

GOVERNMENT NOTICE NO.280 published on 30/09/2016

THE OCCUPATIONAL SAFETY AND HEALTH ACT,

(CAP 297)

RULES

(Made under Section 109)

OCCUPATIONAL SAFETY AND HEALTH (NOTIFICATION OF OCCUPATIONAL
DISEASES, INJURIES AND DANGEROUS OCCURENCES) RULES, 2016

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(CAP 297)

RULES

(Made under Section 109)

OCCUPATIONAL SAFETY AND HEALTH (NOTIFICATION OF OCCUPATIONAL DISEASES, INJURIES AND DANGEROUS OCCURENCES) RULES, 2016

- Citation 1. These Rules may be cited as the recording and reporting of occupational diseases, injuries and dangerous occurrences rules, 2016.
- Interpretation 2. In these Rule, unless the content otherwise requires -
“Act” means the Occupational Health and Safety Act;
“Authority” means Occupational Safety and Health Authority;
"approved" means approved for the time being in writing for the purposes of these Rules by the Chief Inspector and published in such form as the Chief Executive considers appropriate
"construction site" means any place where there are carried out building operations or works of engineering construction
"dangerous occurrence" means readily identifiable event with potential to cause an injury or disease to persons at work or the public
“occupational accident” means an occurrence arising out of or in the course of work which result in fatal or non-fatal injury
"occupational disease" means a disease contracted as a result of an exposure to risk factors arising from work activity;
"Chief Inspector" means the Chief Inspector of factories and other work-places appointed under section 4 of the Act and who shall be the Chief Executive of Occupational Safety Health Authority appointed under the Executive Agency Act and includes the Acting Chief Inspector;
- Cap.245

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“Notification” means procedure specified in the rule 3 and 5 which establishes ways in which the employer submits information concerning occupational accidents, occupational diseases, dangerous occurrences or incidents;

“owner” means-

- (a) in relation to a mine or quarry, the person who is for the time being entitled to work it;
- (b) in relation to a pipeline, the person who is for the time being entitled to control the flow of anything through that pipeline or through that pipeline once it is commissioned;

“recording” means procedures referred to the Act and regulations which establish the means by which the employer ensures that the information be maintained on occupational accidents and diseases and dangerous occurrences and incidents;

“reporting” means procedure specified by the employer in accordance with the Act, and in accordance with the practice at the workplace, for the submission by workers to their immediate supervisor, the competent person, or any other specified person or body, of information on any occupational accidents, suspected cases of occupational diseases, dangerous occurrences and incidents;

“responsible person” means

- (a) in the case of-
 - (i) a mine, the manager of that mine;
 - (ii) a quarry, the owner of that quarry;
 - (iii) a closed tip, the owner of the mine or quarry with which that tip is associated;
 - (iv) an offshore installation (otherwise than in the case of a disease reportable under rule 5) the supervisor of that installation.
 - (v) a dangerous occurrence at a pipeline (being an incident to which rule 24 (1) (a)—(f), the owner of that pipeline;
 - (vi) a dangerous occurrence at a well, the person appointed by a concession owner to execute any function of organizing or supervising any operation to be carried out by the well or, where no such person has been appointed, the concession owner (and for this purpose "concession owner" means the person who at any time has the right to

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- exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at any time, the well is, or is to be, used in the exercise of that right);
- (vii) a diving operation (otherwise than in the case of a disease reportable under rule 5), the diving contractor;
- (b) in the case of other injury to an employee reportable under rule 3 or of a disease suffered by an employee reportable under rule 5, his employer; and
- (c) in any other case, the person for the time being having control of the premises in connection with the carrying on by him of any trade, business or other undertaking (whether for profit or not) at which, or in connection with the work at which, the accident or dangerous occurrence reportable under rule 3, or case of disease reportable under rule 5, happened;
- “well” includes any structures and devices on top of a well.

Notification
and reporting
of injuries and
dangerous
occurrences

- 3.-(1) Subject to rule 10, where:
- (a) any person at work suffers a major injury as a result of an accident arising out of or in connection with work;
- (b) any person not at work suffers an injury as a result of an accident arising out of or in connection with work and that person is taken from the site of the accident to a hospital for treatment in respect of that injury;
- (c) any person not at work suffers a major injury as a result of an accident arising out of or in connection with work and that person is taken from the site of the accident to a hospital for treatment in respect of that injury; or
- (d) there is a dangerous occurrence,
- the responsible person shall-
- (i) forthwith notify the Chief inspector by fax, e-mail, cell phone or any other quickest practicable means stating ;
- (a) Name and location of the workplace
- (b) Time of incident or accident
- (c) Number of Persons suffered injuries as a result of accident
- (d) Name and telephone of contact person
- (ii) within 7 days send a written report thereof to the

