National Occupational Safety and Health Policy Of the Kingdom of Lesotho
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1.0 DEFINITION OF TERMS

“Accident” means an undesired event giving rise to death, injury, ill health, damage or other loss.

“Contractor” means a person who renders services to the employer which are related to or connected with those of the employer’s undertaking and is not under the general control or management of the employer.

“Economic activity” means any activity in which any person is employed to carry out work for the benefit of the employer, himself or herself.

“Enterprise” means an institutional unit or the smallest combination of institutional units that encloses and directly or indirectly controls all necessary functions to carry out its own production activities.

“Employer” means any physical or legal person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him or her, and includes the manager, agent or representative of such person who is in charge or control of the work upon which such other person is employed.

“Ergonomics” means the adaptation or matching of work to the capabilities of employees in light of their physical and mental health.

“Hazard” means a source or situation with a potential to cause harm in terms of human injury or ill health, damage to property, damage to the work environment or any combination of these.

“Hazard identification”: process of recognizing that a hazard exists and defining its characteristics.

“Health” means a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

“Ill-Health” means identifiable, adverse physiological or mental condition arising from and/or made worse by a work activity and/or work-related situation.

“Machinery” means:
(a) any locomotive or any stationary or portable engine, boiler or other steam apparatus; and
(b) any appliance or combination of appliances intended for developing, receiving, storing, transmitting or converting power, including a vehicle used at a workplace.

“National Preventive Safety and Health Culture” refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers interactively participate in securing a safe and healthy working environment through a system of clearly defined rights, responsibilities and duties, with the principle of prevention is accorded the highest priority.

“Occupational Accident” means a discrete occurrence arising out of and during the course of employment.

“Occupational Disease” means a disease contracted as a result of exposure to risk factors arising from work activity.

“Occupational health” means the promotion and maintenance of the highest degree of physical, mental and social well-being of employees, temporary workers, contractor personnel, visitors and any other person in the workplace.
“Occupational health services” means services entrusted preventive functions and also responsible for advising the employers and workers on the requirements for establishing and maintaining a safe and healthy working environment which facilitates optimal physical and mental health in the workplace.

“Occupational Hygiene” means a science devoted to the identification, recognition, evaluation and control of occupational hazards and risks in the workplace.

“Occupational Health Surveillance” means ongoing, systematic collection, analysis, interpretation and dissemination of OSH data linked to Occupational health for the purpose of prevention.

“Occupational Safety” means freedom from unacceptable risk of harm at work.

“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, programmes and procedures to manage Occupational Safety and Health risks.

“Occupational Safety and Health Promotion” means the furtherance or advancement of activities for Occupational accident, injuries and disease prevention.

“Recording” refers to procedure by which the employer or self-employed person ensures that information be maintained on Occupational accidents, injuries, diseases and dangerous occurrences.

“Reporting” refers to procedure by which the employer submits to Workers Compensation and/or submission by workers to their immediate supervisor, of information any Occupational accident, injury and disease which arises in connection with work.

“Risk” means the likelihood that an injury, ill-health or damage will occur and includes the severity and frequency of occurrence of the injury, ill-health or damage.

“Risk Assessment” means the overall process of estimating the magnitude of risk and deciding whether or not the risk is tolerable.

“Standard” means any provision occurring in a specification, compulsory specification, code of practice or standard laid down by the Standards Association of Lesotho or any other recognized standards body whether locally or internationally.

“Work” means operate as a worker or as a self-employed person and for such purpose a worker is deemed to be at work during the time that he or she is in the course of his or her employment and a self-employed person is deemed to be at work during such time as he or she devotes to work as a self-employed person.

“Worker” means any person who performs work either regularly or temporarily for an employer.

“Working environment” means any premises or place where a person performs or is likely to perform work in the course of his or her employment as a worker or as a self-employed person.
2.0 INTRODUCTION

Occupational Safety and Health (OSH) is a significant component of the world of work and cuts across all economic sectors. OSH is a discipline dealing mainly with the promotion of Safety and Health in the workplace by preventing occupational accidents, injuries, diseases and fatalities.

The major factors influencing Occupational Safety and Health through their interaction are the worker, environment and equipment. When the worker is performing a task, he or she does so in a working environment and in most cases using machinery or equipment. A few occupational accidents may arise from the interaction of the worker and the working environment only.

However, Occupational accidents are caused by uncontrolled workplace factors pertaining to the workers, environmental conditions, working conditions and/or the state of the equipment and machinery being used. It follows that much more effort must be applied through various approaches, chief among which is the application of Occupational Safety and Health management systems to prevent accidents which are a recognized cost to business, the workers themselves and to society.

Government, Employers and Organized Labour should develop and implement resilient initiatives to promote and maintain the highest degree of Occupational Safety and Health in all Occupational work settings and environment. National and Enterprise Occupational Safety and Health programmes should be strategically designed to anticipate, recognize, identify, evaluate and control Occupational hazards that prevail in workplaces, that may also impact on the general ambient environment.

The work environment, working conditions and working operations should be designed to ensure that all hazards are proactively controlled, prevented, managed or eliminated in all operational parameters of the business activities.
Preventive design and operational programmes are essential to ensure that favorable working conditions are created through the physical provision of an ideal working environment. Attention shall also be given to the acquisition and considerations for proper technology, installations and operation that will assure adequate as well as effective protection of workers from all identified Occupational Safety and Health risks.

This policy recognizes the constitutional rights of workers to fair and safe labour practices as enshrined in sections 27 and 30 of the constitution of Lesotho in addition to investment in safe work which in itself makes good economic sense by ensuring efficient work processes, quality products and the reduction of losses and suffering due to accidents, injuries, diseases and fatalities at work.

