Occupational Safety and Health (OSH): A Nepalese Perspective

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Occupational Safety and Health (OSH): an introduction

Industrialization is an important foundation stone for the development of a country. It has become a global phenomenon and has emerged as one of the major economic activities and a common indicator of development. For the sustainability and continued development of industrialization, it is essential to have enhanced productivity, which is not achievable without safe and healthy working environment. In most of the occupational establishment adequate attention is not paid to making the work and the workplace safe, which may lead to the progress of various work related diseases and accidents. In that respect it is essential to take proper measures to control the air borne contaminants, adverse level of noise in the work place; make necessary arrangements for adequate ventilation, light, humidity, guarding of machineries and moving parts, safety signs and symbols and provide with adequate drinking water etc.

Since 1950, the International Labour Organization (ILO) and the World Health Organization (WHO) have shared a common definition of occupational health. This definition was adopted by the Joint ILO/WHO Committee on Occupational Health at its first session in 1950 and revised at its twelfth session in 1995. The definition reads: "Occupational health should aim at: the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities; and, to summarize, the adaptation of work to man and of each man to his job."

Occupational health issues are often given less consideration than occupational safety issues because the health issues are generally more difficult to confront. However, when health is addressed, so is safety, because a healthy workplace is by definition also a safe workplace. What we need to understand is a so-called safe workplace is not necessarily also a healthy workplace. The key point is that issues of both health and safety must be addressed in every workplace.

Occupational Safety and Health (OSH) is a cross-disciplinary area concerned with protecting the safety, health and welfare of people engaged in work or employment. The goal of all occupational safety and health programs is directed in fostering a safe work environment.

OSH determines vulnerabilities and provides mitigating and adoptive measures to overcome any work related adversities. It analyses problems through surveillance in determining hazards, conditions of work, and exposure of workers. The tools of OSH assess the health of workers and takes measures to reduce vulnerability of hazards and risk which can cause health impairment. It also dictates on preventive and control measures to prevent unnecessary exposure during normal operating conditions. It also includes emergency preparedness and continues on in case of possible accidents and emergencies. OSH strengthens health education, health promotion, and promotion of work ability through disseminating Information on identified workplace health hazards.

Current scenario of OSH in Nepal

The concept of occupational safety and health of the workers is quite a new concept even to the oldest industries of Nepal and is in its initial stage. The notion of OSH in Nepal has not been able to educate about its principle and ideologies at all level. The OSH sector in Nepal has four major identified stakeholders, 1) government, 2) the industries/employers, 3) the work force/labour unions and 4) the OSH experts.
The government of Nepal has enforced concepts of OSH through its Labour Act 1992; it has highlighted few issues and provisions on working hours, physical infrastructural setup, yearly medical examination and provisions of safety measures in work etc. It has already endorsed 11 conventions (C14 Weekly Rest (Industry) Convention, 1921; C29 Forced Labour Convention, 1930; C98 Right to Organise and Collective Bargaining Convention, 1949; C100 Equal Remuneration Convention, 1951; C105 Abolition of Forced Labour Convention, 1957; C111 Discrimination (Employment and Occupation) Convention, 1958; C131 Minimum Wage Fixing Convention, 1970; C138 Minimum Age Convention, 1973; C144 Tripartite Consultation (International Labour Standards) Convention, 1976; C169 Indigenous and Tribal Peoples Convention, 1989; C182 Worst Forms of Child Labour Convention, 1999) passed by ILO but has not yet ratified convention No. 155 which solely bears OSH obligations. In this light, except for few enactments under Labour Act 1992, the issues of OSH still lack legal backup. Yet, the Ministry of Health and Population is ignorant about the occupational health issues. Not any health programmes in Nepal address the prevention and control of occupational related diseases and conditions. We do not have any legal document that describes the identification, diagnosis, and management of occupational diseases. Though the Labour Act 1992 states that occupational diseases are required to be reported, it has not defined the list of the occupational diseases and the process for providing welfare and compensation to the workers suffering from occupational diseases.

Though the Government of Nepal established the Occupational Safety and Health Project (OSHP) under the Ministry of Labour and Transport Management in 1995 with the prime objective of improving occupational safety and health in Nepal, it has not been able to obtain a permanent status for long term sustainability.

The major facade to installing concept of OSH in Nepal lies in inability of concerned stakeholders to grasp the utility and importance of occupational health services. Major obstacles in enforcing effective OSH practices in Nepal from the Nation’s perspective are as follows:

- Least priority of the government
- Lack of National strategy for OSH Management
- Lack of legal back up mechanisms
- Lack of focal point at government ministries
- No legal obligation for OSH Management system (ILO OSH Convention C155)
- Lack of list of occupational diseases and conditions
- Lack of adequate qualified and skilled manpower

The employer or the industries bearing obligation to providing safe working conditions by practicing OSH have an easy exit mechanism in absence of concrete legislations. Few industries have taken prudent measures by establishing OSH setups thereby decreasing vulnerability of hazards. The reality has a different story to tell, with very few medical facilities and emergency medical backup the issues of OSH are largely overlooked.

The labour forces are guided by their political affiliations, lack effective coordination and unity on OSH issues. They have not been able to cater to the needs of much aspired OSH concerns of workers. The labour forces at the bottom rung of ladder are still facing hardship as their voices often fall on deaf ears and issues pertaining to healthy working conditions are overlooked by their employers and even the state. The reality of this situation is such that workers have still been collectively bargaining for issues relating to minimum wages, equal remuneration etc. thereby, overshadowing issues pertaining to occupational safety and health.

**Needs and ways forward**

Any practice needs a valid and justifiable legal support for its effective enforcement and implementation. Nepal has yet to ratify various international declarations and protocols under OSH chiefly ILO convention 155. Absence of firm legal grounds, acts and policies have always produced mayhem, so is the case of OSH in Nepal. There is an immediate need for enacting OSH specific legal tools. The other strategic needs are as follows:
• Effective legal tools and their enforcements
• Formation of apex government body specifically for OSH equivalent to OSH council
• Implementation of OHS management system and formation of National law and standards on OHS (ILO Convention C155) or separate OSH Act.
• Dialogue, interactions and brainstorming sessions for policy formulation and necessary amendments
• Training, capacity building and skill transfer
• Necessity to build the capacity of State, employers and workers on OSH
• Detailed studies and publications on OSH in Nepal
• Sector wise Collaboration with research/academic/ health institutions
• Include prevention and control of occupational diseases in Health Policy

The task of maintaining a safe and healthy work environment is not an easy alley to trespass. All the stakeholders should be informed and educated on occupational grounds for an effective occupational response through their meaningful participation. The government should develop evidence based legislations, policy, framework, and programs on occupational safety and health. The workers should be informed about their rights concerning their working conditions, potential hazards and risks associated with their work and workplace. A mechanism is required for their holistic transformation such that they are able to participate in planning and decision-making concerning occupational health and other aspects of their work, safety and health.

The employer should be made understand that worker's safety and health are their responsibilities and they should remain obliged to their duties. It is also necessary to make them understand that occupational health services is an investment, the investment will likely result in motivation, job satisfaction, good ambience and increased job responsibilities. This chain of event will ultimately trigger to reap both qualitative and quantitative product increment, solidarity and sense of ownership amongst all.

The state agencies also need to develop special national law, framework, policy and programs for occupational safety and health which must include actions for providing competent occupational health services for all people at work. The program should focus on developing appropriate legal provisions and systems for effective enforcement for maintaining optimum occupational health and safety at work place.