



Basic Information on OCCUPATIONAL SAFETY AND HEALTH (OSH) at the Work Place

Occupational Safety and Health Act Cap. 231 &
Workers Compensation Act Cap. 233 key aspects simplified



Controlling Industrial Accidents and Diseases
at the Work Place





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MANDATORY SIGNS



CONSTRUCTION

**FACE SHIELD
AND HARD HAT
MUST BE WORN**

**HIGH
VISIBILITY
VEST
MUST BE WORN**

**SAFETY
GOGGLES
MUST BE WORN**

**FOOT
PROTECTION
MUST BE WORN**

**HAND
PROTECTION
MUST BE WORN**

**SAFETY
HARNES
MUST BE WORN**

**USE
HANDRAILS**

**PEDESTRIAN
WALKWAY**

**ALL ACCIDENTS
MUST BE
REPORTED
IMMEDIATELY**

**PERMIT
TO WORK
MUST BE OBTAINED**



Uganda Hotels, Food, Tourism, Supermarkets & Allied Workers' Union (HTS-Union)

HTS-Union OCCUPATION SAFETY & HEALTH POLICY STATEMENT

HTS-Union OSH policy is purposed to ensure that all workers conditions of employment are secure, safe, healthy and in tandem with the legal framework of Uganda as a way to ensuring realization of the Decent Work Agenda.

Recognizing that effective safety and health management is key priority at work, HTS-Union commits to spearhead efforts to continuously control industrial injuries, accidents, diseases, death and OSH hazards at work including; physical, chemical, ergonomics, radiation, psychological, biological and other OSH risks as a way to promote safe and healthy working environment.

The Union pledges to provide effective leadership, representation, guidance and information on OSH matters in all forms, at all times and levels.

Mauku R. Moses
GENERAL SECRETARY

Occupational Safety & Health (OSH)

Occupational Safety & Health (OSH) refers to:

Occupational safety is the concern of preventing harm from any incidental hazards arising in the workplace.

Health is defined as «a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

OSH deals with all aspects of health and safety in the workplace and has a strong focus on primary prevention of hazards.

Occupational health is a multidisciplinary field of health care concerned with enabling an individual to undertake their occupation, in the way that causes least harm to their health,,

OSH Management.

Management is a process of planning, organizing and control of all activities to achieve the objectives in an organization.

- Most hazardous conditions can be managed
- Occupational accidents and diseases are preventable
- Proactive approaches are preferred to reactive approaches.



