forestry mobile equipment operators

- (i) equipped with grip handles, non-slip steps or ladders installed so as to enable safe access by the driver and facilitate maintenance;
  - (j) equipped, where it has catwalks or platforms, with a non-skid floor and guardrails.
- (2) An operator shall not leave the controls of a forestry mobile equipment without first securing the blade or lifting arms on the ground so as to prevent inadvertent movement and without applying the parking brake if the machine is so equipped.

#### ***Truck or trailer***

42. (1) The employer shall ensure that a truck or trailer is:
- (a) used for loads that do not exceed its capacity;
  - (b) used according to conditions on the work site;
  - (c) equipped with a protective screen between the cab and the load, fastened so as to ensure the driver's safety in case the load shifts.
  - (d) used for its intended purposes

#### ***Hand felling***

43. (1) Every worker who fells a tree manually using a hand-held chain saw shall
- (a) be at least 18 years of age;
  - (b) have received theoretical and hands-on occupational health and safety training with regards to identification and management of hazards associated with tree felling



- (c) hold a chainsaw operator's certificate attesting that the worker received such training required in subsection (1b). The record of such training shall be maintained and subject to inspection by the inspector
- (2) When a tree is being felled by hand, only the worker performing the task may be in the felling area. A minimum distance of two tree lengths must be maintained between 2 tree fellers (OSHA, Safe work Australia, Forestry South Africa, HSE-UK)
- (3) The tree to be felled shall not be hand felled unless a risk analysis has been carried out and determines a safe felling method to be used.
- (4) a tree which has a back cut already started must never be left standing
- (5) a tree retained during its fall must never be left standing or slashed
- (6) In the cases referred to in subparagraphs 4 and 5, the tree shall, subject to the use of an appropriate hand technique taught during the training provided for in section (1 b), be freed by a skidder or other means of mechanical traction

### ***Timber Logs processing machinery***

#### ***Circular saws***

- 44 (1) No employer shall require or permit any person to operate a power-driven circular saw—
- (a) at a speed in excess of the manufacturer's rated maximum speed for the saw blade
- (b) which is in any way damaged or the teeth of which are not regular or correctly sharpened and set.
- (2) The employer shall cause every circular saw to be guarded as follows—
- (a) behind and in direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid and easily adjustable and shall also conform to the following conditions—
- (i) the edge of the knife nearest the saw shall be in the form of an arc of a circle, having a radius not exceeding the radius of the largest saw used on the bench by more than 3,5 millimetres;
- (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 of the knife and teeth of the saw shall not exceed 12 millimetres;

- (b) the saw blade below the bench table shall be effectively guarded;
- (c) the part of the saw above the table shall be covered by a substantial guard which shall cover the saw at all times to at least the depth of the teeth and which shall be so arranged as to adjust automatically to the thickness of, and to remain in contact with, the material being cut:

Provided that-

- (i) where such a guard is impracticable, the top of the saw shall be covered by a strong manually adjustable guard with a side projection at the side of the saw opposite the fence, which shall be kept so adjusted as to extend to a point as low as practicable to the cutting point of the saw and with the flange extending below the roots, of the teeth of the saw;
- (ii) in the case of a break-down saw the guards shall be such as effectively to cover the top of the saw blade;

(d) tilting saws and tilting table circular saws shall be so arranged that the adjustment of the riving knife and the guard remains effective with any position of the saw or table.

(3) The employer shall cause every swing or pendulum saw which is moved towards the material—

- (a) to be guarded so that only the cutting portion of the saw is exposed; and
- (b) to be kept away automatically from the cutting position by means of a balance weight or other suitable appliance.

(4) The employer shall cause every portable power-driven circular saw to be fitted with a fixed guard above the slide, or shoe, which shall be such as to cover the saw to at least the depth of the teeth and shall automatically cover the portion of the saw below the slide, or shoe, whilst actual sawing is not being carried out.

(5) The employer shall provide suitable mechanical apparatus for holding rough timber which is to be slabbed by circular saw.

(6) The employer shall provide an efficient guard for the automatic feed rollers of every circular saw.

## Fishing Safety

### *Safety and health measures in Fishing*

45. (1) The employer shall carry out risk assessment to identify and manage hazards and risks associated with all fishing operations so as to prevent any possible occupational accidents and ill health conditions.
- (2) The fishing vessel owner (employer) shall have the overall responsibility to ensure the safety of his or her fishing vessel and that the skipper (person having command of the vessel) is provided with the necessary resources and facilities to carry out fishing operations in a safe manner.
- (3) The skipper shall have the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas—
- (a) providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;
  - (b) facilitating on-board occupational safety and health awareness training; and
  - (c) ensuring compliance to operational standards for safe operations.
- (4) The skipper shall not be constrained by the fishing vessel owner (employer) from taking any decision which, in his or professional judgement is necessary for the safe operation of the vessel or the safety of the fishers on board.
- (5) The employer shall install emergency stop (e-stop) devices on hydraulic deck machinery to prevent entanglement injuries.
- (6) Fisher shall—
- (a) maintain watertight integrity by inspecting and monitoring the hull of the vessel, ensuring that watertight doors and hatches are sealed;
  - (b) put on Personal Floatation Devices (PFDs) (life jackets and immersion suits);
  - (c) carry a fully equipped first aid kit for emergencies and one person on board who is a trained first aider;
  - (d) report any accidents, incidents and near misses to the employer immediately;
- (7) The minimum age for work on board a fishing vessel shall be 18 years.

(8) The minimum age for assignment to fishing activities which by their nature or the circumstances in which they are carried out are likely to jeopardize the safety and health of young persons, shall not be less than 18 years.

