

## **Prioritizing the Need for a Harmonized Occupational Safety and Health Legal Regime for Africa\***

Titilola Hameed<sup>1</sup>

---

### **ABSTRACT**

The existence of Occupational Safety and Health (OSH) in any country is crucial. In Africa, hundreds of thousands of lives are lost annually to apathetic dispositions of persons involved in the business of keeping the work environment safe. The role of legislation in addressing issues of frequent, yet avoidable, mishaps at work requires genuine commitment on the part of governments.

The International Labour Organization (ILO) details existing OSH laws in African countries. It also provides information as to the ratification statuses of Member Countries. The steps taken by governments do not appear adequate to protect vulnerable workers.

The proposal here is for African governments to adopt a model of a unified body, specifically dedicated to respond to OSH needs in the workplace within the African Continent. The model shall imitate the workings of a body like the ILO or alternatively, position the African Union Commission to take on the responsibility.

**KEYWORDS:** Occupational Health, Safety, Africa, Regulation, Government, Workplace.

---

Date of Submission: 02-07-2021

Date of Acceptance: 17-07-2021

---

### **I. INTRODUCTION**

The significance of Occupational Safety and Health (OSH) in any environment must be accorded maximum devotion. The need for the devotion has become more critical in the light of the recent scourge of the Corona Virus Disease of 2019.<sup>2</sup> In a continent like Africa, on a yearly basis, hundreds of thousands of lives are lost due to the apathetic dispositions of persons involved directly or indirectly in the business of keeping persons safe from harm in the work environment. Courtesy of the ILO website, it provides a global view of countries that have laws on Occupational Safety and Health (OSH), of which Africa is a part. It also provides information as to countries that have ratified ILO instruments that pertain to OSH. According to ILO statistics, it is discovered that around the world, 2.3 million workers die from occupational accidents and work-related diseases every year.<sup>3</sup> The figures translate to 6000 persons dying from related causes each day.<sup>4</sup> 340 million people around the world die from occupational accidents while work-related illnesses claim the lives of 160 million people worldwide.<sup>5</sup> Deaths and illnesses of workers are on a constant rise.<sup>6</sup> The upshoot of this is a rise in absenteeism at work which in turn gives rise to low economic yields. In terms of global GDP, days lost to OSH-related causes represent close to 4 percent in some countries and as high as 6 percent in others.<sup>7</sup>

On the African continent, it has also been reported that there are 59,000 work related fatalities and 4 million non-fatal accidents occurring within a year.<sup>8</sup> The figures provided however, in several cases, may not be a true reflection of the situation taking into consideration the problem of varied outcomes of collection and analysis of reliable and comparable data produced overtime.<sup>9</sup> Countries that were renowned for their well-

---

<sup>1</sup> PhD (Law) Aberdeen, Barrister-at-Law, Deputy Director/Head of Professional Ethics and Skills Department, Nigerian Law School, Lagos Campus, Lagos, Nigeria. Email: titilola.hameed@nigerianlawschool.edu.ng.

<sup>2</sup> Africanews, Corona Virus-Africa: International Labour Organization (ILO) Issues Guidance for Safe Healthy Return to Work During COVID -19 < <https://www.africanews.com/2020/05/22/coronavirus-africa-international-labour-organization-ilo-issues-guidance-for-safe-healthy-return-to-work-during-covid-19/>> accessed 26 June, 2021.

<sup>3</sup> ILO, World Statistic < [https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS\\_249278/lang--en/index.htm](https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang--en/index.htm)> accessed 25 June 2021.

<sup>4</sup> *ibid.*

<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*

<sup>7</sup> ILO, New Safety and Health at work Issues Emerge as work Changes. <[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_686571/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_686571/lang--en/index.htm)> accessed 25 June 2021.

<sup>8</sup> Tladi Marumo, Africa to Prioritise health and Safety as an Economic Development Determinant < <https://www.esi-africa.com/features-analysis/africa-to-prioritise-health-and-safety-as-an-economic-development-determinant/>> accessed 25 June 2021.

<sup>9</sup> ILO, World Statistics: The Enormous Burden of Poor Working Conditions Karen < [https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS\\_249278/lang--en/index.htm](https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang--en/index.htm)> accessed 26 June, 2021; Tanswell and Peter Wingfield-Digby, Occupational Injuries Statistics from Household Surveys and Establishment Surveys (ILO Labour Office, Geneva) <

established data collection systems over the years appear to have also fallen below known standards of data returns by the underreporting of particularly non-fatal occupational accidents, specifically diseases that are work-related.<sup>10</sup> From a cursory look at the information displayed, countries within the African continent appear to be lagging behind when compared with counterpart member countries around the world. It makes it clear that a lot more is desirable if the continent must attain the desired goal of lower levels of workplace casualties, and a possible eradication. The role of legislation in addressing issues of frequent yet avoidable mishaps at the workplace must be backed by genuine commitment by most governments within the African region. African governments should therefore consider the need to adopt the model of a unified body, specifically created to respond to OSH needs in the workplace within the region. The mandate of the body shall be to, in conjunction with African governments, set standards, develop policies, and devise OSH programmes imitating the workings of a body like the ILO. Alternatively, is to look to the African Union for an inclusive role, established to support OSH related concerns troubling the continent.