National Statistics of Lesotho

It is well acknowledged that employment is faced with challenges to secure a successful pathway out of poverty that also has contributes to economic growth. While the role of employment in poverty reduction is recognized, a major potential source of worker vulnerability adversely arises from the impact of Occupational related accidents, injuries, diseases and fatalities.

In the Kingdom of Lesotho, Occupational Safety and Health delivery is the responsibility of government through the Ministry responsible for Labour and Employment, the tripartite National Advisory Council for Occupational Safety and Health whose membership includes government, the employers’ Confederation of Lesotho and Organized Labour.

The National Advisory Council for Occupational Safety and Health (NACOSH) champions a significant role of assured national consensus on all National Occupational Safety and Health issues in the Kingdom through interactive Social Dialogue as it provides advice to the Minister on Occupational Safety and Health Policy, laws and standards.

NACOSH serves as the national advisor to NACOLA on Occupational Safety and Health matters that include formulation of National Strategy, National Policy, National Programmes and Operational Execution of activities.
The envisaged National Directorate of Occupational Safety and Health within the Ministry of Labour and Employment will be the legal institution mandated by government with the responsibility for the National Planning, Development, Coordination and Implementation of OSH and the relevant National Programmes.

The National OSH Policy requires Enterprise Work settings to inherently implement the National Agenda for OSH in the promotion of Occupational Safety and Health through employment of Occupational Safety and Health professionals, appointment of relevant competent persons to be responsible for machinery safety, and adoption of Occupational Safety and Health Management Systems.

An accident prevention culture is absolutely essential in every workplace to prevent the carnage caused by accidents. Employer and Worker attitudes and beliefs directly influence how business activities are carried out at work. The attitudes and beliefs subsequently are shaped to some extent by the level of people’s education, training and the understanding of OSH issues.

Workplace Enterprises should establish Occupational Safety and Health Committees to ensure as well as enhance collective consensus, cooperation, collaboration and ownership in the implementation of effective OSH Programmes in the promotion of bipartite social dialogue in the World of Work.

While Lesotho has the highest rate of literacy in Africa at 92% in 2013, this has not translated into an effective OSH culture. The National OSH performance across all economic sectors faces numerous challenges to achieve the desired levels of performance regarding implementation of Occupational Safe and Healthy working environment and conditions.

While the primary objective of OSH it to enhance sustained economic growth, there is need to prioritize the protection of workers and workplaces from any hazardous factors that may have adverse effects on the Safety and Health.

In this regard the Kingdom of Lesotho has embarked on a deliberate Decent Work Agenda to improve the World of Work through implementation of resilient measures to address challenges for Occupational Safety and Health.

The Formulation and Development of a Coherent National Occupational Safety and Health (OSH) Policy is ushering in the essential National Commitment to achieve the national agenda through a very structured approach and process.

### 3.0 PURPOSE OF THE POLICY

The purpose of OSH Policy is to provide guidelines for establishing and implementing programs that will prevent workplace hazards, accidents and diseases so as to protect workers’ lives in all the economic sectors, including the Public Service. This will address the current dichotomized labour administration system.
4.0 VISION AND MISSION STATEMENTS FOR NATIONAL OSH

4.1 VISION

To create ideal working conditions and environment through the implementation of resilient Occupational Safety and Health National Policy, Strategy as well as operational programmes that enhances sustained economic development through the Decent Work Agenda in the World of Work.

4.2 MISSION

To enhance the Elimination and Prevention of Occupational Accidents, Injuries, Diseases and Illnesses through the effective role of Government, Employer Organizations and Organized Labour supported by collective National Tripartite and broad Stakeholders in the Employment Labour Sector based on comprehensive established integrated National Organization, Arrangements, Frameworks as well as Structures.

5.0 OBJECTIVES OF THE NATIONAL OSH POLICY

Within this general framework, of National Tripartite, with the full participation of government, employers and workers in all sectors of the economy, including the self-employed in the Kingdom of Lesotho has set the following strategic objectives:

a) To continuously reduce incidences of Occupational accidents, injuries, diseases and fatalities;

b) To establish National and Workplace Organization, Arrangements, Framework and Structures for effective and efficient implementation of National OSH Management System and Programmes based on the principles of Social Dialogue;

c) To promote and maintain the highest possible level of Occupational Safety and Health among workers in all sectors of the economy, including the Public Service;

d) To create a sustainable environment of informed participation of all relevant parties in pursuit of Occupational Safety and Health;

e) To provide for Occupational Safety and Health in respect of design, manufacture, testing, use and maintenance of equipment, chemicals and work processes;

f) To provide for ergonomics, prevention of Occupational accidents and for emergency preparedness and response planning;

g) To provide for comprehensive social dialogue and co-operation between government, employers and workers in matters of Occupational Safety and Health in all sectors;

h) To cause the development, enactment and implementation of comprehensive, harmonized, integrated and effective Occupational Safety and Health National Legislation that covers all work environments and economic sectors;
i) To establish an effective and efficient comprehensive national enforcement system, (inspection), monitoring and surveillance system that will enhance compliance with national Occupational Safety and Health Legislation;

j) To provide for systematic programmes of Safety and Health training in order to develop expertise in personnel employed or to be employed in the various sectors of the economy;

k) To establish a National Occupational Safety and Health reporting system to assist in the management of Occupational Safety and Health through effective planning;

l) To advocate for support in the integration of teaching of Occupational Safety and Health at all levels of the National Education System to enhance the establishment of a positive Sustainable Culture;

m) To carry out OSH Research in order to provide practical and pragmatic solutions against hazards and risks for the improvement of Working Conditions and Environment;

n) To establish arrangements for co-operation with other governments and the tripartite communities in the Sub-region, Region and Internationally to ensure that production practices or technologies that are imported into or exported from Lesotho are safe and do not cause Safety and Health risks to workers, communities and/or the environment.