(9) Fishers who work on board a fishing vessel shall have valid medical certificates attesting to fitness to perform their duties.

(10) The medical certificate of a fisher shall state, at a minimum, that—

(a) the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel; and

(b) the fisher is not suffering from any medical condition likely to be aggravated by service at the waters or to render the fisher unfit for such service or to endanger the safety or health of other persons on board.

(11) The medical certificate shall be valid for a maximum period of two years.

(12) Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorised persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel.

(13) Fishing vessel personnel shall, before being assigned to any shipboard duties, receive basic training or instruction and shall meet the appropriate standard of competence in the following areas:

(1) personal survival techniques, including donning of lifejackets and, as appropriate, immersion suits;

(2) fire prevention and firefighting;

(3) emergency procedures;

(4) elementary first aid;

(5) prevention of marine pollution; and

(6) prevention of shipboard accidents. (*International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995*)

### ***Crocodile farming safety***

46. (1) The employer shall carry out risk assessment to identify and manage hazards and risks associated with all crocodile farming activities so as to prevent any possible occupational accidents and diseases.
- (2) The employer shall educate workers whose work entails crocodile farming on hazards associated with such work, including exposure to crocodile attack, exposure to biological hazards in the form of bacteria and viruses and in particular exposure to disease agents such as salmonella, trichinella and chlamydia.
- (3) The employer shall provide free of charge the workers involved in crocodile farming with:
- (a) adequate and appropriate personal protective clothing such as work suits, gloves, and non-slip and waterproof gumboots
  - (b) insulated personal protective clothing for freezers or chillers and refrigeration units;

## **PART XI**

### **GENERAL WORKPLACE SAFETY AND HEALTH**

#### ***Agriculture installations (buildings, building facilities and facilities in the field)***

47. (1) For the purpose of this regulation, agriculture installation shall include buildings, farm workshops, animal housing, storage facilities, wells and pumps, stockyards, pens, crop, machinery maintenance structures and any other installations.
- (2) The employer shall ensure that the design and construction of agricultural installations including the building materials used and layout, illumination, ventilation, storage of hazardous materials and electrical installations is safe and that the installations are maintained in a state that preclude workers from danger.
- (3) Buildings and structures shall be fire resistant and insulation materials used on building shall be non-combustible and non-toxic.
- (4) Clearly marked and separate pathways for employees and mobile equipment shall be provided and measures shall be taken to prevent workers from performing work in areas where there is a risk of interfacing with mobile equipment:
- Pathways for mobile equipment shall have sufficient width, height, and turning space.
- (5) Walking ways shall be free from any form of obstruction and where there are low hanging structural support measures shall be taken to ensure that workers are provided with suitable head gear to prevent the danger of hitting against the structural support.

(6) Agricultural installations shall be sufficiently illuminated for the tasks being performed therein in accordance with lighting requirements stated on section 34

(7) Employer shall ensure that electrical installations, such as lights, electrical plugs and sockets, wires and distribution boards at the agricultural enterprise are designed and maintained in a safe manner by qualified and competent person.

(8) Employer shall secure farm canals, ponds, slurry storage pits, water-filled well tailings pits and wells to safeguard workers, members of the community and animals against the risk of drowning

(9) The employer shall provide free of charge life jackets to all workers that work in environments where there is the risk of drowning.

### *Slips, trips and falls*

48. (1) The employer shall identify and manage all risk factors associated with slips, trips and falls within the operations at an agricultural enterprise.

(2) Openings, including pits, shall be covered or barricaded, well-lit and clearly marked with warning signs.

(3) Any work in any place where, if there were no precautions in place, a person could fall at a height of at least 1.8 meters shall be considered to be work at height

Where it is reasonably practicable work at height shall be avoided

(4) Where work at height cannot be avoided, either an existing place of work that is already safe or the right type of fall protection equipment shall be used.

(5) No person shall be permitted to work at a height unless he is sufficiently trained and informed of hazards involved

(6) A suitable permit to work at heights shall be issued by a competent person to facilitate safe completion of the work

(7) As a general guiding principle of prevention, every employer shall first consider collective protection, whereby everyone who is at risk is protected, then consider personal protection, that only protect individuals only in circumstances where it is not practical to consider collective protection

(8) Stairways, elevated platforms and walkways shall be kept clear from any form of obstruction, well lit and provided with hand rails for worker's stability and balance to reduce their risk of stumbling or slipping.

(9) Temporary workplaces such as mobile elevated work platforms shall be equipped with suitable guard rails or other edge protection structures and, if such

measures do not eliminate risk of falling, then employees shall be provided with, and trained in the use of, fall protection systems such as safety harnesses.

- (10) The employer shall ensure that good housekeeping is maintained in order to minimise slips, trips and falls. The employer shall further instruct and supervise workers on maintaining good housekeeping.

### *Ladders and step-ladders*

49. (1) Every employer shall ensure that –

(a) every ladder and step-ladder is of good and rigid construction, sound material and adequate strength for the purpose for which it is used

(b) for every 4 meters of ladder height, the base of the ladder is to be placed 1 meter away from the wall to ensure the ladder is positioned at the correct angle for safety and stability.

(b) where a fixed ladder is used as a means of access or communication or as a working-place, the ladder shall extend, or an adequate hand-rail shall be provided, to a height of at least one metre above the place of landing or the highest rung to be reached by the foot of any person working on the ladder, as the case may be:

Provided that the provisions of this paragraph shall not apply to a crawling ladder.

