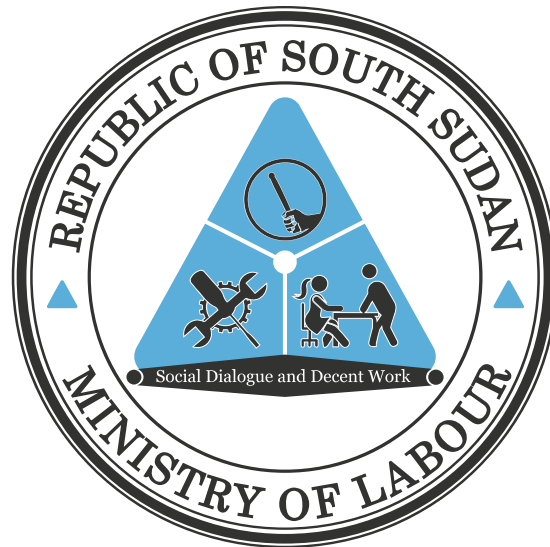


**THE REPUBLIC OF SOUTH SUDAN**

**MINISTRY OF LABOUR**



**NATIONAL OCCUPATIONAL SAFETY  
AND  
HEALTH (NOSH) POLICY 2022**



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## FORWARD

Section XI of South Sudan Labour Act, 2017 mandates every owner of an industry to take the necessary precautionary measures to protect workers against industrial accidents and occupational diseases. The employer is responsible for maintaining the workplace; taking reasonable measures to ensure safety; providing information and training as is necessary; provide protection to prevent contamination; take reasonable measures to provide a safe working environment; ensure employees' participation in application and review of safety and health measures; and consult employees and their representatives on all matters related to workplace health and safety.

The employer has right to take immediate step(s) to stop any operation and evacuate the employee(s) if there is imminent and serious danger to health and safety of employees. Any employer cannot dismiss or take disciplinary action against an employee if he/she departed from a hazardous situation. Similarly, the employer cannot require an employee to resume work in hazardous circumstances.

The Labour Act, 2017 states that the employer cannot deduct from the wages of the employee the cost of any equipment, material, tool, or protective gear which the employer has provided to the employee for the purposes of performing the duties under the employment contract.

Employers are required to ensure that employees have been trained as is necessary to ensure safety, health, and environmental protection at every workplace.

The Labour Act, 2017 allows for the appointment of Labour Inspectors to advise and supervise compliance of the Labour Act and any collective agreement or arbitration award made under it. Furthermore, the inspector is to investigate complaints and administrative proceedings received under the Labour Act, 2017 any other legal instrument, collective agreement, or arbitration award.

Despite all above, Section XI of the Labour Act, 2017 has not been enforced for the past 4 years. It is for this reason that the Ministry of Labour with the support from United Nations Development Program (UNDP) South Sudan Country Office decided to develop the Occupational Safety and Health Policy to ease the enforcement of the Labour Act, 2017.

Thanks very much

**Hon. Gen. James Hoth Mai**  
**Minister**  
**Ministry of Labour**

## **ACKNOWLEDGEMENT**

With honor and respect, the leadership of the Ministry of Labour recognizes the technical and financial support granted by the UNDP South Sudan Country Office through hiring the international Consultant Mr. Moses Kombe Namuene to provide a technical guidance for the development of this policy document, for, without such a commendable support this policy document would not have seen light. Thanks a lot for the technical input provided by the consultant and who ever contributed positively for the development of this document.

I would also like to commend the senior management and the staff of the Ministry under the able leadership of the Minister Hon. Gen. James Hoth Mai, for the support and the effort put into the development of this document.

**Mary Hillary Wani Pitia**  
**Undersecretary**  
**Ministry of Labour**

## ACRONYMS/ABBREVIATIONS

<b>CPA</b>	:	Comprehensive peace agreement
<b>DG</b>	:	Director General
<b>DOSH</b>	:	Director of occupational safety, health
<b>ILO</b>	:	International Labour organization
<b>ISO</b>	:	International standards organization
<b>HIV/AIDS</b>	:	Human immunodeficiency virus/acquired immunodeficiency syndrome
<b>HMIS</b>	:	hazard material information system
<b>MoL</b>	:	Ministry of Labour
<b>MoJ</b>	:	Ministry of Justice
<b>MoH</b>	:	Ministry of Health
<b>MoGS</b>	:	Ministry of Gender and Social Welfare
<b>MoFEP</b>	:	Ministry of finance and economic planning
<b>MoPS</b>	:	Ministry of public service
<b>MoHE</b>	:	Ministry of higher education
<b>MoU</b>	:	Memorandum of understanding
<b>MSEs</b>	:	Micro-scale enterprises
<b>NACOSHE</b>	:	National council of occupational safety, health and environment
<b>NIS</b>	:	National insurance scheme
<b>PCBU</b>	:	Persons conducting a business or undertaking
<b>PPE</b>	:	Personal protection equipment
<b>SSAC</b>	:	South Sudan AIDS Commission
<b>SSNBS</b>	:	South Sudan national bureau of standards
<b>SSFB</b>	:	South Sudan fire Brigade
<b>UNAIDS</b>	:	United Nations AIDS
<b>UNEP</b>	:	United nations environment programs
<b>UNHR</b>	:	united Nations human rights
<b>WHO</b>	:	World Health Organization

## DEFINITION OF KEY TERMS

The given terms shall be understood, used and applied in accordance to the contextual definition herein.

**Accident:** Any unplanned, sudden event which causes injury to people or damage to buildings, plant, material or the environment

**Occupational accident:** Means any accident employee suffers at work. It is a work-related incident due to nature, conditions and experienced.

**Commuting Accident:** An accident an employee suffers while travelling to or from his place of work

**Accident Investigation:** The process of systematically gathering and analyzing information about an accident. This is done for the purpose of identifying causes and making recommendations to prevent the accident from recurring.

**Biohazard:** hazard caused by any organism, biological material or organic matter or product of organisms that present a risk to human health.

**Dangerous occurrence:** at workplaces include incidents involving; lifting equipment, pressure systems, overhead electric lines and incidents causing explosions or fire, biological agents, radiations apparatuses among others.

**Employee:** Means a person who has entered into or works under a contract of employment to do any skilled, unskilled, manual, clerical, or other work for hire or reward, whether the contract is expressed or implied, oral or in writing or partly oral and partly written.

**Ergonomics:** Means the science of designing the workplace, keeping in mind the capabilities and limitation of the worker.

**Exposure:** Means the particular risk factor experienced by workers, with specific modifying factors of intensity, frequency, and duration.

**Green Economy:** Means an economic environment that result in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities. It is low carbon, resource efficient, and socially inclusive as per (UNEP, 2011).

**Green Jobs:** Means work in agriculture, manufacturing, research and development, administrative and service activities that contribute substantially to preserving or restoring environmental quality. Specifically, jobs that protect ecosystems and biodiversity, reduce energy and water consumption through high efficiency strategies, de-carbonize the economy and minimize or altogether avoid generation of all forms of waste and pollution<sup>i</sup> (UNEP, Green Jobs: Towards Decent Work in a Sustainable, Low Carbon World, 2008).

**Hazard:** Means the potential to cause harm or an unwanted outcome. For example, asbestos is a hazard which can result in mesothelioma and working at heights is hazardous and may result in physical trauma from a fall.

**Health:** Is a state of complete physical, mental and social well-being not merely and absence of a disease or infirmity (WHO, 1948).

**Incident:** Means any event with known causal factors, which could have led to injury, illness, or damage to property.

**Informal Sector:** Means workers who are not registered with any State agency for the purpose of taxation, nation insurance or state assessments. This group may include home-based workers, informal construction or mining sites, small-scale farmers in subsistence agriculture, vendors, waste pickers, at landfills, grass-cutters, minibus operators; that part of an economy that is neither taxed nor monitored by any form of government.

**Near-miss:** Means any event which had the potential to cause injury and/or damage and/or loss but which was avoided by circumstances.

**Occupational Disease:** Means any chronic ailment that occurs because of work or occupational activity caused by a person continuous exposure to unsafe or hazardous work / environment.

**Occupational Health:** Is a scientific approach in ensuring the protection of workers in their employment from risks resulting from factors adverse to health and includes the prevention and control of occupational accidents and diseases.

**Occupational Injury:** Any personal injury, disease or death resulting from an occupational accident

**Occupational disease:** A disease contracted as a result of an exposure over a period of time to risk factors arising from work-related activities.

**Occupational illness:** Aevent or exposure in the work environment abnormal condition or disorder resulting from a non-instantaneous e

**Occupational Safety, Health, and Environment (OSHE):** Means cross-disciplinary area concerned with protecting the safety, health, welfare of people engaged in work or employment, and protecting the environment surrounding them.

**Personal Protective Equipment (PPE):** Means all equipment used by workers to protect themselves from exposure to hazardous materials or conditions. The basic types of PPE include respirators, eye protection, ear protection, gloves, hard hats, safety footwear and leg wear and protective suits.

**Risk:** Means the likelihood and consequences that exposure to hazards will result in injury or disease.

**Risk Assessment:** Refers to the thorough look at processes and workplaces / working environments to identify (those things) unsafe conditions, acts or omissions, situations, etc. that may cause harm, particularly to people and can destroy the environment. It also includes the formulation of mitigation plans.

**Safety:** is a state of being safe or condition being protected from harm or potential hazards or any undesirable outcomes



**Safe and Healthy Environments:** Refers to social and physical surroundings or conditions that support the prevention of accidents, injuries, illnesses, or diseases.

**Well-being:** a state of comfort, happiness, physical fitness, rational harmony (contentment) with minimal distress and mutual connections

**Decent Work:** is an employment that respects the fundamental rights of human person as well as the rights of workers in terms conditions of work safety and enumeration. It involves opportunities for work that are productive and deliver a fair income for a decent living standard, security in workplaces.

**Work condition:** Means the work aspects including organization of work, work activities, training, skills and employability, health, safety, time, and nature of its surrounding.

**Workplace or environment:** Means the setting, social features and physical conditions in which you perform your job, e.g. physical, social, and culture or geographical or man-made environment.

It may be in a closed confinement or general open location, personal, general, private or public in nature or stewardship

# CHAPTER I: INTRODUCTION

## 1.1 Preamble

The government of South Sudan, through the Ministry of Labor, is determined to improve working conditions and environment employees through promoting the integration of occupational health and safety principles in workplaces as an important prerequisite for the elimination and/or reduction of occupational accidents, diseases, and environmental damages. The Ministry of Labour understands that good workplace safety, health and environmental practices will save lives by reducing occupational hazards and their potential consequences. Good safety, health, environment, and uprightness of policies in the workplaces have positive impact on employee informality and productivity.

It is widely accepted that employees' physical and mental health can be harmed because of workplace hazards. In the absence of risks, on the other hand, people appear to become more interested and active in their jobs. Improvements in health and well-being can occur because of increased job satisfaction and protection. Today, the focus is on establishing a preventative and protective safety and health culture at work, which involves information, consultation, and training, as well as a shared responsibility structure, in which employers and employees must share responsibility for their own safety and health productivity at work.

The Ministry of Labour recognizes the urgent need to train and prepare people to vigorously follow the commitments of implementing and monitoring the Occupational Safety and Health (OSH) Act, as detailed in the South Sudanese legislation, Labour Act, 2017 Section XI. The National Policy on Occupational Safety and Health is being implemented in this context. The strategy aims to resolve both current and emerging problems posed by changes in the workplace. It establishes a mechanism for addressing these problems in a collective and organized manner, as well as the inclusion of people working in the informal sector.

The key goal of this policy is to encourage the positive creation of factors in the workplace that improve the social, emotional, and physical well-being of employees and society as a whole, not only to eradicate or minimize hazards and the occurrence of work-related accidents, deaths, and diseases. Therefore, the roles and responsibilities of the key stakeholders will be clearly articulated to ensure a practical implementation of the policy with clear direction for its administration. It will provide an assurance that the stakeholders will be held accountable for their work and responsibilities.

Furthermore, the National OSH Policy outlines the government's vision for OSH and streamlines agreed-upon action goals. This is occurring against the backdrop of South Sudan's adoption of a systems-based approach to occupational safety and health. The International Labour Organization (ILO) Global Strategy, which is based on the Deming Cycle of "Plan-Do-Check-Act," called for this systems approach. Like ILO's, NOSH strategy has four (4) core elements at the national level underscored below:

- a) **Setting a national OSH Policy:** To include a national framework for action to boost OSH in and around the workplaces.
- b) **National OSH System:** To explain the facilities and services that are available.
- c) **National OSH programs and Profile:** To bring attention to current and emerging problems in OSH at the national level so that this policy can be developed.
- d) **National Plan of Action:** To provide a period over which the policy will be deemed applicable. Three (3) to five (5) years is the range. During this time, OSH issues will be identified, prioritized to resolve these issues will be established, goals and indicators will be clearly defined, and implementation mechanisms will be continuously created.

