

Minimum Requirements for Ensuring a safe and Health Workplace for Healthcare Workers

Definition of Terms

OSHA 2007: Occupational Safety and Health Act 2007

OSH: Occupational Safety and Health

- 1) Demand for Quality Personal Protection Equipment (PPE) as per approved standards (Kenya Beuro of Standards certify PPE in use)

Legal Basis

Section 76 of OSHA 2007 Act

Benefit

Quality approved PPE for healthcare workers.

- 2) Demand for Occupational Safety and Health Audit of al medical facilities by a competent person. Such audits de able to identify workplace hazards including microorganisms i.e. Bacteria, Viruses including SAR Cov -2, Fungi and yeast if present

Legal basis

Annual Safety Audit sec11 (1) OSHA 2007 (Fine for non-Compliance contained in section 11 (3) **500, 000 or 6 months jail term both for all the Directors/Employer and the Company)**

Importance

Compliance gaps will be identified, improvement measure suggested and enforcement arm, The Directorate of Occupational Safety and Health Services, through its Occupational Safety and Health Services

- 3) Demand Occupational Safety and Health Risk assessment, which identify workplace hazards including microorganism

Legal basis

Occupational safety and health risk assessment be undertaken as required by section 6 (3) of OSHA 2007. (**500, 000 or 6 months jail term or both for all the Directors/Employer and the Company)**

Importance

A good risk assessment will identify hazards and give the risk factor (i.e. Hazard rating number). Low to high plus suggest control measures.

NOTE

Without the statutory audits/Risk assessment confirming presence of hazards claim of exposure will be theoretical. Proof of hazards will result in improvement of infection prevention control measures improvement.

NB

Above reports also required by OSH Post Covid-19 return to work advisory (Attached)

- 4) Demand occupational medical exams including occupational Covid-19

Legal Basis

Reporting of all occupational exposures by the employer to The Directorate of Occupational Safety and Health Services in compliance with OSHA 2007 and Work Injury benefit act by use of statutory documents (DOSHS 1 and General Register (General register is purchased DOSHS offices at County and Head offices)

Have pre-employment, periodic and post employment Occupational medical examination as required by the OSHA act sec 103 (7) ((100, 000 or 3 months jail term or both for ALL DIRECTORS /Employer and The company) and medical examination rules L.N. 24/2005 The Occupational Safety and Health (Medical Examination Rules 2005)

But most important insist on Reporting of Occupational Covid-19 in line with OSHA 2007, Medical examination rules and OSH Post Covid 19 Return to work advisory from the Directorate of Occupational Safety and Health Services

- 5) Demand Reporting of such accidents by the employer by filling DOSHS 1 and

Legal Basis

General Register required by OSHA 2007 Section 122

Importance

General register is a legal acceptance by the employer that such accidents are occupational.

So is employer filling DOSHS 1

NOTE:

The employee and any other person can notify the Director Occupational Safety and Health Services. The Director or Occupational Safety and Health Officer so notified is gaged in law from divulging the source of information

6) Demand, Legally constituted, Trained, functional safety having safety Committee at all medical facilities

Legal Basis

OSHA 2007 section 9 (1) Failure to establish a Safety and Health Committee (**300, 000 or 3 months jail term or both for each under section 109 of OSHA for All The Directors and Company**)

OSHA section 9 (1) Failure to Training Safety and Health Committee (**300, 000 or 3 months jail term or both for each under section 109 of OSHA 2007 for All The Directors/ Employer and Company**)

A functional and trained Health and safety committee is in place in compliance with OSHA 2007 section 9 and Safety and Health Committee rules legal notice number 31 where the number of staff is twenty or more. ((**300, 000 or 3 months jail term or both for each under section 109 of OSHA for All The Directors/Employer and Company**)

7) Demand the use of Occupational Safety and health fund to train health practitioner and or carry research on medical facilities/baseline survey

Legal Basis

Section 126 of OSHA 2007

Requires the fund one used for training, research and promotion of a safety ain all workplaces.

Source of Funds

All employers annually pay KSHS 3,000 during registration and renewal of workplaces certificates including repeal of certificates by health care institutions!

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