### **1.1 The Imminent Reality of Africa's Future of Work.**

In a research recently conducted,<sup>11</sup> it revealed that globally, the problem of mortality and mobility of workers is not evenly distributed as about two-third (or 65 percent) of global work-related deaths is credited to Asia, then Africa at 11.8 percent, Europe at 11.7 percent, America at 10.9 percent and Oceania at 0.6 percent.<sup>12</sup> This depicts the distribution of the world's working population and dangerous work against varying levels of countries' economic growth. In addition, there are statistics that show that out of 100,000 workers that suffer fatal occupational accidents, the regions of Asia and Africa rank between 4 and 5 times higher when compared to regions like Europe.<sup>13</sup>

In more recent projections by the United Nations (UN), it estimated a total world population of 10 billion people by 2055.<sup>14</sup> Of this number, within similar time frames, it projects the population of Africa to be at 1.4 billion people which symbolizes a 57 percent growth. The projection anticipates the population of sub-Saharan Africa to double by 2050 resulting in a 99 percent boost.<sup>15</sup> Presently, Africa has a young population of under-25s which make up 60 percent of the region's population, making it the world's 'youngest' continent.

By 2055 therefore, it is anticipated that the workforce of Africa would have increased in size over the rest of the world combined, ideally positioning the region to take advantage of economic opportunities that would arise out of new vistas of industry, 'dramatically raising labour productivity and per capita incomes, diversifying the economy, and becoming an engine for stable economic growth, high-skilled talent and job creation for decades to come.'<sup>16</sup> This, on the face of it, appears promising for the future of the continent but whether governments of countries within the continent are prepared to demonstrate this required commitment is the pertinent challenge.

The region has been accused of being casual in maximizing its human capital potential. According to the World Economic Forum's Human Capital Index, the figures for sub-Saharan Africa were not commendable and currently experiencing further decline in the post COVID era.<sup>17</sup> The region needs higher stakes to measure up with the rest of the world, a feat which can be achieved, if the claims of Africa recording six of the ten world's fastest growing economies of the world is of any standard to go by.<sup>18</sup> The ability and resilience of the region showing that it is positioned for prominence is further demonstrated by the successes recorded by the continent as one experiencing minimal impacts from the negative economic consequences of the recent

---

[https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_173153.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_173153.pdf)> accessed 26 June 2021. Karri Kurppa, Severe Underreporting of Work Injuries in Many Countries of Baltic Sea Region (Finnish Institute of Occupational Health, Helsinki, 2015) < [http://www.balticseaosh.net/wp/wp-content/uploads/2015/10/Severe-Under-reporting\\_final-report\\_Kurppa.pdf](http://www.balticseaosh.net/wp/wp-content/uploads/2015/10/Severe-Under-reporting_final-report_Kurppa.pdf)> accessed 26 June, 2021; Ujwal Kharel, The Global Epidemic of Occupational Injuries: Counts, Costs and Compensation (Rand Corporation 2016) 1-2 < [https://www.rand.org/content/dam/rand/pubs/rgs\\_dissertations/RGSD300/RGSD377/RAND\\_RGSD377.pdf](https://www.rand.org/content/dam/rand/pubs/rgs_dissertations/RGSD300/RGSD377/RAND_RGSD377.pdf)> accessed 26 June 2021.

<sup>10</sup> *ibid.*

<sup>11</sup> Richard Samans and Saadia Saahidi, Executive Briefing: The Future of Jobs and Skills in Africa: Preparing the Region for the Fourth Industrial Revolution (World Economic Forum, May 2017) < [http://www3.weforum.org/docs/WEF\\_EGW\\_FOJ\\_Africa.pdf](http://www3.weforum.org/docs/WEF_EGW_FOJ_Africa.pdf)> accessed 26 June 2021.

<sup>12</sup> *Ibid.*

<sup>13</sup> Hämäläinen et al, Hämäläinen, P.; Takala, J.; Boon Kiat, T. Global Estimates of Occupational Accidents and Work-related Illnesses 2017 (XXI World Congress on Safety and Health at Work, Singapore, Workplace Safety and Health Institute) [https://www.wshi.gov.sg/-/media/wshi/posters/posterfile/s28\\_wcsh2017-2323\\_global-est\\_hamalainen\\_takala\\_tan.pdf](https://www.wshi.gov.sg/-/media/wshi/posters/posterfile/s28_wcsh2017-2323_global-est_hamalainen_takala_tan.pdf)> accessed 25 June 2021.

<sup>14</sup> Felix Kariba, The Burgeoning Africa Youth Population: Potential or Challenge? < <https://www.citiesalliance.org/newsroom/news/cities-alliance-news/%C2%A0burgeoning-africa-youth-population-potential-or-challenge%C2%A0>> (Citi Alliance) accessed 26 June 2021.

<sup>15</sup> *ibid.*

<sup>16</sup> *ibid.*

<sup>17</sup> World Bank Group, Human Capital Index 2020 Update: Human Capital in the Time of COVID < <https://www.alnap.org/system/files/content/resource/files/main/152967.pdf>> accessed 26<sup>th</sup> June 2021.