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Chief inspector as prescribed in schedule II

(2) Subject to rule 10, where a person at work is incapacitated for work of a kind which he might reasonably be expected to do, either under his contract of employment, or, if there is no such contract, in the normal course of his work, for more than three consecutive days (excluding the day of the accident but including any days which would not have been working days) because of an injury resulting from an accident arising out of or in connection with work (other than one reportable under sub-rule (1)), the responsible person shall, within 7 days of the accident send a report thereof to the Authority as prescribed in the Second Schedule.

Reporting of the death of an employee

4. Subject to rule 10, where:

- (a) any person dies as a result of an accident arising out of or in connection with work;
- (b) an employee, as a result of an accident at work, has suffered an injury reportable under rule 3 which is a cause of his death within one year of the date of that accident, the employer shall inform the Authority in writing of the death as soon as it comes to his knowledge, whether or not the accident has been reported under rule 3.

Reporting of cases of occupational disease

5.-(1) Subject to sub-rules (2) and (3), where a person at work suspected to suffer from any of the occupational diseases specified in schedule 1, the employer shall forthwith send a report thereof to the Chief inspector for definitive diagnosis.

(2) Sub-rule (1) shall apply only if-

- (a) in the case of an employee, the responsible person has received a written statement prepared by a registered medical practitioner suspects the disease as one of those specified in First Schedule; or
- (b) in the case of a self-employed person, that person has been informed, by a registered medical practitioner, that he might be suffering from a disease so specified.

(3) In the case of a self-employed person, it shall be a sufficient compliance with sub-rule (1) if that person makes arrangements for the report to be sent to the Authority by some other person.

Reporting of

6.-(1) Whenever a conveyor of flammable gas through a

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gas incidents fixed pipe distribution system, or a filler, importer or supplier (other than by means of retail trade) of a refillable container containing liquefied petroleum gas receives notification of any death or any major injury which has arisen out of or in connection with the gas distributed, filled, imported or supplied, as the case may be, by that person, he shall forthwith notify the Chief Inspector of the incident, and shall within 7 days send a report of it to the Chief Inspector on a form approved for the purposes of this regulation.

(2) Whenever an employer or self-employed person who is a member of a class of persons approved by the Chief Inspector for the purposes of sub-rule (3) has in his possession sufficient information for it to be reasonable for him to decide that a gas fitting as defined in the said rule or any flue or ventilation used in connection with that fitting, by reason of its design, construction, manner of installation, modification or servicing, is or has been likely to cause death, or any major injury by reason of-

- (a) accidental leakage of gas;
- (b) inadequate combustion of gas; or
- (c) inadequate removal of the products of combustion of gas,

he shall within 7 days send a report of it to the Chief Inspector on a form approved for the purposes of this rule, unless he has previously reported such information.

(3) Nothing shall be reportable

- (a) under this rule if it is notifiable or reportable elsewhere in these Rules;
- (b) under sub-rule (2) in relation to any gas fitting, flue or ventilation undergoing testing or examination at a place set aside for that purpose.

(4) In this rule "liquefied petroleum gas" means commercial butane (that is, a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture thereof) or commercial propane (that is, a hydrocarbon mixture consisting predominantly of propane, propylene or any mixture thereof) or any mixture of commercial butane and commercial propane.

Records

7.-(1) The responsible person shall keep a record of-

- (a) any event which is required to be reported under rule 3, which shall contain the particulars specified in the Second Schedule;
- (b) any case of disease required to be reported under rule

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5(1), which shall contain the particulars specified in the Second Schedule; and

- (c) such other particulars as may be approved by the Chief Inspector for the purpose of demonstrating that any approved means of reporting under rule 3 or 5(1) has been complied with.

(2) Any record of deaths, injuries at work or disease which the responsible person keeps for any other purpose shall, if it covers the injuries recordable under these Rules and includes the particulars specified in the Second Schedule, be sufficient for the requirements of sub-rule (1).

(3) The record referred to in sub-rule (1) shall be kept either at the place where the work to which it relates is carried on or at the usual place of business of the responsible person and an entry in such a record shall be kept for at least thirty years from the date on which it was made.

(4) The responsible person shall send to the Authority such extracts from the record required to be kept under sub-rule (1) as that Authority may from time to time require.