This is a cyclical approach, with frequent assessments that capture new trends and update intervention goals. As a result, this policy will serve as the foundation for the National Occupational Safety and Health Plan of Action which will be established by the Ministry of Labour's Directorate of Occupational Safety and Health in collaboration with representatives from other social sectors, with a focus on substantive social dialogue that fosters mutual understanding among stakeholders, good relations, and promote social justice in the state community.

## 1.2 Background

The ILO's Recommendations and conventions, and Labour Act, 2017 provides that "Each Member state shall, in the light of national conditions and practices and in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety and health at the working environment. South Sudan does not have a National OSH Policy. This resulted into uncoordinated implementation of occupational safety and health programs and scanty efforts in implementing such programs. In addition, the realization of decent and accident-free work industry requires a globally competitive workforce in decent work environment which the policy seeks to deliver through the establishment and maintenance of sound safety and health systems and programs. Henceforth, good occupational safety and health management systems lead to a reduction in occupational accidents and diseases, protection and development of human resource, and savings on financial resources.

It is in this light that the Ministry of Labour (DOSHS) has formulated this National Occupational Safety and Health Policy as a guide to all key players in the promotion and protection of Occupational Safety and Health in the country. With the aim to promote employment opportunities in the local economy, the Ministry of Labour has been engaging with private sector and organized series of consultation meetings. Throughout the consultation meetings, the Ministry of Labour acknowledged the crucial role of regulatory frameworks including relevant policies to enable the improvement of the labour market and private sector development that contribute to South Sudan's inclusive economic growth. The Ministry of

Labour believe that adequate regulatory framework must be in place to enable effective facilitation to the private sector, including potential foreign investors.

Currently, UNDP is implementing the Youth Empowerment through Private Sector and Value Chain Development project in close coordination and partnership with the Ministry of Labour and five states in the country – Western Equatoria, Eastern Equatoria, Jonglei, Lakes, and Central Equatoria. The project provides for technical assistance to be extended to government line agencies at national and state levels through the development of appropriate policies and frameworks that will accelerate result-based programming and sustainability. Upon the request from the Government of South Sudan, Ministry of Labour and UNDP have agreed to provide technical assistance in identified prioritized areas including Occupational Safety and Health Management systems.

This policy will take a critical look at the working conditions in high-risk areas such as the mining, oil and gas, construction and many others sectors with higher risks. The policy will also revisit the effectiveness of policies relating to the protection of vulnerable groups by age, gender, sexual orientation, and those that are differently abled, e.g., in terms of making workplaces more physically accessible and non-discriminatory, including the prevention of discrimination in hiring and promoting employees and the payment of wages due to their disposition.

### **I.3 Purpose**

The general goal of this document is to guide the country in applying a systematic and well-coordinated approach in administering occupational safety and health services and creating sustainable decent working condition and a continual reduction in the incidence of work-related fatalities, with a reduction of at least 5-8 per cent annually over the next five years. The main focus shall be the prevention and control of work-related accident and diseases, rehabilitation and compensation of injured workers in the course of work as well as those who contracted occupational diseases. This will be carried out in consultations and participation of all the stakeholders under the guidance of the Labour advisory council.

### **I.4 Objectives**

#### **I.4.1 General Objective**

The main objective of this policy is to establish national occupational safety and health systems and programs geared towards the improvement of the work environment. The Policy seeks to reduce the number of work-related accidents, incidents and diseases, and equitably provide compensation and rehabilitation to those injured at work or who contract occupational diseases.

#### **I.4.2 Specific objectives**

- a. To create a decent safer and healthier working conditions, workplaces, and environment in South Sudan's work industry**
  - i. Establishment of the decent forms of work and workers' rights.*
  - ii. Reduction of work-related fatalities and injuries and occupational diseases*
- b. To improve on the labor protection with effective OSH operational policies and legal frameworks in the country**

- i. *Develop coherent, acceptable and feasible OSH policies and strategic documents.*
  - ii. *Create a comprehensive nationally and internationally aligned legal framework in OSH area with the participation of social partners*
  - iii. *Institute an effective OSH inspection and management system.*
  - iv. *Develop and strengthen OSH network to enhance social dialogue and influence occupational safety and health outcomes.*
  - v. *Develop an effective system for managing body of knowledge about preventive culture and for promoting occupational safety and health.*
- c. To establish a transparent and effective OSH systems and institutions for enforcement**
- i. *Reduce undeclared Labour related OSH risks and informality via effective implementation and inspection services*
  - ii. *Expand recognition and increase knowledge on employment and skills to reduce the Labour law violations in regards to OSH.*
  - iii. *Build motivation and ability to employers to manage OSH risks effectively and of workers to promote safer workplaces and participate in OSH consultations.*
  - iv. *Enhance regional cooperation to increase the influence of our country to upgrade OSH policies at international level.*

#### **1.4.3 Outcome**

- i. *Increased informality and productivity in workplaces in South Sudan because of a structured approach to OSH Management.*
- ii. *Decreased accidents, incidents, disabilities, and diseases related to OSHE and absenteeism resulting from OSHE public awareness.*
- iii. *Improved employee morale resulting from an improved working environment and safe working system.*
- iv. *Increased levels of compliance with the OSHE Act and all other relevant legislations and codes of safety and health practices.*
- v. *Collaboration with academic and research institutions, and other agencies in developing curriculum to integrate OSHE into their programs.*
- vi. *OSH effective coordination and partnership with economic sectors; agro-forestry, Mining, Energy, construction, transport, communication, fisheries among others.*
- vii. *Established the decent forms of work, workers' rights and unions.*
- viii. *Created a comprehensive nationally and internationally aligned legal framework in OSH area with the participation of social partnerS*
- ix. *Instituted an effective OSH inspection and management system.*
- x. *Developed and strengthened OSH networks to enhance social dialogue and influence occupational safety and health outcomes.*
- xi. *Established an effective system for managing body of knowledge about protective, preventive culture and for promoting occupational safety and health.*
- xii. *Improved data collection systems for OSHE research, interventions, preparation, and budgeting, as well as for making informed decisions.*
- xiii. *Improved protection, prevention through enhanced hazard/risks knowledge, collaboration with local community leaders to support the policy's roles and goals at grassroots levels.*

## 1.5 Scope

The policy shall apply to all employers, employees and types of workplaces in the country's work industry and other spheres of economic operations, including the field work, factories, shops and offices, as well as private and public institutions (informal and formal sectors, local and foreign investors). It is a document that expresses the government's goals and intentions, which explains how to improve workplace safety, health, workers' welfare as well as the environment in South Sudan's work industry.

## 1.6 Guiding Principles

South Sudan OSH policy is guided by the existing national laws, policies and International Labour standards including ILO conventions, and World Health Organization (WHO) recommended occupational safety and health codes of practice and guidelines.

In conformity to the international Labour standards and principles; five (5) major principles and basic rights to work;

- a. *Reduction on work related discrimination*
- b. *Child labour*
- c. *Forced labour*
- d. *Freedom to work and Expression and association*
- e. **Occupational safety, health and welfare at workplaces,**

and furtherance of the national Labour Act,2017, the NOSH Policy principles and regulatory frameworks shall:

- i. streamline all forms of work, the duty of care and core rights of employers, workers and all other stakeholders, including universal application,
- ii. profile all the endemic occupational safety and health incidents; accidents, dangerous occurrence and related death in the country's work industry
- iii. adopt integration of preventive and rehabilitative occupational health services into the work-related healthcare services,
- iv. appropriate fair compensation and rehabilitation benefits by providing meaningful, accessible and equitable compensation and rehabilitation to workers in all sectors of the economy and in all forms of employment;
- v. ensure that the employers bear the cost of accidents and diseases to their employees, including the cost of medical treatment, compensation and rehabilitation.
- vi. ensure that OSH is collaboratively managed through a tripartite stewardship of all relevant stakeholders; government, workers and employers,
- vii. award and give recognition for compliance and good performance to the best employers and workers of the year in occupational safety and health at enterprise and national levels.

- viii. protect workers' right to sustained safe and healthy working conditions and environment, with the emphasis on prevention rather than curative measures, rehabilitation, and compensation.
- ix. identify, evaluate, and monitor workplace threats and hazards at the source through general auditing and inspection.
- x. create a national culture of prevention in safety, health, and environment that includes information, consultation, testing, and training.
- xi. via tripartite and/or multipartite consultations, engage with social partners during the development, implementation, and evaluation of all policies, processes, and programs.
- xii. successfully formulate, administer and enforce the OSH regulatory and promotional frameworks for all implementing agencies and social partners in the work industry.
- xiii. ensure continuous assessment, evaluation and service quality improvement to strengthen OSH standards and practices through system research and innovations.
- xiv. focus on the possible ways to green the economy through a healthy and productive workforce for sustainably protecting the workplace, environment safety, health and welfare of employees, and the general public.
- xv. be mandatory to all workplaces in the country's work industry
- xvi. mainstream gender comprehensive occupational risk analysis as a standard practice in all OSH policies and regulatory programming at all work levels; promoting justice and equality between men and women.

## CHAPTER 2: CONTEXT ANALYSIS AND CHALLENGES

### 2.1 Situational analysis

South Sudan became independent on 9<sup>th</sup> July 2011 after a landslide majority referendum votes for secession as stipulated in the 2005 Comprehensive peace agreement (CPA).

In 2017, it was found necessary to have a national labour legal instrument to provide for occupational safety, health and welfare of employees in South Sudan work industry and became the Labour Act, 2017. To administer the Act, the Directorate of Occupational safety and health (DOSHS inspectorate) is formed within the Ministry of Labour headed by the Director General (DG) as a principle statutory OSH regulatory authority. The Act covers OSH for both the formal and informal sectors. There are other legislations that touch on occupational safety and health in the country including the Public Health and Environment Acts among others.

In order to empower employers and workers to deal with hazards at enterprise levels, the Ministry mandates the training institutions to include workplace safety and health of workers in Occupational Safety and Health (OSH) training syllabuses. The training institutions are to offer basic training courses in First Aid and Fire Safety etc. In addition, technical capacity will be developed at tertiary levels through the introduction of safety and health courses; diploma, bachelor and postgraduate levels. Furthermore, some technical training institutions have to incorporate occupational safety and health aspects of plant, machinery and equipment operations in their curricula. These efforts are however, insignificant to address the occupational safety and health training needs of the country if not well appropriated and complied with.

DOSHS has somewhat relevant workforce to conduct the OSH day to-day activities and services. To address the inadequacies in technical human resource capacity, the directorate is urge to adopt the strategic concept of merit-based quality human resource recruitment and institutionalization to commensurate and ensure quality safety and health services across all economic sectors in the country's work industry. Generally, the country's industrial sector is still very infant or hardly presence thus, work-related accidents and diseases are yet minimal compared to its sisterly bordering countries. It is thus imperative that, if proper OSH regulatory and promotional frameworks are instituted and diligently appropriated at this very infant stage, the national economic productivity from quality and healthy productive workforce can as well ascertained.

### 2.2 Country demographic profile

The current population of South Sudan is 11,323,429<sup>1</sup>. South Sudan, 2020 population is estimated at 11,193,725 people at mid year according to UN data. The median age in South Sudan is 19.0 years and the population density of 19/Km<sup>2</sup> and growth rate 0.99%.

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<sup>1</sup> *Worldometer elaboration of the latest United Nations data, Jun. 2021*



### **2.3 Economic analysis**

The decades of civil war in South Sudan left its economy very underdeveloped and imaginary. South Sudan is one of the world's poorest countries, and they have one of the highest maternal mortality and female illiteracy rates in the world. Most homes lack electricity or running water, and paved roads are very uncommon. The largest industry in South Sudan is the international export of oil and lumber products. The country also contains many natural resources like copper, chromium, zinc, iron ore, petroleum, mica, silver, gold, and hydropower. The economy is also heavily reliant on agricultural products like dura, groundnuts, wheat, sugarcane, mangos, bananas, and sweet potatoes.

### **2.4 Social Analysis**

There are more than 60 ethnic groups in South Sudan, including Dinka and Nuer the largest, and so many different languages spoken in the country. The vast majority of people in South Sudan speak one of the Nilo-Saharan languages, but the official national languages are English and Arabic fairly and widely spoken. South Sudan is a fairly religiously divided nation. The top two faiths are traditional African religions and Christianity, and the percentages of each vary depending on who you ask. A study stated that South Sudan's populations are 60.5% Christian, 32.9% follow traditional African religion (ATR), 6.2% are Muslim, and 0.4% are considered "others."<sup>2</sup>

### **2.5 Challenges**

Employment shows marked gender differences among the different economic sectors, with agriculture remaining the sector with the highest participation of women.

In the delivery of occupational safety and health services, the country faces several challenges that include:

- i. Lack of institutional and legal frameworks and infrastructures to minimize overlaps, gaps and duplications in the delivery of services.
- ii. Inadequate skilled human resource in both public and private sectors of the economy.
- iii. Lack of financial resources to finance enforcement and prevention agencies.
- iv. Low occupational safety and health awareness amongst employers, workers and other stakeholders
- v. Lack of or weak systems for inculcating safety and health preventative culture.
- vi. Inappropriate systems for occupational injury data management.
- vii. Inadequate workplace programs on HIV and AIDS prevention care and support.
- viii. Lack of occupational health services at all levels of healthcare system.