<sup>18</sup> World Economic Forum, Six of the World's Ten Fastest-Growing Economies in Africa, < <https://www.weforum.org/agenda/2019/08/afcfra-proof-that-africa-heading-for-substantial-growth/>> accessed 25 June 2021. African Review, Tanzania Among Top 10 Fastest Growing Economies (04 February, 2020) < <https://www.africanreview.com/finance/economy/tanzania-among-top-10-fastest-growing-economies>> accessed 26<sup>th</sup> June 2021.

pandemic when matched with significant economic losses suffered in other parts of the world. This was accounted for by the involvement of the region engaging in remote commerce practices immediately before the advent of the COVID-19 pandemic.<sup>19</sup>

What the foregoing facts therefore portend for the region is that higher levels of economic development could be achieved if governments in the region demonstrate greater commitment to areas of industry, particularly by taking advantage of a growing young population, the involvement of which is capable of changing the face of the future of work. The world of work constantly evolves. New trends in health and safety challenges continue to emerge. Developed countries now deal with recent challenges caused by transformations in the world of work while several African countries are yet to get issues of regulations right. OSH by its nature enjoys an interdisciplinary approach, bringing together several disciplines such as engineering, ergonomic, software and automation under work design, technology, public health, nutrition, demographics, psychology, sociology, medicine, neuroscience and human resources. The Continent must cash in on its plenitude of resources to address the situation.

## 1.2 Attempts at Regulating OSH for Africa.

It is worthy to mention that in 2000, an attempt was made at creating a planning and implementation framework for an African initiative on Occupational Safety and Health. It was done for purposes of bringing together local, international/regional components to set a common agenda on improving health for workers in the African region.<sup>20</sup> The initiative was meant to address the challenges faced particularly by the informal sector, being a sphere that accommodates majority of workers on the continent.<sup>21</sup> The initiative was to promote amongst others, ‘policies for health at work, a healthy work environment, healthy work practices, occupational health services ...’ and related OSH areas.<sup>22</sup> Shortly after in 2001, similar discussions to address OSH concerns within the continent were raised through the emergence of another meeting report also done via a WHO-ILO collaboration.<sup>23</sup> The background of the meeting stated as follows:

... the urgent need for strengthening occupational health and safety in the African Region, responding to hazardous work environments and the huge burden of occupational injuries and diseases... In previous consultation meeting, the idea of an African Initiative on occupational health was developed, to serve as an umbrella for actors and activities in the area, to develop a common framework and objective ...<sup>24</sup>

Amongst the areas that were identified for collaboration were national policies, programmes and legislation, a subject which formed part of the first phase of the joint activities planned out. Included within the 2001 phase was to ‘develop guidelines on development and implementation of national policies and programmes; develop guidelines on updating legislation; and establishing technical support’.<sup>25</sup> Nothing more appears to have been done in the regard.

Another recognizable effort towards OSH on the continent is the role of the AUDA-NEPAD, an organization whose mandate is to, amongst others, ‘coordinate and execute priority regional and continental projects to promote regional integration ... and to strengthen capacity of African Union Member States.’<sup>26</sup> AUDA-NEPAD recently established its involvement in the area of OSH through its participation in coronavirus pandemic challenges experienced within the region.<sup>27</sup> It published a white-paper in response to COVID-19 (and other pandemics).<sup>28</sup> The critical areas given attention by the white paper were in relation to health and food systems, skills development and employment, education and national planning and data systems.<sup>29</sup> This attention shown by AUDA-NEPAD raises optimism for the future of OSH in the continent, more so that the attention is coming from a regional organization of such magnitude, the African Union. In realizing the need for

<sup>19</sup>Matthew A Winkler, Coronavirus is Helping African Economies Compete,( Bloomberg September 2020) < <https://www.bloomberg.com/opinion/articles/2020-11-25/coronavirus-is-helping-african-economies-compete>> accessed 26 June 2021. Cf The World Bank, The World Bank in Africa: Occupational Health for Workers in the informal Sector (Pretoria, October 2000) < <https://www.worldbank.org/en/region/afr/overview>> accessed 26<sup>th</sup> June 2021.

<sup>20</sup>ILO, WHO-ILO Joint Effort on Occupational Health and Safety in Africa < [https://www.who.int/occupational\\_health/publications/en/oehafropretoria.pdf?ua=1](https://www.who.int/occupational_health/publications/en/oehafropretoria.pdf?ua=1)> accessed 28 June 2021.

<sup>21</sup> *ibid.*

<sup>22</sup> *ibid.*

<sup>23</sup>ILO, Joint Effort on Occupational Safety and Health in Africa < [https://www.who.int/occupational\\_health/publications/en/oehafropretoria.pdf?ua=1](https://www.who.int/occupational_health/publications/en/oehafropretoria.pdf?ua=1)> accessed 26<sup>th</sup> June 2021. This was formerly known under the name of ‘The WHO/ILO African Initiative on Occupational Health.

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> African Union Development Agency, < <https://www.nepad.org/microsite/who-we-are-0>> accessed 28<sup>th</sup> June 2021.

<sup>27</sup> AUDA-NEPAD, AU COVID-19 at Workplace Guidance in Africa < <https://www.nepad.org/publication/au-covid-19-workplace-guidance-africa>> accessed 28 June 2021.

<sup>28</sup> AUDA-NEPAD, African Union Covid-19 /Occupational Safety and Health: Guidelines Series < <https://www.nepad.org/publication/african-union-covid-19-occupational-safety-and-health-guidelines-series>> accessed 28 June 2021.

