

## **The Extent of Compliance with Occupational Safety and Health Regulations at Registered Workplaces in Nairobi**

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### **Abstract**

*The objective of the study was to determine the extent of implementation of the occupational safety and health regulations at workplaces. The study also determined the measures instituted by organizations to comply with the said regulations at workplaces. To meet this objective, the study collected primary data using questionnaires. A sample of 112 was picked out of 2,169 registered workplaces in Nairobi. Data was analyzed using descriptive, factor and regression analysis. The elements used to determine the extent of compliance with occupational safety and health regulations at workplaces were categorized into five factors (independent variables) namely: safety, hygiene, and emergency fire protection and health regulations. All the independent variables were linearly related with the dependent variable using a model of five predictor variables to rate compliance with occupational safety and health regulations at workplaces. The study found out that 90% of the respondents were generally aware of the existence of the Occupational Safety and Health (OSH) Act, 2007. Over 80% of the respondents were of the view that administration and enforcement of the OSH Act, 2007 was adequate and also provided for the safety and health of employees at the workplace. However, inspection and examination of workplaces by occupational safety and health officers was at 52.2%, which is low and could perhaps be one of the factors responsible for lack of full compliance with the OSH Act, 2007. Overall, the extent of compliance with the Act at workplace stood at 64.49%. Organizations still have an abysmal 35.5% level of non-compliance that should be addressed to minimize the dire consequences of non-compliance.*

### **Introduction**

#### **Background**

Occupational safety and health is a multi-disciplinary area that is concerned with the safety, health and welfare of people at the workplace. From the perspective of secondary effect, it could also protect co-workers, family members, employers, customers, supporters, nearby communities and other members of public affected by workplace environment. Armstrong (2006) contends that achievement of the highest standard of safety and health at workplaces is critical to eliminate or at least minimize safety and health hazards and risks. This requirement is a moral, economic and legal responsibility of employers. From a moral perspective, managers undertake accident prevention measures on purely humanitarian grounds to reduce incidents of pain and suffering among workers and their families. Secondly, they take prevention measures for legal reasons owing to the existence of laws covering occupational safety and health. Finally, there are economic reasons for being safety conscious since the expense of accidents to the organization is usually exorbitant.

Occupational Safety and Health (OSH) has become a global concern for employers, workers and national governments. Despite global efforts to address OSH concerns, it is estimated that 2 million work related fatalities still occur every year (ILO, 2009). In addition, there are more than 330 million occupational accidents and 160 million work related diseases that affect workers every year (Marksnen, 2004). The ILO estimates that more than \$1.25 trillion, which is equivalent to 4% of the world's Gross Domestic Product (GDP), is lost each year due to occupational accidents and diseases.

In Kenya, prior to the enactment of the OSH Act, (2007), matters of OSH were covered under the Factories and Other Places of Work, Act (1972), Chapter 514 of the laws of Kenya. This chapter has since June 2008 been replaced by the OSH Act (2007). The OSH Act is an Act of Parliament that provides for the safety, health and welfare of workers and all persons lawfully present at workplaces. The mandate to enforce compliance with the provisions of OSH Act at workplaces is vested upon the Director of Occupational Safety and Health Services.

The City Council of Nairobi is also conferred powers by the local Government Act, Cap. 265, to make by-laws. The by-laws are for purposes of ensuring that residents of the City of Nairobi are safe and provided with fast aid in the event of a fire. Under these by-laws, a Fire Brigade was established with primary duties and responsibilities of prevention of fire and fire fighting. The Chief Fire Officer of the Fire Brigade has powers to inspect premises to determine compliance with prevention of fire requirements and to make such orders as he may deem fit (The City of Nairobi, By-laws, 2007).

Today in the world market, consumer buyer organizations like the Trade Fair, Ethical Trading Partnership and Rain Forest Alliance among others, have listed occupational safety and health as one of the labor standard requirements that must be complied with by producer/seller organizations in order for their products to be accepted. ISO-9000 certification, whose quality standard requirement lay a lot of emphasis on compliance with occupational safety and health regulations has become a prerequisite for acceptance of products in most markets. In views of the above, the need for organizations to ensure compliance with OSH at their workplaces as a basic human right and a strategic human relations management issue cannot be over-emphasized.