Additional provisions relating to mines and quarries

8.-(1) In this regulation, unless the context otherwise requires-

"appropriate person" means-

- (a) in the case of a coal mine, the responsible person or a person appointed in the management structure of that mine;
- (b) in the case of any other mine, the responsible person;
- (c) in the case of a quarry -
 - (i) the responsible person, or
 - (ii) (where there is a sole manager) that manager, or
 - (iii) (where there are two or more managers) the manager of the part of the quarry where the accident or dangerous occurrence happened, or
 - (iv) any person who is for the time being treated a manager;

"nominated person" means the person (if any) who is for the time being nominated-

- (a) in a case where there is an association or body representative of a majority of the total number of

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persons employed at a mine or quarry, by that association or body;

- (b) in any other case, jointly by associations or bodies which are together representative of such a majority, to receive on behalf of the persons so employed notices under this rule.

(2) Where at a mine or a quarry any person, as a result of an accident arising out of or in connection with work, dies or suffers any major injury, or where there is a dangerous occurrence, the responsible person shall-

- (a) forthwith notify the nominated person thereof by the quickest practicable means; and
- (b) send a report thereof to the nominated person on a form approved for the purposes of rule 3.

(3) Where there is a non-fatal injury to any person at a mine or quarry which is reported in accordance with paragraph 2, after which that person dies and his death is as a result of the accident then as soon as it comes to his knowledge the responsible person shall give notice of the death to the nominated person.

Disturbance
of site

9.-(1) Where there is an accident or dangerous occurrence, no person shall disturb the place where it happened or tamper with anything at that place before-

- (a) the expiration of three days after the matter has been notified in accordance with these Rules; or
- (b) the place has been visited by an inspector exercising the powers conferred on him.

(2) Nothing in sub-rule (1) shall prohibit the doing of anything by or with the consent of an inspector or the doing of anything necessary to secure the safety of the workplace or of any person, plant or vessel.

(3) The requirements of sub-rule (1) shall not apply to an accident or to a dangerous occurrence if an appropriate person-

- (a) has taken adequate steps to ascertain that disturbing the site—
 - (i) is unlikely to prejudice any investigation by an inspector into the circumstances of the accident or dangerous occurrence; and
 - (ii) is necessary to secure the safety of any person at the mine or quarry or to avoid disrupting the normal working thereof.
- (b) (except in the case of a non-fatal accident or a

dangerous occurrence, where the nominated person or any person designated by that nominated person pursuant to this sub-paragraph cannot be contacted within a reasonable time) has notified the nominated person, or any person designated in writing by the nominated person to receive any such notification, of the proposed disturbance, and gives such a person a reasonable opportunity to visit the site before it is disturbed;

- (c) has taken adequate steps to ensure that there is obtained such information as will enable a full and accurate plan to be prepared forthwith, which plan shall show the position of any equipment or other item relevant to the accident or dangerous occurrence immediately after it happened; and
- (d) ensures that any equipment or other item relevant to the accident or dangerous occurrence is kept as it was immediately after the incident until an inspector agrees that it may be disposed of.

(4) The person who has taken the steps referred to in sub-rule (3)(c) shall ensure that the plan referred to in that sub-rule is signed by the person who prepared it and bears the date on which it was prepared, and that a copy of that plan is supplied on request to any inspector or to the nominated person.

(5) It shall be a defence in proceedings against any person for contravening sub-rule (1) in any case which consists of the doing of any act, for that person to prove that the doing of that act was necessary for securing the safety of the mine or quarry or of any person.

(6) The record kept under rule 7, excluding any health record of an identifiable individual, shall be available for inspection by the nominated person.

Restrictions
on the
application of
rules 3, 4 and
5

10.-(1) The requirements of rule 3 relating to the death or injury of a person as a result of an accident shall not apply to an accident causing death or injury to a person arising out of the conduct of any operation on, or any examination or other medical treatment of, that person which is administered by, or conducted under the supervision of, a registered medical practitioner.