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<sup>2</sup> *Religion in South Sudan, Pew Research on Religion, 2012*

- ix. Lack of research to address both emerging and traditional occupational risks arising from fast technological developments and globalization.

## **2.6 Country workforce and Employment status**

In 2020, the labor participation rate among the total population aged between 15 and 65 years in South Sudan amounted to around 73.9 percent that constitute over 4.5 million people<sup>3</sup>.

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<sup>3</sup> Aaron O'Neill, Jul 28, 2021 and World Bank, 2020

## CHAPTER 3: THE POLICY FRAMEWORKS

### 3.1 OSH Legal Framework:

Apart from the Labour Act, 2017 Chapter XI which provides for safety, health and welfare of persons at places of work, occupational safety and health (OSH) issues are scattered in other pieces of national legislations. The uncoordinated legal frameworks on occupational safety and health create disharmony, lack of enforcement efforts. In addition, there are loosely ordinary court systems for prosecution of cases on OSH violations in the country.

#### Commitment

- i. *Ministry of Labour (DOSH) in collaboration with other stakeholders will take lead to strategically harmonize national legislations on occupational safety and health.*
- ii. *DOSH will designate and advocate for the Labour specialized criminal courts to handle occupational safety and health matters.*
- iii. *DOSH will strategically formulate, administer and enforce the relevant NOSH programs' regulatory and promotional frameworks for all the economic sectors in work industry as well as streamlining OSH training syllabuses and curriculum to be adopted for the training of OSH workers across enterprise and national levels of working life.*
- iv. *DOSH shall moderate and appropriate all OSH disputes and discrepancies in accordance to the Labour Act, 2017 provisions therein.*

### 3.2 Work Injury Compensation Legal Framework:

Due to the absence or loose understanding of work injury benefit, Ministry of Labour (DOSH) cannot effectively enforce the Act. The current Act does not provide for the rehabilitation of injured workers.

#### Commitment

- i. *The work injury compensation regulatory framework will be formulated, established and strengthened with due regard to the relevant international standards and code of practices (ILO), and existing national legislations so as to establish clear guidelines and mechanisms for adequate compensation of workers following occupational accidents, diseases and death.*
- ii. *The Ministry of Labour in collaboration with other stakeholders will appropriate strategic mechanisms for the treatment, rehabilitation and compensations of injured workers by the direct stakeholders (Employers).*
- iii. *DOSH shall moderate and appropriate over newly arising matters pertaining injury and compensation mechanisms thereof.*

### 3.3 Institutional Framework

- a) *Establishment of the national central advisory committee (CAC):* The ministry shall establish Occupational Safety and Health advisory committee and institutional OSH committees constituted by the key relevant line ministries and tripartite stakeholders to play an advisory role on occupational safety and health issues to strengthen the policy and programs implementation. CAC shall be an allied body to DOSH, to mobilize own enabling resources to further its mandate and necessary information required for effective advisory role.
- b) *Establishment of national authority OSH:* The ministry shall establish a central authority to safeguard and undertake national OSH services. Wherefore, the OSH services are versatile and multidisciplinary, they require multi-sectoral approach, involvement and participation of all stakeholders under overall stewardship of national authority or body to manage and coordinate all OSH issues in the country. The services offered by the Directorate of Occupational Safety and Health Services (DOSH) are skewed towards OSH which will deal primarily with prevention of occupational accidents and diseases. There is therefore, need to establish an authority or body to oversee prevention, compensation and rehabilitation issues in the near future.
- c) *Establishment of national training and research institute:* There is limited occupational safety and health research and training in the country and hence no comprehensive OSH data is available for comparison and monitoring of progress, if any, in the implementation of programs. Wherefore, the ministry shall seek to establish such a NOSH research and training institute for service quality and system innovations and improvement.
- d) *Tripartite collaboration strengthening:* There is limited collaboration between players involved in occupational safety and health programs in the country. The ministry shall embark on strengthening tripartite collaboration, coordination, social dialoguing and partnership on enforcement and regulation of OSH services.

### Commitment

- i. *The CAC shall be established and its mandate expanded beyond the advisory role to enable it effectively direct implementation of OSH policy decisions.*
- ii. *The Ministry of Labour shall establish the national authority or body (DOSH) and mandated to have overall responsibility for managing, overseeing and regulating the national occupational safety, health and welfare of workers at workplaces in the country's work industry. The Authority will manage and coordinate OSH issues, focusing on the prevention of work-related incidents, accidents, injuries, diseases and death, compensation, rehabilitation of injured persons, OSH service research and OSH training in the South Sudan. It will also carry out awareness creation and publicity on OSH issues and programs in the country. Aggressive financial, human resource and infrastructural capacity development will be carried out to enable the Authority to carry out its mandate.*

- iii. The Ministry of Labour (DOSH) shall establish systematic collaboration mechanisms for all stakeholders, both in the public and private sectors, in the field of occupational safety and health.*
- iv. The Ministry of Labour (DOSH), in collaboration with other stakeholders, will facilitate formation of a professional body or association for OSH practitioners in the country.*

### **3.4 Mechanisms for Ensuring Compliance**

- a) *Provision of sufficient OSH resources for implementation:* The enforcement of OSH legislations is normally impeded by inadequate resources; personnel, equipment, mobility and expansive geographical coverage. Therefore, provision of such resources for necessitating enforcement of NOSH policies and regulations.
- b) *Creation and strengthening NOSH institutions, legal infrastructures and promotional space with relevant technologies:* Most equipment for safety and for monitoring working environment for compliance are not available locally and expensive.

#### **Commitment**

- i. The Ministry of Labour (DOSH) will put in place mechanisms to ensure adequate personnel for monitoring compliance with the national occupational safety and health laws and regulations taking cognizance of ILO guidelines on the number, nature, size and situation of the workplaces liable for inspection.*
- ii. The traditional mechanism of ensuring compliance through inspections and prosecutions will be supplemented by streamlining self-regulation through workplace safety and health committees and improvement of OSH services by approved persons and institutions.*
- iii. The Ministry of Labour (DOSH) will establish a system of tax waiver or exemption on equipment used for ensuring safety and health services in the country.*
- iv. The Ministry of Labour (DOSH) in collaboration with stakeholders will establish an award system for best performing individuals and organizations as well as appropriate sanctions for poor performers in the country's work industry.*

### **3.5 Framework to enhance commitment of stakeholders**

Many employers and employees, including those in the public service, are not cooperating on occupational safety, health and environment issues effectively, hence the need to establish and strengthen the bipartite system (Government-Enterprise nexus and Employer-Employee nexus) at the enterprise level. In addition, the OSH programs regulations shall include representation of key stakeholders such as Micro and Small Enterprises (MSEs) in the national council and committees for Occupational Safety and Health coordination and advisory services.

#### **Commitment**

- i. The ministry (DOSH) in collaboration with stakeholders will establish and strengthen occupational safety and health committees at the national and enterprise levels.*
- ii. The ministry shall formulate, administer and enforce the economic sectoral programs with relevant regulatory and promotional frameworks which are to be subsequently cascaded down and adopted at the enterprise levels.*
- iii. The ministry shall formulate, adopt and enact the Occupational Safety and Health Act (OSHA), This will strengthen NOSH-CAC and facilitate it to carry out its mandate effectively.*

### **3.6 Information and advisory services on OSH**

There is no reliable system of collecting, compiling and notifying of occupational accidents and diseases hence limited occupational safety and health information to enhancing necessary interventions. The country also lacks comprehensive and synchronized research strategies to provide information and solutions on OSH service problems.

#### **Commitment**

- i. The ministry (DOSH), in collaboration with the stakeholders, will develop a comprehensive and reliable system for reporting, collection, recording, analysis, storage, retrieval and dissemination of information for occupational safety and health services in the country's work industry.*
- ii. DOSH will collaborate with local and international institutions for the purpose of sharing information on the country's occupational safety and health profile.*

### **3.7 Education and training**

Currently, OSH is not integrated into the education curricula. Labour market entrants in the country therefore lack basic knowledge and skills in occupational safety and health. There is a general lack of awareness on OSH among the general populace. There is a general shortage of OSH skills both in the public and private sectors in the country's work industry. In addition, there has been little investment in the education and training of health and safety workers (compliance safety and health officers-CSHOs).

#### **Commitment**

- i. DOSH in collaboration with stakeholders, will mainstream safety and health in education curricula at all levels of learning including employee in-service training.*
- ii. The ministry in collaboration with stakeholders, will create awareness on safety and health with the key aim of developing a safety and health culture in the country. This will be carried out mainly through dissemination of information through electronic and print media and other social mobilization campaigns.*

- iii. *DOSH will set up an institute within the Authority to be established for training on the specialized skills development in OSH services. In addition, other institutions of higher learning will be encouraged to offer training on OSH courses.*

### **3.8 Occupational Health Services (OHS);**

Occupational health services are not adequately integrated into all levels of the country's work industry related healthcare services. Therefore, occupational related conditions and diseases and ill-health are not well recognized and managed. Thus, provision and regulation of OHS services in the country's work industry is a general prerequisite by DOSH to be ensured by OSH relevant stakeholders.

#### **Commitment**

Ministry of Labour (DOSH) in collaboration with relevant stakeholders will;

- i. *Formulate, administer and enforce OHS regulatory and promotional frameworks as well as developing and integrating the training programs and curriculum and thus, the OHS Training Manual.*
- ii. *Establish programs to impart skills for recognition and management of occupational health; poisoning, diseases, related death conditions to all practicing health providers.*

### **3.9 Research innovations on OSH**

The introduction of new technologies, chemicals, processes and work organizations have brought about emerging occupational safety and health risks. These need to be thoroughly researched upon to provide preventive measures. Currently research in occupational safety and health in South Sudan is a mere dream yet to be realized.

#### **Commitment**

- i. *The ministry will establish research institute to carry out specialized and applied research in occupational safety, health services, system and environment.*
- ii. *DOSH in collaboration with research institutions and individuals, will carry out research to seek specific solutions to emerging OSH problems to commensurately adapt to the challenging dynamics.*

### **3.10 Compensation for work related injury**

There is a challenge of identifying the employer who is liable for payment of compensation in cases where an employee has contracted an occupational disease but has worked for several employers. Most occupational diseases have long latent periods and may be diagnosed long after exiting work. The country lacks human and other necessary resource capacities to comprehensively cover rehabilitation and compensation of the working populations in all forms of work and economic activities. Employers who do not have insurance cover for work injury compensation liabilities find it difficult to settle compensation cases.

#### **Commitment**

- i. DOSH in collaboration with other stakeholders, will furnish a mechanism for establish ways by which work injury compensation of workers with occupational accidents, diseases and deaths are appropriated through the established Labour courts.
- ii. The ministry shall incapacitate the national authority; DOSH and Labour Courts in charge of the administration and enforcement of work injury compensation to effectively manage related cases in the country's work industry.

### **3.11 MSE Support Mechanism on OSH**

The occupational safety and health standards in Micro and Small-Scale Enterprises (MSEs) are vague and loose. Due to the temporary nature, high mobility and the small capital base of the enterprises, the conventional methods of enforcement of OSH standards cannot be effectively applied. Thus, requires appropriate regulatory and promotional mechanisms to be instituted therein.

#### **Commitment**

- i. The Government/ministry in collaboration with other stakeholders, will support awareness creation and advisory services programs for MSEs.
- ii. The ministry will support the formation and effective functioning of joint safety and health committees for the MSEs thereof.

### **3.12 NOSH Programs Financial Resourcing**

The financing of occupational safety and health services is always insufficient due to rudimentary, unbudgeted programming or lack of clear financing sources. Apart from increasing the coverage of the law on occupational safety and health issues, the enactment of the Occupational Safety and Health Act (OSHA) via Labour Act 2017, has created more functions which include research, training, awareness creation, advisory services to stakeholders, development of codes of practice and guidelines, provision of outreach services to the community at large and other OSH promotional activities. In addition, the transfer of the responsibility for work injuries compensation to DOSH without additional financial allocations may aggravate the department's financial burden. Wherefore, DOSH shall embark on the necessary financial resource mobilization and allocations in appropriation relevant OSH services in the country.



## Commitment

- i. *The ministry will increase budgetary allocation to the DOSH for overseeing OSH services in the country as well as OSH organizational structuring and administration.*
- ii. *DOSH will establish and operationalize an Occupational Safety and Health funding mechanisms through the;*
  - a) *Inspection and certification fees from such investment organizations/companies in the country's work industry.*
  - b) *Donations or grants from potential well-wishers, partners/donors*
  - c) *Fines from the OSH policy and legal defaulters or violators.*

### 3.13 Sectoral and Cross-Sectoral issues

Physical disabilities, age limitations and capacities, and other peculiarities are all factors that influence how we handle the workplace to keep particular groups of employees and work nature safe and healthy. Vulnerable people are given considerable attention herein in the policy;

#### i. Gender

Most employers are not adequately aware of the need to have gender responsive workplaces. Women are more vulnerable to certain exposures in the work environment due to their biological make-up. There can also be systemic barriers in human resource and safety and health policies that create bias against women. These barriers need to be identified and eliminated.