### **Registration of Workplaces in Nairobi**

The OSH Act (2007) section 2 defines workplace as including any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment. Section 44(1) of the OSH Act, (2007) provides that before any person occupies or uses any premises as a workplace, he/she shall apply for registration of the premises by sending a written notice containing the particulars outlined in the Fourth Schedule, to the Director of Occupational Safety and Health Services. Upon receipt of the notice referred in subsection (1) of the Act, the Director shall take such steps as may be necessary to satisfy himself that the premises is suitable for use as workplace of the nature stated in the notice, and upon being so satisfied shall cause the premises to be registered and shall issue to the applicant upon payment of prescribed fee, a certificate of registration in the form set out in the Fifth Schedule. Any person who, without having been issued with a certificate of registration under subsection (2), occupies or uses any premises as a workplace commits an offence and shall, upon conviction be liable to a fine not exceeding Kenya shillings 100,000 or to imprisonment for a term not exceeding three months or to both. The study focused on the registered workplaces in Nairobi.

### **Statement of the problem**

Occupational Safety and Health issues have not only become a global concern for employers, workers and national governments, but are also of major concern to managers of organizations. Managers are accountable for any shortcomings at the workplace and therefore recognize that it is in their economic interest to create safe working practices (Bell, 1981) and comply with occupational safety and health regulations. It is estimated that the worker spends about one third of his/her time at the workplace (Sakari, 1991). During this time, he/she is exposed to various hazards including accidents, noise, dust, vibrations, heat and harsh chemicals among others (Kenei, 1995). The Occupational Safety and Health Act (2007) has various provisions for the safety, health and welfare of workers and all persons lawfully present at workplaces in Kenya. The Act has provision for creation of the Directorate of Occupational Health and Safety Services (DOHSS) with the principal objective of promotion and enforcement of occupational safety and health regulations at workplaces. Despite the fact that the Government of Kenya has put in place legislations to safeguard the safety and health of workers, the number of accidents at workplaces has continued to increase (Mutemi, 2005). According to the Directorate of Occupational Health and Safety Services (DOHSS) Annual Report (2008), the cumulative number of accidents reported for years 2001-2007 for Nairobi province alone was 1,035. These accidents accounted for 12,941 man days lost. This high number of accidents and the attendant losses can be attributed to failure by management at workplaces to comply with the legal and regulatory framework regarding occupational safety and health.

Literature from various parts of the world has identified numerous causes of accidents at different sectors of the economy but not much has been documented, particularly in Kenya, to comply with the laid down occupational safety and health regulations at workplaces across the board. This study therefore seeks to establish how managers in organizations across the various sectors are dealing with issues of occupational safety and health at workplaces. The purpose of the study is therefore to investigate the measures that organizations have put in place at workplaces to comply with the occupational safety and health regulations.

**Objective of the study**

To determine the extent to which employers have implemented occupational safety and health regulations at workplaces.

**Research Design****Introduction**

This part of the research report covers the population of study, data collection method and data analysis techniques.

**Population of the Study**

The population of the study consisted of all the 2,168 workplaces in Nairobi registered at the Directorate of Occupational Safety and Health Services. Nairobi was chosen owing to the fact that most of the workplace tragedies had occurred there. A sample of 112 workplaces was selected using the simple random sampling technique to ensure that each organization had an equal chance of being selected.

**Data Collection Method**

Primary data was obtained by using a structured questionnaire. The questionnaire was divided into two sections A and B. Section A comprised questions that were intended to measure the level of awareness and enforcement of the regulations. Section B consisted of a 5 point likert type scale to measure the extent of compliance with the requirements/regulations of the occupational Safety and Health Act, 2007. The respondents were managers and/or supervisors at the selected workplaces.

**Data Analysis**

The data collected was analyzed using descriptive statistics such as: mode, mean, standard deviations and percentages. Tables were also used to summarize the outcome of the research. The other data analysis techniques used were factor regression and correlation analysis.

**Findings**

The study was designed to basically find out: the extent to which employers had implemented the occupational safety and health regulations at their workplaces.

Findings of the study indicate that 90% of the firms were found to have been aware of the existence of the Occupational Safety and Health Act, 2007. Over 80% of the respondents were of the view that administration and enforcement of the OSH Act, 2007 was adequate and it provided for the safety and health of employees at workplace. However, inspection and examination of workplaces by occupational safety and health officers was at the level of 52.2%, which is rather low and could be perhaps one of the factors responsible for lack of full compliance with the Act. Overall the extent of compliance with the occupational safety and health regulations in workplaces stands at 64.49%. Organizations have an abysmal 35.51% level of non-compliance that should be addressed to minimize the dire consequences of non-compliance.

The general information considered in the study was: number of years the firm had been in operation, number of employees and ownership of the firm.

The findings are presented in table 1 to 3.

**Table 1: Number of years the firm has been in operation**

	Frequency	Percent	Cumulative Percent
Less than 10 years	23	25.6	25.6
11-20 years	20	22.2	47.8
Over 20 years	47	52.2	100.0
Total	90	100.0	

As shown in table 1 most of the respondent's firms (52.2%) had been in operation for over 20 years, 25.6% had been operating for less than 10 years while the rest 22.2% had been in operation for 11 to 20 years. All firms were expected to comply fully irrespective of the years in operation. The length of period in business should not be used as an excuse for non-compliance as all firms are vulnerable to accidents irrespective.

