THE OSH DIGEST

The official publication of

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Much to take into account

OSH PRO SERVICES

There are many things that, when talking about health and safety, have to be taken into consideration. The performance of workplace management is in most cases the first piece of the puzzle one may consider. As important as it may be, there are other factors to look into also, and where these do not work, the regulation part has to be effective. There may be a need to reform parts of existing regulatory provisions to provide the best solution that works for all involved.

Then there is the element of the relationship between the employer and the employee; a relationship that makes the safety of the worker the responsibility of the employer. To be able to hold the employer responsible, this relationship needs to be backed by a clear contract stating the parameters of the employer-employee agreement.

Contracts are individually based. Some of the workplace safety challenges such as depressive symptoms are shown to be best tackled in unison. Furthermore, to increase the workers' well-being and engagement, the characteristic of the work, among others, reducing the work demands, would influence workers' satisfaction, and thence engagement.
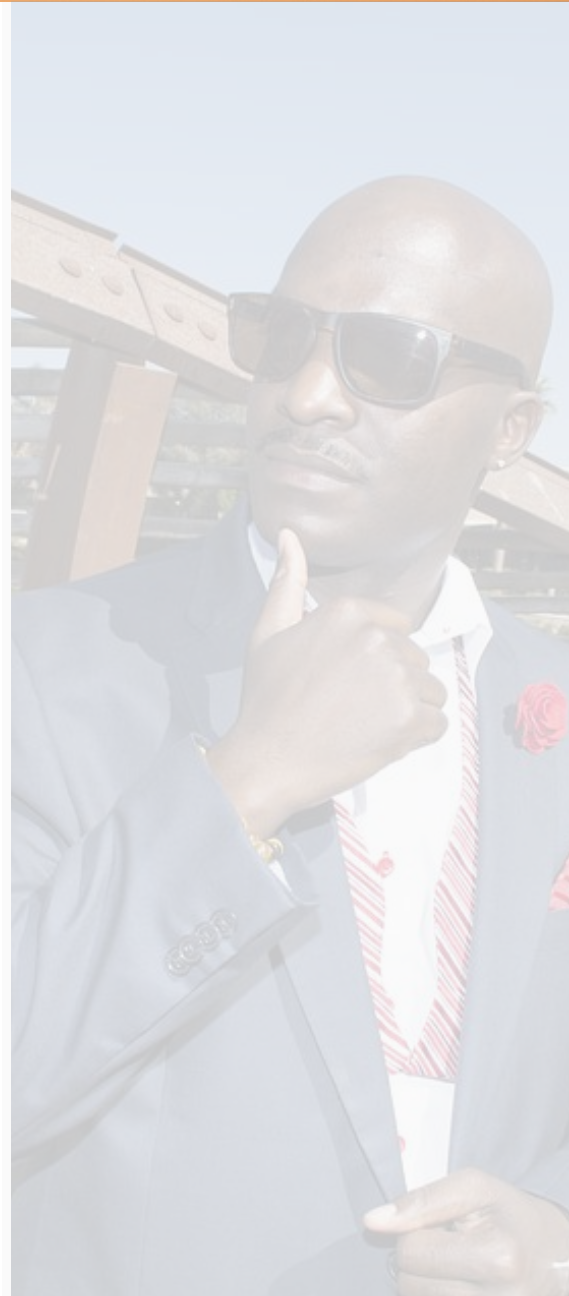
CONTENT

Health and safety regulation

Workers and their families suffer from the failure of their employing organisations to provide safe and healthy working conditions. As a result, injuries, acute and chronic ill-health and death frequently occur, along with the emotional and financial costs they cause. Yet employing organisations are rarely held accountable for these outcomes. As a result, the vast majority of the associated costs are borne by those harmed and their families and the taxpayer through the costs of providing health care.