## Commitment

- *DOSH in collaboration with stakeholders, will institute affirmative action initiatives aimed at addressing workplace gender biases in occupational safety and health services across all levels of work in the country.*
- *DOSH shall adopt awareness creation among workers, employers and the community at large on the occupational safety and health gender mainstreaming.*

#### ii. HIV and AIDS

About 37.6 million people globally have been infected with HIV and AIDS in the age range of 15-49 considered to be the prime productive life and is increasing at the rate of 7,500 daily. The severity of the impact caused on businesses, national economies, individuals and their families are likely to have a significant negative impact on national productivity<sup>4</sup>. In South Sudan about 200,000 (2.7 % of its population) people in the age range of 15-49 are living with HIV and AIDS<sup>5</sup>. Most of these are workers who are more vulnerable to occupational hazards due to their reduced body immunity. This has resulted

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<sup>4</sup> UNAIDS, 2021

<sup>5</sup> South Sudan AIDS Commission (SSADC)

in reduced productivity and even deaths amongst the working population and further continues to threaten the source supply of working personnel.

### **Commitment**

The Government in collaboration with relevant stakeholders will develop and implement workplace programs and a code of practice on HIV and AIDS at work addressing prevention, care and support for those infected and affected in the country's work industry.

#### **iii. People with Disabilities and other Special Needs**

Workers with special needs including persons with disabilities, have not been given adequate and convenient facilities at workplaces. Wherefore, the policy advocate for creating necessary space for the persons with specific needs (PSN) including the disables.

### **Commitment**

The ministry in collaboration with relevant stakeholders will develop and implement appropriate regulations and guidelines for provision of relevant services and facilities for persons with disabilities and special needs at workplaces to enhance them adapt and cope with such work conditions and environments.

#### **iv. The Elderly**

Elderly people are always affected by certain types of work conditions hence need to be protected at old age. Measures to extend the working lives of people in higher age groups must be implemented as part of human resource development programs. The policy advocate to keenly observe work nature given to elderly to be commensurate to the body needs so as to necessitate the workload and efficient in context of safety and welfare.

### **Commitment**

- i. Ensuring employees' health is protected by preventive measures during their working lives, such as regular physicals, eye, dental, and hearing check-ups, and company health insurance.*
- ii. On designing workplaces, organizing jobs, and adapting workplaces to the individual needs of older workers, every employer shall provide and implement essential ergonomic concepts at workplaces and work conditions.*
- iii. Wherever possible, the elderly should be given occupations that are appropriate for their skills, commensurate to the abilities and the workplaces should be readily available to them.*

#### v. The young persons

Young children are normally exposed to risk of heavy work and forced labour in various workplaces in the country. This child labour activities are prohibited by labour legislations; Labour Act, 2017 and Labour international standards- the principles and basic rights to work.

##### **Commitment**

Ministry of Labour seeks to:

- i. *provide safe and stable work environments for the young who are working, where they are not exposed to work that can cause physical, emotional, or psychological damage.*
- ii. *limit young people's exposure to radioactive contaminants, chemicals such as pesticides, glues, fumes, gases, and dust particles at workplaces.*
- iii. *provide youths with counselling, job advice, and mentorship at the workplaces.*

#### vi. Environmental Pollution

Hazardous wastes and emissions from production processes and work activities may pollute and degrade the environment and have adverse impact to the workers and community living close to the boundaries of the workplaces. Such pollutants include; soil, water and air among others. Wherefore, the policy advocate for regulation of such pollutants at workplaces and precautions the involved stakeholders to cautiously manage the pollutants in accordance to the existing national codes of practices thereof.

##### **Commitment**

The ministry/DOSH in collaboration with other relevant stakeholders, will develop and implement strategic regulations and guidelines for prevention of environmental pollution emanating from works and workplace activities.

#### vii. Drugs and other substance Abuses

An increasing number of workers are abusing substances including tobacco, alcohol, medical drugs, and narcotics that can lead to ill health and accidents in the workplaces. The policy thus, advocates for legal prohibition on consumption and indulgence in such drugs and substances at workplaces.

##### **Commitment**

The DOSH in collaboration with the relevant stakeholders will support programs to create awareness amongst workers on the dangers of drug and substance abuse.

#### viii. Inland Waterway Transport

Such as;

- *Port Vessels; Boat, Barge, Ferries*
- *Docking and transportation; cargo and passengers' vessels*

South Sudan being a land locked country, is endowed with River Nile water resource that is largely utilized and depended on for Fishing and inland water transport. The inland waterways has a number of docking ports including; Juba (CES), Bor (Jonglei), Adok Bentiu (Unity), Shambe Yirrol (Lakes) and Malakal ports to Kosti port in North Sudan. The country's Riverine transport services is rudimentary and less developed just like any other industries due to the country's infant age (10 years of independence).<sup>6</sup>

Ministry of Transport is in-charge of the transport industry including the riverine transport services. MoL/DOSH the custodian of country's labor force safety and health will collaborate with Transport authority to regulate workplaces and related working conditions to conform to international and national (DOSH) safety and health standards thereof.

The inland waterway transport sector is characterised by a number of vessels both small, medium and relatively large sized transport facilities including; Boat, cruisers, ferries, and barges. A good number of South Sudanese work in the Water transport and Fishing industries who are exposed to unique poor living and working conditions similar to the maritime workers. Such conditions may include;

- *working long hours,*
- *night work,*
- *bad weather conditions,*
- *noise,*
- *vibration,*
- *physical work,*
- *dangerous substances and*
- *confined spaces.*

Inland waterway traffic records an increasing traffic density of vessels on the river, strong water currents and seasonal variation of water levels make navigation difficult and increase the risk of collisions with other vessels, objects, riversides, bridges and agrounding. Property damage and loss of life are common consequences of the riverine activities related accidents. DOSH in collaboration with the line ministry shall coordinate and foster decent safer, healthier waterways transport facilities and infrastructures to enhance sustainable safety culture and health standards compliance across the working life in the industry. DOSH is cognizant of the following water transport related hazards risk with respective preventative and protective measures thereof. The likely hazards related to Water resources management industries include;

- a) **Work Environment** related hazards; *wind, rain, cold, heat, and intense sunlight.*
- b) **workplace violence harassment and bullying** *mental health problems, mental and psychosocial risk factors.*

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<sup>6</sup> South Sudan history, 2020

c) **Working Time** related hazards; The separation from family, long working hours, unstable work schedules, the difficult working environment, the confined nature of the life on board, and the demanding workloads can lead to stress, aggression, burn-out and fatigue.

d) **Accidents on Board;**

- Electrical equipment, Burning, Machinery, Collision of vessels may have serious and fatal consequences.
- Explosion and fire of explosive or flammable cargo is of great danger to the crew and ship. Improperly maintained machinery may also lead to explosions
- Enclosed space accident. Enclosed spaces are designed to store goods, to enclose materials and processes, or transport products or substances. Entry by workers for survey, inspection, maintenance, repair, clean up, or similar tasks is often difficult and dangerous because of a lack of air, hazardous atmospheres, the presence of chemicals or physical hazards (risk of fall from unguarded heights, falling objects) and risk of engulfment.
- Crane and lifting operations involve a high percentage of accidents on ship decks. Workers may be struck by falling objects during cargo handling or in stormy weather.
- Many accidents occur while anchoring, berthing or mooring. Winches, ropes and mooring lines are therefore inherently dangerous. Mooring accidents have serious consequences and may lead to severe injury or death of seamen. Workers can be caught in bights, become entangled with mooring ropes or get hit with great force by parted ropes in motion.

f. **Hazardous Substances.** Workers on board of ships may be exposed to chemical substances (cleaning solvents, detergents, fuel, welding fumes, paints, pesticides, fumigants, etc.) routinely used on ships for cleaning and maintenance operations as well as cargo consignment such as petrochemicals, styrene, organic solvents, exhaust gases, oils, and vinyl chloride during loading and unloading.

g. **Sanitation and Communicable Diseases.** Ships are isolated living areas where seafarers share living quarters in relatively small areas for a long time (like an incubator for communicable diseases). Sanitation may also be a problem on ships especially concerning the supply of fresh water. Numerous outbreaks and incidents of infectious diseases, particularly gastro-intestinal diseases and the Legionnaires' disease, are likely to occur on ships

h. **Piracy, Theft and Robbery attacks.** Usually there are incidents of waterway robbery/piracy that results in loss of life and properties. The relevant authorities should put in place preventative and protection mechanism to combat and mitigate waterways robbery through collaboration with MoL/DOSH.

In 2006, the International Labour Organisation (ILO) adopted the Maritime Labour Convention (MLC) establishing mandatory minimum working and living standards for all waterfarers working on ships flying the flags of ratifying countries including South Sudan.

The MLC consists of five titles:

- a. *Minimum requirements for seafarers to work on a ship*
- b. *Conditions of employment*
- c. *Accommodation, recreational facilities, food and catering*
- d. *Health protection, medical care, welfare and social security protection*
- e. *Enforcement*

The convention has globally entered into force on 20 August 2013. Compliance with these regulations is controlled by means of periodical inspections by flag states and port states. Thus, South Sudan shall periodically invigilate and audits the water vessels, entourage and infrastructures to appropriate the required safety and health standards.

The ILO has published a code of practice relating to occupational safety at ports and occupational health of dockers, with particular reference to cargo handling. South Sudan NOSH policy and regulations seek to normalize safety and health standards of Riverine transport so as to minimize on loss pf life and property damage thereof.

## **CHAPTER 4: THE OCCUPATIONAL HAZARDS, RISK CATEGORIES, PREVENTION & CONTROLS AND RISK ASSESSMENT/ANALYSIS**

### **4.1 The Hazards and its categories**

South Sudan work industry involves multi-sectoral economic activities involving various types of workforces. Different hazards and risks vary from one economic activity to another depending on the nature, conditions and type of work environment. The country hazards and risk characterization and classification as well as the national OSH relevant data profile is entirely vague and unharmonized<sup>7</sup>. The

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<sup>7</sup> Deng Agany, 2021

internationally recognized hazards and risk categories to which, the country is obligatory mandated to develop such safeguarding strategic policies, regulatory and promotional frameworks, include but not limited to the following:

## **I. Physical hazards and Risks**

Are environmental factors that can harm an employee without necessarily touching them, including heights, noise, radiation and pressure, Fire, Humidity, light intensity, electric shock and others.

### **a) Fire Hazards in the Workplace**

DOSH and South Sudan Fire Brigade services (SSFBS) will work hand in hand to regulate on the work-related fire hazards control and prevention measures. Common Fire Hazards in the Workplace include;

- *Waste and combustible material being stored on site. ...*
- *Flammable liquids and vapours. ...*
- *Dust build-up. ...*
- *Objects that generate heat. ...*
- *Faulty electrical equipment. ...*
- *Overloading power sockets. ...*
- *Smoking. ...*
- *Human error and negligence.*

### **b) Electric and Radiations hazards:**

are other common urban physical hazardous materials to be appropriately prevented and controlled. DOSH regulations in collaboration with the relevant government authorities (Energy) shall strictly oversee and regulate such work conditions and workplaces involved in electrical and radiations (hazardous materials).

## **II. Chemical hazards and Risks**

Are hazardous substances that can cause harm. These hazards can result in both health and physical impacts, such as skin irritation, respiratory system irritation, blindness, corrosion and explosions. The term hazardous chemical includes any chemical which has been classified as hazardous according to manufacturer's guide, for which relevant information exists to indicate that the chemical is hazardous. The term *chemical* means any substance, elements, compounds or mixtures of more substances, whether natural or synthetic. The term "*use of chemicals at work*" means any work activity which may expose a worker to a chemical, including:

- *Production of chemicals;*
- *Handling of chemicals;*
- *Storage of chemicals;*
- *Transport of chemicals;*

- *Disposal and treatment of waste chemicals;*
- *Emission/Release of chemicals resulting from work activities;*
- *Maintenance, repair and cleaning of equipment and containers for chemicals;*

#### **a. Corrosive Chemical Hazards**

It is essential to prevent or reduce the incidence of chemically induced illnesses and injuries at work.

#### **b. Explosive Chemical hazards**

An explosive chemical is a solid or liquid chemical which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Pyrotechnic chemicals are included even when they do not evolve gases. In mining, explosives are the most obvious form of explosion hazards. Explosions can be:

- *Chemical; high explosives, gas ignition, and fine particulate or sulphide dust ignition (SDI),*
- *Electrical or magnetic; high current arc flashes or excessive magnetic pressure in an ultra-strong electromagnet.*
- *Military Explosives; Military ammunitions*

Such chemicals include but not limited to;

- *Acetone peroxide.*
- *Acetyl nitrate.*
- *Acetylene.*
- *Ammonium azide.*
- *Ammonium chlorate.*
- *Ammonium dichromate.*
- *Ammonium dinitramide.*
- *Ammonium nitrate.*

#### **c. Poisonous substances**

Apoisonous or toxic substance is a substance or waste that when ingested or absorbed can be fatal and harmful to a person's health. Examples of toxic substances include;

- *acids.*
- *caustic substances.*
- *disinfectants.*
- *glues.*
- *heavy metals, including mercury, lead, cadmium and aluminium.*
- *paint.*
- *pesticides.*



- *petroleum products.*
- *And carbon monoxide, hydrogen sulfide, chlorine and sodium cyanide*

### III. **Biological hazards and Risks**

Include viruses, bacteria, insects, animals, etc., that can cause adverse health impacts. For example, mold, blood and other bodily fluids, harmful plants, sewage, dust and vermin.