(c) ladders or step-ladders have a level and firm footing;

(d) every ladder is fixed so that it can move neither from its top nor from its bottom point or rest:

Provided that if it is not practicable to so fix a ladder, a person shall stand at the base of the ladder to prevent slipping;

(e) no ladder is used which has a missing or defective rung, or any rung which depends for its support solely on nails, spikes or other similar fixings, and all rungs are spaced equally not more than one third of a metre apart throughout the length of the ladder;

(f) no wooden ladder shall be used unless it is constructed with-

- i. uprights of adequate strength made of straight-grained wood free from defects and having the grain of the wood running lengthwise; and

ii. rungs made of straight-grained or securely notched into the uprights;  
and

iii. reinforced metal ties if the tenons are not secured by wedges

(g) undue sagging of ladders does not occur.

(2) Every ladder or run of ladders rising a vertical distance of over 9 metres shall, if practicable, unless fitted with a safety cage or safety hoops, be provided with an intermediate landing place or places so that the vertical distance between two successive landing places shall not exceed 9 metres.

(3) The employer shall ensure that ladders are properly maintained and are appropriate for the task at hand and that workers are trained on the proper use of such ladders

(4) Anti -slippery foot protection shall be provided free of charge to all workers using ladders.

(5) Ladders shall be regularly inspected by a competent person to check for any defects and maintained to ensure their safe use at work.

#### ***Farm workshop***

50. (1) For the purposes of this regulation, a farm workshop shall be a location where most repairs of farm equipment, machinery and tools take places.

(2) The employer shall identify and manage the hazards and risks for all activities happening in the farm workshop, which may include ergonomic risks, unguarded dangerous moving parts of machinery , slips, trips, falls, noise, vibration, power tool hazards, electrical shocks, fires from flammables materials and fumes and vapours from welding among others.

(3) The employer shall ensure the maintenance of good housekeeping at all times in the farm workshop.

(4) All floors, stairs or ramps at a farm workshop shall have unbroken and slip resistant surfaces

Handrails or other safeguards shall be provided on ramps and stairs

(5) The employer shall ensure that employees are properly trained in carrying out repair or maintenance work of equipment and machinery in a safe manner.



- (6) The employer shall establish and enforce a lock out system to ensure that power to equipment or machinery is isolated and movement of all rotating parts are stopped prior to carrying out repairs or maintenance work.
- (7) The employer shall provide appropriate lifting appliance to enable safe lifting of heavy machinery and equipment or loads so as to protect workers against ergonomic risks
- (8) Every lifting-appliance and every part thereof, including all working gear and all plant or gear used for anchoring or fixing such appliances, shall be inspected before being put into use, and thereafter, at least once in every calendar month, by a competent person approved by the Director, and a report of the results of every such inspection signed by the person making the inspection is entered in the register forthwith
- (9) Every lifting-appliance is securely supported and every part of such framework or other structure of every mast, beam, pole or other article of plant supporting any part of a lifting-appliance is of good construction, sound material and adequate strength, having regard to the nature of the lifting-appliance, its lifting and reaching capacities and the circumstances of its use;
- (10) Every lifting appliance shall not be operated other than by a person trained and competent to operate such appliance, except that it shall be permissible for such appliance to be operated by a person who is under the direct supervision of a competent person, for the purpose of training;
- (11) Under no circumstances shall lifting appliances be used to lift loads beyond its maximum permissible design load weight
- (12) Ventilation in the farm workshop shall be adequate to prevent exposure to exhaust fumes from engines or other welding activities.
- (13) The employer shall provide first aid kits in the farm workshop and ensure that workers on duty have access to a trained first aider in the case of an injury in line with the provision of the Act.
- (14) The employer shall ensure the availability of serviced and adequate fire extinguishers that are maintained in good working condition and the provision of training to workers on the use of the equipment in the farm workshop.
- (15) Employer shall not permit workers to use compressed air to clean themselves
- (16) Agricultural entities that make use of boilers shall comply with the provision of steam boilers in the Act

(17) Under no circumstances shall drum boilers or any other improvised boilers be used at the farm to protect workers against the risk of explosion.

### ***Fuel Storage***

- 51
- (1) The employer shall apply risk assessment to determine hazards and risks associated with fuel transportation, storage, use and the location of both underground and above ground fuel tanks
  - (2) The employer shall take measures to control fall hazards from above ground fuel tanks
  - (3) Supporting structures of overhead fuel tanks shall be free from damage, corrosion and protected from vehicle impact
  - (4) Depending on the size of the fuel tanks, properly constructed catwalks shall be provided on the fuel tanks to enable safe access of the tank top.
  - (5) All ladders on the fuel tanks shall have handrails, securely attached and in good condition
  - (6) Fuel tanks shall have appropriate signage to identify their contents
  - (7) The employer shall erect a shed over the fuel pump to safeguard the fuel pump attendant from inclement weather conditions
  - (8) Appropriate and adequate firefighting equipment shall be installed by the fuel storage area

### ***Welding, flame cutting, soldering and allied work***

- 52
- (1) No employer shall require or permit the operation of welding or flame cutting to be undertaken unless –
    - (a) effective protection is provided, and used, for the eyes, for the face, hands, feet, legs, and clothes against heat, incandescent particles and dangerous radiations;
    - (b) leads and electrode holders are effectively insulated;
    - (c) the workplace is effectively partitioned off where practicable.

### ***Ventilation of work area***

53. (1) No Employer shall require or permit the operation of welding or flame cutting to be

undertaken in confined spaces unless –

- (a) effective ventilation is available and maintained; or
- (b) masks maintaining a supply of fresh air are supplied and used by the operator.