The risks faced by workers vary not only about the type of work they do but on what basis they do it. For example, temporary and self-employed workers are significantly more likely to suffer injuries. Micro and small enterprises (MSEs) workers experience more serious injuries and fatalities than those in larger enterprises. Furthermore, large, influential purchasing organisations can undermine health and safety standards in their (often smaller) suppliers through the price and delivery demands they impose.

Governments fail to comply with relevant ILO commitments, exempting from inspection workplaces where millions of workers earn their living by arbitrarily deeming them to be 'low-risk No rationale for what constituted 'low-risk' has been provided. Changes to the law on health and safety are required to reform employers' statutory duties, enhance worker representation, and improve compliance through fit-for-purpose inspections. Moreover, those harmed due to their work activities must have access to decent sick pay and compensation where it flows from employer failures to comply with their legal duties.

Changing focus
Two important developments have significantly undermined core health and safety duties:
1. The growth in various forms of 'non-standard' or 'atypical' employment means that a proportion of the workforce falls outside the scope of the duties imposed on employers to protect employees.
2. Vulnerable workers tend to be concentrated in industries where lead firms determine the market conditions within which their suppliers set wages and conditions. Thus, supplier organisations' health and safety standards can be undermined by the cost and delivery demands of powerful purchasers without fear of legal consequences.

Core health and safety duties need to be revised to fit better with the world of work and apply more equally in protecting all workers whose health and safety are potentially affected by actions of business undertakings. Statutory obligations to protect workers should be reformulated to (a) focus on those in control of businesses or undertakings and (b) equally encompass all workers, directly and indirectly, carrying out work for them. This will reinforce the broader aim of ensuring that employment rights and protections apply universally and equally to all types of workers and work situations.

Workers' participation
The establishment of sectoral collective bargaining and enhanced rights to trade union recognition and representation will do much to enhance democratic voice over health and safety matters.

A growing body of international evidence points to the capacity of worker representation and consultation systems to improve health and safety management and outcomes. However, this evidence also indicates that the effectiveness of these measures prerequisites:
- the presence of a surrounding regulatory framework;
- employers' commitment to a participative approach to health and safety management;
- supportive trade union organisation inside and outside the workplace; and
- well-trained and informed representatives.

Health and safety issues are integral to the relations between workers and their employers and should be encompassed within a system of sectoral collective bargaining. Collective agreements arising from this system could provide helpful and specific details of matters, such as the appointment of safety representatives, the establishment of safety committees, rights of workplace access for trade union officials, and procedures for introducing new technologies and substances.

Such collectively agreed measures should build on more general regulatory requirements and provide more detailed provisions relevant and appropriate to the sector concerned. In addition, trade unions should have the right to represent members in workplaces where they are not recognised, thereby aligning rights to safety representatives and committees with those proposed in respect of workplace union representation more generally.

Rigorous inspections
Long-standing evidence shows that workplace inspections improve legal compliance and worker protection, both directly and indirectly. Furthermore, research indicates that corporate compliance with the law is better when there is a real possibility of non-compliance being detected and penalised. These uncontroversial propositions highlight the value of proactively establishing a Labour Inspectorate to oversee and enforce compliance across employment laws.

Article 6 of ILO Convention 81 states that "Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions".

Health and safety regulation
(cont. from pg 1)

Workplace inspection regimes must be established as a matter of urgency. As a minimum, this should encompass:

- Establishment of inspection and enforcement regimes that are ILO compliant;
- Significantly increasing the numbers of inspections (including those undertaken at random, rather than on (an alleged) "risk-based" basis);
- Provision of government funding to recruit enough inspectors to properly enforce the law;
- Abolition of schemes that allow large companies to avoid legal obligations;
- Repeal of policies prohibiting unannounced inspections of "low-risk" workplaces

Article 17(1) of ILO Convention 81 provides that 'persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning. The likelihood that non-compliance will not lead to prosecution and/or other enforcement action means that this requirement is not met.

Conclusion
The low levels of enforcement action and the employers' non-compliance with health and safety laws are often problematic.