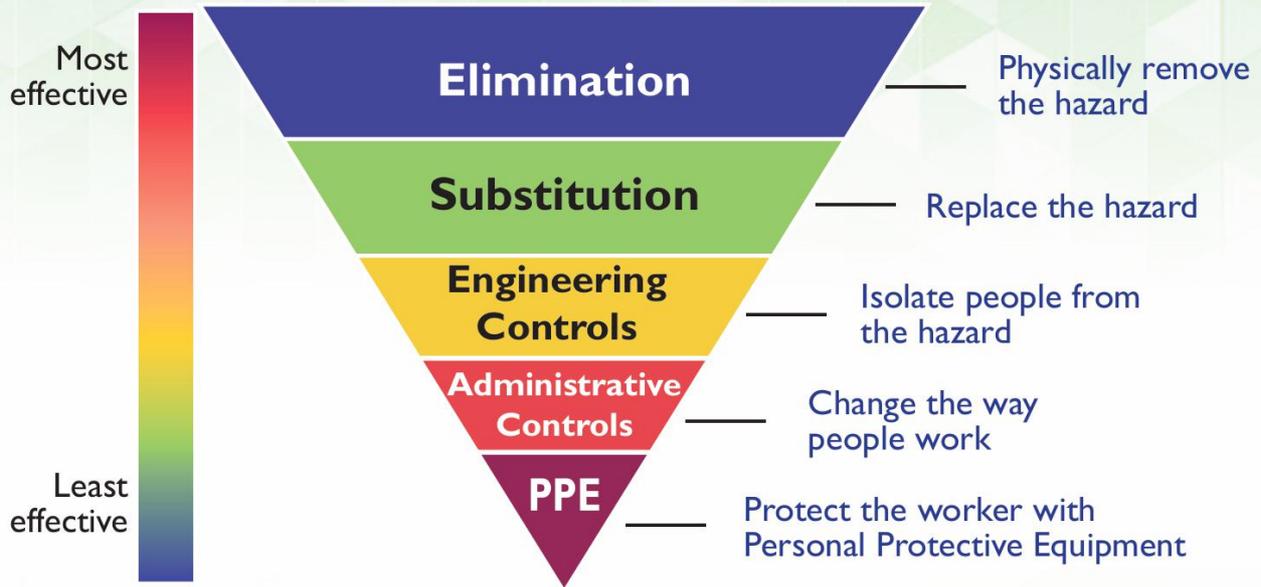
Common workplace health hazards

1. **Physical;** Auto mobiles, fire, flora, fauna, machines, Noise, vibration, lighting, electrical, heat and cold, nuisance dust, fire/explosion, machine grinding, working space and others.
2. **Chemical;** liquids, gases, dust, fumes and vapours.
3. **Ergonomic;** poor design of equipment, workstation design, (postural) or workflow, manual handling, repetitive movements.
4. **Radiation;** High exposure to sunlight/ultraviolet rays. Temperature extremes – hot and cold.
5. **Psychological;** Work-related mental stress, GBV, sexual harassment, Alcoholism, Bullying in the workplace; Customer aggression; Driver fatigue; Remote or isolated work.
6. **Biological;** Infections caused by parasites; viruses or bacteria; allergies initiated by exposure to mould, organic dust like flour dust and animal dung, enzymes, mites and poison or toxic effects.

Hazards - examples

- Chemical hazards, arising from liquids, solids, dusts, fumes, vapours and gases
- Physical hazards, such as noise, vibration, unsatisfactory lighting, radiation and extreme temperatures
- Biological hazards, such as bacteria, viruses, infectious waste and infestations
- Safety hazards associated with gravity (falls of people and objects), manual handling, hand tools, moving parts of plant/machinery and/or their loads, vehicles, electricity, pressure equipment
- Psychological hazards relating to the content and context of work causing stress and strain
- Hazards associated with poor ergonomic design of workplaces and working methods, such as poor seating for drivers of vehicles like fork-lift trucks, or awkward design of workstations, offices and factories

How risk can be reduced following a hierarchy of controls



Managing risk

- ◆ Risk assessment as a five step process – an examination of workplace to identify what could cause harm and whether suitable control measures are in place to prevent such harm being caused
- ◆ **Step 1:** Identify any hazard.
- ◆ **Step 2:** Identify who might be harmed and how.
- ◆ **Step 3:** Evaluate the risk — identify and decide on appropriate safety and health risk control measures, involving two sub-steps.
 - Step 3a: Identify what you are already doing to control risk.
 - Step 3b: Identify what further risk control measures are necessary.
- ◆ **Step 4:** Record who is responsible for implementing which control measures and the timeframe.
- ◆ **Step 5:** Monitor and review your risk assessment, and update when necessary.

Step 1 – Guidance on hazard identification

- ◆ OSH laws, code of practices, policies documents provided by national and international institutions and organizations

- ◆ Information derived from National, Sectoral or Enterprise statistics on prevalent Occupational Accidents and/or Diseases, and the hazards involved
- ◆ Information or safety data sheets provided by manufacturers and suppliers of machinery, equipment, tools, products and substances
- ◆ Information from workers, workers' representatives and joint OSH committees resulting from consultations, observations, complaints, ad-hoc meetings, etc.
- ◆ Workplace and job inspections and analyses based on observation of the tasks being performed
- ◆ Review of accident, disease and "near miss" investigations
- ◆ Advice, opinions and judgments of competent internal and external OSH professionals

Step 2: Identify who might be harmed and how

- ◆ Who might be harmed by each hazard?
- ◆ Not necessary to list individuals, but identify relevant groups of people: e.g. operators of circular saws.
- ◆ Some workers have particular requirements, e.g. new and young workers, new or expectant mothers and people with disabilities may be at particular risk.
- ◆ Cleaners, visitors, contractors, maintenance workers, etc., may not be in the workplace all the time.
- ◆ Members of the public could also be harmed by work activities.

Legal framework on Occupational Safety and Health in Uganda

The Constitution of Uganda, 1995 as amended Article, 40 1. a) which provides that, Parliament shall enact laws, a) to provide for the right of persons to work under satisfactory, safe and health conditions.

There are two Labour Laws that provide for the rights, obligations and procedures regarding workers, employers and Government on matters of OSH at the work place. These laws are derivatives of the Constitutional provision herein above.

1. Occupational Safety & Health Act, Cap. 231

The OSH Act is generally a preventive law that guides how best to prevent insecure, unsafe, ill health, poor structural settings by either the employer or the worker and while promoting secure and safe work environment.

2. Workers Compensation Act, Cap. 233

This law generally provides for remedial interventions in cases where occurrences of insecure, unsafe, ill health, poor structural settings by either the employer or the worker including industrial accidents and diseases are occasioned, then the law herein provides for how different situations are treated/handled.