6.0 POLICY SCOPE

The envisaged National OSH Policy shall cover all workers and employers in all sectors of the economy, including the Public Service and in all forms of employment relationships including the small and Medium Enterprises in the Kingdom of Lesotho.

7.0 PRINCIPLES FOR THE EFFECTIVE AND EFFICIENT IMPLEMENTATION OF THE NATIONAL OSH POLICY

This policy is anchored on the following principles in the achievement of the set National Objectives for the National OSH Management System for Lesotho:

a) Top priority will be placed on the Occupational Safety and Health through effective elimination of risks in the performance of tasks in workplaces;

b) Every employer shall register his or her workers be they seasonal, permanent, contract or otherwise with the Workers Compensation Insurance Fund at the Ministry of Labour and Employment to provide a safety net for workers;

c) Occupational Safety and Health Programmes in Lesotho shall be managed through a systems approach in order to create a culture of preventing accidents, injuries, diseases and fatalities in the workplace;

d) Such systems shall include among others, effective management of hazards through implementation of controls that at least include application of the permit to work system involving but not limited to confined space, hot work, hazardous chemicals, radiation sources and working at heights;
e) A National regularly updated register of highly hazardous workplaces and activities shall be maintained;

f) The envisaged National OSH legislation shall cover all workers and employers in all sectors of the economy and in all forms of employment relationships including the Small and Medium Enterprises;

g) The fundamental Rights and Duties of Employers and Workers in advancing Occupational Safety and Health shall be prescribed in the legislation;

h) Every Worker shall have a right to Occupational Safety and Health Awareness, Education, participate in the identification and evaluation of Occupational Safety and Health risks that affect or are likely to affect him or her in their workplace;

i) Every Employer shall employ safety practitioner with a minimum training to at least certificate level in Occupational Safety and Health recognized by the National Director of Occupational Safety and Health;

j) Every supervisor and manager or any person designated to supervise workers shall instil competence in Occupational Safety and Health Management;

k) Assurance of protection of workers who suffer injury, illness or fatality from work activities or in workplaces. This principle shall apply equally to the self-employed;

l) The cost of providing all appropriate Safety and Health protection, including personal protective equipment or clothing shall be borne solely by the Employer;

m) Every employer of fifty (50) or more workers shall also employ a Safety and Health practitioner depending on the complexity of operations. The appointment will also depend on the nature and prevailing hazards in the said workplace;

n) Every employer of one thousand (1000) or more workers shall employ in addition, a resident Occupational Health Medical Practitioner certified to practice Occupational Health Medicine;

o) Every workplace shall have an emergency preparedness and response plan and procedure;

p) Every employer shall permit Occupational Safety and Health inspectors from the Ministry of Labour and Employment or any designated authorized authority to carry out inspection or do any other thing permitted by law at any time of a 24-hour day;

q) All lost time injuries preventing or likely to prevent a worker from attending duty for 3 or more shifts, all fatalities immediate or delayed and all injuries to persons not employed in the workplace where the accident occurs such as customers, clients and members of the public shall be reported to the nearest Inspector of Workplaces immediately within 24 hours of occurrence using the most effective means of communication available;
r) Serious injuries shall be defined and will be reported immediately to Inspector in terms of the relevant promulgated OSH Legislation;

s) All calculations of lost time injury frequency rates for purposes of understanding OSH performance and/or comparing performance within or outside the organization shall be based on 200,000 hours’ exposure time;

t) All injury severity rates shall be based on a 24-hour day (3 shifts of 8 hours) to provide national uniformity and consistency with accident reporting criteria in r) above;

u) All employers shall maintain a current register of incidents and accidents with accurately compiled information on every injury, near miss, illness or fatality and shall be made available to the Inspector or designated authorized person of workplaces on request;

v) All consultants in Occupational Safety, Occupational Hygiene and Occupational Health wishing to perform work in Lesotho shall first be approved by the Director of Occupational Safety and Health who shall maintain a list of the approved professional consultants who are eligible for engagement by employers;

w) Every acquisition of new technology, hazardous chemical, equipment or machinery which has a significant impact on business, the workers and the workplace shall be preceded by a detailed hazard and operability study (HAZOP) at feasibility study phase of the acquisition before operations are commenced;

x) Hazards Analysis (HAZAN) is a study of all hazards in the whole design and workplace to analyze the hazards that exist in the whole workplace;

y) The curricula for primary and secondary schools, colleges and universities must include lessons on Occupational Safety and Health to prepare students to enter the economic employment labour.

**Review of the National Occupational Safety and Health Policy**

This OSH policy shall be reviewed every five years or as deemed necessary by any significant economic developments and the ILO instruments.

Every employer must have a copy communicated to his or her management and workers.
8.0 GENERAL RIGHTS OF WORKERS FOR OCCUPATIONAL SAFETY AND HEALTH

Every worker shall have a right to the following aspects:

a) Fair and safe labour practices;

b) Know the Occupational Safety and Health hazards, risks and controls to prevent any adverse effects in case of exposure through proper training;

c) Be consulted in the development including implementation of mitigatory mechanisms against the identified Occupational Safety and Health risks;

d) To take part in all hazard identification and risk assessment before any work tasks are performed;

e) To refuse to undertake any work that has not been rendered safe through elimination of hazards prior to commencement of job tasks.

9.0 STRATEGIC AREAS FOR THE IMPLEMENTATION OF THE OSH POLICY

In view of the thrust of this National OSH Policy as outlined in the introduction, in terms of these performance objectives and principles stated above, the following elements have been identified as key strategic areas for the proper implementation of the required National Operational Programmes.