4.1.3.1 **Biosafety level 4** for containment of highly infectious micro-organisms. Research laboratories (Ebola, COVID-19, Cholera, and others)

4.1.3.2 **Biosafety Level 3** for containment of moderately infectious and highly morbid micro-organisms in Hospitals and clinical laboratories such as; TB, Leprosy, Brucella, mycosis and others.

### IV. **Ergonomic hazards and Risks;**

Are a result of physical factors that can result in musculoskeletal injuries. For example, a poor workstation setup in an office, poor posture and manual handling.

#### a. **Loading/off-loading**

The Loaded or, and off-loaded materials should not exceed the weight of the worker. The loading or off-loading of heavy materials should be at least 30-45 minutes and not exceeding 1 hour as maximum time with break intervals in continuous stream of work.

#### b. **Height related work posture**

Where necessary to guard against danger, or where the **heights** of a structure or its slopes exceeds that prescribed by national laws or regulations, preventive measures shall be taken against the fall of workers and tools or other objects or materials related to the work.

### V. **Psychosocial hazards Risks**

Include those that can have an adverse effect on an employee's mental health or wellbeing. For example, sexual harassment, victimisation, stress and workplace violence

#### a. **Harassments**

Harassment covers a wide range of behaviors of an offensive nature. It is commonly understood as behavior that demeans, humiliates or embarrasses a person, and it is characteristically identified by its unlikelihood in terms of social and moral reasonableness. Types and forms of harassment include but not limited to the followings;

- **Harassment** based on race. ...
- **Harassment** based on gender. ...
- **Harassment** based on religion. ...
- **Harassment** based on disability. ...
- **Harassment** based on sexual orientation. ...

- Age-related **harassment**. ...
- Sexual **harassment**. ...

#### **b. Violence**

Workplace violence refers to, incidents where staff are abused, threatened or assaulted in circumstances related to their work, including commuting to and from work, involving an explicit or implicit challenge to their safety, wellbeing or health status.

Workplace violence has been categorised into three types and this has become accepted internationally and nationally (South Sudan)<sup>8</sup>.

**Type I:** The aggressor has no legitimate employment relationship to the worker or the workplace and, usually, the main object of the violence is obtaining cash or valuable property, or demonstrating power. Examples are robbery, mugging and road rage.

**Type II:** the aggressor is someone who is the recipient of a service provided by the affected workplace or by the worker. Examples are assault or verbal threats by patients, carers or relatives of the patient.

**Type III:** The aggressor is another employee, a supervisor, or a manager. Examples are;

- *Bullying,*
- *Insults*
- *Harassment*

#### **Safety risk hazards**

Are hazards that create unsafe working conditions. For example, exposed wires or a damaged carpet and rugs, spills, ice, Unguarded machinery might result in a tripping hazard. These could all cause a slip, trip or fall in the workplace, and result in physical and mental impacts on an injured employee. *These are sometimes included under the category of physical hazards*

#### **4.2 Hazard Classification and categorization**

Systems and specific criteria appropriate for the classification of all chemicals according to the type and degree of their intrinsic health and physical hazards and for assessing the relevance of the information required to determine whether a substance is hazardous shall be established by MoL/DOSH in consultation with relevant national authorities or institutions; MoH/DFCA, SSNBS or by a body approved or recognised by the MoL/DOSH, in accordance with national or international standards.

- *The hazardous properties of mixtures composed of two or more chemicals may be determined by assessments based on the intrinsic hazards of their component chemicals.*
- *In the case of transport, such systems and criteria shall take into account the ILO Recommendations on the transport of dangerous goods.*

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<sup>8</sup> *Californian Occupational Safety and Health Administration (Cal/OSHA)*

- *The classification systems and their application shall be progressively extended.*

i. **Hazards Categories; Characterization and Classification by risk according to the Hazardous Materials Identification System (HMIS).**

HMIS is a hazard rating system that use color bar labels to identify and provide information about the chemical hazard risks; material safety data sheet (MSDS) by the supplier or manufacturer. Below is an HMIS hazards risk associated categorization;

- **RED** (*Explosive, Flammable and Fire, infectious biological materials*)
- **YELLOW/ORANGE** (*Corrosive or Poisonous or Radioactive*)
- **WHITE** (*SAFE; Personal protection minimal or no known threat*)
- **BLUE** (*HEALTH*)

ii. **Occupation related diseases/illnesses/injuries**

Any illness associated with a particular occupation or industry, such diseases result from a variety of biological, chemical, physical, and psychological factors that are present in the work environment or are otherwise encountered in the course of employment. They include but not limited to the followings;

- Dermatitis/skin rashes***; *resulting from the endemic biological or chemical hazards*
- Respiratory illnesses***; *resulting from the endemic biological or chemical hazards.*
- Musculoskeletal disorders (MSDs)***; *heights (too high/low), pressure, heavy loads,*
- Hearing loss***; *due to high pitched vibrations and very loudly noise*
- Cancer***; *resulting from carcinogenic chemicals, radiations and highly infectious biological agents*
- Stress and mental health disorders***; *resulting from the psychosocial hazards such as harassment, drug abuses and biological hazards including chronic microbial infections.*
- Infectious diseases***; *resulting from biological hazards including chronic microbial infections (Viral, Mycotic, Bacterial, Parasitic and Helminthic).*

ii. **Protection, Prevention and control mechanisms**

a) **Risk Protection and prevention**

Hazard-risk associated protection, prevention and control measures largely depend on the work and workplace nature, risk category, personnel competence or experience and knowledge.

Physical protection engineering controls mechanisms include self-capping syringe needles, ventilation systems such as a fume hood, sound-dampening materials to reduce noise levels, safety interlocks, and radiation shielding. Personal protection equipment (PPE) such as;

- *Head and scalp protection equipment (helmets)*
- *Fire safety protection gadgets and extinguishers*

- *Hand gloves*
- *Gum boot*
- *Overall coats and aprons*
- *Eye protection gadgets*
- *Face Masks*
- *Safety cabinets*
- *Ear protector*

## **b) Risk Preventive and Control Mechanisms**

The DOSH urge OSH partners to adopt the following strategic hazards preventive, protective and control mechanisms; The broad *Preventive Mechanisms* include:

- i. Engineering Controls. (Personal Protective Equipment (PPE))
- ii. Administrative Controls.
- iii. Control Systems to;
  - *Track Hazard Correction.*
  - *Preventive Maintenance Systems.*
  - *Emergency Preparation system.*

The 5 main Control Mechanisms include:

- i. **Elimination**; *remove the hazard from the workplace, or*
- ii. **Substitute (replace)** *hazardous materials or machines with less hazardous ones*
- iii. **Isolate** *the hazard (framing/caging/fencing-off)*
- iv. Use **engineering** controls.
- v. Use **administrative** controls.

The NOSH policy and regulations shall focus on all the control mechanisms where applicable. Although the other **levels** can be effective, only the top **three** are the acceptable solutions in their drive to get to zero significant injuries or fatalities

### **4.3 Hazards Risk Inspections, Assessments and Identification Protocol**

MoL/DOSH will from time-to-time conduct risk assessment and inspection in a given setting to ascertain risk management compliance, conformity and standards. Such assessment involves 3 steps to identify risks for managing health and safety at work.

1. *Spot the Hazard (Identification)*
2. *Risk Analysis (Evaluation)*
3. *Make the Changes (adaptation and transformation)*
4. *Continuous monitoring and evaluation (Check & Control)*

#### 4.4 Emergency and risk management (First Aid)

Providing immediate and effective first aid to workers or others who are injured or become ill at the workplace may reduce the severity of the injury or illness. In some cases, it means the difference between life and death.

##### a) **Notification, Investigation and Reporting of occupational Incidences.**

The ministry of Labour through DOSH shall harmonize and regulates the notification, investigation and reporting of all work-related dangerous occurrences (accidents), injuries, diseases and fatalities across all levels of work in the country's industry. DOSH urges all OSH stakeholders to effectively and promptly notify and report all dangerous occurrences or incidents, near-miss, accidents, injuries, poisons, ill-health and death to Ministry of Labour-DOSH which shall subsequently profile and establish the national statistics for appropriate decision-making

##### b) **Duty holders in First aid provision**

Duty holders who have a role in first aid include:

- *persons conducting a business or undertaking (PCBUs) (large scale & small-scale enterprises)*
- *designers, manufacturers, importers, suppliers and installers of plant, substances or structures (wholesalers, retailers and sole proprietors)*
- *Employers; Managers, officers, supervisors and others*
- *Workers and other persons at the workplace also have duties under the WHS, such as the duty to take reasonable care for their own health and safety at the workplace.*

##### c) **Roles of PCBUs**

A PCBU must ensures:

- *Provision of first aid equipment (First aid kits)*
- *Each worker at the workplace has access to the equipment*
- *Access to facilities for administering first aid*
- *An adequate number of workers are trained to administer first aid, or*
- *Workers have access to an adequate number of other people who have been trained to administer first aid.*

A person can have more than one duty and more than one person can have the same duty at the same time as long as it is in his carrying capacity to avoid overload and physical stress.

## CHAPTER 5: THE STAKEHOLDERS' ROLES AND POLICY IMPLEMENTATION

The Government, in collaboration with stakeholders, shall implement this Policy in consistence with national, regional and international legislations, and standards. At the national level, the policy shall take cognizance of the Constitution of South Sudan, ministry of Labour (Occupational Safety and Health) Act; the Work Injury Benefits Act; the Environment Management and Coordination Act, Public Health Act and all other relevant national laws, rules and regulations. Regionally, the policy will incorporate the most of the economic laws and protocols spelling out rules and the spirit of cooperation with trade unions while at the international level the policy will require the domestication of the relevant ILO conventions, and WHO and ISO standards. MoL/DOSH Commitment plan;

***A National Plan of Action will be developed to guide actual implementation of the Policy. All public and private investors involved in OSH related activities shall to align their OSH policies to NOSH policy and programs Regulations, guidelines as well as adoption of the National Strategic Plan thereof.***

### 5.1 The Stakeholders' Commitment and Responsibilities

An important part of this document is that all line ministries and parastatals shall collaborate and coordinate the OSH activities. OSH is a versatile field covering all economic sectors and the workforce therein thus requires multisectoral and multi-partners approach to appropriate the policy. Wherefore, stakeholders; employers, employees, organizations, trade unions, and other key stakeholders are urge to effectively collaborate and coordinate with the ministry of Labour-DOSH so as to ensure comprehensive and equitable access to, and utilize OSH services across the country working life with somewhat considerable national OSH stewardship. In the implementation of this policy, the government (Ministry of Labour and counterparts), employers, workers and other stakeholders shall have the collaborative stewardship as stipulated below;

#### iii. **The National Ministry of Labour-DOSH**

The Government shall create enabling environment for the implementation of the National Occupational Safety and Health Policy. In particular, the Government will put in place regulatory and legal frameworks and facilitate resource mobilization to effectively provide occupational safety and health services across the country working life.

#### iv. **The States Governments**

States and County governments will complement efforts of central government and other stakeholders in the promotion of occupational safety and health as stipulated in therein NOSH policy, programs Regulations and promotional frameworks as well as the *National OSH strategic master plan*

## v. **The Employers**

Employers will ensure safety, health and welfare of workers and general public at workplace vicinities, establishment of safety and health committees at workplaces, conduct training on occupational safety and health and report accidents, diseases and other dangerous occurrences to DOSH and relevant government authorities. The employers' association has a duty of care to enumerate all the private employers and investors both small- and large-scale enterprises and align them to consummate in compliance with the NOSH policies, legal and promotional frameworks thereof.

### D) **The Workers**

Workers will participate in Workplace Occupational Health and Safety Committees, report any hazardous situation to respective authorities and comply with national occupational safety and health standards and guidelines for work conditions and workplaces as stipulated therein NOSH policy, legal and promotional frameworks as well as NOSH strategic master plan. The workers' union is urge to enumerate all workers in country's private sectors and realign, coordinate and furnish appropriate communication channels for complaints and feedback mechanisms (CFMs) in cases of unprecedented occurrences.

### e) **The Development and Humanitarian Partners**

The development partners are urge to collaborate, coordinate and complement government efforts in the promotion of occupational safety and healthcare services. They shall develop their respective OSH policy guidelines in line to this policy thereof to foster its effective and comprehensive implementation.

### f) **Private Sectors**

The private sector will complement the efforts of the Government in the promotion and provision of occupational safety and health services. They shall adopt the policy by strategic aligning their policy strategic guidelines and action plans to the national policy thereof.

### g) **Civil Organizations**

Community-based organizations, non-Governmental organizations and religious institutions among others will collaborate and complement Government efforts in sensitization and awareness creation on issues of occupational safety and health. Adapt to the standard guidelines of the national OSH policy.