The laws herein above proved and guides on the obligations and rights of the government, employers, the trade unions and the workers



Obligations and responsibilities of the Tripartite Partners on OSH

1. Government:

- ✓ Enactment, Administration & Enforcement of the Law on OSH
- ✓ Appointment of OSH/labour inspectors
- ✓ Administration of the OSH Act, Cap. 231 including provision of the OSH Act Regulations
- ✓ Establishment of the Occupational Safety and Health/Medical Board
- ✓ Advisory panels & terms of reference
- ✓ Create awareness of the intended users of the OSH Act, Cap 231
- ✓ Provide for the best regulations for the government inspectors to undertake their correct mandate on OSH

2. Employers

- ✓ Provide a safe working environment
- ✓ Safe systems of work
- ✓ Plant, structure and substances in safe condition
- ✓ Employer to provide protective gear
- ✓ Facilities for the welfare of all workers
- ✓ Any information, instruction, training and supervision needed to make sure that all workers are safe from injury and risks to their health
- ✓ Employer to consult with workers' organisations

3. Trade Union/Workers

- ✓ Sensitisation/raise awareness of workers on OSH issues.
- ✓ To ensure the formation and supervision of Safety committees in workplaces.

- ✓ To work closely with the OSH Department of the Ministry for Labour.
- ✓ Provide a platform for employee's participation and involvement in the OSH practices at work.
- ✓ Ensure adequate implementation of the relevant legal instruments on OSH.
- ✓ Provide leadership and support to the victims of OSH through the processes that be.
- ✓ Provide literature on OSH prevention and management.

Workers

- ✓ Take care of their own selves and not to misuse appliances
- ✓ Report dangerous situation to immediate supervisor
- ✓ Read and understand basic information on OSH and how to report OSH issues
- ✓ To participate in the work place committees on OSH
- ✓ Reckless or intentional interference with safety measures
- ✓ Workers' right to move away from dangerous situation
- ✓ Workers not to be penalised for complying with the OSH Act.



Role of OSH in Enterprise Development

Workplace safety and health in enterprise development and competitiveness can best manifest under the following aspects;

- ✓ Compliance to the Legal Framework on OSH
- ✓ The Occupational Safety and Health Act, Cap. 231
- ✓ The Workers Compensation Act Cap. 233
- ✓ Compliance by an Enterprise is a Legal requirement and therefore a prerequisite for the Enterprise's existence, development and competitiveness.
- ✓ Besides capital, the other major factor of production is human resource where OSH issues become paramount to any enterprise or workplace.
- ✓ Once employee's safety and health in an enterprise, is not prioritised and accidents are reported always, the company becomes scandalous, it may be shunned by the would be employees and clients thus affecting its productivity and competitive edge.
- ✓ Examples are the many reported cases of accidents in Tembo Steel industry, the Bwebajja hotel (collapse of building) the flower farms-employees exposed to dangerous pesticides without adequate protective gear etc affects the productivity of such enterprises.

How implementation of workplace OSH assists organisations to become Profitable & Competitive

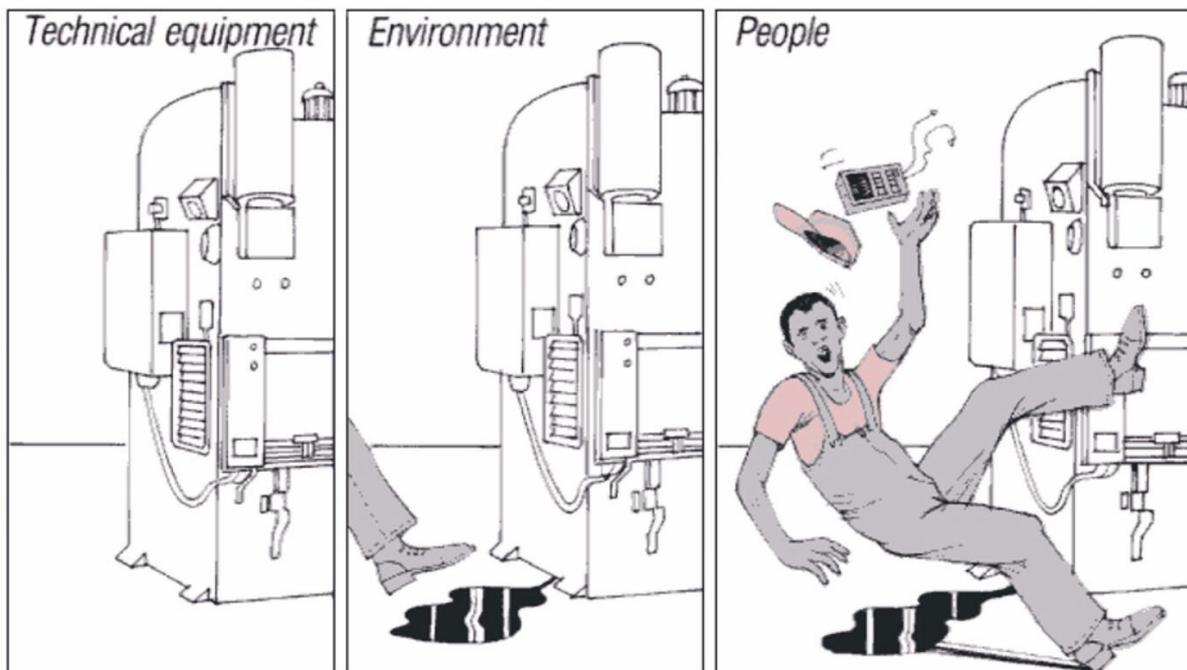
- ✓ Compliance and implementation of the OSH Act is a saving on the finances of the Enterprise as it leads to avoidance of costs involved in absenteeism, treatment, incapacitation of workers and compensation of OSH hazards' victims.
- ✓ It also saves the image of the company as not being an accident prone enterprise but rather a safe one
- ✓ A safe and healthy work place creates an enabling environment for improved productivity and hence Enterprise development and competitiveness

The Best or good performing enterprises observe the laws on Occupational Safety and Health.