9.1 OSH Awareness and Promotion

Employers shall develop OSH Promotional programmes in order to raise awareness and enhance understanding of the relevant issues amongst both management and workers alike. All OSH Programmes shall be supported by enterprise specific Policies.

The following initiatives shall be the minimum for every workplace:

a) Establish OSH Promotion Programmes to enhance knowledge and understanding to achieve high collective cooperation, collaboration and ownership of all initiatives;

b) Establish conspicuous information and communication boards (points) at the general entrances to the workplace highlighting daily OSH performance on key indicators to reinforce an Accident Prevention Culture;

c) Establish OSH Committees comprising of Management and OSH worker Representatives for Bipartite Social Dialogue for enhancing collective ownership at Enterprise level. Such committees shall be chaired by Senior Management with OSH professionals or OSH representatives as secretariat;

d) Occupational Safety, Occupational Hygiene and Occupational Health Professionals shall provide independent advice, assistance and audits to both management and workers on the proper implementation of effective and efficient programmes as well as interventions;
e) Induct every new worker and visitor at an establishment on the prevailing OSH hazards, risks and prevailing management systems in place for their cooperation and compliance.

9.2 Operational Policies, Standards and Procedures

The Government, Employers and Organized Labour shall together or separately, develop or adopt appropriate standards, operational procedures, codes of practice and guidelines consistent with International Standards on OSH for uniformity at all economic sectors and/or at national level in all economic activities.

Every employer shall develop and implement an OSH Policy, HIV and AIDS policy which are consistent with this National OSH Policy in consultation with Workers.

Every Employer shall establish Occupational Health services which will assure in so far as practicable that no worker shall suffer diminished health, functional capacity, or life expectancy as a result of his/her work activities and that in the event of such occupational diseases having been contracted is suitably treated, rehabilitated and compensated.

9.3 Accreditation of Occupational Safety and Health Practitioners

a) The National Directorate for OSH within the Ministry of Labour and Employment will implement measures to uphold professional ethics and to assure employment of competent OSH professionals with suitable qualifications through application of effective controls;

b) All OSH Professionals and Practitioners shall be accredited by a recognized body of Occupational Safety and Health prior to entering the Lesotho job market. NACOLA and NACOSH will establish a National Accreditation System and Process accordingly;

c) All employers shall be required to only engage professionally recognized, qualified and accredited Occupational Safety, Occupational Hygiene and Occupational Health Practitioners in order to enhance the maintenance of professional ethics and professionalism;

d) Every employer who adopts an Occupational Safety and Health Management System shall have a qualified OSH Professional to drive the system and to report on its performance. Such management systems shall apply equally to permanent workers, seasonal and fixed term workers as well as any other person in the workplace.

9.4 National Compliance and Enforcement Assurance

a) The National Directorate of Occupational Safety and Health in the Ministry of Labour and Employment or any other authorized or designated authority shall employ competent Occupational Safety and Health Inspectors of Workplaces to regulate OSH practices and activities;

b) Employers shall be required to adopt a proactive approach for self-regulation and enforcement of best OSH Practices and Standards as demonstration of the adopted National Culture;
c) Every enterprise or workplace shall identify vulnerable groups of workers such as pregnant women and breastfeeding mothers and develop specific programmes to protect them against risks that can compromise their health or the health of their unborn or suckling children;

d) Every employer shall as far as practicable consider gender aspects in placement and assignment of workers into specific job tasks;

e) All Personal Protective Equipment and Clothing provided shall be commensurate with the type and level of risk of the assigned job to be undertaken based on the hazard identification and risk assessment process;

f) Every employer shall have effective Occupational Health and Medical Surveillance programmes to protect the health of workers against hazards in workplaces;

g) This National Policy shall be binding to all economic sectors, employers and workers who are required to comply with its provisions and any legislation intended to enforce the implementation of the respective operational management system as well as operational programmes;

h) The National Directorate shall develop and implement a risk-based enforcement strategy to enhance compliance to the National OSH Legal Provisions.

9.5 Decent Work Agenda

a) Decent work agenda integrates equal opportunities for women and men to obtain productive work in conditions of freedom, equity, security and human dignity;

b) Decent Work Agenda is central to sustainable poverty reduction and is a means for achieving equitable, inclusive and sustainable economic development;

c) It is fundamentally focused on the understanding that work is a source of personal dignity, family stability, peace in the community, democratic principles that deliver for people, and sustainable economic growth that expands opportunities for productive jobs and development of enterprises.

9.5.1 The Centrality of Occupational Safety and Health to Decent Work Agenda

Occupational Safety and Health is concerned with the prevention and elimination of occupational accidents, injuries, diseases and fatalities through promotion of safe work practices that focus on improvement of working environments and conditions.

OSH is therefore a critical component of achieving the Decent Work Agenda.

Employers shall measure and monitor the extent to which they protect their workforce through the following performance guiding indicators:

a) Lost time injury frequency rate, based on two hundred thousand hours’ exposure time;
b) Injury severity rate based on a 24-hour day (3 shifts of 8 hours);

c) These indicators will only be applied as indicators for motivation of performance not absolute.

9.6 Hazard Identification, Risk Assessment and Risk Control

It is essential to identify all Occupational Hazards associated with any job or task and analyse their risks to identify and implement effective controls against accidents, injuries or disease continuously.

All employers and or designated individuals responsible for the work of others shall conduct hazard identification and risk assessment of every work place in consultation with the workers involved with the aim of first rendering the job safe before performance of tasks prior to the beginning of every shift.