There is a need to address situations whereby ill and injured workers all too often receive insufficient support to enable them to retain their jobs.

Health and safety reforms entail a combination of administrative, funding and legislative changes. While some measures will require more debate and deliberation than others, most of the identified changes could be implemented relatively quickly.

From:
Health and safety regulation. (2020). Institute of Employment Rights Journal, 3(1), 84–93. https://doi.org/10.13169/instemplrighj.3.1.0084

Employment relationships

Workers gain access to the labour rights associated with employment depending on the type of employment relationship that links them to their employers or principals. Typically, the condition that determines the application to employees of the employment protection provisions is the existence of a 'contract of employment with an 'employer'

Some overriding principles that should apply to all personal work contracts and relations include:

- Labour is not a commodity;
- Parties to work relations shall deal with each other in good faith;
- Every worker has the right to dignity in their work relations;
- The presumption that all employment rights are to have universal application and apply to all workers;
- The presumption that all employment rights are designed to be effective in their application;
- Any term or condition of employment which is inherently ambiguous or capable of carrying more than one meaning shall be interpreted and applied in the manner that is most favourable to the worker;
- All terms and conditions of employment shall be interpreted in such a way as to give effect so far as is practicable to relevant international treaties.

Work contracts should specify a minimum number of regular work hours for each week, and this should be a 'day one, right. Further, the employment contract should:

- Specify how these hours will be distributed during a week in which work is done, and specify shifts, rotas and the like (the variation of which would require giving reasonable notice of at least seven days), allowing some regulated flexibility to both workers and businesses;
- Provide that those additional hours over the regular hours specified in the contract may be agreed upon but will not exceed an addition of 20% to the normal hours;
- Provide additional compensation for any agreed extra hours beyond the regular hours specified in the contract.

In addition, workers should be protected (i) against requests to work additional hours beyond those specified by the law or collective agreements, and (ii) against any detriment for failing to agree to work such additional hours.

Such provisions would introduce an incentive for employers to take a realistic view of their business needs without discounting altogether their ability to deal with sudden peaks in demand for goods and services. Above all, they would give effect to the statutory principle referred to above that labour is not a commodity, as well as the worker's right to dignity in his or her work relations.

From:
The employment relationship. Institute of Employment Rights Journal. Vol. 3(1):62-72. DOI: 10.13169/instemplrighj.3.1.0062

Selected studies

Depressive symptoms and social networks in the workplace

An unhealthy communication structure at a workplace can adversely affect the mental health of employees. A prominent study demonstrated that depressive symptoms are not just individual symptoms, but social symptoms related to people around them.

This study examined a variety of workplaces in a consistent method to determine the relationship between depressive symptoms and interaction features. Analysis of comprehensive observations in workplaces involving a variety of occupations shows that the density of face-to-face interactions between surrounding people has a negative correlation with depressive symptoms.

The study results showed that face-to-face interactions at the workplace tend to decrease as the interaction time increased. Characteristics of the measured body movements indicated that nonverbal interactions could be reduced in long formal situations such as work meetings.

This relationship is a group-scale phenomenon that can be confirmed at the group unit level, and it is a phenomenon in which active interaction (i.e., abundant body movements) contributes significantly. These findings provide a quantitative and collective perspective on taking a systematic approach to depression. In particular, at this point in time when interactions at workplaces are replaced by interactions in virtual environments and the ways of interaction among workers have changed due to COVID-19, the findings shed light on the importance of the role of organizational interaction channels in the mental health of employees.

Although specific causality could not be established in the study, all possible causal interpretations support collective influences of depression within the organization and suggest that depression in the workplace needs to be dealt with from the perspective of the organization rather than the individual.

Jong-Hyeok Lee, Nobuo Sato and Kazuo Yano et al. Universal association between depressive symptoms and social-network structures in the workplace. Sci Rep. Vol. 12. DOI: 10.1038/s41598-022-14366-9

Work characteristics and workers' well-being

According to the well-established Job Demand & Resources (JD-R) model, both mental well-being and work engagement can be influenced by physical, psychological, social, or organizational aspects of the workplace: job demands and job resources.