<sup>29</sup> *ibid.*

its much-awaited intervention on behalf of African countries on OSH matters, AUDA-NEPAD in its Guidelines Series underscored the need for the body's involvement when it stated as follows:

There is ... the need for a coordinated response by the AU Member States to minimise the impact of COVID-19 on the working population. Such efforts will, amongst others, promote the efficient and effective deployment of expert support thereby making available technical support and evidence-based guidance and advice on occupational safety and health needs within the realm of AU's COVID-19 response Plan. It is with the foregoing that the AUDA-NEPAD in collaboration with the African Union Commission, the International Labour Organisation and other partners have developed the COVID-19/OSH Guidelines for Specific Workplaces. The guidelines covering thematic areas such as Occupational Safety, Health and Wellness of Health Workers and Clinical Occupation Health, serve as key technical reference instruments for all stakeholders, including national and sub-national governments, regional bodies, civil society, academia and development partners, to work in a coordinated and coherent manner in addressing occupational safety and health at workplaces in the face of the Covid-19 pandemic. It is our sincere hope that the values and imperatives that are framed in the guidelines will inspire all of us to promote occupational safety and health at workplaces as part of the concerted effort to fight against the effect of a global pandemic and advance the continent's development agenda encapsulated in Agenda 2063.<sup>30</sup>

The occurrence of the pandemic, as dreadful as it is, is an awakening for the Commission to realize its obligations and possible role in addressing the challenges of OSH faced by workers. It is hoped that the effort would be concerted enough to respond to the OSH problems plagued by the continent.

## **II. IMPLEMENTING A PROPOSAL FOR A REGIONAL OSH SUPERVISORY BODY FOR AFRICA.**

Information retrieved from the ILO website in relation to OSH regulation activities under each continent, provides a country-by-country analysis of extant OSH regulations recognized by each.<sup>31</sup> Findings go to show that the continent is in no way oblivious of rights and obligations of persons concerned with the workplace, as at least, 40 countries were counted as having some form of OSH regulation or policies to their credit.<sup>32</sup> Only in few cases are there instances of a total absence of a legal framework. It may however be argued that some of the countries appear not to have updated their OSH laws in recent times, and so the information displayed may not portray a complete representation.<sup>33</sup>

Looking closely at the legislative framework of African countries shows that there is an interest of the subject by governments. What appears lacking is the political will to follow through with what is already in existence. As earlier stated, the world of work is constantly developing, and this automatically presents various occupational challenges to workers who are the ones that bear the brunt. This paper posits that the burden of the management of OSH should be taken off the hands of governments and placed in the hands of a unified body, whose responsibility would be the business of OSH and as such, proposes the African Union Commission through it AUDA-NEPAD and in collaboration with the ILO. It is believed that the regional body is best suited to take up the challenge due to its conversance with the continent's peculiarities. The continent is endowed with the required (human) resources of persons who are experienced and dedicated to the cause of OSH. The mandate shall be to employ experts, that shall be charged to formulate standards, develop policies and devise OSH programmes beneficial to the workplace of Member States.

### **2.1 The Role and Importance of the ILO in OSH.**

In research earlier carried out by the author, the following was observed about the role of the ILO pertaining to OSH.<sup>34</sup>

The ILO, which was established one hundred years ago, has been working tirelessly, seeking the international recognition of human and labour rights and the promotion of social justice,<sup>35</sup> and it considers the protection of workers from ill health, injury and diseases arising out of work as a key factor in the attainment of social justice.<sup>36</sup> The activities of the ILO include the formulation of minimum standards on primary labour

<sup>30</sup> *ibid.*

<sup>31</sup> ILO, Country Profiles on Occupational Safety and Health < <https://www.ilo.org/safework/countries/lang--en/index.htm> > accessed 30 June 2021.

<sup>32</sup> ILO, Occupational Safety and Health in Africa < <https://www.ilo.org/safework/countries/africa/lang--en/index.htm> > accessed 30 June 2021.

<sup>33</sup> Southern Africa is a region that is confirmed to take OSH matters seriously when compared with other regions of Africa.

<sup>34</sup> Titilola Hameed, (2014) *The National Industrial Court of Nigeria: What Future for Occupational Health and Safety* (PhD thesis, University of Aberdeen).

<sup>35</sup> International Labour Office Geneva: *Constitution of the International Labour Organization and Selected Texts* (ILO, 2010) < [https://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS\\_110424/lang--en/index.htm](https://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_110424/lang--en/index.htm) > accessed 30 June 2021.

<sup>36</sup> *ibid.*

rights.<sup>37</sup> These rights include: freedom of association, collective bargaining, eradication of forced labour, equal opportunity to workers and other work associated issues. It renders technical assistance in the areas of employment policy, labour administration, labour law and industrial relations, working conditions, labour statistics and occupational safety and health. The ILO is the only agency of the United Nations with a tripartite arrangement.<sup>38</sup> This connotes the joint consultation of governments, workers and employers of member nations on issues of concern.<sup>39</sup> In this way, there is balanced representation of the interests of all the groups with a direct role in relation to labour.

Four key reasons have been identified for the establishment of the ILO one of them being humanitarian, in recognition of the iniquitous treatment meted out to workers in the course of their duties to their employers.<sup>40</sup> Second, was the recognition of the political significance of the exponential growth in the numbers of workers in the context of rapidly expanding industrialisation.<sup>41</sup> This development needed to be accompanied up by suitably healthy and safe working conditions because ‘... the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.’<sup>42</sup> A level playing field needed to be created amongst member countries through the use of its instruments. The fourth motivation was premised against the backdrop that signified the end of the First World War and the need to secure universal and lasting peace.

For a century, the ILO has come up with a considerable number of international occupational safety and health related instruments.<sup>43</sup> These Conventions and Recommendations lay down minimum basic occupational safety and health standards.