## **Commitment, Duties and Responsibilities**

In accordance with the strategy, the government offers advisory, supervisory, administrative, and information services to help employers, employees, and labour unions improve working conditions and the environment. As a guarantor, the Ministry of labour has the following responsibilities:

The stakeholders shall comprise the;

- *Guarantor*

- Sub-guarantors
- Enforcement Agents
- Implementers

**a) Ministry of Labour (DOSH), the NOSH Policy Guarantor**

DOSH in accordance to Chapter XI, Labour Act, 2017, shall:

- i. *Develop, administer, enforce and update policies and regulations for various economic sectors, such as agriculture, mining, and forestry, in compliance with the its legal mandate.*
- ii. *Establish a robust and accurate framework for monitoring, gathering, tracking, reviewing, storing, retrieving, and disseminating information in occupational safety, health, and environment in collaboration with stakeholders.*
- iii. *Provide guidance for detecting, recognizing, preventing, and managing workplace hazards, as well as make cooperation among key stakeholders easier.*
- iv. *Create, execute, and review safety, health, welfare and environment policies, initiatives, and programs.*
- v. *Conduct workplace inspections, accident reports, and complaints, as well as encourage staff training in workplace safety, wellness, and environmental standards, as well as green technology.*
- vi. *Increase the ability and knowledge of various departments and organizations working in the fields of occupational safety, health, and the environment to assess threats and hazards in the workplace.*
- vii. *Conduct regular risk assessments to recognize hazards and possible hazards, as well as opportunities to minimize such hazards, in accordance with all applicable laws and regulations, including ISO 45001 or any future standard.*
- viii. *In consultation with the social partners, review OSH legislation (South Sudan Labour Law 2017, Section XI) on a regular basis, encourage legislative amendments, and establish codes of practice.*
- ix. *Recommend specific strategies for the prevention of fatalities/disasters in high-risk work areas with a high rate of workplace accidents and illnesses.*
- x. *Collaborate with local and international organizations to share knowledge about workplace safety, health, and the environment.*
- xi. *Enumeration, registration and database maintenance of all parastatals and private enterprises/investments in the country's work industry*
- xii. *Furnishing, coordinating and necessitating work injury rehabilitation and compensation due process through the Labour courts in collaboration with relevant national authorities.*
- xiii. *Measuring and ascertaining workplace pollutants for the purposes of instituting environmental safety, protection, preventive and control mechanisms*
- xiv. *Carrying out medical examinations and surveillance on workers' health, safety and welfare conditions at workplaces*



- xv. *Conducting inspection and approval of architectural plans, communication and transport facilities and infrastructures including aviation services in accordance to international and nationally approved safety standards.*
- xvi. *Institution of legal proceedings against those responsible for non-compliance with the provisions of NOSH policy and legal frameworks*
- xvii. *Enhancing a balance of economic and social priorities, a scheme of tax waivers or exemptions on equipment used to improve protection and health conditions should be enhanced.*
- xviii. *Promotion of inter-sectoral cooperation with the international agencies; ILO, ISO, WHO through ratification and domestication of all relevant OSH international labour standards and recommendations so as to fortifies the NOSH policies and programs regulations and promotional frameworks.*
- xix. *Creating award schemes for best-performing companies and individuals, as well as penalties for poor performing or defaulting companies and individuals*
- xx. *Establishment of Research institutes for OSH system and services innovations and dynamics*
- xxi. *Development of public education and awareness programs in the areas of occupational safety, health, and welfare services*

#### **b) Ministry of Health (Policy Sub-guarantor)**

The Ministry of Health shall collaborate with DOSH and provide the much-needed technical support in fulfillment of its safety, health and welfare mandate. In addition, the Ministry of Health will do the following:

- i.** *In collaboration with the ministry of Labour, develop programmes for surveillance on workplaces, and examination of workers' health in all economic sectors, to determine their health status, and detect risks of diseases in order to arrest the conditions at an early stage, enabling recovery and preventing disability.*
- ii.** *Conduct health education and hygiene promotion at work, to improve their general health, by the practice of good personal hygiene, routine physical exercise, healthy eating, good environmental health practices, eating a balanced diet and getting adequate sleep, the cessation of smoking, excessive alcohol consumption, drug abuse avoidance, safe social behaviour/practices, stress management, anger, violence, and avoidance of other behaviour which are detrimental to life.*
- iii.** *Deliver primary occupational healthcare services in workplaces, provide specific medical check-ups for pre-employment, pre-placement, along with other periodical medical examinations for workers, including eye examination, dental care, ear, nose and throat, and treatment for chronic and communicable diseases.*
- iv.** *Provide rehabilitation services for workers after disabling occupational illnesses/ injuries, and counsel on alternative job placements.*

- v. *Work towards strengthening the existing laboratory facilities to provide special tests for workers exposed to toxic substances for example lead, pesticides, and mercury.*
- vi. *Provide statistical data and profile on work- related death, and epidemiology of endemic occupational diseases.*
- vii. *Employ occupational health physicians in hospitals who will establish services in relation to occupational medicine, industrial hygiene, occupational therapy, ergonomics, and psychology (to effectively deal with mental illness and addictions) and improve the capability for diagnosis of the aforementioned occupational diseases.*
- viii. *Collaborate with DOSH on the national characterization, classification of vaccine-preventable occupational diseases and the provision of specific health protection services; vaccination & immunization schemes for such endemic occupational diseases in accordance with the Ministry's Protocol.*

### **c) The Policy Sub-guarantors**

#### **a) Other Line Ministries (Policy Sub-guarantors)**

The mining, agriculture and forestry, Fishing, Oil drilling (Petroleum products) sectors are high risk sectors for fatalities. There is also a high incidence of malaria in the interior. Other health conditions affecting many workers and officers of these various sectors include kidney, urinary and respiratory diseases as a result of humid and dusty environments, and musculoskeletal disorders from carrying excessive loads.

Many artisanal miners develop rheumatism and varicose veins as a result of cold and wet working environments. Due to dust and air pollution eye infections are also prevalent. In this regard the Ministries will be responsible for:

- i. *Creating clear policies for the mining, agricultural, forestry and national parks sectors.*
- ii. *Conducting, in collaboration with Ministry of Social Protection, risk assessments and hazard analyses, with guidelines for the reduction, elimination and control, at the source, of the accidents, diseases and loss of lives, and for continuous improvements.*
- iii. *An effective data collection and reporting system for all mining, forestry and agricultural activities, accidents, and illnesses.*
- iv. *A comprehensive register of all workers in the mining sector including the informal sector (small and unregulated mining activities).*
- v. *Collaboration with the Ministry of Labour, Natural Resources, the Unions, and all stakeholders involved with these sectors.*
- vi. *Developing policies in the oil and gas sector crafted to prevent environmental pollution due to oil spills and air pollution, and the subsequent damage to productive lands, crops, and livestock. Air pollution can lead to respiratory diseases affecting both workers and the community.*

## **b) The parastatals**

### **1. National Insurance Scheme (NIS)**

The NIS shall play a more active role in preventative and rehabilitative measures in relation to workers' health by doing the following:

- i. Administer employment injury benefits in accordance with statutory requirements.*
- ii. The NIS Inspectors will inform the regulatory authority of any unsafe or unhealthy working conditions they may observe on routine visits to workplaces.*
- iii. Share with the regulatory authority monthly reports on industrial injuries and prescribed diseases.*
- iv. Collaborate in funding public awareness and educational programmes and OSH activities.*
- v. Conduct seminars and lectures, in collaboration with the regulatory authority, to sensitize workers on sickness, injury and death benefits.*

### **2. South Sudan National Bureau of Standards (SSNBS)**

The South Sudan National Bureau of Standards (SSNBS) has a vital role in enforcing the Labour Act, 20217. This body is responsible to:

- i. Prepare, modify, and amend specifications, standards and codes of practice related to OSH.*
- ii. Establish general standards which can play a significant role in achieving good working conditions, as employers voluntarily accept these standards.*
- iii. Adopt international and regional standards, e.g., ISO standards, and best practices in OSH for dissemination to all stakeholders and social partners.*
- iv. Monitor the quality of all types of safety equipment and Personal Protective Equipment (PPE) imported and locally manufactured to ensure compliance with local national standards.*
- v. Collaborate and conduct training with agencies in education programmes and public awareness in OSH.*

### **3. South Sudan Fire Bridget (SSFB) or Civil Defense Services**

The South Sudan Fire Bridget shall place Greater Emphasis on enforcing the legislation that govern its operations with the ultimate aim of preventing loss of life, limb, and property, and ensuring the prevention of injuries and death and the loss of Economic Resources. The services will include:

- i. Establishing written Fire Prevention and Protection Policies and Programmes that is organic to every individual workplace to ensure the safety of all workers.*
- ii. Conducting annual Fire Safety Inspections for the issuance of Fire safety Certificates to Companies, Organizations and Establishments. This must be a prerequisite for insurance of which a processing fee will be attached.*
- iii. Ensuring that adequate Fire Protection is provided for all Establishments.*
- iv. Providing Fire Safety & Life Saving Training to Companies, Organizations and Establishments.*
- v. Establishing a robust and proactive 'Fire Safety/Prevention' Public Education Strategy.*
- vi. Network and partner with key stake holders and agencies to ensure the success of its mandate.*

#### **4. South Sudan Civil Aviation Authority**

The South Sudan Civil Aviation Authority, herein referred to as the Authority, is the State Agency responsible for the regulatory oversight of civil aviation safety and security in South Sudan. Consequently, it regulates all aviation safety related matters, including accidents and incidents; and security to safeguard civil aviation against acts of unlawful interference. In this regard the Authority will do the following;

- i. Increase its staff efficiency and effectiveness by providing/facilitating training programmes at both the national and international levels.*
- ii. Develop a State Safety Programme or policy document as well as safety related regulations and monitor their implementation. This will be done for the purpose of ensuring that key aviation stakeholders/operators establish or develop their own Safety Management System or Programme to enable them to identify safety related threats, risks, and hazards; and to help in mitigating against these at their workplace, or their facility and establishment.*
- iii. Introduce several awareness training initiatives that will be tailored to sensitize the aviation community on safety requirements pertaining to Safety Management Systems.*
- iv. Host several safety related courses, conferences, and workshops for the purpose of advocating and promoting safety standards and practices amongst aviation stakeholders as well as aiding them in achieving compliance with respect to laws and requirements governing civil aviation operations in South Sudan.*
- v. Continue its annual surveillance programme to ensure stakeholders' compliance with safety and security requirements; and issue directives and advisory circulars as may be required.*
- vi. Continue to provide assistance to the South Sudan Aircraft Accident and Incident Investigation Unit in conducting investigations into aircraft accidents and incidents and ensure that all aviation accidents and incidents are reported and investigated in keeping with national and international requirements.*
- vii. Implement monitoring systems to ensure that operators record and maintain all records of workplace accidents, incidents, hazards identified; and the mitigating actions and techniques used to eliminate or put in place to prevent future occurrences, etc.*
- viii. Ensure the reports from past aviation related accidents whose investigations have been successfully completed and granted the appropriate approvals, are made available in the public forum. This will give researchers and safety practitioners the opportunity to study cases where unsafe situation may have contributed to adverse outcomes such as aircraft accidents and incidents.*

#### **c) The Policy Enforcement Agents**

These include the government ministries of Interior, Justice and National Security services.

Roles and responsibilities shall include but not limited to the following to enforcing and punishing the reported NOSH policies and regulations defaulters or violators

#### **d) The Policy Benefactors (Implementers and Consumers)**

These include the Employers & their Association and Workers and their Union.