The employer shall implement effective and efficient OSH control programmes against hazards and risks based on the following hierarchy principles of effectiveness:

a) Eliminate the hazard or risk;

b) Substitution with less hazardous processes, tasks and materials;

c) Control the hazard or risk at source, through the use of engineering controls or organizational measures;

d) Minimize the hazard or risk by designing safe work systems, which include administrative control measures;

e) Where residual hazards or risks cannot be controlled by corrective measures, the employer shall provide appropriate Personal Protective Equipment, including Clothing, at no cost to the worker, and shall ensure its proper use and maintenance;

f) Personal Protective Equipment and Clothing shall be used as the last resort as a means of controlling hazards and risks;

g) Maintain a hazard and risk register with all identified and profiled hazards and risks to inform mitigatory programmes.

Duties of Employers

Occupational Safety and Health Policies shall consider the nature of the work processes, hazard, risks, work tasks and diverse needs of workers. The following elements need to be considered:

a) Treatment of all workers with respect regardless of disability, language, race, culture, religion, age, gender or literacy;
b) Value the involvement and participation of workers that have different life as well as work experiences in OSH matters;
c) Ensure that OSH information, training and systems address workplace needs;
d) Adopt a comprehensive Risk Management approach for managing Occupational Safety and Health;
e) Ensure proper, safe use, handling, storage and transportation of equipment and hazardous substances including chemicals;
f) Ensure the proper use by workers of Occupational Safety and Health protection systems including Personal Protective Equipment and Clothing;
g) Report all reportable accidents, injuries, illnesses and fatalities to the Occupational Safety and Health Inspector;

Duties of Workers

a) Take proper care of the Safety and Health of themselves and others who may be affected by their activities;
b) Co-operate with employers in the implementation of initiatives to comply with this National Policy OSH and its subsidiary requirements;
c) Comply fully with work operational procedures in the performance of any assigned tasks at work;
d) Immediately report all accidents and near-misses to their supervisors.

Both Employers and Workers Are Prohibited from:

a) Interfering with or misusing items provided for the Safety, Health and Welfare of persons at work;
b) Preventing implementation of measures or interventions to eliminate serious risks to the Safety and Health of a person at work;
c) Refusing proper requests to render assistance provision of First Aid or prevention of risks to Safety and Health;
d) Disrupting a workplace by creating intimidation or insecurity to instill Safety and Health instability.

Promotion and Enhancement of the Accident Prevention Culture

a) Safety and Health culture is simply the attitude about safety that pervades the whole organisation, from top to bottom, and is the norm of behavior for every member of staff, from director’s down to the newest recruits as a normal way of life (That is how we do things around here);
b) Safety and Health Culture is therefore of paramount importance in the prevention of accidents and diseases in any organisation;

c) Organizations with a positive Safety and Health Culture are characterized by Transparent Communication founded on Mutual Trust shared through common Perceptions of the Significance of Safety and Health demonstrated in the confidence of the efficacy of preventive measures;

d) Employers shall continuously identify workplace Safety and Health culture using specific indicators, including attitudes and behaviour of workers and management, the workplace environment, implementation of systems of work, Safety and Health discussions and consultations across the organization and at all levels;

e) Now therefore all employers shall develop an Occupational Safety and Health culture to ensure that all levels of workers understand that the need to demonstrate shared responsibility for preventing accidents, injuries, disease and fatalities at in the workplace.

9.9 OSH Education and Training

a) The Lesotho education system needs to recognize the significance of entrenching Occupational Safety and Health at grassroots through integration into the National curricula for primary, secondary, college and university education system;

b) The majority, if not all students, become either workers, managers or employers at some stage in their lives. It is strategically beneficial to promote Occupational Safety and Health as a key subject to be taught in early ages in schools;

c) Universities and colleges that teach Environmental Health, Industrial Hygiene, Safety Engineering, Occupational Safety and Health, Nursing and Medicine are required to strengthen the course component on Occupational Safety and Health at undergraduate level in order to produce a professional who has confidence in practicing Occupational Safety and Health in Lesotho.
10.0 OSH IN ECONOMIC SECTORS

As the concept of a global market gathers momentum as part of the fourth Industrial Revolution, new international patterns of trade and investment bring new demands on development and high performance of OSH. High OSH performance is a competitive advantage for doing business.

A good OSH record ensures preferential treatment by customers, financial institutions, insurance organizations, including the Workers’ Compensation Insurance Fund. This aspect enhances rapid propulsion of economic growth.

10.1. Mining

The Mining Sector is a major contributor to the Gross Domestic Product of Lesotho and offers huge employment opportunities. However, mining is generally a hazardous economic activity requiring stringent Occupational Safety and Health systems. Every organization or individual involved with mining shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Environmental Impact Assessment;
ii. Hazard and Operability study (HAZOP);
iii. Mine Commissioning and Decommission plans;
iv. Ground Support;
v. Ground Conditions;
vi. Underground Ventilation and Cooling;
vii. Working in confined spaces;
viii. Working on heights;
ix. Dust suppression;
x. Lighting;
xı. Heat;
xii. Noise and Vibration;
xiii. Mine flooding;
xiv. Fires and Explosions;
xv. Gases;
xvi. Emergency Preparedness and Response;
xvii. Ionizing Radiation;
xviii. Chemicals and Hazardous Substances or Articles;
xıx. House keeping;
xx. Waste management and Public Health;
xxı. Pneumoconiosis, HIV and AIDS, Tuberculosis, Hepatitis B and so on.

10.2 Agriculture

It is a heterogeneous and complex sector. It does not cover farming only but includes other operations such as crop processing and packaging, pest control and management, grain storage, husbandry, and so on. The sector employs a huge number of people and the employment location is mainly rural.
Agriculture includes commercial farming and subsistence farming that pose complex Occupational Safety and Health challenges for the employers and workers.