Industrial Accidents - legal definition and its key aspects

Workers Compensation Act, Cap 233. Sec 3, 4, 5, 6 & 7)

The Workers Compensation Act Cap. 233 defines an Industrial accident to cover for any accident that an employee meets one hour before the time of reporting on duty but while travelling to the place of work; the time the employee is on duty and one hour after signing off from duty but while travelling to his/her home.



Industrial diseases (Sec. 27)

The law defines an Industrial Disease as an ailment an employee suffers as a result of performing his/her duties assigned to him/her by the company.

Which diseases are recognized as occupational?

Occupational disease (prevention purposes) covers any disease contracted as a result of an exposure to risk factors arising from work activity.

Occupational diseases (compensation purposes) are diseases having a specific or a strong relation to occupation, generally with only one causal agent, and recognized by the authority as such. Two main elements are present in the definition of occupational diseases:

- the **exposure-effect relationship** between a specific working environment and/or activity and a specific disease effect;
- the fact that these diseases occur among a group of persons concerned with a **frequency above** the average morbidity of the rest of the population.

List of diseases prescribed by national authorities that can be considered as occupational in a given country.

- The list covers only a certain number of diseases that can be associated to specific work environments with the presence of some harmful substances. These diseases are recognized and compensable.
- It allows a faster processing of cases since the presumption of the link between the occupational exposure and the medical condition is not to be demonstrated. (Bradford-Hill criteria).
- It is suggested that the list of national occupational diseases be established by regulation (or better, an annex of a regulation). This allows more ministerial flexibility for possible modifications according to the evolution of scientific knowledge than the modification of a law article.
- ILO has elaborated a list of occupational diseases in 2010. This list (with more than 100 entries) can serve as a model for the establishment, review and revision of national lists of occupational diseases.

Medical Examination/Treatment for Industrial Accidents/Diseases (Sec.11)

- ✓ Where a worker has given notice of an accident, the employer shall, as soon as reasonably possible after the date on which notice has been given, arrange to have the worker medically examined by a qualified medical practitioner, at no charge to the worker.



- ✓ The worker shall be entitled to have his or her own medical practitioner or an official of a **trade union** of which he or she is a member present at the examination, but the attendance shall be at the worker's own expense.
- ✓ Failure without good cause to appear for a medical examination under this section, or failure to observe the clinical instructions given by a medical practitioner and given at or following the examination, may be taken into account by the court in assessing the amount of compensation payable under this Act; and the court may use the failure to justify the making of a deduction from any sum which would otherwise have been payable in respect of an injury suffered by the worker.
- ✓ During the period of temporary total incapacity, the employer shall be liable to pay the costs of medical care

Workers Life Insurance at workplace (Sec. 18)

- 1) Subject to subsections (2) and (3), every employer shall insure and keep himself or herself insured in respect of any liability which he or she may incur under this Act to any worker employed by him or her. (2. ...)
- 3) An employer shall not, for the purpose of obtaining a policy of insurance as required by this section, make any false statement or wilfully do any act in consequence of which the policy is liable to be voided or payment under the policy refused.
- 4) An employer shall provide information regarding insurance effected to meet the requirements of this section, when reasonably requested by the Labour Commissioner or any person acting on his or her behalf.
- 5) An employer who contravenes this section commits an offence and is liable—
 - (a) on a first conviction to a fine not exceeding ten currency points; (b) on a second conviction to a fine not exceeding twenty currency points; and (c) on a third and subsequent convictions,

to a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding twelve months or both.

Impairment or disability

Distinguishing the difference between impairment and disability is imperative. One individual can be impaired significantly and have no disability, while another person can be quite disabled with only limited impairment.

Impairment: Any loss or abnormality of psychological, physiological or anatomical structure or function.

Disability: An activity limitation that creates a difficulty in the performance, accomplishment, or completion of an activity in the manner or with in the range considered normal for a human being.