## **1. The Benevolent Workers' Union**

This body will defend workers' interests, especially in small and medium size enterprises, by tripartite and bipartite collaboration at the national, local and enterprise levels. The unions will therefore undertake the following:

- i. Initiate action to ensure the involvement of all trade unions in the formulation of OSH policies and programmes at their levels as well as at the level of the workplace.*
- ii. Expand members' knowledge and understanding of labour protection and employment matters, and train representatives in negotiating skills.*
- iii. Advocate and encourage the active participation of workers and unions in the joint workplace safety, health, and environment committees, or as workers' representatives.*
- iv. Draw to the attention of the Ministry of Labour, complaints and deficiencies observed in workplaces.*
- v. Ensure that their workers understand and comply with the provisions of the OSH policy of their respective organizations.*
- vi. Maintain an information Centre or library facilities for the use of their membership.*
- vii. Organize educational and training programmes in safety, health, and the environment at work.*
- viii. Promote the inclusion of improvement clauses in collective bargaining agreements in relation to OSH.*
- ix. Actively participate in tripartite negotiations in OSH issues arranged by the Ministry of Labour.*

## **2. The Employers**

The legal responsibility for safe and healthy working conditions rests with the employer. The implementation of favourable working conditions, and adapting work to the needs of employees, ultimately has an influence on worker motivation, and dedication to produce work of a high standard of efficiency and quality; and prevents diseases, disability and early retirement caused by adverse conditions at work. Employers are required to do the following:

- i. Have a written policy on safety, health, and environment at work, and a plan to implement the policy.*
- ii. Implement risk assessment and mitigation practices to identify the hazards, who might be harmed and how, evaluate the risk (identify and decide on the safety, health, and environment risk control), implement measures, monitor and review the risk assessment.*
- iii. Ensure responsibilities for safety, health, and environment are detailed in job descriptions, and in performance reviews.*
- iv. Make provisions for pre-employment and periodic medical examinations for employees when required by the regulatory authority.*
- v. Ensure that employees are appropriately trained in the procedures and precautions that ought to be taken to prevent occupational injuries and illnesses, emphasizing compliance with standards, and conformance with departmental policies and best practices.*
- vi. Maintain a culture of workplace safety and health at work, including personal accountability by developing and implementing systems to encourage employees to adopt this policy into practice and*

*report any safety, health, and environment concerns to management, in addition to ensuring that joint workplace safety, health, and environment committees are established.*

- vii. Ensure, as far as is reasonably practicable, that workplace violence, bullying, sexual harassment, and other forms of discrimination based on gender and sexual orientation are eliminated.*
- viii. Integrate OSH principles in the overall planning and decision-making process of the company.*
- ix. Train internal emergency staff who are capable of administering first aid, and capable of fighting simple fires, know how to evacuate people from the building quickly and safely.*
- x. Comply with the requirements of Section XI of the South Sudan Labor Law, 2017 and supporting regulations made therein.*

### **3. The Workers (Employees)**

Good working conditions can only be achieved when employers and their workers collaborate. While the employer is ultimately responsible for working conditions policy, consultation with the workers is compulsory. Workers have the responsibility to comply with, and observe all safety, health, and environment rules in the workplace. They have rights as well as responsibilities in the workplace as follows. The right to refuse unsafe work;

- i. To participate in the workplace health, safety, and environment activities through the joint safety, health, and environment committees, or as workers' representative.*
- ii. Be provided with adequate information on safety, health, and environment at work and encouraged to share their views and ideas with respect to control and/or preventive measures.*
- iii. Be informed of inherent dangers in work processes and be provided with adequate personal protection and/or equipment when required.*
- iv. Benefit from pre-employment and periodic medical examination as prescribed by the regulatory authority.*
- v. Participate in inspections and accident investigations and be informed of observations and recommendations made by the regulatory authority.*
- vi. Be familiar with applicable policies, procedures and programmes related to their workplace, especially green technology, energy saving, and conservation.*
- vii. Develop and practice good habits of personal hygiene and housekeeping and use personal protective clothing and equipment as required by the job.*
- viii. Report any threats, risks, or hazards in the workplace and in the event of an incident or accident report immediately to the supervisor or safety officer, as required by the organization.*
- ix. Request and be supplied with information pertaining to the conditions under which they work.*

### **4. Other public Agencies or Institutions**

The other government and non-governmental agents will consequentially collaborate with the ministry of Labour and provide necessary support to DOSH in fulfillment of its regulatory mandates. In spite of the fact that the OSH services are versatile and multi-disciplinary in nature, requires a joint coordination

among the governmental institutions for efficient, equitable and sustainable mitigation of the work-related dangerous occurrences, accidents, diseases and death.

Notwithstanding the specific mandates of the Ministries and Agencies above, the following Agencies shall, as far as is reasonably practicable, aggressively take steps to incorporate and implement the Policy;

- i. *Embrace and upholds to the national OSH policy guidelines*
- ii. *Subscribe periodically to the national OSH policy legal frameworks and strategic action plans*
- iii. *Coordinate with DOSH throughout the country across all the economic sectors of work industry by deriving their sectoral strategic OSH guidelines from this national policy in adoption.*
- iv. *Provide rehabilitation services which are designed to prepare incapacitated and disabled persons for resumption of work, or alternative employment, having regard for their aptitude and capacity.*
- v. *Establish and maintain a communication channel with the Ministries of Labour/DOSHE.*
- vi. *Collaborate with all stakeholders to reduce the number of employment injuries and illnesses through awareness programmes and research activities.*
- vii. *Contribute to the hazard risk assessment, identification, characterization, prevention and control country database*

## **5.2 Public Training, Education and Awareness**

Training and education in occupational health, safety, and environment is one of the most effective means in improving working conditions and the working environment and is part of general human resource development. Appropriate training improves the possibilities of both detecting and analyzing problems and finding the technical and economic means most suitable for solving the problems. The implementation of this OSH Policy will consider the following:

- i. *Specific training and education would target safety, health, and environment specialists, inspectors, employers, managers, non-management, and trade union representatives, will be done by the regulatory authority and other partners by way of seminars, workshops, lectures, and discussions.*
- ii. *The Government and partner agencies ensure that relevant training and educational opportunities are made available to all categories of workers through the relevant competent authorities.*
- iii. *Formal training and education of safety, health, and environment professionals leading to a Certificate, Diploma or Degree in Safety and Health will be done by institutions in South Sudan or other external learning institutions as may be required.*
- iv. *Essential level of training and education in OSH should be a common part of the curricula at secondary schools, universities, institutes of medicine and other technical and vocational schools. This will be done in collaboration with the Ministry of Education.*
- v. *Persons in the informal sector can transition into the formal sector, through public awareness programmes, social dialogue, and strategic educational projects, in conjunction with incentives, compliance and enforcement measures.*

- vi. *Progressive development of procedures for including self-employed persons in the recording and notification of occupational accidents and diseases.*
- vii. *Sensitization of workers.*

### **5.3 Accountability, Monitoring and Evaluation Mechanisms**

The overall responsibility of monitoring and evaluation of the NOSH Policy is the sole responsibility of DOSH. This will be done in collaboration with other government Ministries and organizations. Monitoring and evaluation will involve routine data collection and analysis on progress made in the implementation of the policy, and will inform future planning especially in resource allocation for various programs. The exercise will be aligned to the National Integrated Monitoring and Evaluation System through regular submission of data to the DOSH M & Evaluation Desk department. This will be used to assess the contribution of implementing the policy to the country's development agenda. To strengthen this, the government will facilitate capacity building to undertake monitoring and evaluation of the policy. To establish an effective and all-inclusive monitoring and evaluation system, the DOSH shall:

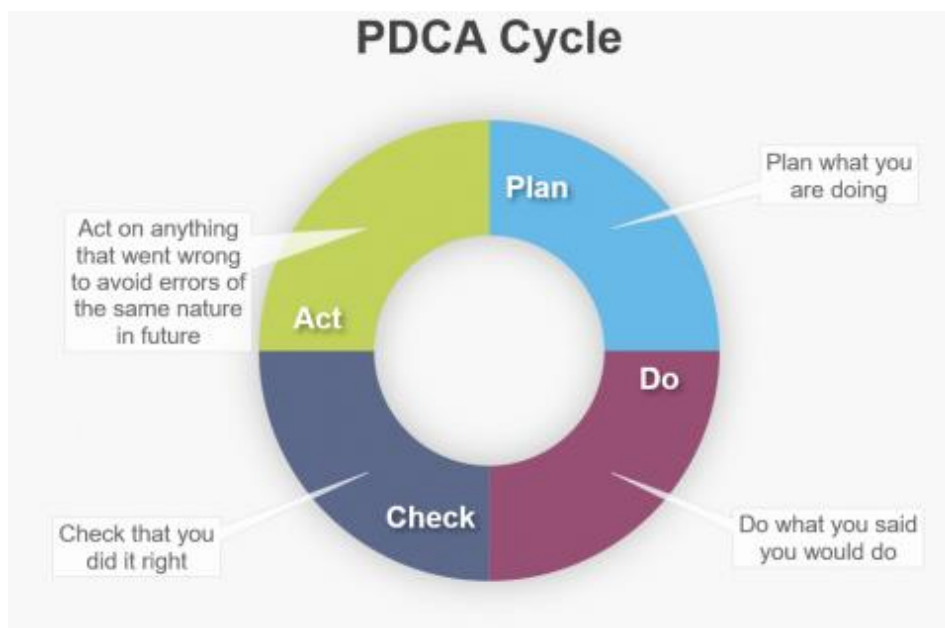
- i. *Develop strategies to implement the Policy objectives. Towards this, a focused, systematic and well-defined Monitoring and Evaluation (M&E) system will be established to measure outputs of programs. Clear performance indicators, targets, timelines, responsibility persons and institutions and costs will be incorporated in the system to facilitate tracking of progress made in the implementation of programs.*
- ii. *Develop mechanisms for participation by all relevant stakeholders, from private and public sectors, and encourage production of M&E reports which will be part of an information exchange forum for occupational safety and health.*
- iii. *Develop both human and financial capacities in public and private sectors of the economy to undertake monitoring and evaluation.*
- iv. *Conduct regular surveys to determine the impact of programs outlined in this policy.*



## CHAPTER 6: POLICY REVIEW, UPDATE AND DEVELOPMENT (GOVERNANCE)

The formulation of this policy followed a participatory approach in which social partners and other relevant stakeholders provided inputs for its development. The policy, while being consistent with other national policies and priorities, seeks to promote the right of workers to decent safer, and healthy working conditions and environment.

The NOSH Policy will be supported by the strategic master guide; *NOSH Strategic Action plan* which will include the national OSH *Strategic Priorities, Objectives, and Targets* to achieve the objectives of this policy. The plan of action shall stand operational for the next 5 years (2021-2025). This will allow enough time for the *Plan-Do-Check-Act* four-stage approach for continually improving processes, products, or services, and for resolving problems. This will give room for systematically testing possible solutions, assessing the results, and implementing the ones that have shown to work. An example of such a system is shown herein the figure below:



The implementation of this policy demands effective coordination between the various authorities and stakeholders. All stakeholders mentioned in this policy must ensure that their roles and responsibilities are met to achieve the purpose for which this policy was developed. In the event that members of a particular agency do not adhere or comply with the provisions herein, they shall be liable to replacement or amendment thereof.

The implementation of the goals of the NOSH Policy, shall be monitored and assessed by DOSH continuously and the findings are appropriated to form part of DOSH's annual report to be submitted to the vertical authorities for informed decision-making thereof. In addition, the finding shall form the basis DOSH's annual performance indicators.

This Policy shall be revised every five (5) years or as deemed necessary based on the contemporary changes in:

### **6.1 National Legislations**

6.1.1 *South Sudan national constitution*

6.1.2 *Labour Act, 2017*

6.1.3 *Other relevant national Acts.*

### **6.2 Relevant Technology**

Modern socioeconomic contemporary technological dynamics that may dictates the changes in the legal and programmatic contextual frameworks in a given period.

### **6.3 International standards and conventions**

Such as the;

ILO, UNHR, WHO, ISO and other latest international conventions and recommendations being ratified

### **6.4 Any other conditions that may warrant a review.**

# APPENDICES

## Appendix A: The Stakeholders

- 1) *The Guarantor*
- 2) *The Sub-guarantors*
- 3) *The Enforcement Agents*
- 4) *The Benefactors (Consumers and Implementers)*

Include but not limited to the following:

### A. *National Ministries;*

1. *Ministry of Health*
2. *Ministry of Mining*
3. *Ministry of Petroleum*
4. *Ministry of Agriculture and Food Security*
5. *Ministry of Environment and Forestry*
6. *Ministry of Transport*
7. *Ministry of Roads and Bridges*
8. *Ministry of Water Resources & Irrigation*
9. *Ministry of Energy & Dams*
10. *Ministry of Justice & Constitutional Affairs*
11. *Ministry of Land, Housing and Physical Infrastructure (Urban Development)*
12. *Ministry of Interior*
13. *Ministry of Investment*
14. *Ministry of livestock & Fisheries*
15. *Ministry of information broadcasting, Telecommunication & Postal services*
16. *Ministry of Higher Education*
17. *Ministry of Youth and Sports*
18. *Ministry of wild life Conservation and Tourism*
19. *Ministry of Humanitarian Affairs*
20. *Ministry of National Security Services*
21. *Others*

### B. *Parastatal Guarantors*

1. *Juba City Council*
2. *South Sudan National Bureau of Standards (SSNBS)*
3. *South Sudan Civil Defense Services/Fire Brigade (SSCDS)*
4. *South Sudan HIV/AIDS Commission*
5. *Others; Media Houses*

### C. *The sub-guarantors (Employers and Employers' Association)*

These are the employers and their association be it privately, publicly, individually or communally owned, small- or large-scale enterprises constituting the country's investors. The organizations/agencies mentioned below will have clearly specified roles and responsibilities and will collaborate with Ministry of Labour and other OSH agencies to improve working conditions and the environment in South Sudan.

These include all the;

- *Construction,*
- *Telecommunications,*
- *Mining,*
- *farming,*
- *Transportation,*
- *Industrial and manufacturing activities,*
- *Fishing,*
- *Stone quarrying,*
- *Charcoal burning,*
- *Brick laying,*
- *Others*

## **The Benefactors**

### ***C1. Workers and Workers' Union***

The bridging body between the government, employers and the workers in tripartite collaboration. It shall promptly coordinate the employees work -related conditions and complaints to the government and employers. The national workforce enables sound and viable national economic productivity hence mass multi-sectoral national development. Workers are the driving force for all factors of national production and development whose safety, health and welfare is a sole purpose of the labour market regulation to safeguard against exploitation and gross labour rights violations by such employers.