**Subsistence Agriculture**

Workers are traditionally family members (children, women, men and the elderly). There is poor reporting of Occupational accidents, injuries, illnesses and fatalities involving in some cases, the use of machinery and equipment such as boilers however acquired.

Every organization or individual practicing agriculture shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Use of machinery and equipment such as boilers, tractors and harvesters;
ii. Use of pesticides and other agrochemicals;
iii. Hazard and operability study (HAZOP);
iv. Rodent control;
v. Noise and thermal stress;
vi. Working in confined spaces;
vii. Working on heights;
viii. Dust;
ix. Biological hazards due to multiple contact with animals and plants;
x. Ergonomics;
xi. House keeping;

10.3 Forestry

Forestry enterprises vary considerably in terms of size, scope, economic stability and culture. It is extremely difficult to enforce laws and regulations in some parts of this sector as operations are frequently carried out in remote worksites which are widespread and often change location.

The work is mostly done by small groups of workers. Every organization or individual involved with primary timber work shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Tree felling;
ii. Lumbering;
iii. Logging;
iv. The use of saws and other equipment;
v. Hazard and operability study (HAZOP);
vi. Tree planting;

And Many more.
xiii. Working on heights;
xiv. Anti-sera stocks.

## 10.4 Manufacturing

This is a broad and diverse sector which includes among other industries the following:

a. Chemical;
b. Electricity generation;
c. Electronics;
d. Automotive;
e. Electrical appliances and equipment;
f. Metal fabrication;
g. Metal processing;
h. Textile;
i. Building materials;
j. Rubber;
k. Food and beverages;
l. Brewing;
m. Iron and Steel;
n. Milling;
o. Boiler making;
p. Smelting and foundry;
q. And many others.

## 10.5 Energy (Power Generation, Transmission and Distribution)

Apart from the workplace hazards the energy sector presents a high risk to the consumers and public at large given the nature of its means of transmission and use across all sectors.

Considerable effort has been made in the design of the infrastructure but challenges related to the maintenance of this infrastructure continue to be a threat to the community environment. Every organization or individual involved with the generation, transmission and distribution of energy sources, liquid and gaseous fuels and electricity shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Low level awareness by both workers and members of the public;
ii. Working in confined spaces especially those involving fuel tanks;
iii. Hazard and operability study (HAZOP);
iv. The use of cell phones at fuel stations;
v. Use of LPG and other inflammable gases;
vi. Fires;
vii. Working in confined spaces;
viii. Working on heights;
ix. Bonding where liquid fuel and electricity are involved;
x. Decanting fuel using plastic containers and the risk of static electricity build up;
xii. Ingestion of hydrocarbon fuels;
xiii. Distribution and Transportation;
xiv. Registration of the factory premises with the Inspector of Workplaces;
xv. And many others.
10.6 Transport and Communication

The transport sector includes rail, road, water, and air. Managing OSH risks poses a challenge especially to drivers in the road transport because usually drivers work alone and away from their base. In the information and communication technology including mobile phones, various studies are taking place to profile the Safety and Health risks involved.

Every organization or individual involved with distribution and transport shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Competence;
ii. Fatigue;
iii. Vibrations and prolonged sitting;
iv. Manual handling;
v. Overloading;
vi. Speed;
vii. Unauthorized passengers;
viii. Hazardous substances;
ix. Working in confined spaces;
x. Working on heights;
xi. Violence and harassment;
ixii. Infectious diseases including HIV and AIDS;
ixiii. Road Traffic Accidents;
ixiv. Weather conditions;
ixv. Ascites (fluid accumulating in the lower part of the abdomen) of heavy vehicle drivers;
ixvi. Lifting of heavy loads;
ixvii. Vehicle tracking systems;
ixviii. And many others.

10.7 Wildlife and Fisheries

The industries of wildlife and fisheries are mainly outdoor and hence the main hazards are associated with interaction with animals, poachers and weather conditions.

Special competences are a prerequisite in these sectors as animals and weather conditions can be unpredictable.

Every organization or individual involved with wildlife and fisheries shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Thorough training;
ii. Medical and physical fitness;
iii. Acclimatization;
v. Anti-sera stocks;
vi. Drowning.
10.8 Building and Construction

Building and construction is one of the key sectors of any economy dealing mainly with infrastructure development. One important sign of an economy that is doing well is the intensity of the building and construction industry which has a positive impact on other downstream industries.

The industry is mainly concerned with the planning and construction of buildings, roads, railway tracks, communication base stations, advertising billboards and dams. Every organization or individual involved in building and construction industry shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. Environmental Impact Assessments;
ii. Submission and Approval of Plans;
iii. Accessibility of Building or Construction Sites;
iv. Lifting of heavy loads;
v. Earth moving equipment;
vi. Erection of scaffolding;
vii. Working platforms and landings;
viii. Working on heights;
ix. Dust;
x. Noise;
xi. Falling objects;
xii. Waste management;
xiii. Toilets and ablution.

10.9 Retail and Service

The retail and service sector is the cause for the growing central business districts in many urban centres in Lesotho and is therefore very important especially in its interaction with customers. Every organization or individual involved in retail and/or service industry shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

• Slippery floors;
• Exposure to various chemicals and materials, which may include paints, solvents, pesticides, fertilizers, perfumes, or cleaning products;
• Elevators and escalators;
• Indoor air quality;
• Repetitive manual tasks such as till operations;
• Fatigue and stress;
• Violent customers;
• Working in confined spaces;
• Working on heights;
• Varicose veins arising from continuous work in a standing position;
• Lifting of heavy loads;
• Waste management;
• Sick building syndrome;
• And many others.
10.10 Small and Medium Enterprises (SMEs)

Small and Medium Enterprises are found in nearly every sector of the Lesothan economy and usually form the basis of future conglomerates. In Lesotho this sector tends to have many limitations in funding, skills training, work knowledge, OSH awareness, professionalism and support services.