(2) The requirements of rules 3 and 4 relating to the death or injury of a person as a result of an accident, shall apply to an accident arising out of or in connection with the movement of a

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vehicle on a road only if that person

- (a) was killed or suffered an injury as a result of exposure to a substance being conveyed by the vehicle; or
 - (b) was either himself engaged in, or was killed or suffered an injury as a result of the activities of another person who was at the time of the accident engaged in, work connected with the loading or unloading of any article or substance onto or off the vehicle; or
 - (c) was either himself engaged in, or was killed or suffered an injury as a result of the activities of another person who was at the time of the accident engaged in, work on or alongside a road, being work concerned with the construction, demolition, alteration, repair or maintenance of-
 - (i) the road or the markings or equipment thereon;
 - (ii) the verges, fences, hedges or other boundaries of the road;
 - (iii) pipes or cables on, under, over or adjacent to the road; or
 - (iv) buildings or structures adjacent to or over the road; or
 - (d) was killed or suffered an injury as a result of an accident involving a train.
- (3) The requirements of rules 3, 4 and 5 relating to any death, injury or case of disease shall not apply to a member of the armed forces or of a visiting force who was on duty at the relevant time.
- (4) Rules 3, 4 and 5 shall not apply otherwise than in respect of offshore workplaces to anything which is required to be notified under any of the enactments or instruments specified in rule 9.
- (5) Rule 3(1)(i) shall not apply to a self-employed person who is injured at premises of which he is the owner or occupier, but rule 3(1)(ii) shall apply to such a self-employed person (other than in the case of death) and it shall be sufficient compliance with that sub-paragraph if that self-employed person makes arrangements for the report to be sent to the Authority by some other person.

Major Injuries

11.-(1) Major injuries sustained in the process of work in

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- Provisions any workplace shall be categorized and reported in a prescribed manner and in a prescribed form as:-
- (2) Any fracture, other than to the fingers, thumbs or toes.
 - (3) Any amputation.
 - (4) Dislocation of the shoulder, hip, knee or spine.
 - (5) Loss of sight (whether temporary or permanent).
- A chemical or hot metal burn to the eye or any penetrating injury to the eye.
- (6) Any injury resulting from an electric shock or electrical burn (including any electrical burn caused by arcing or arcing products) leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours.
 - (7) Any other injury-
 - (a) leading to hypothermia, heat-induced illness or to unconsciousness,
 - (b) requiring resuscitation, or
 - (c) requiring admittance to hospital for more than 24 hours.
 - (8) Loss of consciousness caused by asphyxia or by exposure to a harmful substance or biological agent.
 - (9) Either of the following conditions which result from the absorption of any substance by inhalation, ingestion or through the skin-
 - (a) acute illness requiring medical treatment; or
 - (b) loss of consciousness.
 - (10) Acute illness which requires medical treatment where there is reason to believe that this resulted from exposure to a biological agent or its toxins or infected material.

PART II

DANGEROUS OCCURENCES PROVISIONS GENERAL

- Lifting machinery
12. The collapse of, the overturning of, or the failure of any load-bearing part of any-
 - (a) lift or hoist;
 - (b) crane or derrick;
 - (c) mobile powered access platform;
 - (d) access cradle or window-cleaning cradle;
 - (e) excavator;
 - (f) pile-driving frame or rig having an overall height, when operating, of more than 7 meters; or
 - (g) fork lift truck.

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| Pressure systems | 13. The failure of any closed vessel (including a boiler or boiler tube) or of any associated pipework, in which the internal pressure was above or below atmospheric pressure, where the failure has the potential to cause the death of any person. |
| Freight containers | 14. The failure of any freight container in any of its load-bearing parts while it is being raised lowered or suspended. |
| Overhead electric lines | 15. Any unintentional incident in which plant or equipment either-
(a) comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or
(b) causes an electrical discharge from such an electric line by coming into close proximity to it. |
| Electrical short circuit | 16. Electrical short circuit or overload attended by fire or explosion which results in the stoppage of the plant involved for more than 24 hours or which has the potential to cause the death of any person. |
| Explosives | 17. Any of the following incidents involving explosives-
(a) the unintentional explosion or ignition of explosives other than one-
(i) caused by the unintentional discharge of a weapon where, apart from that unintentional discharge, the weapon and explosives functioned as they were designed to do; or
(ii) where a fail-safe device or safe system of work functioned so as to prevent any person from being injured in consequence of the explosion or ignition;
(b) a misfire (other than one at a mine or quarry or inside a well or one involving a weapon) except where a fail-safe device or safe system of work functioned so as to prevent any person from being endangered in consequence of the misfire;
(c) the failure of the shots in any demolition operation to cause the intended extent of collapse or direction of fall of a building or structure;
(d) the projection of material (other than at a quarry) beyond the boundary of the site on which the |

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explosives are being used or beyond the danger zone in circumstances such that any person was or might have been injured thereby;

- (e) any injury to a person (other than at a mine or quarry or one otherwise reportable under these Rules) involving first-aid or medical treatment resulting from the explosion or discharge of any explosives or detonator.

