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## **DIRECTORATE OF OCCUPATIONAL SAFETY AND HEALTH SERVICES**

*DOSHS Vision: A Healthy Worker in a Safe Work Environment*

**29 Jun 2020**

# **OCCUPATIONAL SAFETY AND HEALTH POSTCOVID-19 RETURN TO WORK ADVISORY**

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## **Purpose of the OSH RETURN TO WORK REQUIREMENTS**

The Director of Occupational Safety and Health Services has issued the following return to work basic requirements to all workplaces in Kenya to ensure that all workers returning to work on the reopening date and thereafter, are safe and healthy and that COVID-19 is mitigated from spreading in workplaces.

## **POSTCOVID-19 RETURN TO WORK REQUIRMENTS**

### **1. Occupational Safety and Health Risk Assessments**

Every occupier of a workplace shall carry out appropriate occupational safety and health risk assessments in relation to the safety and health of persons employed and send a copy of a report of risk assessment to the Director of Occupational Safety and Health Services. The report shall include all work activities under the control of the employer that predispose to occupational exposure to COVID-19 and all adopted preventive and protective measures in accordance with section 6(3), 6(4) and 6(4) of the Occupational Safety and Health Act, 2007. The report shall be presented to the Director within thirty (30) days from the date of reopening.



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### **2. Covid-19 Policies and Workplace Readiness**

Workplaces shall develop and communicate to all employees, a COVID-19 Preparedness Policy Statement that address all aspects of COVID-19 readiness including but not limited to Policy, Planning and Organizing activities for COVID-19; Occupational Safety and Health Risk Assessment, Management and Communication; Prevention and Mitigation Measures against COVID-19 and arrangements for dealing with suspected and confirmed COVID-19 cases and clear guidelines and specific requirements when sick or ill staff may be absent to attend hospital and to staff who are not sick or ill but need to be absent to care for others, especially family members. The policy which shall form part and parcel of the Occupational Safety and Health Policy shall include protocols on client handling, standard operating procedures indicating how to notify the workplace if they have to visit the hospital for suspected case(s). The prevention and mitigation measures shall include but not limited to infection control plans, ensuring social distancing of not less two (2) meters between employees in all directions, suitable hand sanitizing facility or handwashing soap and water and the strict proper use of face masks throughout all working hours and public places. A summary of the Policy Statement and level of COVID-19 Readiness and preparedness shall be submitted to the Director of Occupational Safety and Health Services within thirty (30) days from the date of reopening.

### **3. Assessment of Non-Essential Work and Working from Home**

All employers are responsible for identifying work activities and workers whose services can still be undertaken from home, document the same and issue specific protocols involving safe working from home. Such employees must be dully notified and the specific legitimate daily, weekly or monthly expectations and outputs be clearly shared with the employees. To minimize the occupational transmission of COVID-19 at the workplaces, all employees whose services can be undertaken from home and all work activities that can still be implemented from home should continue to be undertaken from home.



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### **4. Commuting to Work, Safe Passage to and from Work**

All employers must sensitize their workers on COVID-19 risk mitigation measures including sufficient information to keep employees safe while in private and public transportation systems. Where possible the employers should consider providing safe commute to and from work for their employees.

### **5. Workplace Safety and Health**

COVID-19 requires adoption of a new safety and health culture that focusses on prevention and minimization of transmission risk at the workplace. All workplaces shall be required to ensure strict observance of social distancing of at least two (2) meters in all directions, regular hand-washing with soap and running water, sanitizing with approved hand sanitizers, regular disinfection of common areas and surfaces (hand rails, lifts, door knobs etc.) and maintenance of workplaces in clean and healthy states. In addition, every employer shall be required to provide and enforce the use of face masks at the workplace. Any person who fails or refuses to use a face mask in any workplace or fails or refuses to adhere to procedures or protocols established by the employer shall be denied access to the workplace.

### **6. Work Injury Insurance**

Every employer shall obtain and maintain an insurance policy, with an insurer registered by the Insurance Regulatory Authority in respect of any liability that the employer may incur under Work Injury Benefits Act, 2007 to any of his employees. This is in accordance with section 7(1) of the Work Injury Benefits Act. The said policy shall explicitly confirm that all occupational diseases and confirmed occupational exposures to COVID-19 are covered under that insurance.



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### **7. Medical Examinations and Issuance of Certificates of Fitness**

All workers returning to work on or after the reopening date shall be required to attend medical examination conducted by any medical practitioner registered by the medical Practitioners and Dentists Board. The examining medical practitioner shall be required to issue Certificates of Fitness where applicable required under the Factories and other places of Work (Medical Examination) Rules, L.N 24 of 2005. The examining medical practitioner shall ensure that any tests for COVID-19 are conducted only by accredited laboratories and that the procedures adhere to guidelines set by the Ministry of Health.