The ILO Conventions and Recommendations that form the core in relation to international occupational safety and health standards are the Occupational Safety and Health Convention, 1981 (No 155) and its Protocol of 2002, Occupational Safety and Health Recommendation, 1981 (No 164), the Occupational Health Services Convention, 1985 (No 161) and its Recommendation (No 171) and; the Promotional Framework for Occupational Safety and Health Convention, 2006 (No 187).

### **III. THE EUROPEAN UNION OSH PRACTICES AS A MODEL FOR AFRICA.**

In previous work by the author, it researched the role of the European Union in relation to OSH for European member countries.<sup>44</sup> Looking at the handling of OSH by the European Union for its Member Countries, a cue may be taken by the African Union Commission to promote safety and health for persons under its Member Countries. Below are the findings of the research:

The role of the European Union (EU) in the advancing of health and safety at work is one that is commendable. The work of the European Union as it relates to health and safety has been regarded as ‘... one of the most important and most highly developed aspects on European Union’s policies on employment and social affairs.’<sup>45</sup> The EU established under it, the European Commission, which is one of its main institutions. This Commission is an executive body to the EU tasked with the responsibility of drawing up proposals for new European laws and conducting the implementation of EU policies daily. Due to the interest shown by the EU to address incidences of workplace risks that occur to citizens of its member countries, the Commission has lived up to its role of proposing new laws to the European Parliament and the Council and ensuring that these laws are enforced with the support of the European Court of Justice. So far, the European Commission has in place a commendable legal framework establishing provisions to ensure that workplace risks are kept at a minimum and at the same time, relying on minimal number of regulations to achieve its objective. These regulations are in form of directives, guidelines and standards. In addition to the existence of a firm legal framework, the European Commission also saw to the establishment of certain EU institutions responsible for achieving safety and health at work for the benefit of the workers under its control. Three of such institutions are discussed below.

---

<sup>37</sup> *ibid.*

<sup>38</sup> Tripartite Consultation (International Labour Standards) Convention, (No 144)

<sup>39</sup> *ibid.*

<sup>40</sup> *ibid.*

<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.*

<sup>43</sup> ILO, NORMLEX: List of Instruments by Subject and Status <  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO::P12030 SUBJECT\\_ID:103719](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO::P12030 SUBJECT_ID:103719)> re-accessed 30 June 2021.

<sup>44</sup> *ibid* (n 33).

<sup>45</sup> Policy based on Article 137 of the EC Treaty. Cited in Commission of the European Communities. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the committee of the Regions – Improving quality and Productivity at Work: Community Strategy 2007-2012 on Health and Safety at Work. (Brussels 2007).

### **3.1 Advisory Committee on Safety and Health at Work (ACSHW).**

The Advisory Committee on Safety and Health was established in 2004 primarily to support the Commission to prepare, implement and evaluate the activities pertaining to safety and health at work.<sup>46</sup> This applies to both the public and private sectors.<sup>47</sup> The Committee which is tripartite in its operation<sup>48</sup> currently has over 80 members consisting of one Government representative of each Member State, one representative of trade unions from each Member State and one representative of employer organizations.<sup>49</sup>

The tasks of the Advisory Committee are listed as follows:

By virtue of information at its disposal, it shall exchange views and experiences on existing or planned regulations;<sup>50</sup>

It shall facilitate a common approach to deal with issues arising out of safety and health as well as pinpoint Community priorities and measures to be adopted for their implementation;<sup>51</sup>

It shall alert the Commission on areas where there is obvious need for acquiring novel knowledge and suitable training and research methods;<sup>52</sup>

It shall define within the scope of Community action programmes, the criteria and aims to be adopted in the prevention of work accidents and health hazards within the undertaking; as well as methods that will enable the undertakings and their employees to assess and improve the level of protection;<sup>53</sup>

Together with the European Agency for Safety and Health (EU-OSHA) it shall contribute to keeping national administrators, trade unions and employers' organizations abreast of Community measures, not only with the aim of facilitating collaboration but also, to support any initiatives on the part of the Agency through exchange of experience and established codes of practice;<sup>54</sup>

It shall present opinions on plans for Community initiatives that affect safety and health at work and;<sup>55</sup>

It shall present opinions on the annual general programme and the four-yearly programme of the EU-OSHA.<sup>56</sup>

The Committee is able to achieve these by working with such other Committees as the Senior Labour Inspectors Committee and the Scientific Committee for Occupational Exposure Limits to Chemical Agents amongst others.<sup>57</sup> The Committee adopts many helpful strategies. These include, concentrating emphasis on partnerships at European and national levels for achieving success. The Committee's goals also included ensuring appropriate legislative implementation at all levels, including Small and Medium-Scale Enterprises (SMEs).<sup>58</sup> It ensured that the legal framework was simplified and adapted to suit changes in the workplace, particularly for SMEs.<sup>59</sup> It also furthered the development and execution of national strategies, fostered changes in workers' behavioral patterns and implored employers to embrace health-focused approaches. In addition, it improved methods of health monitoring and encouraged health and safety at international levels.<sup>60</sup>

### **3.2 The European Agency for Safety and Health at Work (EU-OSHA).**

The European Agency for Safety and Health at work was established in 1994 as an agency dedicated to the safety and health of the European worker while at work. It also set out to ensure that the impact of the measures for risk prevention are better felt and simultaneously improve working conditions of persons at work. The idea of setting up an agency towards this achievement was embraced by the Council of the European Union who required the Commission amongst other things to explore methods in '... improving the exchange of information and experience in the field ...', particularly as regards the gathering and dissemination of data and the advisability of setting up Community machinery to study the repercussions at national level of Community measures in this field.<sup>61</sup> The Council who however realized that there were already existing organizations concerned with such work, proposed the establishment of a network in order to set up a European monitoring

<sup>46</sup> Art 1 Council Decision of 2<sup>nd</sup> July 2003 setting up an Advisory Committee on Safety and Health at Work (2003/ C 218/01) <

<sup>47</sup> Art 2.