(2) In this paragraph "explosives" means any substance capable of releasing energy in a rapid and uncontrolled manner to give rise to explosions and "danger zone" means the area from which persons have been excluded or forbidden to enter to avoid being endangered by any explosion or ignition of explosives.

Biological agents

18. Any accident or incident which resulted or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.

Malfunction of radiation generators

19. Any incident in which-

- (a) the malfunction of a radiation generator or its ancillary equipment used in fixed or mobile industrial radiography, the irradiation of food or the processing of products by irradiation, causes it to fail to de-energize at the end of the intended exposure period; or
- (b) the malfunction of equipment used in fixed or mobile industrial radiography or gamma irradiation causes a radioactive source to fail to return to its safe position by the normal means at the end of the intended exposure period.

Breathing apparatus

20. Any incident in which breathing apparatus malfunctions-

- (a) while in use, or
- (b) during testing immediately prior to use in such a way that had the malfunction occurred while the apparatus was in use it would have posed a danger to the health or safety of the user.

Diving operations

21. Any of the following incidents in relation to a diving operation-

- (a) the failure or the endangering of-
 - (i) any lifting equipment associated with the

- diving operation, or
 - (ii) life support equipment, including control panels, hoses and breathing apparatus, which puts a diver at risk;
 - (b) any damage to, or endangering of, the dive platform, or any failure of the dive platform to remain on station, which puts a diver at risk;
 - (c) the trapping of a diver;
 - (d) any explosion in the vicinity of a diver; or
 - (e) any uncontrolled ascent or any omitted decompression which puts a diver at risk.
- Collapse of scaffolding
22. The complete or partial collapse of-
- (a) any scaffold which is—
 - (i) more than 2.5 meters in height which results in a substantial part of the scaffold falling or overturning; or
 - (ii) erected over or adjacent to water in circumstances such that there would be a risk of drowning to a person falling from the scaffold into the water; or
 - (b) the suspension arrangements (including any outrigger) of any slung or suspended scaffold which causes a working platform or cradle to fall.
- Wells
23. Any of the following incidents in relation to a well (other than a well sunk for the purpose of the abstraction of water)—
- (a) a blow-out (that is to say an uncontrolled flow of well-fluids from a well);
 - (b) the coming into operation of a blow-out prevention or diversion system to control a flow from a well where normal control procedures fail;
 - (c) the detection of hydrogen sulphide in the course of operations at a well or in samples of well-fluids from a well where the presence of hydrogen sulphide in the reservoir being drawn on by the well was not anticipated by the responsible person before that detection;
 - (d) the taking of precautionary measures additional to any contained in the original drilling programme following

failure to maintain a planned minimum separation distance between wells drilled from a particular installation; or

- (e) the mechanical failure of any safety critical element of a well (and for this purpose the safety critical element of a well is any part of a well whose failure would cause or contribute to, or whose purpose is to prevent or limit the effect of, the unintentional release of fluids from a well or a reservoir being drawn on by a well).

Pipelines or pipeline works

24. The following incidents in respect of a pipeline or pipeline works-

- (a) the uncontrolled or accidental escape of anything from, or inrush of anything into, a pipeline which has the potential to cause the death of, major injury or damage to the health of any person or which results in the pipeline being shut down for more than 24 hours;
- (b) the unintentional ignition of anything in a pipeline or of anything which, immediately before it was ignited, was in a pipeline;
- (c) any damage to any part of a pipeline which has the potential to cause the death of, major injury or damage to the health of any person or which results in the pipeline being shut down for more than 24 hours;
- (d) any substantial and unintentional change in the position of a pipeline requiring immediate attention to safeguard the integrity or safety of a pipeline;
- (e) any unintentional change in the subsoil or seabed in the vicinity of a pipeline which has the potential to affect the integrity or safety of a pipeline;
- (f) any failure of any pipeline isolation device, equipment or system which has the potential to cause the death of, major injury or damage to the health of any person or which results in the pipeline being shut down for more than 24 hours; or
- (g) any failure of equipment involved with pipeline works which has the potential to cause the death of, major injury or damage to the health of any person.

PART III

DANGEROUS OCCURRENCES WHICH ARE REPORTABLE
EXCEPT IN RELATION TO OFFSHORE WORK PLACES

Collapse of building or structure

25. Any unintended collapse or partial collapse of-
- (a) any building or structure (whether above or below ground) under construction, reconstruction, alteration or demolition which involves a fall of more than 5 tons of material;
 - (b) any floor or wall of any building (whether above or below ground) used as a place of work; or
 - (c) any false-work.

Explosion or fire

26.-(1) An explosion or fire occurring in any plant or premises which results in the stoppage of that plant or as the case may be the suspension of normal work.

