



**LEVERAGING ON THE EXISTING
LAWS TO ATTAIN SAFE
CONSTRUCTION SITES IN KENYA**

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Existing Laws

Constitution of Kenya; Article 41(2)(b) states:

Every worker has the right to reasonable working conditions

- **The Occupational Safety and Health Act, 2007**
- **The Factories (Building Operations and Works of Engineering Construction) Rules, Legal Notice No. 40/1984**
- **The Work Injury Benefits Act, 2007**
- **Company Safety and Health Policy**

A photograph of a construction site at dusk or dawn, showing several tower cranes against a blue and orange sky. The image is partially obscured by a white banner that contains the title.

Why safety in construction sites?

Safety in construction sites mainly involves;

- **Workers on site**
- **Suppliers**
- **Visitors to the site**
- **Other people who may access the site**
- **Equipment used on site**



Lack of safety in construction sites

Failure to observe safety in construction sites may result in occupational accidents which lead to:

- **Human cost**

- **Financial cost**

These costs may be direct or indirect;

- **Direct costs include medical expenses and insurance compensation**

- **Indirect costs include time lost, production delays, production losses, repair costs, breakdowns, investigation, legal suits**



The Occupational Safety and Health Act (OSHA), 2007

- **It is an Act of Parliament to provide for the safety, health and welfare of persons employed and all persons lawfully present at workplaces.**

Application

- **This Act shall apply to all workplaces where any person is at work, whether temporarily or permanently.**



Duties of employers (6)

- (a) Ensure the safety, health and welfare at work of all his employees.**
- (b) Carry out suitable risk assessments for the safety and health of workers**
- (c) Keep records of accidents that occur in their premises, investigate and report them to the nearest Occupational Safety and Health office.**
- (d) Take immediate steps to stop any operation or activity where there is a prominent and serious danger to safety and health and to take away persons from the danger.**



Duties of employees (13)

Every employee while at work has a duty to:

- (a) take care of his or her own safety and health and of other persons who may be affected by his or her actions at work;**
- (b) to co-operate with his or her employer in the carrying out of any duty placed on the employer or that other person by this Act;
and**
- (c) to wear or use at all times any protective equipment or clothing provided by the employer for purposes of protection against existing workplace hazards.**



Safe use of plant machinery and equipment (55)

All plant, machinery and equipment whether fixed or mobile for use either at the workplace or as a workplace shall only be used for work, which they are intended for and be operated by an experienced person.



Hand Held and Portable Power Tools (59)

Every employer shall be responsible for the safe condition of tools and equipment used by his employees, including tools and equipment, which may be brought in to the place of work by the persons employed.

A photograph of a construction site with several cranes against a blue sky with some clouds. The image is partially obscured by a white banner that contains the title text.

Training and Supervision of Inexperienced Workers (99)

A person must not work at any unsafe machine or in any unsafe process unless the person has been fully instructed as to the dangers and safety measures, and that person has received sufficient training in the work or is under adequate supervision.



Protective Clothing and Appliances (101)

Suitable protective clothing and appliances including, where necessary, suitable gloves, footwear, goggles and head coverings, must be provided and maintained for the use of workers employed in any process involving exposure to wet or to any injurious or offensive substance.



The Factories (Building Operations and Works of Engineering Construction) Rules

Legal Notice No. 40/1984

(Construction, Demolitions and Civil Works)

Apply to constructions sites.

Role of the contractor:-

- **Notification about the operations to nearest**

Occupational Safety and Health office

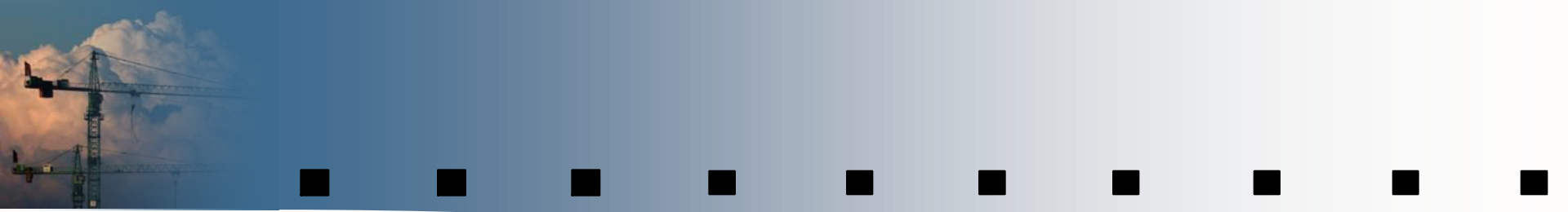
- **Appointment of safety supervisor**
- **Ensuring safety in excavation by inspection, fencing, notices, safe means of access**
- **Explosive safety**
- **Safety in operations and works adjacent to water**
- **Transport on sites and safety**



Safety in demolitions

Machinery safety

- **Electrical safety**
- **Notices of wet paints, work progress etc**
- **Scaffolds/working platform safety:- maintenance, inspection, stability, stairs, ladders etc.**
- **Roof safety**
- **Plant safety e.g. lifting operations safety.**
- **First-aid facilities**
- **Washing and sanitary facilities**
- **Personal protective equipment.**



**SAFETY IS NOT AN
EXPENSE --
IT IS AN INVESTMENT**





Parting shot!!!!
Think Safety And It
Will Become Habit