<sup>48</sup> Art 5.

<sup>49</sup> Art 3.

<sup>50</sup> Art 2 (2) (a).

<sup>51</sup> Art 2 (2) (b).

<sup>52</sup> Art 2 (2) (c).

<sup>53</sup> Art 2 (2) (d).

<sup>54</sup> Art 2 (2) (e).

<sup>55</sup> Art 2 (2) (f).

<sup>56</sup> Art 2 (2) (g).

<sup>57</sup> Art 2 (2) (3).

<sup>58</sup> *ibid.*

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*

<sup>61</sup> Preamble to the Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216 208.1994, 1).

system for assembling information on the field to be coordinated at community level.<sup>62</sup> The result of the foregoing led to the establishment of the EU-OSHA.<sup>63</sup>

The EU-OSHA which maintains close links with the European Commission as well as existing Community bodies and programmes<sup>64</sup> has its office in Spain.<sup>65</sup> In order for the Agency to properly assist in the protection of the safety and health of workers as well as improving the working environment, it shall strive to provide ‘... Community bodies, Member States, the social partners and those involved in the field with technical, scientific and economic information of use in the field of safety and health at work.’<sup>66</sup> In order to achieve this stated objective, the roles of the Agency are listed below:

To collect, examine and publicize technical, scientific and economic information derived from member states, for onward transmission to community bodies, member states and other parties interested;<sup>67</sup>

To collect and analyze technical, scientific and economic information that research into occupational health and safety as well as research in other related aspects of these activities with a view to publicizing the results of the said activities;<sup>68</sup>

To ensure that there is collaboration and the exchange of information and knowledge amongst member states in the occupational health and safety field;<sup>69</sup>

To coordinate conferences and workshops and exchange experts from member states who are vast in the field;<sup>70</sup>

To establish and organize a networking, in collaboration with member States, having cognizance of the role of the national community as well as international bodies and organizations that provide similar type of information and services;<sup>71</sup>

To collect and disseminate information on safety and health matters between the Agency and third countries and international bodies such as the ILO, WHO, PAHO, etc.<sup>72</sup>

To design technical, scientific and economic information on methods and tools for the implementation of preventive activities with particular emphasis on the peculiar problems of small and medium- sized enterprises;<sup>73</sup>

To participate in the advancement of Community strategies and action programmes in connection with occupational safety and health;<sup>74</sup>

The Agency shall ensure that the information publicized reaches its target audience and that this information is of a comprehensible nature.<sup>75</sup> It shall also work as closely as it can with existing institutions, foundations, specialist bodies and programmes at Community level so as to avoid the duplication of roles by any of the above.<sup>76</sup> In particular, the EU-OSHA shall make certain that it collaborates with the European Foundation for the Improvement of Living and Working Conditions but shall do so within the limit of its aims.<sup>77</sup> The Regulation establishing the Agency is subject to a review upon the consultation of the European Parliament on a five-yearly basis.<sup>78</sup>

### **3.3 European Foundation for the Improvement of Living and Working Conditions (EUROFOUND).**

The European Foundation for the Improvement of Living and Working Conditions (EUROFOUND), situated in Ireland, was established in 1975 as a non-profit making organization.<sup>79</sup> It was established as a tripartite body, a feature which is indicative of those that make up its membership. There shall be a representative from the Government of Member States,<sup>80</sup> one member representing the employers’ organization

---

<sup>62</sup> *ibid.*

<sup>63</sup> Art 1 Council Regulation (EC) No 2062/94 of 18 July 1994.

<sup>64</sup> Art 3 (2). For instance, the Agency has links with the European Foundation for the Improvement of Living and working Conditions.

<sup>65</sup> See the preamble to the Council Regulation.

<sup>66</sup> Art 2.

<sup>67</sup> Art 3 (a).

<sup>68</sup> Art 3 (b).

<sup>69</sup> Art 3 (c).

<sup>70</sup> Art 3 (d).

<sup>71</sup> Art 3 (f).

<sup>72</sup> Art 3 (g).

<sup>73</sup> Art 3 (h).

<sup>74</sup> Art 3 (i).

<sup>75</sup> Art 3 (1) (j).

<sup>76</sup> Art 3 (2).

<sup>77</sup> *ibid.*

<sup>78</sup> Art 23.

<sup>79</sup> Arts 4 (1) and (2).