In a study to explore long-term relationships between work characteristics and engaged well-being (EWB), that is, the assessment of workers' mental well-being and work engagement, the association between EWB and job-related attitudes such as turnover intentions, job satisfaction, and commitment was examined. Work engagement was measured using the Utrecht Work Engagement Scale (UWES-9), while mental well-being was assessed using the WHO-5 Well-Being Questionnaire (version 1998).

The study results suggest that improving work characteristics in the form of increased resources and reduced demands were associated with increased employees' EWB and that, in turn, was associated with better job attitudes (more job satisfaction and commitment, fewer turnover intentions). These associations indicate that employers have the possibility to increase employees' EWB whereby both employees and their employers may profit from these improvements. The results emphasize the importance of job resources in the promotion of employees' EWB.

The observed positive associations between EWB and job attitudes indicate that EWB is important not only for an employee but also on an employer level as well. Both mental health and work engagement are associated with greater productivity, increased performance, reduced absence, and decreased turnover intentions

The study concluded that improving work characteristics, especially job resources, could increase employees' engaged well-being, emphasizing the importance of job characteristics for a healthy workplace.

Luisa L. Brokmeier, Catherin Bosle, Joachim E. Fischer, Raphael M. Herr. Associations Between Work Characteristics, Engaged Well-Being at Work, and Job Attitudes — Findings from a Longitudinal German Study. Safety and Health at Work, 2022: 13, (2), 213-219

Feature

> The need to determine the prevailing Safety Culture has been brought about by the necessity to understand the non-technical reasons for accident causation with respect to root causes and system failures.
>
> Dan Amol,
> Occupational Safety & Health and Environmental Management Professional

What is safety culture?

During a safety conference commemorating world day for safety and health, a lot of interesting research papers were presented. These spanned industries from both formal and informal sectors.

A recurrent theme from the recommendations in the papers was, "Improving safety culture". What does the term safety culture really mean? How do we measure it? And what parameters do we use? These questions are the basis of this literature review.

The need to determine the prevailing Safety Culture has been brought about by the necessity to understand the non-technical reasons for accident causation with respect to root causes and system failures. However, the subjectivity of the parameters that make up organizational safety culture make it difficult to measure in a way that yields actionable data. The key aspects of safety culture are therefore best investigated using surveys which examine the attitudes of workers and determine their perception on the importance of safety in their organization.

One key parameter that is investigated is the Management's commitment to Safety. As the saying goes, fish rots from the head, therefore if the management has a poor attitude towards safety, the workers are sure to adopt this poor attitude too. The opposite also holds true.

Research work by Sulzer Azaroff found that employees don't take risks intentionally but rather take shortcuts to increase efficiency or speed and the benefits of doing so are instant and positive (task completed in less time). Conversely, the consequences of unsafe acts and conditions are usually delayed or rare (injuries are occasional and often minor). These unsafe acts are therefore normalised due to the instant gratification the top-level management gets since their attitude has placed production output over workplace safety.

Other parameters investigated are the values held by the organisation, normally found in the safety policy document. Values include attitudes towards matters related to organisational aspects such as safe operating procedures, training programs; technical aspects such as signage, engineering controls, personal protective equipment; behaviour, that is, adherence to safe work procedures, responsibilities with respect to safety, communication on safety; people as in supervision, co-workers, and management.

With increased automation in manufacturing, there has been a global trend toward knowledge-intensive industries which in turn has increasingly shifted competitiveness towards retaining top talent Attitudes, values and commitment to employees are more important to the success of organisations than ever before. Safety is therefore seen to preserve the wellbeing of employees in the workplace.

As a result, safety is moving from focusing on compliance with rules to employee welfare.