Negative Implications of Industrial Accidents/Diseases

- Loss of life of a Workers
- Loss of Capacity of the worker
- Loss of Work time
- Loss of money for medical bills/benefits
- Loss of time for those taking care of the sick
- Loss to the family
- Victim becomes a burden to their family
- There is likely to be stigma and discrimination
- Low pay to accident victims
- Untimely delivery of duties
- Loss of self esteem
- Loss of capacity to work & sustain yourself after retirement or termination due to incapacitation
- Business experiences a loss of productivity and sales
- The loss of reputation to the business
- Employee experiences emotional distress
- Employee may experience long term health problems or disability/ impairment
- Some organisations are forced to close down due to accidents

How to report an industrial accident and disease (Sec. 3, 9 and 10,11)

When an accident happens to you, do the following

- ✓ As soon as possible, report to management and the Union branch leaders if you can talk.
- ✓ Report to the nearest police station or post and secure SD Reference. This can be done by Management or the Union leaders.
- ✓ The employer must report the said accident to the district labour officer by form LD 31 within 14 days from the occurrence of the accident

Employer's liability. (Sec 3)

(1) If personal injury by accident arises out of and in the course of a worker's employment, the injured worker's employer shall be liable to pay compensation in accordance with this Act and (3) (4) (5) (6) (7) (8) & (10)

Notification of accident. (Sec 9)

(1) Compensation may not be payable under this Act unless notice of the accident has been given to the employer by or on behalf of the worker as soon as is reasonably practicable, and in any case within one month after the date when the accident occurred or within three months after the date the symptoms of the occupational disease became apparent; but no notice is required where it is shown that the employer was aware of the accident or disease at or about the time it occurred or at the time when the symptoms became evident, or for any reasonable cause

Notification by employer to labour officer. (Sec 10)

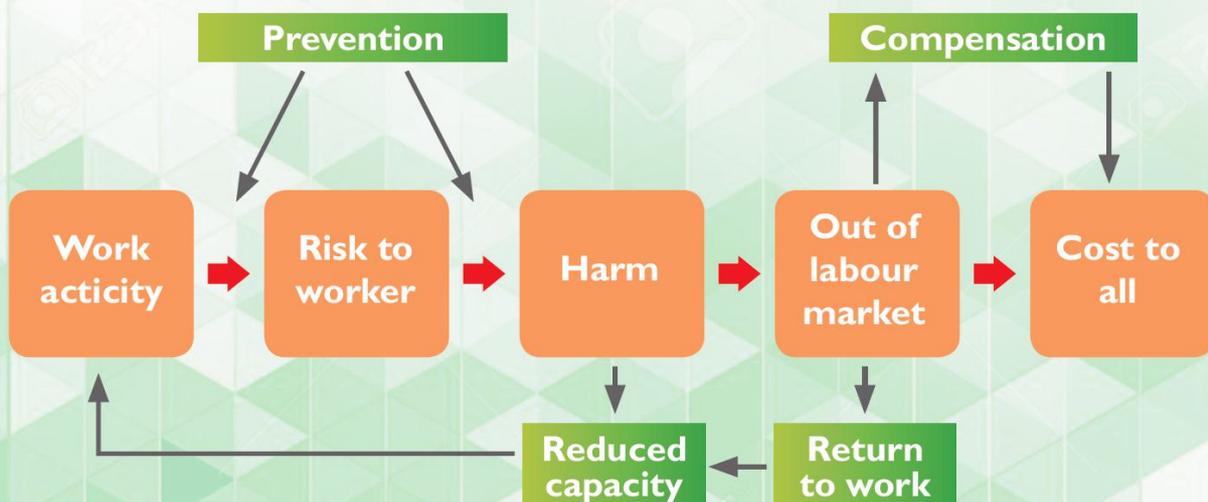
(1) After the happening of an accident causing injury to a worker of such a nature as would entitle him or her to compensation under this Act, the employer shall, at once, report the accident either by telephone, telegram, telefax or telex or any other



reasonable means to the labour officer of the area; and the report shall be followed immediately by a written report of the accident before the worker has voluntarily left the employment in which he or she was injured.

(2) Where the death of a worker from any cause is brought to the attention of, or comes to the knowledge of his or her employer, the employer shall, as soon as reasonably practicable after the death, give notice to the labour officer, stating the circumstances of the death if they are known to the employer.

The importance of prevention and return to work policies



Prevention

- **The principle of prevention.** Avoiding harm is much better than trying to remediate that harm.
- **The principle of precaution.** When an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.
- Prevention is preferred to **protection**.

Medical examination and treatment. (Sec 11)

(1) Where a worker has given notice of an accident, the employer shall, as soon as reasonably possible after the date on which notice has been given, arrange to have the worker medically examined by a qualified medical practitioner, at no charge to the worker.

(2) The worker shall be entitled to have his or her own medical practitioner or an official of a trade union of which he or she is a member present at the examination, but the attendance shall be at the worker's own expense. (3) ...

(4) During the period of temporary total incapacity, the employer shall be liable to pay the costs of medical care



- ✓ **During these processes, the victim should be helped by management and the Union through the process.**

Compensation for Industrial Accidents and Diseases (Sec. 3, 4, 5, 11 and 27)

Compensation for Industrial Accidents and Diseases (Sec. 3, 4, 5, 11 & 27)

(1) If personal injury by accident arises out of and in the course of a worker's employment, the injured worker's employer shall be liable to pay compensation in accordance with this Act.