<sup>80</sup> Art 6 (1) (a).

from each Member State,<sup>81</sup> one member representing the employees' organization from each member state,<sup>82</sup> and three members representing the European Commission.<sup>83</sup> Each member can hold office for a period of three years and is subject to renewal upon expiration or replacement upon resignation.<sup>84</sup> This Foundation was established for purposes of contributing to the planning and establishment of improved living and working conditions by increasing and publicizing knowledge likely to support this development.<sup>85</sup> Based on the objective of its establishment, the task of the Foundation shall, in taking relevant Community practices into consideration, develop and engage in ideas in both the medium and long-term relating to living and working conditions using practical experience in identifying factors leading to change.<sup>86</sup> It shall direct scientific information and technical data when advising Community institutions on foreseeable objectives and guidelines.<sup>87</sup> In relation to the improvement of living and working conditions, the Foundation shall concentrate its efforts in the following areas based on its priorities: people at work, work organization specifically relating to job design, the problems associated with certain classes of workers, continual advancement of environmental advancement, and distribution of human activities in space and in time.<sup>88</sup> To actualize its aims, the Foundation shall encourage the exchange of information and proficiency in the above areas<sup>89</sup> through the arrangement of an information and documentation system.<sup>90</sup> In achieving this, it may take one of the following steps: aid contact between itself and universities, study and research institutes, economic and social administrations and organizations to foster collaborative action;<sup>91</sup> organize working groups;<sup>92</sup> conclude study contracts, participate in study, facilitate pilot projects and possibly undertake certain studies itself;<sup>93</sup> and facilitate, workshops and seminars.<sup>94</sup> The Foundation is required to collaborate as closely as practicable with other specialized institutions, foundations and bodies either in member states or at the international level.<sup>95</sup> The Regulation establishing the Foundation makes further provision for a reciprocal duty between itself and the EU-OSHA but only to the extent that such collaborative action does not prejudice its own aims.<sup>96</sup>

#### IV. CONCLUSION

Africa is a continent that within it, holds many countries that are considered developing nations. This position is quite unfortunate as the continent holds much potential, yet untapped, due to the underdevelopment experienced by several of its countries. A country with poor OSH structures is responsible for the reduced capacity of workers which ultimately results in a significant economic shortfall. For countries to achieve a vibrant economy using its workforce, it must pay attention to the health, safety and welfare of its workers. A balance needs to be struck between economic sector investment commensurate with investment in occupational health and safety as one is complementary of the other. Workers are regarded as the engine of a national economy.<sup>97</sup> Good health and safety practices are the lubricants that keeps this engine functioning.

African countries have the manpower, knowledge and skill at their disposal. What appears to be missing is the will by governments to provide relevant legislative backup. It is time for Governments to realize that the running of OSH is a specialized one and thus, there is the need to put the affairs of OSH in the hands of specialists. The African Union Commission through the AUDA-NEPAD appears best suited for this assignment. The Body should strive to give workers the dignity of labour that they deserve.

---

<sup>81</sup> Art 6 (1) (b).

<sup>82</sup> Art 6 (1) (c).

<sup>83</sup> Art 6 (1) (d).

<sup>84</sup> Art 6 (3)

<sup>85</sup> Art 1 of Regulation (EEC) NO 1365/75 of the Council of 26 May 1975 (as amended) on the creation of a European foundation for the improvement of living and working conditions: Official Journal of the European Communities NO. L 139/1 <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1975:139:0001:0004:EN:PDF>> re-accessed 30 June 2021.

<sup>86</sup> Art 2 (2).

<sup>87</sup> *ibid.*

<sup>88</sup> Art 2 (3).

<sup>89</sup> *ibid.*

<sup>90</sup> Art 3 (1).

<sup>91</sup> Art 3 (1) (a).

<sup>92</sup> Art 3 (1) (b).

<sup>93</sup> Art 3 (1) (c).

<sup>94</sup> Art 3 (1) (d).

<sup>95</sup> Art 3 (2).

<sup>96</sup> Art 3 (2).

<sup>97</sup> Joseph Abugu, 'ILO Standards and the Nigerian Law of Unfair dismissal (2009) 17(2) African Journal of International and Comparative Law 181.



## REFERENCES

### Books

- [1]. Joseph Abugu, 'ILO Standards and the Nigerian Law of Unfair dismissal (2009) 17(2) African Journal of International and Comparative Law 181