A popular model used to investigate safety culture is the Safety Culture Maturity Model (SCMM). This model is effective in organisations in which safety management systems are in place and a majority of accidents are suspected to be a result of behavioural factors. This model has 5 levels of safety culture maturity as illustrated below.
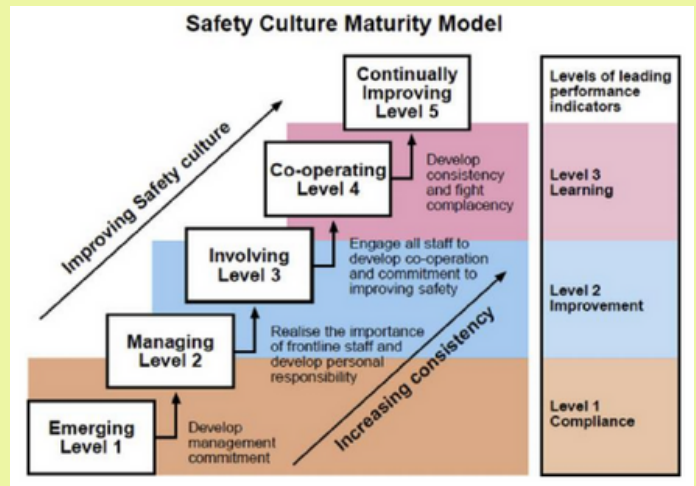

High-risk industries often have specific tools to enable stakeholders to assess the existing safety culture in their organisations. some examples include tools for improving patient safety in healthcare organizations; industry safety culture evaluation tool and guidance used in aviation; a safety culture checklist (Health & Safety Executive) and many others. These tools have various matrices in which safety culture is measured and depending on the survey results, these tools recommend key areas of improvement in the organisation.

In summary safety culture can be simply described as the degree to which workers execute their duties safely when no one is watching. Therefore, positively changing an organisation's safety culture is a long-term process that requires a conviction for improvement and well-timed mediations that are in line with the needs of employees and top management.

References
1. *Fleming, D. M. (2001). Safety Culture Maturity Model. Edinburg: The Keil Centre. Guldenmund, F. W. (2010).*
2. *Understanding and Exploring Safety Culture. Retrieved from Mafiadoc: https://mafiadoc.com/understanding-and-exploring-safety-culture_59c495571723dd6af35686c1.html Guldenmund. (2000).*
3. *The nature of safety culture: a review of theory & research. In F. Guldenmund, Safety Science (pp. 215-257). Kanaalweg 2b: Delft University of Technology.*

Do you wish to contribute a Feature topic and share your expertise and experiences with others? Send a short topic proposal to **admin@oshproservices.org**
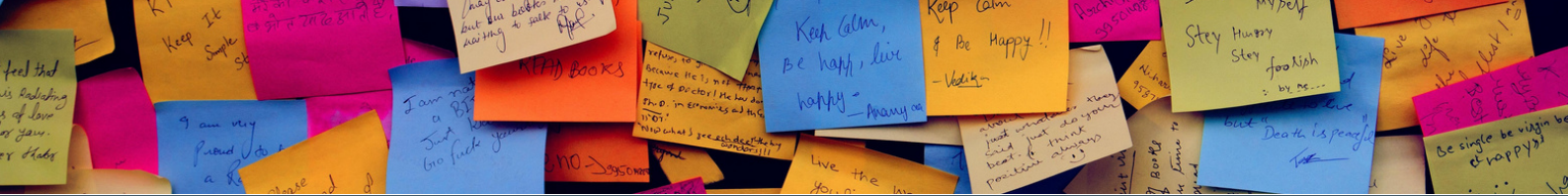
The word around

Reflections of an OSH professional

One Saturday in May 2022, a group of 12 *Jua Kal*i (artisan) metal workers went to take audiometric tests. Sitting in the waiting room, not knowing what would happen, the atmosphere turned melancholic. One could get a feeling that the workers were worried about what the outcome of the test would be. Not surprising when the workers knew after years of working 8-10 hours a day, six days a week, in noise levels 96-110 dB (NB: safe levels <85dB), that not all would be right.