### **8. Health Risk Assessments for Returning Employees**

Every workplace shall be required to conduct health risk assessments to determine if any particular workplace substances or activities pose significant risk to human health and, if so, under what circumstances. Specifically, workplaces shall determine the kind of activities that may predispose returning employees to elevated COVID-19 risks to health, what factors may be involved and control measures to be implemented.

### **9. Mental Health and Mental Well-being**

COVID-19 has impacted heavily and adversely the world of work by contributing to negative effects on specific groups more vulnerable to adverse labour market outcomes and has led to increased demand for mental health support and mental wellbeing considerations. In order to maintain healthy workers in a safe work environment, employers and affected employees are strongly encouraged to work together to minimize any potential impact on employees. Affected employees should discuss with their employers how COVID-19 has affected their working and/or social lives and what the employers can do to alleviate the impacts. Where possible these employees should be linked to a mental support programme.



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### **10. Suspected and Confirmed Covid-19 Employees**

Any employee with confirmed or suspected COVID-19 shall inform the employer and the employer shall require such employees to report to the identified Ministry of Health institutions for care, quarantine or self-quarantine as maybe appropriate.

### **11. Discrimination of Suspected and Confirmed Covid-19 Employees**

An occupier shall not dismiss, discriminate against or disadvantage an employee in any way with respect of the employee's status with regard to COVID-19 or if an employee makes a complaint about a matter which the employee considers is not safe or is a risk to health. All employees shall be required to report any forms of discrimination or attempted discrimination to the Director of Occupational Safety and Health Services in accordance with section 8(1) of the Occupational Safety and Health Act, 2007 and Work Injury Benefits Act, 2007.

### **12. Reporting of COVID-19 Positive Employees by Medical Practitioners**

Any medical practitioner who examines and diagnoses a worker with an occupational disease, which includes occupationally acquired COVID-19 shall within fourteen days after the first examination of the employee, furnish a medical report to the Director in the prescribed manner. This is in accordance with section 48 (1) of the Work Injury Benefits Act, 2007.

### **13. Registration of Workplaces**

COVID-19 is already affecting some workplaces but because they are not registered and remain unknown, such workplaces may not benefit from workplace interventions by the Directorate of Occupational Safety and Health services. Such workplace interventions may include but not limited to training as indicated under the Occupational Safety and Health Act, 2007, section 8(d) which says that the Director 'may conduct training for enterprises' and others.



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Therefore, before any person occupies or uses any premises as a workplace, that person shall apply for the registration of the premises by sending to the Director a dully filled in DOSH 21A FORM. No person shall be allowed under any circumstances whatsoever to reopen without a certificate of registration as a workplace and without self-assessment on COVID-19 preparedness at the time of application for registration. All workplaces that are already registered and the certificates have not expired shall be exempted from this requirement. For the avoidance of doubt, a “workplace” includes, any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment. Examples of workplaces are factories, office spaces, places of worship with any number of employees.

### **14. Safety and Health Audits**

The occupier of a workplace shall cause a comprehensive and thorough safety and health audit of his workplace within thirty (30) from the date of reopening. The audit shall be conducted by a safety and health advisor, who shall conduct the audit, issue a report and send a copy of the report to the Director. The report shall dully be titled *POSTCOVID-19 INITIAL SAFETY AND HEALTH AUDIT REPORT* for the specific workplace and shall have a section within the report on COVID-19 and the actual status as at the date of the audit. The report to the Director shall be accompanied by an action plan, specifying clearly among others, clear action items for COVID-19. The list of approved safety and health advisors may be obtained from the Ministry of Labor and Social Protection Website: <https://labour.go.ke/downloads/>

### **15. Workers with Pre-Existing Medical Conditions**

All employees aged 60 years and those with pre-existing conditions such as respiratory diseases, diabetes and any other dangerous conditions that may exacerbate the risk of COVID-19 shall be required to collaborate with their employers who will in turn be required to ensure that such employees are safe and healthy.



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## **16. Continuous Monitoring and Evaluation of Impact of COVID-19 on Workplace Safety and Health Conditions**

Every workplace is strongly advised to document evolving impact of COVID-19 on Workplace Safety and Health Conditions and regularly update the Director of Occupational Safety and Health on specific interventions that require the attention of the regulatory authority on occupational safety and health matters.

## **17. Reference Reopening Date**

The reference date of reopening shall be the date as announced by the Government of Kenya, either through the Ministry of Health or by any other authorized authority.

### **For further information, please contact:**

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