This National OSH Policy applies to every sector of the economy inclusive of the small and medium enterprises. However, the local authorities are best placed to assist with the discharge of Occupational Safety and Health to this sector as they may be trading in premises known and perhaps licensed by them.

Therefore, every organization or individual involved in the small or medium enterprise shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

i. OSH awareness and training;
ii. Hiring of competent personnel to undertake work;
iii. Registration of the workforce with the Workers’ Compensation Insurance Fund in case of failure in Occupational Safety and Health;
iv. Registration of the factory premises with the Inspector of Workplaces;
v. Hygiene;
vi. Chemicals and their use;
vii. Welding;
viii. Painting;
ix. Working in confined spaces;
x. Dust;
x. And many more.

10.11 Informal Sector

The informal sector in Lesotho is growing mainly because of the economic difficulties the country has experienced. It is suspected that the informal sector employed a huge number of people although accurate statistics may be difficult to verify the actual status.

Funding is an acute challenge in this National OSH Policy. While the scope of this policy is to cover all sectors, work places, the informal sector tends to be fluid in terms of what its members trade in, business locations and other variables.

The local authorities are best placed to assist with the discharge of Occupational Safety and Health to this sector as they may be trading under a registration system managed by them. Informal sector workers are generally exposed to poor working environments, and poor sanitation.

The level of OSH awareness is low and technical understanding of the business they are involved in is very limited. Every organization or individual involved in the informal sector of the economy shall be required to pay special attention and monitor the following Occupational Safety and Health issues:
National Occupational Safety and Health Policy Of the Kingdom of Lesotho

1. Occupational Safety and Health awareness;
2. Hygiene;
3. Technical understanding of the business;
4. Formal trading premises;
5. Chemicals including pesticides;
6. HIV and AIDS;
7. Waste management;
8. And other relevant issues.

10.12 Public Service

Many different employment relations characterize the public sector but the obligation to manage OSH has not been clear before this policy formulation. Many workshops, equipment and boilers that fall under the public sector system except military premises and installations need to be covered in terms of OSH delivery.

While this policy applies to all workplaces, military premises and installations remain out of its scope.

While the public service covers a wide range of workplaces, and occupations, each with its own OSH issues, every head of department or institution as the case may be, in the public service and every member of the public service shall be required to pay special attention and monitor the following Occupational Safety and Health issues:

1. OSH Awareness and Training;
2. Ergonomics;
3. Hazard and operability study (HAZOP);
4. Working in confined spaces;
5. Varicose veins arising from prolonged working in a standing position;
6. Work place stress;
7. Infectious diseases especially in health institutions;
8. HIV and AIDS;
9. Violence and harassment;
10. Waste management.
11.0 OSH LEGISLATION

The discipline and practice of Occupational Safety and Health belongs to the Employment Labour Sector (ELS).

It is desirable that Lesotho develops a nondiscriminatory National Occupational Safety and Health law which applies to the totality of the employment labour sector to give added effect to this policy along the lines of the Labour and Employment Act which applies to the totality of the Lesotho employment labour sector.

Further, all the International Labour Organization’s conventions on Occupational Safety and Health which have been ratified by the government of Lesotho need to be domesticated in order to be implementable and to give added effect to this policy.

All employers and workers shall comply with all conventions ratified and domesticated by the government of Lesotho.

One of the main objectives of this National Policy on OSH is to enhance the ratification of all the core ILO Conventions on Occupational Safety and Health.

12.0 INCENTIVES FOR ESTABLISHING FUNCTIONAL OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT SYSTEMS (OSHMS)

a) This policy advocates for business transactions to consider the Occupational Safety and Health performance of an organization. The mere existence of a functioning Occupational Safety and Health Management System (OSHMS) shall sufficiently demonstrate commitment of conducting business with organizations.

b) Finance and insurance houses are encouraged to offer better financial and insurance terms respectively to organizations with functioning Occupational Safety and Health Management System.

c) The Workers Compensation Insurance Fund premium paid by an organisation to Ministry of Labour and Employment shall continue to be linked to the Safety and Health performance of the sector to which the organisation belongs.

d) Sectors with low Occupational accidents, injuries, diseases and fatalities shall pay lower premiums. It is therefore important that all sectors keep a check on their Occupational Safety and Health performance in order to ensure that the risk profile of the respective sector remains as low as possible.

e) Organizations with good OSH performance shall be recognized and given awards at the national OSH occasions such as the Safety and Health at Work conferences.

13.0 MULTILATERAL OSH AGREEMENTS

Lesotho shall contour the international agreements including memoranda of understanding with other countries or organizations on Occupational Safety and Health. This policy requires every organization to honour any agreements or memoranda of understanding on Occupational Safety and Health it makes or signs with other organizations.
Further, every contract on development or employment including job descriptions shall contain clear Occupational Safety and Health responsibilities.

**14.0 ORGANIZATIONAL AND INSTITUTIONAL FRAMEWORK**

The government of Lesotho has the sole responsibility for protecting the Occupational Safety and Health of the citizens of this great country. In doing so it seeks and obtains support from other countries and organizations such as the International Labour Organization which has established a country office for Lesotho.

The Kingdom of Lesotho has assigned the National OSH operations and Authority to the Ministry of Labour and Employment.

The government further established a tripartite council called the National Advisory Council for Occupational Safety and Health (NACOSH) constituted of representatives from government ministries closely linked to OSH, the National Employers’ Organization and Organized Labour, to advise the minister responsible for Labour on Occupational Safety and Health matters and to achieve Tripartism in resolving OSH issues at national level.