(2) The employer shall not be liable in respect of an injury which does not either— (a) result in permanent incapacity; or (b) incapacitate the worker for at least three consecutive days from earning full wages at the work at which he or she was employed.

(3) An act shall be deemed to be done out of and in the course of employment when a worker acts to protect any person on the employer's premises whom the worker believes to be injured or imperiled, or when a worker acts to protect property on the employer's premises.

(4) Any personal injury by accident arising while the employee is travelling directly to or from his or her place of work for the purpose of employment shall be deemed to be an accident arising out of and in the course of his or her employment.

(5) For the purposes of this section, it shall be for the employee who suffers injury by accident arising while travelling to or from his or her place of work to show that such travel was direct.

(6) Compensation shall be payable under this section whether or not the incapacity or death of the worker was due to the recklessness or negligence of the worker or otherwise

- ✓ Compensation for industrial accidents is only done after assessment by a qualified medical doctor from gov't facility or one appointed or accredited by government for



that purpose.

- ✓ Not every accident is compensated as compensation is for the loss one sustains from the industrial accident met.

Calculation of earnings.

(1) For the purpose of this Act, the monthly earnings of a worker shall be computed in a manner best calculated to give the rate per month at which the worker has been remunerated during the twelve months immediately preceding the accident, and the computation of annual earnings shall be a multiple of twelve of that sum.

(2) Where, by reason of the shortness of time during which the worker has been employed or for other good cause, it is not possible to compute the earnings of the worker in the way mentioned in subsection (1), regard may be had to the average monthly amount which was being earned by a person of similar earning capacity in the same grade as the worker and employed at the same or similar employment.

(3) Where a dependent dies before payment of compensation in

respect of a worker's death is made to the dependent, his or her legal representative shall have no right to receive the payment, and the claim for compensation shall be dealt with as if that dependent had died before the worker.

(4) Where an employer makes a payment to a worker or the dependents of a deceased worker pending the settlement of determination of a claim arising under this Act, the receipt shall be deducted from the amount of the compensation payable in respect of the accident, except medical expenses as provided for under section 24.

Compensation payable in respect of diseases. (Sec 27)

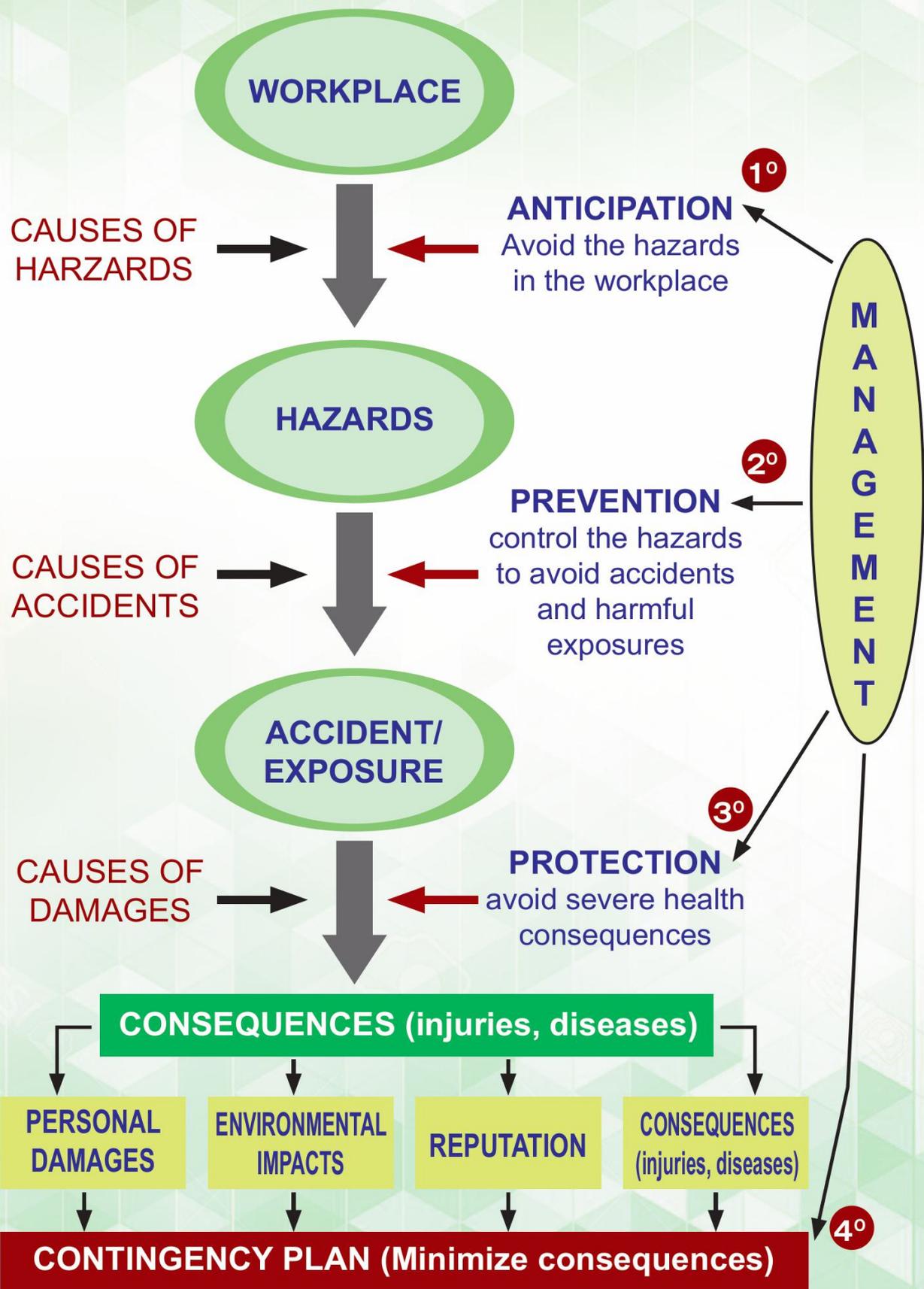
(1) Where a medical practitioner grants a certificate stating that—

