

# OCCUPATIONAL SAFETY, HEALTH

AND

## WELFARE ACT, ( CAP.55:07)

### ABSTRACT OF THE ACT IN THE FORM PRESCRIBED BY THE MINISTER OF LABOUR

To be kept posted in work places at principal entrances or at such place of an Occupational Safety and Health Officer may direct.

OCCUPATIONAL SAFETY AND HEALTH DIRECTORATE

Address of workplace .....

MINISTRY OF LABOUR, YOUTH AND MANPOWER DEVELOPMENT

Workplace occupier .....

PRIVATE BAG 344

LILONGWE 3

MALAWI

TEL: (265) 01 773 277

## ABSTRACT

### REGISTRATION OF WORK PLACES

1. Every workplace must not be occupied or used as workplace unless it is registered. Every person who intends to erect or cause to be erected or intends to alter or caused to be altered by buildings, as a work

place should first of all submit all particulars of intended building or alterations to the Director from approval.

### DUTIES AND RESPONSIBILITIES

2. DUTIES OF EMPLOYERS: every employer must ensure safety, health and welfare at work of all his employees and those authorized to enter the workplace premises.

3. DUTIES OF EMPLOYEES AT WORKPLACE: a person employed

in a workplace must not willfully interfere with or misuse any means, appliance, convenience other thing provided in pursuance of this Act for security safety, health and welfare and must use any means or appliance similarly provided for his use under the Act. He must not or willfully and without reasonable cause do anything likely to endanger himself or others.

### **HEALTH AND WELFARE**

4. **CLEANLINESS:** Every workplace must be kept clean, and free from effluvia arising from any drain, sanitary conveniences or nuisance. Accumulations of dirty and refuse must be removed daily by a suitable method from the floors and benches of workrooms, and from staircases and passages.
5. **OVERCROWDING:** A workplace must not, while work is carried on, be so overcrowded. There must be at least 11 cubic metres of space for every person employed not counting any space more than 4 metres above the floor. Every workroom must be at least 3 metres in height measured from the floor to the lowest point of the ceiling.

6. **VENTILATION AND TEMPERATURE:** Every workplace must have suitable provision for securing and maintain the circulation of fresh air. Every workplace must have effective and suitable provision for securing and monitoring in every workroom such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.
7. **LIGHTING:** There must be sufficient and suitable lighting, natural or artificial, in every part of a workplace in which person are working or passing.
8. **DRAINAGE OF FLOORS:** Where wet processes are carried on adequate means for drainage and disposal of wet must be provided.
9. **SANITARY CONVENIENCES:** Sufficient and suitable sanitary conveniences, separate for each sex, must be provided and kept clean. The standards have been prescribed by the regulations.
10. **WASHING FACILITIES;** Every workplace must have separate and

suitable washing facilities, which must be kept clean. Every 20 employees must be provided with at least one wash hand basin and one shower.

11. **DRINKING WATER:** An adequate supply of clean and portable water must be provided and practicable steps taken to prevent its contamination.
12. **CHANGE ROOMS.** Adequate and suitable accommodation must be provided for hanging or stowing clothing not worn during working hours, and for storage of protective clothing.
13. **SEATS.** Sufficient number of seats for use by employees whose work is ordinarily performed while standing must be provided.
14. **FACILITIES FOR MEALS.** Suitable facilities must be provided where employees may prepare and consume their meals. No person must be allowed to consume food or drink in workrooms where any poisonous substance is so used as to give rise to dust and fume.

15. **FIRST AID.** In every workplace there must be provided a first aid box or cupboard of the prescribed standard, which must contained nothing except first aid requisites, and be in charge of a responsible person who must always be readily available during working hours. A notice must be affixed in every workroom stating the name of the person in charge of the box provided in respect of that room. The standard of first aid requisites has prescribed by Regulations.

16. **MEDICAL EXAMINATION.** A director may require arrangements to be made for medical examination depending on the nature of any process activity or occupation in workplace. The expense of any medical examination shall be borne by the employer.