### Web Sources

- [2]. African Union Development Agency, < <https://www.nepad.org/microsite/who-we-are-0>> accessed 28<sup>th</sup> June 2021.
- [3]. Africanews, Corona Virus-Africa: International Labour Organization (ILO) Issues Guidance for Safe Healthy Return to Work During COVID -19 < <https://www.africanews.com/2020/05/22/coronavirus-africa-international-labour-organization-ilo-issues-guidance-for-safe-healthy-return-to-work-during-covid-19/>> accessed 26 June, 2021.
- [4]. AUDA-NEPAD, African Union Covid-19 /Occupational Safety and Health: Guidelines Series < <https://www.nepad.org/publication/african-union-covid-19-occupational-safety-and-health-guidelines-series>> accessed 28 June 2021.
- [5]. AUDA-NEPAD, AU COVID-19 at Workplace Guidance in Africa < <https://www.nepad.org/publication/au-covid-19-workplace-guidance-africa>> accessed 28 June 2021.
- [6]. Felix Kariba, The Burgeoning Africa Youth Population: Potential or Challenge? < <https://www.citiesalliance.org/newsroom/news/cities-alliance-news/%C2%A0burgeoning-africa-youth-population-potential-or-challenge%C2%A0>> (Citi Alliance) accessed 26 June 2021.
- [7]. Hämäläinen et al, Hämäläinen, P.; Takala, J.; Boon Kiat, T. Global Estimates of Occupational Accidents and Work-related Illnesses 2017 (XXI World Congress on Safety and Health at Work, Singapore, Workplace Safety and Health Institute) [https://www.wshi.gov.sg/-/media/wshi/posters/posterfile/s28\\_wsh2017-2323\\_global-est\\_hamalainen\\_takala\\_tan.pdf](https://www.wshi.gov.sg/-/media/wshi/posters/posterfile/s28_wsh2017-2323_global-est_hamalainen_takala_tan.pdf)> accessed 25 June 2021,
- [8]. ILO, Joint Effort on Occupational Safety and Health in Africa < [https://www.who.int/occupational\\_health/publications/en/oehafropretoria.pdf?ua=1](https://www.who.int/occupational_health/publications/en/oehafropretoria.pdf?ua=1)> accessed 26<sup>th</sup> June 2021.
- [9]. ILO, New Safety and Health at work Issues Emerge as work Changes. <[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_686571/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_686571/lang--en/index.htm)> accessed 25 June 2021.
- [10]. ILO, NORMLEX: List of Instruments by Subject and Status <<http://www.ilo.org/dyn/normlex/en/f?p=1000:12030:0::NO::>>
- [11]. ILO, WHO-ILO Joint Effort on Occupational Health and Safety in Africa < [https://www.who.int/occupational\\_health/publications/en/oehafropretoria.pdf?ua=1](https://www.who.int/occupational_health/publications/en/oehafropretoria.pdf?ua=1)> accessed 28<sup>th</sup> June 2021.
- [12]. ILO, World Statistic < [https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS\\_249278/lang--en/index.htm](https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang--en/index.htm)> accessed 25 June 2021.
- [13]. ILO, World Statistics: The Enormous Burden of Poor Working Conditions Karen < [https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS\\_249278/lang--en/index.htm](https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang--en/index.htm)> accessed 26 June, 2021;
- [14]. International Labour Office Geneva: Constitution of the International Labour Organization and Selected Texts (ILO, 2010) < <http://www.ilo.org/public/english/bureau/leg/download/constitution.pdf>>
- [15]. Karri Kurppa, Severe Underreporting of Work Injuries in Many Countries of Baltic Sea Region (Finnish Institute of Occupational Health, Helsinki, 2015) < [http://www.balticseaosh.net/wp/wp-content/uploads/2015/10/Severe-Under-reporting\\_final-report\\_Kurppa.pdf](http://www.balticseaosh.net/wp/wp-content/uploads/2015/10/Severe-Under-reporting_final-report_Kurppa.pdf)> accessed 26 June, 2021; Ujwal Kharel, The Global Epidemic of Occupational Injuries: Counts, Costs and Compensation (Rand Corporation 2016) 1-2 < [https://www.rand.org/content/dam/rand/pubs/rgs\\_dissertations/RGSD300/RGSD377/RAND\\_RGSD377.pdf](https://www.rand.org/content/dam/rand/pubs/rgs_dissertations/RGSD300/RGSD377/RAND_RGSD377.pdf)> accessed 26 June 2012;
- [16]. Matthew A Winkler, Coronavirus is Helping African Economies Compete,( Bloomberg September 2020) < <https://www.bloomberg.com/opinion/articles/2020-11-25/coronavirus-is-helping-african-economies-compete>> accessed 26 June 2021. Cf The World Bank, The World Bank in Africa: Occupational Health for Workers in the Informal Sector (Pretoria, October 2000) < <https://www.worldbank.org/en/region/afr/overview>> accessed 26<sup>th</sup> June 2021.
- [17]. Richard Samans and Saadia Saahidi, Executive Briefing: The Future of Jobs and Skills in Africa: Preparing the Region for the Fourth Industrial Revolution (World Economic Forum, May 2017) < [http://www3.weforum.org/docs/WEF\\_EGW\\_FOJ\\_Africa.pdf](http://www3.weforum.org/docs/WEF_EGW_FOJ_Africa.pdf)> accessed 26 June 2021.

- [18]. Tanswell and Peter Wingfield-Digby, Occupational Injuries Statistics from Household Surveys and Establishment Surveys (ILO Labour Office, Geneva) < [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_173153.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_173153.pdf)> accessed 26 June 2021.
- [19]. Titilola Hameed, The National Industrial Court of Nigeria: What Future for Occupational Health and Safety (PhD thesis, University of Aberdeen 2014)
- [20]. Tladi Marumo, Africa to Prioritise health and Safety as an Economic Development Determinant < <https://www.esi-africa.com/features-analysis/africa-to-prioritise-health-and-safety-as-an-economic-development-determinant/>> accessed 25 June 2021.
- [21]. World Bank Group, Human Capital Index 2020 Update: Human Capital in the Time of COVID < <https://www.alnap.org/system/files/content/resource/files/main/152967.pdf>> accessed 26<sup>th</sup> June 2021.
- [22]. World Economic Forum, Six of the World's Ten Fastest-Growing Economies in Africa, < <https://www.weforum.org/agenda/2019/08/afcfta-proof-that-africa-heading-for-substantial-growth/>> accessed 25 June 2021. African Review, Tanzania Among Top 10 Fastest Growing Economies (04 February, 2020) < <https://www.africanreview.com/finance/economy/tanzania-among-top-10-fastest-growing-economies>> accessed 26<sup>th</sup> June 2021.

Titilola Hameed. "Prioritizing the Need for a Harmonized Occupational Safety and Health Legal Regime for Africa\*." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 26(07), 2021, pp. 28-37.