***Precautions in hazardous situations***

54. (1) No employer shall require or permit electric welding to be undertaken in wet or damp situations, in closely confined spaces, inside metal vessels or in general in contact with large masses of metal unless –

- (a) the insulation of the leads is in a sound condition;
- (b) the electrode holder is completely insulated to prevent accidental contact with current carrying parts;
- (c) the operator is completely insulated by means of boots, gloves or rubber mats; and
- (d) at least one other person who has been properly instructed remains in attendance during the operation:

Provided that the provisions of this subsection shall not apply to a welding process where the maximum voltage to earth does not exceed twenty-five volts.

(2) No employer shall require or permit flame cutting to be undertaken in closely confined spaces unless at least one other person remain in attendance during the operation.

(3) No employer shall require or permit the operation of welding or flame cutting to be undertaken in any elevated position unless suitable railing, safety belts, life lines or other effective means are provided to prevent persons from falling.

(4) No employer shall require or permit welding, flame cutting, soldering and similar work to be undertaken to tubes, tanks, drums, vessels and the like when these –

- (a) are completely closed, unless a rise in internal pressure is not material to safety;

- (b) contain substances which, under the action of heat may –

- (i) ignite or explode; or

- (ii) react to form dangerous or poisonous substances;
- unless a suitably qualified person has certified in writing, after examination, that these dangers have been removed by opening, ventilating, purging with water, steam or by other effective means.
- (5) Under no circumstances shall employer use gas welding equipment that is not fitted with flashback arrestors

### *Stacking of materials*

- 55. (1) The employer shall ensure that materials are stacked in such a manner as to preclude danger to any person being caused by the collapse of any stacked materials, goods or products, and, whether or not such materials are packed in containers or in bulk state, stacks shall be constructed or piled to the satisfaction of an inspector.
- (2) Materials, goods or products forming parts of stacks shall be removed from stacks only in such a manner as to prevent danger to any person.
- (3) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations
- (4) Each worker required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with personal fall arrest equipment
- (5) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or workers
- (6) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse
- (7) The stacking height of unsupported stack should not exceed three times the smaller dimension of the underlying base of the stack

### *Emergency preparedness response plan and procedure*

- 56. (1) The employer shall assess all potential risks of emergency the agricultural enterprise is exposed to and establish an emergency preparedness response plan and procedures that ensure —
  - (a) the identification of all types of potential emergencies in the agricultural enterprise
  - (b) the identification of a person responsible for declaring an emergency

- (c) the availability of the means of calling for an emergency , either using a siren or alarms or other contrivance

The means of calling for an emergency must be inspected on a periodic basis to ensure the equipment is working properly all the times

- (d) the availability of a procedure for orderly and systematic shutdown of machinery and equipment
- (e) the availability of unobstructed clearly marked emergency assembly point/s outside any building or structure
- (f) the availability of emergency action instructions displayed on notice boards accessible to all workers
- (g) the availability of adequate emergency fighting equipment and trained emergency response team
- (h) the conducting of emergency drills on a periodic basis shall be conducted periodically at least twice a year
- (i) there are safe means of escape, kept free from obstructions and clearly marked;
- (j) every worker is educated and trained on critical steps to be taken in the event of an emergency situation
- (k) the posting of reverse parking signage on all vehicle or mobile equipment parking area and the enforcement of reverse parking on all vehicle or mobile equipment users

(2) The employer shall clearly communicate to employees all procedures to be followed in case of emergencies and shall periodically carry out regular training on such procedures.

(3) The employer shall ensure the availability on site of chemical safety data sheets and appropriate antidotes for all hazardous chemicals

(4) The employer shall ensure that its emergency preparedness and response plan and procedures are communicated to the local community and on periodic basis shall carryout emergency awareness campaigns targeting the local community.

(5) For **fire emergency** the following precautions shall be taken –

- (a) The employer shall take measures to identify all sources of fire risk and institute precautions to avert the risk of fire.

The sources of fire in agriculture include but not limited to smoking, lightning, excessive storage of combustible waste materials, bee hunting, loose electrical installations and systems and improper storage of flammable liquids, and poor housekeeping

- (b) The employer shall ensure the availability of adequate, right type and serviced firefighting equipment/ system mounted at conspicuous, accessible and clearly marked fire points that are approximately 1.5 meters above the ground
  - (c) The employer shall ensure the availability of trained fire fighters adequately positioned in terms of fire risk assessments.
  - (d) All firefighting equipment/system shall be inspected and maintained on a regular basis and records of such inspection and maintenance shall be kept by the employer for inspection by the inspector.
  - (e) Establishment of fire guards around the agricultural enterprise which measures at least 9m and which is kept free from any form of flammable material
- (6) Every employer shall cause adequate precautions to be kept on all reasonably accessible sources of danger of flooding of his premises, and arrange to take immediate measures to counteract any possibility of such danger (*repeated*)
- (7) Employers shall assess risks of spontaneous combustion from various sources and ensure that proper design for storage and aeration of crops in granaries, bins, silos and barns
- (8) The employer shall ensure that oxygen-limiting silos are designed so that they can be kept sealed (closed), except for loading or unloading

#### ***Protection against lightning hazard***

57. (1) The employer shall take reasonable steps to protect workers who work indoors and outdoors from the risk of being struck by lightning hazard.
- (2) The employer shall cause the installation of lightning protection systems on all infrastructure, installations and buildings to be done by competent person.
- (3) The employer shall educate and instruct all its workers to adhere to the following safety precautions against lightning strikes—
- (a) they shall not go outdoors or remain out in the open during thunderstorms, unless it is reasonably necessary.