### **MACHINERY SAFETY**

17. **FENCING AND GUARDING OF DANGEROUS MACHINERY.** Every part of a transmission machinery and every dangerous part of other machinery and all parts of electric generators, motors, rotary converters and flywheels directly

connected to them, must security fenced unless they are in such a position, or of such construction as to be as safe to every person employed or working on the premises as they would be if securely fenced. Any part of the stock bar which projects beyond the headstock of the lathe must be securely fenced unless it is in such a position as to be as safe to every person as if it were securely fenced.

Devices or appliances for promptly cutting off the power from the transmission machinery must be provided in every room or place where work is carried on.

18. **HOISTS OR LIFTS.** Every host or lift must be of good mechanical construction, sound material and adequate strength and be properly maintained. Host and lifts will have to be thoroughly examined by a competent person at least in every period of six months.

19. **CRANES AND OTHER LIFTING MACHINES.** All parts and working gear (including anchoring and fixing appliances) of every crane and other lifting machines must be properly, maintained. All such parts must be thoroughly examined by a competent

person every 12 months and every substantial alteration or repair. A copy of each signed report shall be submitted to the Director within fourteen days of the date of examination. No lifting machines may be taken into use in a workplace for the first time unless it has been tested and certified. The safe working load or loads must be shown on every lifting machine and in the case of a crane with a derricking jib, an automatic indicator of safe working loads, or a table showing such loads, must be attached to the crane.

20. **CHAINS, ROPES AND LIFTING TACKLE.** No chain, rope or lifting tackle used for raising or lowering persons or goods may be used unless it is of good construction sound material and adequate strength and free from patent defect. Tables of safe working loads of such items of plant must be displayed on the premises, or the safe working load clearly marked on the tackle itself. All chains, rope and lifting tackle in use will have to be thoroughly examined by a competent person every six months, and must not (except for fibre ropes and fibre ropes slings), be taken into use for

the first time in workplace unless they have been tested or certified by the manufacturer.

21. STEAM BOILERS, STEAM RECEIVERS. Every part of every steam boiler and steam receiver must be of good construction, sound material, and adequate strength and free from patent defect. Detailed requirements are laid down as to safety valves, pressure gauges and other fittings.

Steam boilers must be thoroughly examined by an Inspector every 12 months, and also after extensive repairs, and in the case of steam receivers, every 24 months. Where new boilers are to be installed the occupier must provide the Director with details about the construction, and the boilers must be thoroughly examined before being used for the first time.

There are also safety requirements in respect of steam tube ovens and hot plates.

22. AIR RECEIVERS. Every air receiver and its fittings must be of sound construction and properly maintained. Detailed requirements

are laid down as to the fittings. Air fittings must be thoroughly cleaned and examined every 24 months, or at such longer period as the Director may approve but not more than 48 hours.

23. GAS PLANTS. Every gas generator, cleaning plant and storage plant must be installed in the open air and may be protected by a shed or structure allowing permanent ventilation, opening directly to the open air.

24. GAS CYLINDERS. Cylinders for compressed, dissolved or liquefied gases must be of sound material and good construction, distinctively identified as to their contents and protected against excessive variation of temperature, direct rays of sunlight and continuous dampness while in storage and care observed during handling.

### **HEALTH AND SAFETY**

25. HAZARDOUS SUBSTANCES. Manufacturers, importers and suppliers of hazardous substances used at workplaces must provide sufficient information on such

substance including information on precautions to be taken.

26. VESSELS, ETC. CONTAINING DANGEROUS SUBSTANCES. Every fixed vessels, pits etc, Containing scalding, corrosive or poisonous liquids must, unless the edge is one metre above the adjoining ground or platform, be securely fenced to at least to that height or be securely covered. Where this is impracticable, other precautions must be taken.

27. PRECAUTIONS IN RELATION TO EXPLOSIVES, ETC. Precautions against explosion are laid down for certain processes and for welding or soldering of containers, which have held any explosive or inflammable substances.