**14.1 International Labour Organization (ILO) Decent Work Office in Pretoria RSA**

The ILO Decent Work Regional Office in South Africa delivers on its mandate through the Lesotho Decent Work Country Programme (LDWCP) which supports the Government of Lesotho and its Social Partners (Employers and Workers’ Organizations) in promoting rights at work, harnessing decent employment opportunities, enhancing social protection and strengthening social dialogue in the world of work.

The Ministry of Labour and Employment in Lesotho, closely collaborates with other ILO Departments assists Lesotho to implement programmes through technical advisory support on policies, technical cooperation projects and activities, studies and research for evidence based decisions and capacity building interventions.

It is within this office that Occupational Safety and Health interventions, such as the Occupational Safety and Health management systems are adapted to the national level, from the global and regional level. Lesotho has ratified a number of ILO conventions on Occupational Safety and Health.

**14.2 Government**

The ministry responsible for Labour and Employment is the arm of government working in partnership with the ILO in Occupational Safety and Health governance.

The ministry formulates and implements national plans, policies, programmes and projects on Occupational Safety and Health through the National Office.

The Government of the Kingdom of Lesotho in Tripartism with business and labour shall:

a) Develop and implement effective OSH laws, policies and their enforcement system;
b) Establish and maintain appropriate National Institutions under the Ministry responsible for Labour and Employment, and mandate such institutions to develop implement and coordinate OSH national strategies, programmes and activities;

c) The National Occupational Safety and Health Directorate should be created by an act of Parliament, with its executing structures to champion the National Occupational Safety and Health Policy through implementation of the National Strategy, National Programmes and National Management System. It should be a statutory body tasked by the Government to adequately provide for Occupational Safety and Health in all sectors of the economy; and

d) The National Occupational Safety and Health Directorate should be established to implement programmes to promote Occupational Safety and Health in the Kingdom of Lesotho through the establishment and maintenance of an effective Occupational Safety and Health culture in all workplaces.

14.3 The Directorate under the Ministry of Labour and Employment should establish five main operational service delivery sections namely:

- National Occupational Safety and Health Legal Compliance Enforcement (Inspectorate);
- Occupational Health Services (Include Rehabilitation Services and Rehabilitation Programmes);
- Occupational Safety and Health Training for National Professional Capacity building;
- Occupational Safety and Health Promotion for National Awareness Programmes;
- Research and Development (Integrating Occupational Hygiene Services);
- The National Director for Occupational Safety Health will be the National Executive Head of the Directorate;
- He will serve as ex-officio member of NACOSH to provide the required professional and Technical Assistance and Advice on the National OSH Status of the Policy and Operational Programmes.

14.4 National Tripartite Organization

The Lesotho National Council for Occupational Safety and Health (NACOSH) is the national tripartite body, which plays a significant role to ensure that there is national consensus on the national Occupational Safety and Health issues in the country.

The council comprises of an equal number of delegates from representative organizations drawn from government ministries linked to OSH, from the employers’ organization and from labour unions. The council is chaired by the Ministry responsible for Labour and Employment. The council meets regularly as agreed by the members.

NACOSH provides a tripartite forum for the development of National Occupational Safety and Health Policy, Management plans, Programmes and Projects targeted sector specific, industries and individual organizational interventions.
The council serves as the direct link between government and individual organizations for the following functions:

- systematic formulation;
- development;
- implementation;
- evaluation; and
- review of Occupational Safety and Health Policies, Plans, Programmes and Projects emanating from the Organizational, National and International levels.

### 15.0 SUSTAINABLE FUNDING MECHANISMS

#### 15.1 National OSH operations at national level shall be funded through a number of sustainable initiatives and options that include at least the following:

- Workers’ Compensation Insurance Fund since the elimination and prevention of Occupational accidents, injuries, illnesses, diseases and fatalities enhances the portability of the portfolios through reduction of claims. This improves the opportunities for investment and rewards for deserving enterprises and workers; and

- Some countries have developed and established comprehensive Social Security Schemes that incorporate favourable funding for the National Occupational Safety and Health Services.

#### 15.2 Fees charged on services rendered by the Occupational Safety and Health Directorate that at least include the following services:

- Statutory registration of workplace premises;
- Statutory inspection of boilers and pressure vessels;
- Statutory inspection of lifts and elevators;
- Approval of building plans for construction of factories, commercial buildings and workplace premises;
- Training Courses; and
- Promotional Programmes that includes Conferences.

#### 15.3 Donated funds from International Collaboration

- ILO Technical Cooperation Funded Projects,
- International Organizations such as World Bank,

#### 15.4 Enterprise Level OSH Operational Programmes shall be funded through:

- Employers’ business allocated budgets (OSH enhances the performance of the business); and
- Any other funds available to the employer through collaboration initiatives.
16.0 Operational Structure of the OSH Directorate in Kingdom of Lesotho

Demographic data and information will need to be seriously considered in the establishment of the National OSH Management System and Supporting Operational Programmes that ensure coverage as well as scoping of the Kingdom based on the distribution of economic sectors.

17.0 Glossary of terms and abbreviations

- AIDS: Acquired Immune Deficiency Syndrome
- HIV: Human Immune Virus
- IFR: Injury Frequency Rate
- ILO: International Labour Organization
- ISO: International Organization for Standardization
- OSHMS: Occupational Safety and Health Management Systems
- OHS: Occupational Health Services
- OSH: Occupational Safety and Health
- PPE: Personal Protective Equipment
- SI: Statutory Instrument
- SME: Small and Medium-sized Enterprises
- LWCP: Lesotho Decent Work Country Program
- BOS: Bureau of Statistics
- NACOSH: National Council for Occupational Safety and Health
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