- (b) They shall seek shelter inside lightning protected buildings or other structures or locations which offer protection from lightning;
- (c) if there is any choice, they shall choose shelters in the following order, with the first being the most preferable and the last being the least preferable;
  - (i) dwelling houses or buildings which are protected against lightning;
  - (ii) large unprotected buildings;
  - (iii) dwelling houses which are not protected against lightning keeping away from doors, windows, fireplaces, stoves, and other metal objects, electrical wiring and telephones
  - (iv) motor vehicles, buses with metal tops and bodies.
  - (v) dense woods or large grove trees, but avoid isolated trees.
- (d) if remaining out of doors is unavoidable, they shall keep away from the following—
  - (i) tractors and other farm machinery operating in the open fields;
  - (ii) motor cycles, scooters and bicycles;
  - (iii) open boats not protected against lightning;
  - (iv) open fields and sports fields;
  - (v) golf courses;
  - (vi) swimming pools, lakes and sea shores;
  - (vii) wire fences, clothes lines, overhead wires and railway tracks;
  - (viii) isolated trees;
  - (ix) hill tops and exposed positions;
  - (x) small unprotected buildings, burns, sheds;
  - (xi) tents and temporary shelters.

### ***Handling of animals***

58. (1) The employer shall assess the risk of injury due to handling of livestock which may arise from poorly designed, constructed or maintained livestock facilities.
- (2) The employer shall ensure that there are appropriate, adequate and safe handling facilities and equipment for the animals.
- (3) The employer shall ensure that equipment and handling facilities are assessed and maintained regularly and that facilities undergoing servicing, renovation or maintenance shall be appropriately isolated, locked out and labelled
- (4) The employer shall ensure that –
- (a) fencing and gates are strong and durable to contain animals;
  - (b) alleys and chutes are wide enough to permit animals to pass, but not wide enough for the animal to turn around in;
  - (c) alleys and chutes are constructed with solid walls rather than fencing materials to withstand the weight of animals; and
  - (d) containment facilities, such as squeeze chutes, are used when performing activities that require close contact with individual large animals (e.g. trimming hooves, immunization).
  - (e) floors, ramps and steps are roughened to prevent slips under wet conditions;
  - (f) walking or working surfaces are free of tripping and slipping hazards;
  - (g) floors, working places and passageways are kept free from protruding nails, splinters, holes, sharp corners and loose boards;
  - (h) low beams, steps or uneven floors are marked with reflective caution tape;
  - (i) stairs, high walk areas, ladders and ladder openings have handrails and guard rails; and
  - (j) lighting is even and diffused to eliminate glare.
- (5) Employers and workers shall ensure that children or other members of the public are not allowed to enter any yard or pen occupied by potentially dangerous animals
- (6) Workers shall be trained on the proper and safe handling of dangerous animals and purposely built pens for dangerous animals shall be provided.
- (7) The employer shall ensure that bodies of water such as dug-outs and sewer lagoons that represent a risk to children or the public or animals are fenced



appropriately, and that bodies of water that are in danger of being contaminated by livestock or manure, such as streams, rivers or ponds, are also fenced

### *Confined spaces*

59. (1) For the purposes of this regulation, a confined space shall be one large enough for the worker to enter, has limited or restricted means of entrance or exit and is not designed for continuous work. Confined spaces at agriculture establishments shall include grain storage pits, silos and boilers. Temporary occupancy into these confined spaces may entail performing repairs in boilers, servicing a sump well, cleaning a silo or milk tank.
- (2) The employer shall carry out a comprehensive risk assessment to identify confined spaces at the establishment and ensure appropriate preventive measures are in place.
- (3) All confined spaces shall be clearly marked with warning notices prohibiting unauthorised entry into such places.
- (4) The employer shall establish an appropriate system of entry into or procedure for working in confined spaces and shall ensure that permits to work in these areas are issued prior to conducting work in a confined space.
- (5) The employer shall ensure that confined spaces that are not totally enclosed, such as manure pits and upright silos, are adequately ventilated before entry and that the ventilation shall continue whilst work is ongoing.
- (6) The employer shall ensure that no worker enters a manure pit or similar facility without an externally driven air mask, a safety harness and that two co-employees stay at the surface ready to extract the exposed employee at a moment's notice.
- (7) Workers shall be trained by their employers on methods of working safely in confined spaces including proper use of personal protective equipment.
- (8) Before entry into a confined space by any employee, the space shall be adequately ventilated or purged to ensure that all noxious gases are removed and measurements shall be conducted to establish the levels of noxious gases therein.

### *Provision of seats*

60. (1) Every employer shall supply and maintain a sufficient number of seats approved by inspector, for the use of those persons whose work is ordinarily performed standing, and permit such employees to take advantage of any opportunities for resting which may occur in the course of their employment.

(2) An employer shall supply chairs with foot-rests, cushioned seats and back-rests for the use of persons who ordinarily perform their work sitting

### ***Welfare and accommodation facilities***

61. Welfare facilities shall consist of basic amenities which employers may, and, in circumstances provided in this regulation or other law shall, provide at agricultural enterprises and these shall include safe water, toilets, food services, occupational health services (first aid, medical care), housing and day care facilities.

#### ***Water***

62. (1) The employer shall provide adequate potable water for cooking, drinking, washing, personal hygiene and other related activities to all workers including field workers.

(2) Non-potable water shall be clearly distinguishable from potable water to prevent usage of water not suitable for human consumption.

(3) Mobile drinking water dispensers should be designed, constructed and maintained to ensure sanitary conditions

#### ***Toilets***

63 (1) Employers shall provide sufficient and appropriate number of toilets that are easily accessible in all agricultural worksites in accordance with the provisions of the Act

(2) The employer shall provide separate toilets for each sex, which afford suitable privacy and toilets shall be built for single occupancy and lockable from inside.

(3) Employers shall provide either portable toilets or construct toilets for use by employees working at remote worksites.