One by one was called in and asked about work, their experiences, how long they had had that work and some other general information. Then led into a sound-tight room, and the test began. After the audiometric test, each looked relaxed but with some expression of worry, unsure of what the outcome would be.

"You brought me patients. All these people are patients." That was the first thing the audiologist said, and he continued that this was the first time he had tested a group of workers and found that all of them had noise-induced hearing loss. All 12 of them. Nine of them were so affected that he recommended hearing aids for them. That's 9 of 12 needed hearing aids. The remaining three, clearly those who have worked the shortest time at the Jua Kali shed, already showed the distinctive V-shaped profile for hearing loss at 4000Hz.

A few days later, an occupational physician talked to the workers, explaining how the high noise affected their health, cognition and workplace safety. He explained the audiometric test results and the hearing-loss profile. Finally, some visiting OSH Pro Services officials provided 30 of more than 60 workers with ear muffs, showing how to use them and training on reducing their exposure to noise.

The shed had over 70 permanent workers. Many others are in the peripheral, adding up to over 150. So what happens to the remaining? Reflecting on how 150 people could have occupational noise-induced hearing loss makes one wonder about the extent of occupational ill-health among all the Jua Kali workers across the country, considering that the informal sector represents, according to some statistics, 80% of the workers in Kenya. It just makes you think.

The writer is an OSH professional with experience in labour administration. The content is the writer's opinion and may not necessarily reflect the opinion of OSH Pro Services.

Reflections of some workers

Workers' reflections on their work, on safety, on development prospects, on their management

Artisan metal fabricators on hearing loss due to long-term noise exposure:
I have difficulty hearing. People think I'm arrogant because I don't respond to them when they talk to me. But sometimes, I don't hear what they say.

The noise level is unbearable, but what can I do. This place is where I get my sustenance.

You will sometimes find that someone has fallen asleep here despite all this noise (from metal work).

We listen to whoever wants to talk to us here (at a metal work shed). Nobody talks to us about safety and health.

I have worked here at this shed for 35 years. And want to live for 60 years more, so I listen to any health advice.

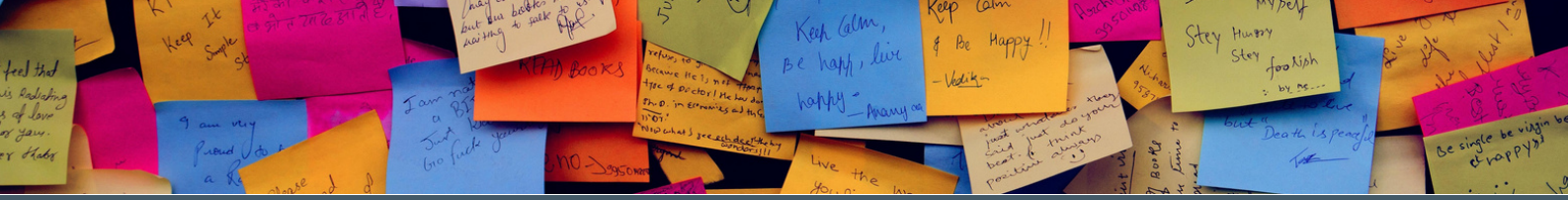This is the first time anyone has ever talked to us about our health.

Many people come here and take pictures and promise to come back with help. We don't see them again. So people are sceptic about people coming up with promises. However, today we see that these people (OSH Pro Services) had truth in what they promised.

Did you know that...