(a) a worker is suffering from a scheduled disease causing disablement or that the death of a worker was caused by any scheduled disease; and

(b) the disease was due to the nature of the worker's employment and was contracted within the twenty-four months immediately previous to the date of the disablement or death, except in the case of a scheduled disease which manifests itself after or during several years of employment, the worker, or if he or she is deceased, his or her dependents shall be entitled to claim and to receive compensation under this Act as if the disablement or death had been caused by an accident arising out of and in the course of his or her employment.

(2) For the avoidance of doubt, it is stated that a disease is contracted for the purposes of this section either— (a) when the symptoms of the disease are clearly manifested in physiological or psychological signs; or (b) when it is first diagnosed by a medical practitioner.

(3) Whenever a medical practitioner grants a certificate under this section, it shall be the duty of the worker or a person acting on his or her behalf, to give a copy of the certificate to the employer and the district labour officer



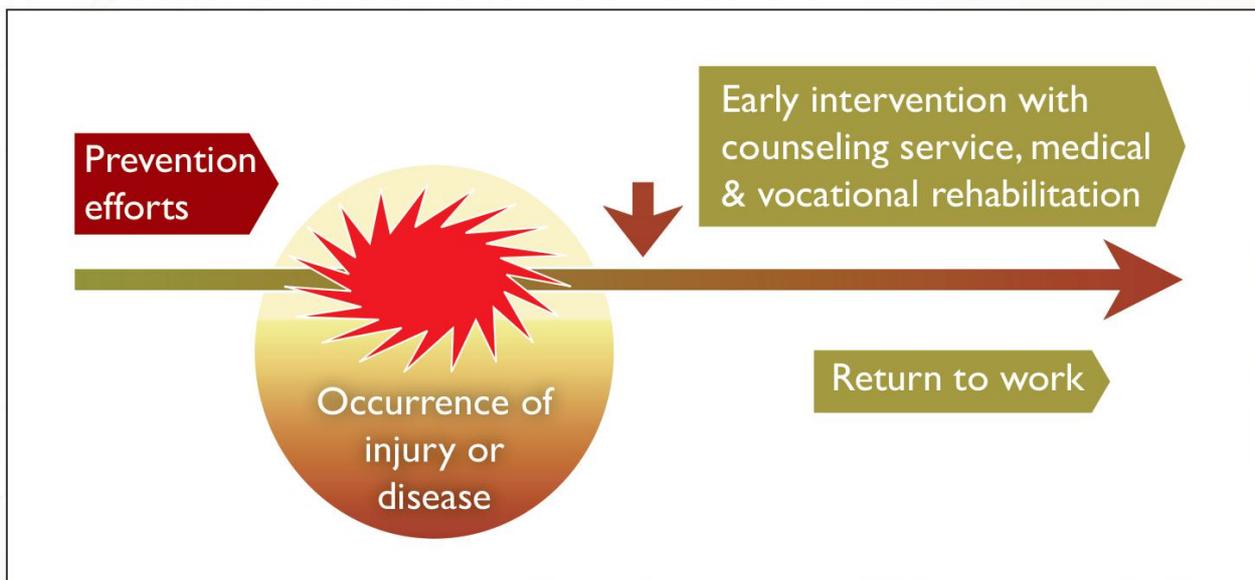
Employers duty to report scheduled diseases. (Sec 28)

Whenever a medical practitioner grants a certificate as is mentioned in section 27, it shall be the duty of the employer of the worker to make and submit, at once, a written report of the case giving all the particulars contained in the certificate to the labour officer of the area