28. PRECAUTIONS IN RELATION TO WORKING IN CONFINED SPACES. Special precautions are laid down for work in confined space where men are liable to be overcome by dangerous fumes.

29. PREVENTION OF FIRE. Every workplace must have adequate means for extinguishing fire. Highly inflammable materials must be kept in a fire resisting store or in a safe

place outside the building. No fire, flame, open light or other agent likely to ignite volatile and inflammable substances shall be allowed or used in any part of a workplace in which the volatile and inflammable substances are used.

30. MEANS OF ESCAPE IN CASE OF FIRE. Adequate means of escape in case of fire, having regard to the circumstances of each case, must be provided for all workplaces and must be properly maintained and kept free from obstruction. Fire alarms must be installed in workplaces employing more than 20 or where explosive or highly inflammable materials are stored.

Fire exits must be clearly marked by a notice in red letters of adequate size. All doors affording means of exit from the workplace must either open outwards or slide sideways. Doors giving access to stairways shall open on to adequate landings. Effective steps must be taken to ensure that the workers are familiar with the means of escape and routine to be followed in case of fire.

31. PROTECTIVE CLOTHING AND APPLIANCES. If a person is

employed in a process which involves excessive exposure to heat, cold, noise or wet, or to any injurious or offensive substance or any welding process suitable protective clothing at no cost to the employee must be provided.

32. REMOVAL OF DUST AND FUMES. In every workplace generating dust, all practicable measures must be taken to protect persons employed against inhalation of dust or fumes.

33. PROTECTION OF EYES. Goggles or effective screens must be provided for the use of workers engaged in process that require eye protection.

34. IONIZING AND NON-IONIZING. Where radioactive substance or equipment are used, the working environment must be monitored from time to time to determine levels of external radiation and a record of personal radiation doses and levels of radiation in the working environment must be maintained and kept readily available for inspection.

35. NOISES AND VIBRATION. Noises and vibration likely to injure the health of workers shall be reduced to

practicable levels in an every workplace. The standard for tolerable noise levels has been prescribed.

36. LIFTING AND HANDLING OF WEIGHTS. Mechanical appliances for lifting and carrying loads must be provided and a person must not lift, carry or move any load which by reason of weight, may likely injure the workers, or jeopardize his safety. The minister may make regulations prescribing limits.

37. INFORMATION AND TRAINING. Every worker in a workplace must be adequately and suitably informed of potential health hazards to which he may be exposed and must be instructed or trained in the measures available for prevention, control and protection against health hazards in the workplace in a language understood by the workers.

#### **NOTIFICATION AND INVESTIGATION OF ACCIDENTS, DANGEROUS OCCURRENCES AND INDUSTRIAL DISEASES**

38. Every accident including dangerous occurrences (First schedule) and suspected cases of occupational

diseases (Second schedule) must be reported to the Director.

### **RECORDS**

39. A register called “General Register” must be kept in the prescribed form and all reports and particulars required by any provision of this Act must be entered.

### **ADMINISTRATION**

40. Inspectors have power to inspect every workplace by day or by night. They may require the production of register, certificates and other papers. They may examine any person found in the workplace either alone or in the presence of any other person as they think fit, and may require him to sign a declaration as to the truth of the matters about which he is examined. They may also exercise such other powers as may be necessary for carrying the Act into effect, including certain powers of taking samples for analysis. The inspectors have powers to issue improvement or prohibition notices as necessary. Every person obstructing an inspector shall be guilty of an offence.

### **PENALTIES**

41. Every occupier or owner of a workplace who contravenes or fails to comply with any provision of this Act or Regulation shall be guilty of an offence.

### **MISCELLANEOUS**

42. The minister may make regulations for the better carrying out of the objects and purposes of this Act and prescribing matters required to be prescribed under this Act.
43. Any subsidiary legislation made under the repealed Factories Act shall remain in force unless in conflict with this Act and shall be deemed to be subsidiary legislation made under this Act, and may be replaced, amended or repealed by subsidiary legislation made under this Act.