- Hearing loss is the 2nd most prevalent health issue globally. To help put it in a clearer perspective, the number of people with hearing loss is more than those living with Parkinson's, epilepsy, Alzheimer's, and diabetes combined.
- Men are almost twice as likely as women to have hearing loss among adults aged 20-69.
- People constantly exposed to noise for an extended period of time stand a risk of developing one or more coronary artery disease, arterial hypertension, stroke, and heart failure.

https://krisp.ai/blog/scientific-facts-about-noise/

Picking your brains

Crossword puzzle

**Across**

1. When one swallows certain solvent that "goes down the wrong way" and enters your airway or lungs
5. Known to cause Tinnitus
7. Assign a hazard class to a chemical
9. Poisonous
15. Silver
16. Determining hazardousness of a chemical (abbreviation)
17. Metal substance represented with symbol Sn
20. Unit of measure of temperature
21. A metal substance known to cause airways allergies
22. Used for hands protection
23. Not in good health
25. What is put in place to deal with a situation
27. A type of indicators
29. Prefix signifying "equal"
30. Chemical symbol for the only halogen in liquid form
31. Organ through which exposure may occur
32. Forms during spraying
35. Ignited
36. Change physical form by heating
37. Smaller than micro
38. Limit values, not the 8 hours long (abbreviation)

Down

2. A five-carbon atom organic solvent
3. A clay mineral, composed of hydrated magnesium silicate
4. One's profession
6. Unit of measure of pollutant in a room
8. The science of fitting a workplace to the user's needs
10. International system for naming chemicals
11. A mixture of chemical substance for specific function
12. Geological timescale
13. Chance that a hazard occurs
14. Inactive noble gas
18. One uses this in a dusty surrounding
19. Material made from hazardous substances, with widespread use
22. Used for eye protection
24. Not hazardous
26. Prior notification of intent to perform an act (abbreviation)
28. Non-woven textile, may be used in cleaning work
33. Sodium hydroxide
34. Use to indicate organic substance with low boiling point (abbreviation)

Adept or inept?

How conversant are you in OSH matters? Test your knowledge by answering the following questions...

Q1: What does the abbreviation ACGIH stand for?
Q2: Which gloves material can cause skin allergies?
Q3: Which gloves material is also referred to as synthetic rubber?
Q4: Which sector is considered most prone to accidents?
Q5: What was the original theme for 28th April?
Q6: When did it become World Day of safety and health?
Q7: Which hazard class do sexual harassment and workplace bullying fall under?
Q8: What is the name of the hazard associated with exposure to heat?
Q9: What common condition indicates that a worker is already heat-stressed?
Q10: What is the simplest mitigation measure against heat stress?
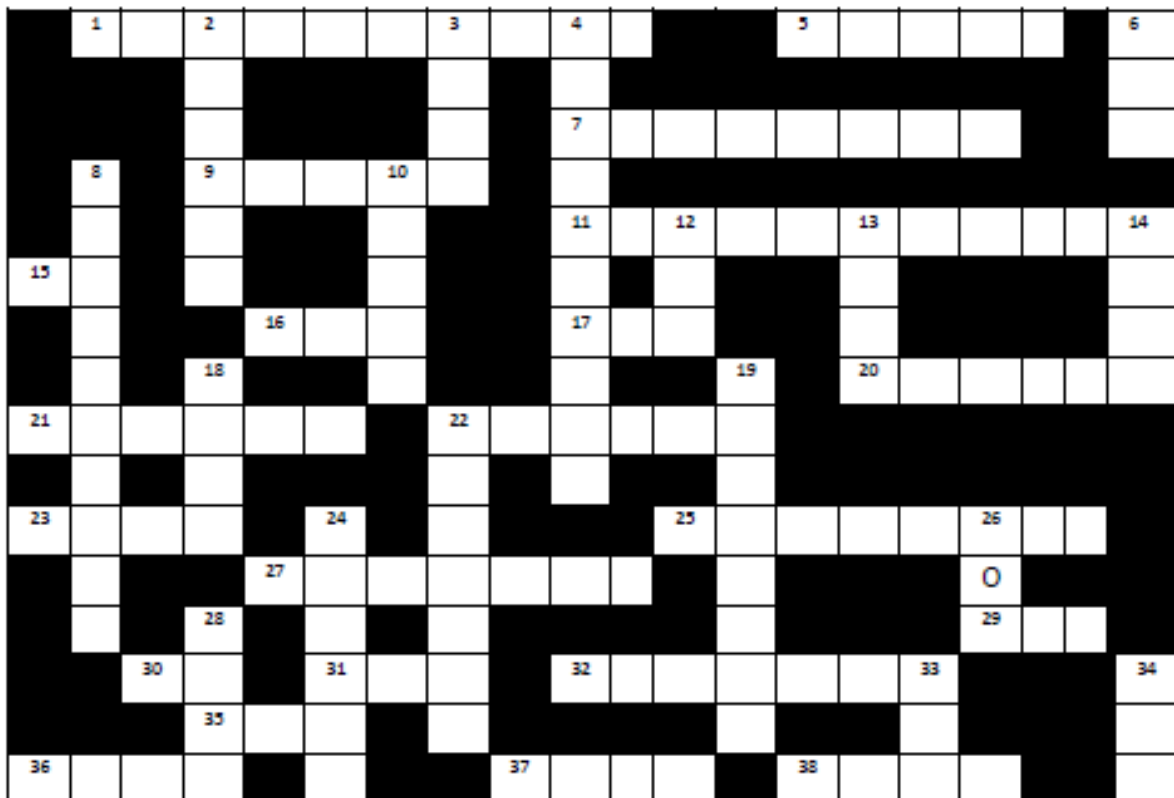
For your information...