Paradigm shift in employment injury scheme

Traditionally, employment injury scheme was focused on compensation by in-kind benefits for medical treatment and in-cash benefits for income loss caused by occupational injury or disease. However, the importance of prevention and rehabilitation has been felt:

- **Prevention** reduces the injury rate
- **Medical rehabilitation** reduces the invalidity degree
- **Vocational rehabilitation** facilitates return-to-work



Challenges of OSH at the workplace

- ✓ Low levels in implementation of the OSH Act Cap. 231 and Workers Compensation Act Cap. 233 by the government and the other tripartite partners.
- ✓ Absence or non-recognition of trade unions at workplaces
- ✓ Weak Trade Unions
- ✓ Un informed Employers/workers on OSH

- ✓ Inadequate Training on OSH
- ✓ Non-compliant workplace structures in use
- ✓ No or dysfunctional OSH Committees at the work places.

Note: Several workers on a day to day basis are suffering injuries as a result of their workplace OSH Hazards and many are not compensated because of the inadequacies herein above discussed., **Know about your life at work.**



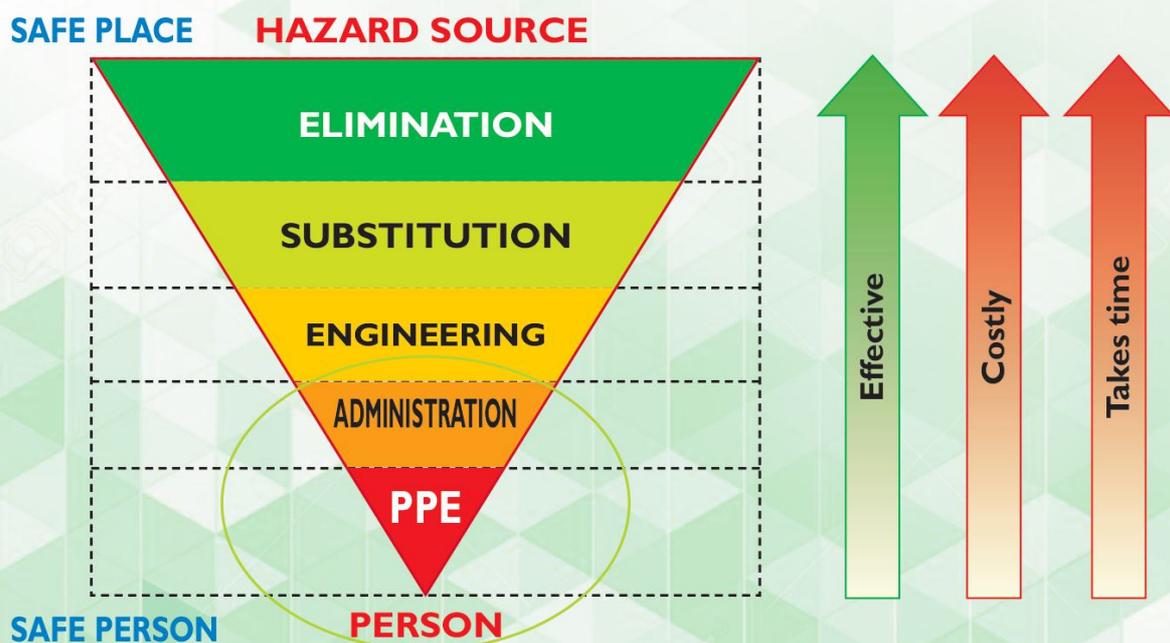
Global topical workplace OSH concerns

- ✓ The ILO Decent Work Agenda prioritised Standards and Rights at **work** as the number one thematic area which covers OSH among others.
- ✓ Most if not all global Union Federations have prioritised OSH in most of the programmes designed to achieve the objectives of decent work.

- ✓ OSH has also been identified as a key organising tool for Trade Unions.
- ✓ Globally in the hotel sector, housekeepers are demanding for a shorter retirement period because of the tedious work done; Poor Ergonomics (There are no machines that can be used to make beds)

Conclusive Remarks

- ✓ Inadequate awareness of the OSH and compensation laws and related issues by mainly the employers and workers hence causing a lot of non-compliance and or abrogation of the laws on OSH and compensation.
- ✓ implementation of the law is still very wanting as there exists remarkable inadequacies by the Tripartite partners that include but not limited to ignorance of the law by the actors, weak labour administration (few inspectors), deliberate non-compliance due to lack of deterrent measures by Government even on reported cases, **Hence the dire need** to heighten awareness raising of the employers and workers and also improve on labour administration by specifically increasing the number of Labour/OSH inspectors.



Authors' message



All workers are urged to join the Union and know about your rights and obligations at work as organised workers, you then have full representation both nationally and internationally as we continuously strive for decent work terms and conditions.

Wishing employers and workers a safe and health working environment that underpins just transition and promotes enterprise development, productivity and competitiveness whilst compliant for sustainable enterprise, a prudent and consistent approach to doing business in the current global economic trends and standards requirements.

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