Escape of flammable substances

- 27.-(1) The sudden, uncontrolled release
- (a) inside a building of-
 - (i) 100 kilograms or more of a flammable liquid,
 - (ii) 10 kilograms or more of a flammable liquid at a temperature above its normal boiling point,or
 - (iii) 10 kilograms or more of a flammable gas; or
 - (b) in the open air, of 500 kilograms or more of any of the substances referred to in sub-paragraph (a) above.

Escape of substances

28. The accidental release or escape of any substance in a quantity sufficient to cause the death, major injury or any other damage to the health of any person.

PART IV

DANGEROUS OCCURRENCES WHICH ARE
REPORTABLE IN RELATION TO MINES

Fire or ignition of gas

- 29.-(1) The ignition, below ground, of any gas (other than gas in a safety lamp) or of any dust.
- (2) The accidental ignition of any gas in part of a firedamp drainage system on the surface or in an exhauster house.
 - (3) The outbreak of any fire below ground.
 - (4) An incident where any person in consequence of any smoke or any other indication that a fire may have broken out

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- below ground.
- (5) The outbreak of any fire on the surface which endangers the operation of any winding or haulage apparatus installed at a shaft or unworkable outlet or of any mechanically operated apparatus for producing ventilation below ground.
- Escape of gas 30. Any violent outburst of gas together with coal or other solid matter into the mine workings except when such outburst is caused intentionally.
- Failure of plant or equipment 31.-(1) The breakage of any rope, chain, coupling, balance rope, guide rope, suspension gear or other gear used for or in connection with the carrying of persons through any shaft or staple shaft.
- (2) The breakage or unintentional uncoupling of any rope, chain, coupling, rope tensioning system or other gear used for or in connection with the transport of persons below ground, or breakage of any belt, rope or other gear used for or in connection with a belt conveyor designated by the mine manager as a man-riding conveyor.
- (3) An incident where any conveyance being used for the carriage of persons is overcrowded; or any conveyance not being so used is overcrowded and becomes detached from its winding rope; or any conveyance operated by means of the friction of a rope on a winding sheave is brought to rest by the apparatus provided in the head frame of the shaft or in the part of the shaft below the lowest landing for the time being in use, being apparatus provided for bringing the conveyance to rest in the event of its being overcrowded.
- (4) The stoppage of any ventilating apparatus (other than an auxiliary fan) which causes a substantial reduction in ventilation of the mine lasting for a period exceeding 30 minutes, except when for the purpose of planned maintenance.
- (5) The collapse of any head frame, winding engine house, fan house or storage bunker.
- Breathing apparatus 32. At any mine an incident where-
- (a) breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self-rescuer, while being used, fails to function safely or develops a defect likely to affect its safe working; or
- (b) immediately after using and arising out of the use of

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breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self-rescuer, any person receives first-aid or medical treatment by reason of his unfitness or suspected unfitness at the mine.

Injury by explosion of blasting material

33. An incident in which any person suffers an injury (not being a major injury or one reportable under rule 3(2)) which results from an explosion or discharge of any blasting material or device for which he receives first-aid or medical treatment at the mine

Use of emergency escape apparatus

34. An incident where any apparatus is used (other than for the purpose of training and practice) which has been provided at the mine or where persons leave the mine when apparatus and equipment normally used by persons to leave the mine is unavailable

Inrush of gas or water

35.-(1) Any inrush of noxious or flammable gas from old workings.

(2) Any inrush of water or material which flows when wet from any source.

Insecure tip

36. Any movement of material or any fire or any other event which indicates that a tip is or is likely to become insecure.

Falls of ground

37. Any fall of ground, not being part of the normal operations at a mine, which results from a failure of an underground support system and prevents persons travelling through the area affected by the fall or which otherwise exposes them to danger.