(4) Employers and employees shall maintain toilet facilities in a clean state and the employer shall supply sanitary paper.

(5) Hand-washing facilities with an adequate supply of potable water, ideally warm, soap, and single-use towels or air blowers should be conveniently located near the toilets. The hand washing facilities shall be provided in accordance with the provisions of the Act

(6) Toilet facilities shall be well ventilated and illuminated.

(7) Workers shall be made aware by their employers of the importance of good personal hygiene practices to reduce exposure to biological hazards that may result in communicable diseases and keep the facilities in high state of cleanliness.

(8) The employer shall ensure that the sewage disposal system works properly and that it does not result in contamination of water sources and the environment.

## **NB**

### ***Water closets***

(4) *Every workplace where water-borne sewerage is available, approved water closets, easily accessible, shall be provided as follows—*

*(i) where the number of employees is less than 75 persons, 1 water-closet shall be provided for every 15 employees or part thereof for each sex;*

*(ii) where the number of employees exceeds 75 but is less than 400, in addition to the water closets required in terms of subparagraph (i), 1 water-closet shall be provided for every 25 employees or part thereof of each sex in excess of 75 employees;*

*(iii) where the number of employees exceeds 400, water closets in addition to that required for 400, shall be provided in the proportion of 1 closet to every 50 or part of 50 employees for each sex;*

*(iv) where water-borne sewerage is not available, closets to the number and of the type approved by an inspector, shall be provided;*

*(v) when 5 or more male persons are employed in a workplace, urinals shall be provided in the proportion of at least 1 for every 25 such employees or part thereof*

*(vi) Every closet and urinal shall be ventilated to the open air*

### ***Washing facilities***

*(1) In every workplace the employer shall provide approved washing facilities in the proportion of at least 1 wash-basin to every 15 persons or part thereof for each sex employed therein, not exceeding 75 employees of each sex*

*(2) Where the number of employees exceeds 75 but is less than 400, in addition to the washing facilities required in terms of subsection (4), 1 wash-basin shall be provided for every 25 employees or part thereof of each sex in excess of 75 employees*

*(3) Where the number of employees exceeds 400 hundred, wash-basins in addition to that required for 400 hundred, shall be provided in the proportion of 1 wash-basin to every 50 or part of 50 employees for each sex*

*(4) Where the work or processes carried on are, in the opinion of an inspector, of such a nature that additional washing-facilities are necessary, he may direct the employer to provide shower-baths, and hot and cold running water to wash-basins and shower-baths.*

## ***Food services***

64 (1) Where meals and other food supplies are made available to the workers directly by the employer or by a contracted caterer, the food shall be of good quality composed of a good balance of carbohydrates, fats and protein

- (2) Workers providing their own food should be provided with a suitable storage place
- (3) Every employer shall provide and maintain in good condition, suitable facilities where employees may prepare and consume their meals.
- (4) The facilities for taking meals provided shall be equipped with suitable tables and seats
- (5) No person shall be permitted to consume food or drink in any room where any hazardous substance liable to be injurious to health is being produced, handled or stored
- (6) Where workers are widely dispersed over worksites, arrangements should be made, where practicable, to provide mobile canteens or the transportation of food and beverages to the worksite for consumption during the meal breaks
- (7) The employer shall ensure that all food handlers that include those who are directly employed by the agricultural enterprise, or hired caterer or contractor hold valid food handlers medical certificates

#### ***Occupational health services***

65. (1) Every employer shall establish occupational health services or have any arrangement for the provision of such services to its workers in relation to:-
- a) identification and assessment of the risks from health hazards in the agricultural enterprise;
  - b) surveillance of the factors in the working environment and working practices which may affect workers' health;
  - c) advice on occupational health, safety and hygiene ,ergonomics and individual and collective protective equipment;
  - d) surveillance of workers' health
  - e) contribution to measures of rehabilitation;
  - f) first aid and emergency treatment;
  - g) analysis of occupational incidents, accidents and occupational diseases.

#### ***Health Surveillance***

66. (1) Where in the opinion of an inspector, the nature of any process, activity or occupation in an agricultural enterprise is such as to make it necessary, in the interest of

health or safety, for any person employed thereto to be examined by a medical practitioner, an inspector may direct that such person shall be so examined before he is engaged in the process, activity or occupation, and at such intervals thereafter as the inspector may direct.

(2) The expense of such medical examination contemplated in subregulation (1) and the interpretation of results shall be borne by the employer.

(3) Every medical practitioner who upon examination of any person is of the opinion that the said person is suffering from ill-health as a result of the patient's employment in the agricultural enterprise, shall report the matter in writing to an inspector and the workers compensation commissioner.

(4) An employee who has been required to undergo medical examination in terms of Section (1) in any process, activity or occupation and the medical practitioner reports that such person is not medically suitable to engage in such process, activity or occupation no employer shall require such person to engage in such activity or occupation.

#### ***First aid provision***

67. (1) The employer shall ensure that all employees on duty have access to first aid equipment and the services of trained first aiders including those in the field

(2) For the purposes of this regulation, a person shall be considered as a trained first aider if he or she is a holder of a valid first aid training certificate issued by a reputable institution approved by the Director.

(3) First-aid boxes provided by the employer shall always be clearly marked and easily accessible to workers work site.

(4) Every workplace shall provide fully equipped first aid boxes or cupboards as defined by the Act

(5) Where work activities are conducted at different sites within the agricultural enterprise that are far away from each other as the inspector may determine, the employer shall cause the availability of a trained first aider and a fully equipped first aid box on each activity aforementioned

(6) Where there is need for elaborate medical care, establishments shall have arrangements with external health providers to deal with workplace injuries and diseases due to workplace activities.