Upcoming events

Call for speakers - OSH Webinar 2022

In the last two years, OSH Pro Services organised several webinars as platforms for learning and exchanging experiences. We believe the webinars have been very beneficial to those who attended. We wish to continue with this useful program.
Would you like to be part of the upcoming webinars this year as a guest speaker, or know someone with special competence from whom others can benefit? We would like to hear from you.

Kindly contact us through: **admin@oshproservices.org**

Message from OSH Pro Services

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Looking at the brighter side

Quotable quotes

- "Paper doesn't save people, people save people" – *Dan Petersen, Safety Professional*
- *"You don't need to know the whole alphabet of Safety. The a, b, c of it will save you if you follow it: Always Be Careful."* – *Colorado School of Mines Magazine*
- *"Prepare and prevent, don't repair and repent."* – *Author unknown*
- *"Measuring performance by the numbers of injuries you have is like measuring parenting by the number of smacks you give."* – *Dr. Robert Long*

Solution to crossword puzzle

Answers to Adept/inept quiz

A1: American Conference of Governmental Industrial Hygienists
A2: Latex
A3: Nitrile
A4: Building and construction
A5: International Commemoration Day for Dead and Injured Workers
A6: 2003
A7: Psychosocial hazard
A8: Heat stress
A9: Onset of thirst
A10: Take a break under the shade and drink water

How did you fair? Are you adept or inept?
Suppose you answered all ten questions correctly; congratulations! You are Super adept.

If you answered correctly -
- 7-9; You can consider yourself Adept
- 4-6; Just average: A few readings will do you good
- 1-3: You are Inept
- 0: Are you sure you are in the right profession?

Look out for a new quiz in the next issue of the OSH Digest.

Last word

Image: Ruth Aura

More than a thousand words:
Jua Kali metal workers who received ear muffs for protection against noise exposure as part of an OSH Pro Services, Workplace Health Without Borders (WHWB) and Kisima Health Facility joint project.

Know about...

About OSH Pro Services

Occupational Safety and Health Professional Services (OSH Pro Services) is an organisation that endeavours to understand better what occupational safety and health (OSH) entail for employers and their employees, for other interested parties and stakeholders. OSH Pro Services brings together occupational physicians, experienced workplace inspectors, risk assessors and statisticians, IT consultants and occupational physicians as associates in a great team working towards improving OSH workers.

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