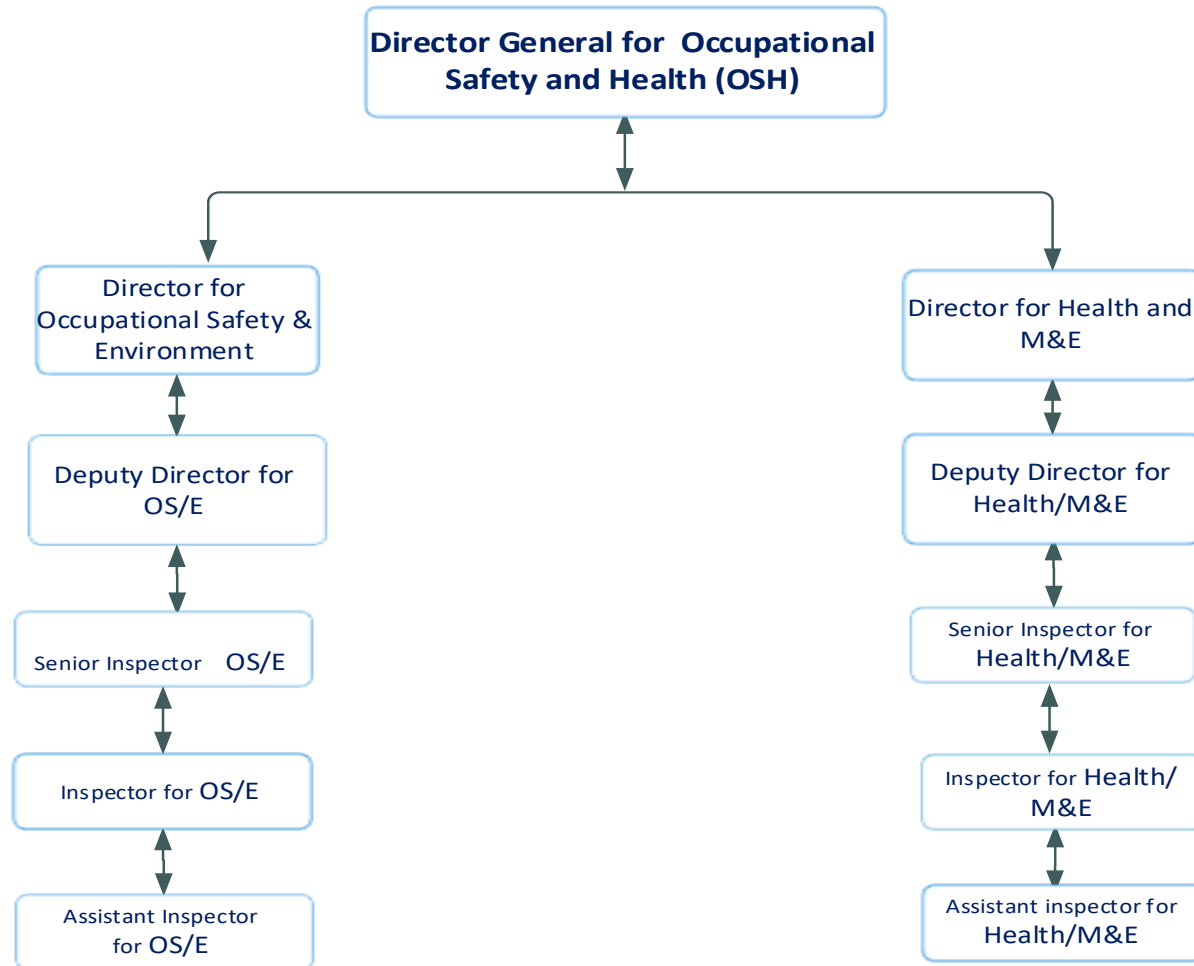
### ***C2. Employers and Employers' Association***

Constitute all the investors (large-, medium- and small-scale enterprises) whose contribution to the national building and economic development is versatile and pivotal. For efficient and sustainable development and tripartite collaboration, employers must form association as a bridging body to coordinate and socially dialogue with government and Workers' union the related disputes and agreements.

#### **a. Other Agencies**

Any other institution or individual providing jobbing opportunity be it privately, publicly, formally or informally owned, large or small scaled enterprises or humanitarian fraternities, should comply and conform to the national OSH policy strategic action plan provided thereof.

## Appendix B: DOSH Administrative Structures



## Appendix C: NOSH Policy Implementation Matrix

#	Strategy	Programs	Resource	Time	Output	Actor	Indicator
I	LEGISLATIVE POLICY AND INSTITUTIONAL REFORMS	Review all existing OHS laws to national OSH policy	TBD	2 years	All laws touching on OSH issues harmonized	MoL, Moj and other relevant legal institutions	Harmonized national legislation on OSH
		Establishment of an occupational disease compensation Fund	TBD	2 years	Occupational disease compensation fund ratified	MoL, MoF &EP	Verified Operational fund scale <ul style="list-style-type: none"> <li>Fund rules and regulations</li> </ul>
		constitution of Work Injury Benefits Act	TBD	2 years	Work injury and benefit Act legislated	MoL, Moj and other relevant legal institutions	Number of Work injury and benefit act
		Rehabilitation of injured workers	TBD	2 years		MoL, MoH and other relevant institutions	Injured workers rehabilitated
		Establishment of an Authority (NLC) to oversee OSH, compensation and rehabilitation	TBD	2 years	National Labour council (NLC) established	MoL, MoH, Moj and other relevant legal institutions	Operational NLC
		Development of an OSH data management system	TBD	2 years	National OSH Data management system developed	MoL/DOSHE, MoH and other	Operational OSH Database

#	Strategy	Programs	Resource	Time	Output	Actor	Indicator
						relevant institutions	
		Formation of a multi-sectoral professional bodies for OSH practitioners	<b>TBD</b>	2 years	OSH professional clubs/associations formed	MoL/DOSHE, MoH, MoHE and other relevant institutions	Number of operational Multi-sectoral OSH professional social clubs or associations
		Establishment of NACOSHE to oversee national OSH implementation	<b>TBD</b>	2 years	NACOSHE established	MoL/DOSHE, MoH, MoHE and other relevant institutions	Operational NACOSHE
		Establishment of OSH institute	<b>TBD</b>	2 years	OSH institute established	MoL, MoH, MoHE and others relevant academic institutions	Registration certificate and revised academic curriculum
2	INCREASE HUMAN RESOURCE CAPACITY TO ENHANCE	Recruitment and capacity building of OSHEOs	<b>TBD</b>	2 years	OSHEOs recruited and trained	MoL, MoPS, MoFEP	Number of OSHEOs recruited trained

#	Strategy	Programs	Resource	Time	Output	Actor	Indicator
	COMPLIANCE WITH OSH AND LABOUR ACT, 2017						
		Enhancement of budgetary allocation on OSHE	<b>TBD</b>	Continuous	Budget allocated to OSHE services	MoL and MoFEP	Operational OSHE Budget
3	PROMOTION OF OSH CULTURE	Establishment of OSHE award and sanction system	<b>TBD</b>		Award and Sanction system established	MoL, MoFEP and others	Documented Awards and Sanction schemes
		Mainstreaming OSHE into the education system and employee in-service training	<b>TBD</b>	5 years	Institutionalized OSHE integrated Curricula	MoL, MoH, MoGE,ST, MoHE and other relevant institutions	Curricula on OSHE
		Awareness creation on OSHE	<b>TBD</b>	Continuous	OSHE information disseminated and publicized.	MoL, MoH, MoGE,ST, MoHE and other relevant institutions	Articles, supplements documentaries, guidelines, code of practices
		Capacity building for workplace Safety and Health Committees	<b>TBD</b>	Continuous	Effective and efficient Safety and Health committees	MoL, Employers, Workers	Number of committees trained on



#	Strategy	Programs	Resource	Time	Output	Actor	Indicator
							OSHE standards and principles
		Creation of awareness on OSHE and establishment of advisory services to MSE sector	<b>TBD</b>	Continuous	Well informed MSEs	MoL, MSE Stakeholders	No. of documented training programs. Courses undertaken for training. Certificates of training
		Integration of OSHE in the curricula of medical training programs	<b>TBD</b>	2-3 years	OSHE integrated into medical training programs	MoL, MoH, MoGEST, MoHE and other relevant institutions	Curricula on OSH.
4	RESEARCH INTO OSHE	Undertaking Research in all issues of OSHE	<b>TBD</b>	Continuous	Research on OSH undertaken	MoL, Research Institutions, Universities, MoHET	Research Papers, survey reports or Journals
5	PROMOTION OF INTEGRATED WORKERS' WELLBEING	Mainstreaming OSHE gender issues in workplaces	<b>TBD</b>	Continuous	OSHE Gender-related issues mainstreamed in workplaces	MoL and MoPS	Workplace OSHE Gender code of practice

#	Strategy	Programs	Resource	Time	Output	Actor	Indicator
		Development of programs and codes of practice on HIV and AIDS at workplaces	<b>TBD</b>	1 year	Programs and codes of practice on HIV and AIDS developed	MoL, SSAC, MoH and others	1. HIV and AIDS Programmes 2. codes of practice
		Development of regulations and guidelines for facilities for people with disabilities	<b>TBD</b>	1 year	Regulations and guidelines for facilities for people with disabilities developed	MoL, MoJ, MoGS and other legal bodies	Rules, regulations and Guidelines
		Elimination of hazardous wastes and emissions from production processes	<b>TBD</b>	Continuous	A clean environment	MoL, MoH and other relevant institutions	1. Code of practice, 2. Enforcement Guidelines
		Development of code of practice and guidelines on drug and substance abuse at workplace	<b>TBD</b>	1 years	Enhanced awareness on drug and substance abuse at workplace	MoL and MoH	1. Code of practice, 2. Enforcement Guidelines
		Establishment of a collaboration mechanisms for all OSHE players	<b>TBD</b>	2 years	MoUs	All OSHE Stakeholders	Cooperation document

## APPENDIX D: FIRST AID TO WORKPLACE HAZARDS

### The nature of the work and workplace hazards

Certain work environments have greater risk of injury and illness due to the nature of work being carried out and the nature of the hazards at the workplace. For example, workers in factories, motor vehicle workshops and forestry operations are at greater risk of injury requiring immediate medical treatment than workers in offices or libraries. These workplaces will therefore require different first aid arrangements.

Table showing Injuries associated with common workplace hazards that may require first aid

<b>Hazard</b>	<b>Potential harm</b>
<b>Manual tasks</b>	Overexertion can cause muscular strain.
<b>Working at height or on uneven or slippery surfaces</b>	Slips, trips and falls can cause fractures, bruises, lacerations, dislocations, concussion.
<b>Electricity</b>	Potential ignition source—could cause injuries from fire. Exposure to live electrical wires can cause shock, burns and cardiac arrest.
<b>Machinery and equipment</b>	Being hit by moving vehicles, or being caught by moving parts of machinery can cause fractures, amputation, bruises, lacerations, dislocations.
<b>Hazardous chemicals</b>	Toxic or corrosive chemicals may be inhaled or may contact skin or eyes causing poisoning, chemical burns, irritation. Flammable chemicals could result in injuries from fire or explosion.
<b>Extreme temperatures</b>	Hot surfaces and materials can cause burns. Working in extreme heat can cause heat-related illness. It can also increase risks by reducing concentration and increasing fatigue and chemical uptake into the body. Exposure to extreme cold can cause hypothermia and frostbite.
<b>Radiation</b>	Welding arc flashes, ionising radiation and lasers can cause burns. Ultraviolet (UV) radiation from the sun can cause sunburn, skin cancers and eye damage.

## Table of Checklist Questions to Assist in Reviewing First Aid

#	Question	Yes	No
1	Do all workers have access to first aiders and first aid kits?	<input type="checkbox"/>	<input type="checkbox"/>
2	Are more first aid kits required?	<input type="checkbox"/>	<input type="checkbox"/>
3	Are more first aiders needed?	<input type="checkbox"/>	<input type="checkbox"/>
4	Do workers have access to first aiders at all times?	<input type="checkbox"/>	<input type="checkbox"/>
5	Do the first aid kits and modules suit the hazards at your workplace?	<input type="checkbox"/>	<input type="checkbox"/>
6	Are first aid kits well maintained and identifiable to workers?	<input type="checkbox"/>	<input type="checkbox"/>
7	Is a first aid room or health centre required?	<input type="checkbox"/>	<input type="checkbox"/>
8	Are first aid facilities well maintained?	<input type="checkbox"/>	<input type="checkbox"/>
9	Do first aiders have skills, training and competencies to provide first aid in your workplace and are their skills up to date?	<input type="checkbox"/>	<input type="checkbox"/>
10	Do workers know how to access first aid?	<input type="checkbox"/>	<input type="checkbox"/>
11	Is there easy access for emergency services, like parking for an ambulance?	<input type="checkbox"/>	<input type="checkbox"/>

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  3. WHO Guidelines on Safety and Health, 2019
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