(7) The employer shall put in place adequate first aid arrangements for chemical handlers as guided by chemical safety data sheets and chemical labels

**NB** Every workplace shall provide fully equipped first aid box or cupboard in the proportion of at least 1 first aid box or cupboard to every 100 persons or part thereof for workplace with employees not exceeding 100 employees and at the discretion of the inspector the number of first aid boxes or cupboards may be increased.

(5) Where the number of employees exceeds 100, an employer shall provide and maintain an additional first aid box or cupboard for every additional 100 persons or fraction thereof and at the discretion of the inspector the number of first aid boxes or cupboards may be increased

(8) There shall be at least 1 fully equipped first aid box on each floor of the building for buildings that have more than one floor and the number of first aid boxes may be increased as directed by the inspector

(7) First aid box or kit or cupboard shall be stocked in relation to the number of employees the first aid box, kit or cupboard is meant to serve as defined in the Act

### ***Housing and shelters***

68. (1) Housing and accommodation which may be provided to employees at agricultural establishments shall satisfy minimum housing standards for decent accommodation, ie the supply of potable water in the workers' dwellings; sewage and waste removal systems; protection against heat, cold, damp, noise, fire, and disease-carrying animals, particularly rodents and insects; adequate sanitary and washing facilities; ventilation; cooking and storage facilities; natural and artificial lighting; a minimum degree of privacy, and the separation of living quarters for persons from those for animals
- (2) The employer shall ensure that accommodation provided for seasonal and migrant workers meets minimum housing standards
- (3) Any application of chemicals should be conducted in a manner that does not affect workers' living quarters
- (4) During hot weather conditions, shaded rest areas shall be made available by the employer at all worksites in order to minimise problems of heat exhaustion.
- (5) Employers shall, where necessary provide nursery, day care and nursing facilities where their employees are parents

### ***Workplace wellness programmes***

69. (1) Agriculture workplaces shall promote workers total wellbeing by establishing and implementing a workplace wellness policy and programme
- (2) The company wellness policy and programme developed in section (1) shall address workers wellness aspects with regard to maintaining a healthy lifestyle, through among other measures provision of balanced diet, personal hygiene, rest and recreation,

exercise, measure to control drug abuse problems, prevention and management of HIV/AIDS, measures safeguard workers against workplace violence, bullying and harassment.

(3) The employer shall ensure that all workers that are either injured at work or contract an occupational disease have access to workers' compensation coverage as required under the Workers Compensation Act.

### ***Workplace violence, harassment and bullying***

- 70.** (1) Every worker shall have the right to be treated with dignity and respect and to be free from all forms of violence, harassment, and bullying, in the workplace.
- (2) The employer shall develop comprehensive policy and procedures to address issues of violence, harassment and bullying at the workplace
- (3) Workers and their representatives shall take all reasonable care to prevent, reduce and eliminate the risks associated with workplace violence and harassment. They shall: –
- (a) cooperate with employers to develop appropriate risk assessment strategies and prevention policies, paying particular attention to vulnerable workers;
  - (b) identify factors that increase the risk of workplace violence and harassment at particular worksites or when carrying out specific activities and bring them to the attention of the employer
  - (c) report acts of workplace violence and harassment to the employer and /or relevant authorities in accordance with national laws.
- (4) In conducting a risk assessment of workplace violence and harassment in section (3), account shall be taken of the following signs of possible workplace tensions: –
- a) incidents of physical assault leading to actual harm;
  - b) intense or ongoing verbal abuse, including sexual innuendo, aggressive body language, threatening behaviour or the expression of the intent to cause harm; and
  - c) high levels of absenteeism and personnel turnover, which are indicative of problems in the workplace.
- (5) The employer shall provide appropriate medical treatment where required, to workers affected by workplace violence.
- (6) The employer shall develop grievance and disciplinary procedures to deal with complaints of workplace violence and harassment:

These procedures shall include a fair and equitable process for the investigation and resolution of complaints.

(7)The employer shall ensure the confidentiality of any information on workers exposed to or suffering from workplace violence or harassment.

### *Personal Protective Equipment*

71. (1) The employer shall provide supplementary protection against exposure to hazardous conditions in agricultural production where the safety of workers cannot be ensured by other means, such as eliminating the hazard, controlling the risk at source or minimizing the risk.

(2) Every employer in agricultural enterprise –

(a) shall supply, free of charge, maintain in good condition, adequate and suitable work clothes, protective clothing and equipment, applicable for the class of work and hazards thereof as guided by Schedule 11 on guidelines on personal protective equipment use

The protective clothing and equipment provided shall be of a quality that satisfies recognized local or international standards approved by the Director and

(b) may be required to provide suitable eye showers, whole body flood showers and quench pits or pools where any dangerous substance or substances liable to be injurious to health, are produced, stored or handled by the inspector.

(3) Every employer shall supply free of charge, to all persons employed by him, who are working in, or whose duties take them to a room or place where machinery is in motion, with caps or nets which will fit the head and confine the hair if the length of such person's hair constitutes a danger.

(4) Workers shall wear the protective clothing or equipment supplied to them in terms of this section and the employer, as the case may be, shall take all reasonable steps to ensure that the protective clothing and equipment are worn or used by such workers.

(5) On any premises where hazardous substances or any substance liable to cause ill-health are handled or used, no person shall be allowed to take home protective clothing or equipment. In such a situation the employer shall be obligated to provide a facility for the laundering, cleaning, disinfection and examination of chemical protective clothing or equipment which has been used at the workplace

(6) In an agricultural enterprise where welding or flame cutting operations are performed, the employer shall provide and maintain screens or other devices approved by an inspector, to prevent injury to the eyes of any person in the vicinity of such operations.