**Table 2: Number of employees at workplaces in Nairobi**

Number of employees	Frequency	Percent	Cumulative Percent
20-49	20	22.2	22.2
50-99	11	12.2	34.4
100-199	16	17.8	52.2
200-499	17	18.9	71.1
over 500	26	28.9	100.0
Total	90	100.0	

The findings presented in table 2 show that, 28.9% of the respondent's firms employed over 500 employees, 22.2% had 20-49 employees, 18.9% had 200 to 499 employees while 17.8% had 100 to 199 employees. Generally majority of the firms had more than 100 employees. A large percentage of the firms employ more than 500 employees at their workplaces in Nairobi. This implies that they are more vulnerable to the consequences of non-compliance than those that have fewer employees. Moreover, those with many employees are faced with more compliance challenges like budgetary constraints.

**Table 3: Indication of ownership of firms**

	Frequency	Percent	Cumulative Percent
Private	53	58.9	58.9
Public	37	41.1	100.0
Total	90	100.0	

The results presented in table 3 shows that 58.9% of the firms were privately owned while 41.1% were public firms. The participation in the study by both public and private firms was almost equal. This demonstrates that the research was not biased towards either public or private organizations.

### **Conclusions**

From the analysis, safety regulations factor components had an average of 66.7% compliance level with a non compliance level of 33.3 percent. This implies that most of the workplaces are fairly safe in line with the provisions of the Occupational Safety and Health Act, 2007. However, there is dire to work on the 33.3% non-compliance level.

Compliance with hygiene regulations was at 66.05% with a non-compliance level of 33.95%. This notwithstanding, hygiene matters are a very basic requisite for any work environment. The prevailing 66.05% compliance is not good enough, owing to the fact that one third of the workers are still exposed to unhygienic conditions and as such vulnerable to occupational diseases.

The emergency regulations component was found to be compliant. This demonstrated the fact that organizations are fairly well equipped in dealing with emergency situations at workplaces. Organizations are expected to be adequately prepared on how to deal with emergencies in order to mitigate injuries, loss of life and property.

The fire protection regulations component was 64.1% compliant. This should be an area of concern granted that usually damage caused by fires is detrimental to the workers, businesses and the government. The 35.9% non-compliance level reveals that most workplaces are still exposed to the severe consequences of fire outbreaks.

Health regulations component was compliant. Non-compliance with health regulations has a direct bearing on the productivity of workers. It also portrays a poor image of the respective organizations.

Overall, the extent of compliance with occupational safety and health regulations at workplaces stands at 64.49%. The 35.51% level of non-compliance is an area of concern that must be addressed to minimize the dire consequences of non-compliance.

### **Recommendations**

#### **The following recommendations have policy implications**

Occupational safety and health regulations at workplaces should be publicized extensively to ensure managers/supervisors and workers in organizations increase awareness levels to 100%. Mechanisms should also be put in place to sensitize the general public about occupational safety and health.

The quality of the work environment through compliance with safety and health standards has to be monitored by surveillance audits at workplaces. The surveillance audits should be based on special checklists and guidelines that should be made available to all. The scope of the surveillance of the work environment should be identification and evaluation of the environmental factors that may affect the workers' health, assessment of conditions of occupational hygiene, assessment of personal protective equipment, and assessment of exposure of workers to hazardous agents and control systems designed to eliminate or reduce exposure.

The Directorate of Occupational Health and Safety Services (DOHSS) should be encouraged to collect, analyze and provide data on work-related accidents to the employers and the general public. This would sensitize all and sundry, and enhance instituting of corrective and protective measures.

DOHSS should be facilitated fully to improve the current surveillance inspection and examination of the workplace. If this is achieved, then the extent of compliance with occupational safety and health regulations at workplaces will improve significantly.

Now that there is a comprehensive law on the management of occupational safety and health, there is need for the Government to come up with a policy on OSH Management System (OSH-MS) within large and high-risk enterprises. The Regulations should stipulate that any organization with a capacity of 100 employees or more, or has potential for harmful production material that may cause occupational accidents such as disease, is obligated to implement OSH-MS. Systematic audits endorsed by the Government, are necessary to enforce the OSH-MS practice. This practice also stipulates that a company shall be awarded an OSH-MS certificate, if it complies with at least 75 % of the requirements.

### **Suggestions for Further Research**

There is dire need to conduct similar research in other parts of the country, in order to establish the extent of compliance with occupational safety and health regulations in the entire country. The outcome thereof, would assist government formulate a policy on occupational safety and health management system.

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