PART V

DANGEROUS OCCURRENCES WHICH ARE REPORTABLE
IN RELATION TO QUARRIES

Collapse of storage bunkers

38. The collapse of any storage bunker.

Sinking of craft

39. The sinking of any water-borne craft or hovercraft.

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- Injuries 40. An incident in which any person suffers an injury (not otherwise reportable under these Rules) which results from an explosion or from the discharge of any explosives for which he receives first-aid or medical treatment at the quarry.
- Projection of substances outside quarry 41. Any incident in which any substance is ascertained to have been projected beyond a quarry boundary as a result of blasting operations in circumstances in which any person was or might have been endangered.
- Misfires 42. Any misfire, that occur in a Quarry.
- Insecure tips 43. Any event (including any movement of material or any fire) which indicates that a tip is or is likely to become insecure.
- Movement of slopes or faces 44. Any movement or failure of an excavated slope or face which-
- (a) has the potential to cause the death of any person; or
 - (b) adversely affects any building, contiguous land, transport system, footpath, public utility or service, watercourse, reservoir or area of public access.
- Explosions or fires in vehicles or plant 45.-(1) Any explosion or fire occurring in any large vehicle or mobile plant which results in the stoppage of that vehicle or plant for more than 24 hours and which affects-
- (a) any place where persons normally work; or
 - (b) the route of egress from such a place.
- means-
- (2) In this paragraph, "large vehicle or mobile plant"
 - (a) a dump truck having a load capacity of at least 50 tones; or
 - (b) an excavator having a bucket capacity of at least 5 cubic meters.

PART VI
DANGEROUS OCCURRENCES WHICH ARE REPORTABLE
IN RESPECT OF AN OFFSHORE WORKPLACE

- Release of petroleum 46. Any unintentional release of petroleum hydrocarbon on or from an offshore installation which—

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hydrocarbon

- (a) results in—
 - (i) a fire or explosion; or
 - (ii) the taking of action to prevent or limit the consequences of a potential fire or explosion; or
- (b) has the potential to cause death or major injury to any person.

Fire or explosion

47. Any fire or explosion at an offshore installation, other than one to which regulation 60 applies, which results in the stoppage of plant or the suspension of normal work.

Release or escape of dangerous substances

48. The uncontrolled or unintentional release or escape of any substance (other than petroleum hydrocarbon) on or from an offshore installation which has the potential to cause the death of, major injury to or damage to the health of any person.

Collapses

49. Any unintended collapse of any offshore installation or any unintended collapse of any part thereof or any plant thereon which jeopardies the overall structural integrity of the installation.

Dangerous occurrences

50. Any of the following occurrences having the potential to cause death or major injury—

- (a) the failure of equipment required to maintain a floating offshore installation on station;
- (b) the dropping of any object on an offshore installation or on an attendant vessel or into the water adjacent to an installation or vessel; or
- (c) damage to or on an offshore installation caused by adverse weather conditions.

Collisions

51.-(1) Any collision between a vessel or aircraft and an offshore installation which results in damage to the installation, the vessel or the aircraft.

(2) Any occurrence with the potential for a collision between a vessel and an offshore installation where, had a collision occurred, it would have been liable to jeopardies the overall structural integrity of the offshore installation.

Subsidence or collapse of seabed

52. Any subsidence or local collapse of the seabed likely to affect the foundations of an offshore installation or the overall structural integrity of an offshore installation

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- | | |
|-------------------------------------|---|
| Loss of
stability or
buoyancy | 53. Any incident involving loss of stability or buoyancy of
a floating offshore installation. |
| Evacuation | 54. Any evacuation (other than one arising out of an
incident reportable under any other provision of these Rules) of an
offshore installation, in whole or part, in the interests of safety. |
| Falls into
water | 55. Any case of a person falling more than 2 meters into
water (unless the fall results in death or injury required to be
reported under sub-paragraphs (a)—(d) of rule 3(1)). |

FIRST SCHEDULE

(Made under rule 5(2))

LIST OF REPORTABLE OCCUPATIONAL DISEASES

1. Occupational diseases caused by exposure to agents arising from work activities

1.1 Diseases caused by chemical agents

- 1.1.1. Diseases caused by beryllium or its compounds
- 1.1.2 Diseases caused by cadmium or its compounds
- 1.1.3 Diseases caused by phosphorus or its compounds
- 1.1.4 Diseases caused by chromium or its compounds
- 1.1.5 Diseases caused by manganese or its compounds
- 1.1.6 Diseases caused by arsenic or its compounds
- 1.1.7 Diseases caused by mercury or its compounds
- 1.1.8 Diseases caused by lead or its compounds
- 1.1.9 Diseases caused by fluorine or its compounds
- 1.1.10 Diseases caused by carbon disulfide
- 1.1.11 Diseases caused by halogen derivatives of aliphatic or aromatic hydrocarbons
- 1.1.12 Diseases caused by benzene or its homologues
- 1.1.13 Diseases caused by nitro- and amino-derivatives of benzene or its homologues
- 1.1.14 Diseases caused by nitroglycerine or other nitric acid esters
- 1.1.15 Diseases caused by alcohols, glycols or ketones
- 1.1.16 Diseases caused by asphyxiants like carbon monoxide, hydrogen sulfide, hydrogen cyanide or its derivatives.
- 1.1 17 Diseases caused by acrylonitrile