## **PART XII**

### **OTHER GENERAL WORKPLACE SAFETY AND HEALTH**

#### ***Young workers and hazardous work***

72. (1) The employer shall ensure the observance of minimum age of 18 years for all work likely to cause safety and health risks
- (2) The employer shall comply with all the conditions and provisions for employment of young workers as stipulated in the employment (prohibition of hazardous work for children) order, 2012

#### ***Temporary and seasonal workers***

73. (1) The employer shall ensure that temporary or seasonal workers or task specific workers are given the same treatment in terms of occupational safety and health as the permanent workers

#### ***Women workers***

74. (1) The employer shall provide a designated, private space for breastfeeding at the workplace.
- (2) Agricultural enterprises that allow mothers with young children to bring them at work shall provide suitable accommodation/facility for safe keeping of children whilst their mothers are engaged in work activities

#### ***Work time arrangements***

75. (1) The employer shall ensure that wages, hours of work, break periods, night work, overtime, annual, sick, maternity and paternity leave are provided in accordance with requirements of the Employment Act of 2000

#### ***Workers working alone***

76. (1) The employer shall conduct risk assessment to identify and manage risks associated with lone working
- (2) The risk assessment in sub section (1) shall take into account the weather, travelling distance, terrain, and procedures in the event of an emergency situation

- (3) Under no circumstance shall a worker be allowed to work alone where the risks identified through the risk assessment process are too high or uncontrollable
- (4) Workers who work alone shall be provided by the employer with adequate OSH information and training on management of safety and health risks that they could be exposed to.
- (5) The employer shall provide means of communication such as mobile phones, telephones, radios, or other communication devices for lone workers to maintain regular contact as well as to call for help in the event of an emergency situation.
- (6) The employer shall institute a monitoring system to monitor the well-being of lone workers, such as regular check-ins or visits to lone workers or automatic warning devices such as panic alarms, no movement alarms, or automatic distress message systems
- (7) Workers working alone shall be trained on emergency preparedness and response and suitably equipped to deal with an emergency situation.

*(OSHA 1915.84: Working alone)*

### **PART XIII**

## **RECORDING AND NOTIFICATION OF OCCUPATIONAL ACCIDENTS AND DISEASES**

### ***Accident and Disease Register***

77. (1) Every employer shall keep at his workplace a record in an accident register (Schedule III) of all occupational accidents, dangerous occurrences, and incidence arising out of his work activities subject to inspection by the inspector .

(2) Every employer of any workplace shall keep in the form and manner prescribed by the Director a disease register and shall record in such register the particulars of any disease that would have occurred at his/her workplace

### ***Accident and Disease Reports***

78. (1) Where any accident occurs in a workplace which either -
- i. causes loss of life to a person employed in that workplace; or
  - ii. disables or is capable of disabling any person from carrying out normal duties which he is employed or results in the absence of the victim from

work for at least 3 days, written notice of the accident, in the prescribed form (Schedule IV) and accompanied by the prescribed particulars, shall forthwith be sent to the Director;

Provided that in the case of death or serious injury, the written notice shall, where practicable, be preceded by a telephone notification or any fastest means of communication that is available and within twenty-four hours to facilitate immediate investigation.

(2) Any class of dangerous occurrences specified in the First Schedule of the Act, whether death or disablement is caused or not, shall be reported to the Director using a fastest means of communication within 24 hours of occurrence.

(3) In the event of an accident causing serious injury or loss of life, no person shall disturb the site at which the accident has occurred or any objects involved in the accident before the arrival of an inspector, or without his consent:

Provided such action may be taken as may be necessary to prevent a further accident, to remove dead bodies and to rescue persons from danger.

(4) The employer of any workplace who has reasonable ground to believe or suspect, that any case of occupational disease as set out in a second schedule of the Act has occurred in the workplace shall notify the Director forthwith by using the fastest means of communication that is available or send a written notice of such case to the Director in the prescribed form.

(5) Every employer shall cause all occupational accidents and diseases to be thoroughly investigated and appropriate preventive measures implemented to prevent recurrence of similar occurrences.

## **PART XIII**

### **PROCEDURES AND MISCELLANEOUS**

#### ***Application of regulations***

79. (1) Where it can be shown that special circumstances exist which render compliance with the whole or any part of these regulations impracticable, unduly onerous or unnecessary, the Director may allow such relaxation or modification of the requirements of the regulations as he thinks fit:

Provided that the health or safety of persons is not endangered thereby.

(2) Any employer on whom application of subsection (1) may be necessary, as he or she so desires may apply to the Director to make a technical assessment of the working environment (schedule application form) who shall based on the assessment results make a determination as to either allow such relaxation or modification of the requirements of the regulations or not.

### ***Copies of Act and regulations***

80. (1) Every employer shall have in his possession a copy of the Act and regulations and shall at all times keep these copies on his premises, available for perusal by persons working thereon.

### ***Offences and penalties***

81. (1) Any person who contravenes or fails to comply with any provision of regulation 5 to 78, 80 shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of 1 000,000MWK for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

### ***Appeals***

82 (1) Any person who considers himself or herself aggrieved by a requirement or other decision of any Inspector or any regulations may, within seven working days of the date of such requirement or decision, lodge an appeal in writing with the Director in terms of the provisions of the Act

(2) The appeal shall set out fully and clearly the ground upon which is made together with any representations which the appellant desires to make as to why the decisions, requirements of instructions of an inspector should be cancelled or altered.

### ***Amendment of regulations***

83 The Minister may amend the regulations upon which, in his or her opinion, is necessary in advancing the protection of workers in agricultural enterprises

DRAFT

DRAFT

DRAFT