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- 1.1.18 Diseases caused by oxides of nitrogen
- 1.1.19 Diseases caused by vanadium or its compounds
- 1.1.20 Diseases caused by antimony or its compounds
- 1.1.21 Diseases caused by hexane
- 1.1.22 Diseases caused by mineral acids
- 1.1.23 Diseases caused by pharmaceutical agents
- 1.1.24 Diseases caused by nickel or its compounds
- 1.1.25 Diseases caused by thallium or its compounds
- 1.1.26 Diseases caused by osmium or its compounds
- 1.1.27 Diseases caused by selenium or its compounds
- 1.1.28 Diseases caused by copper or its compounds
- 1.1.29 Diseases caused by platinum or its compounds
- 1.1.30 Diseases caused by tin or its compounds
- 1.1.31 Diseases caused by zinc or its compounds
- 1.1.32 Diseases caused by phosgene
- 1.1.33 Diseases caused by corneal irritants like benzoquinone
- 1.1.34 Diseases caused by ammonia
- 1.1.35 Diseases caused by isocyanates
- 1.1.36 Diseases caused by pesticides

In the application of this list the degree and type of exposure and the work or occupation involving a particular risk of exposure should be taken into account when appropriate.

- 1.1.37 Diseases caused by sulphur oxides
- 1.1.38 Diseases caused by organic solvents
- 1.1.39 Diseases caused by latex or latex-containing products
- 1.1.40 Diseases caused by chlorine

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1.1.41 Diseases caused by other chemical agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these chemical agents arising from work activities and the disease(s) contracted by the worker.

1.2 Diseases caused by physical agents

1.2.1. Hearing impairment caused by noise

1.2.2 Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).

1.2.3 Diseases caused by compressed or decompressed air

1.2.4 Diseases caused by ionizing radiations

1.2.5 Diseases caused by optical (ultraviolet, visible light, infrared) radiations including laser

1.2.6 Diseases caused by exposure to extreme temperatures

1.2.7 Diseases caused by other physical agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these physical agents arising from work activities and the disease(s) contracted by the worker.

1.3 Biological agents and infectious or parasitic diseases

1.3.1 Brucellosis

1.3.2 Hepatitis viruses

1.3.3 Human immunodeficiency virus (HIV)

1.3.4 Tetanus

1.3.5 Tuberculosis

1.3.6 Toxic or inflammatory syndromes associated with bacterial or fungal contaminants

1.3.7 Anthrax

1.3.8 Leptospirosis

1.3.9 Diseases caused by other biological agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to

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national conditions and practice, between the exposure to these biological agents arising from work activities and the disease(s) contracted by the worker.

2. Occupational diseases by target organ systems

2.1 Respiratory diseases

2.1.1 Pneumoconioses caused by fibrogenic mineral dust (silicosis, anthraco-silicosis, asbestosis).

2.1.2 Silicotuberculosis

2.1.3 Pneumoconioses caused by non-fibrogenic mineral dust

2.1.4 Siderosis

2.1.5 Bronchopulmonary diseases caused by hard-metal dust

2.1.6 Bronchopulmonary diseases caused by dust of cotton (byssinosis), flax, hemp, sisal or sugar cane (bagassosis).

2.1.7 Asthma caused by recognized sensitizing agents or irritants inherent to the work process

2.1.8 Extrinsic allergic alveolitis caused by the inhalation of organic dusts or microbially contaminated aerosols, arising from work activities.

2.1.9 Chronic obstructive pulmonary diseases caused by inhalation of coal dust, dust from stone quarries, wood dust, dust from cereals and agricultural work, dust in animal stables, dust from textiles, and paper dust, arising from work activities.

2.1.10 Diseases of the lung caused by aluminium

2.1.11 Upper airways disorders caused by recognized sensitizing agents or irritants inherent to the work process.

2.1.12 Other respiratory diseases not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the disease(s) contracted by the worker.

2.2 Skin diseases

2.3.1 Allergic contact dermatoses and contact urticaria caused by other recognized allergy-provoking agents arising from work activities not included in other items.

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- 2.2.2 Irritant contact dermatoses caused by other recognized irritant agents arising from work activities not included in other items.
- 2.2.3 Vitiligo caused by other recognized agents arising from work activities not included in other items.
- 2.2.4 Other skin diseases caused by physical, chemical or biological agents at work not included under other items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the skin disease(s) contracted by the worker.

2.3 Musculoskeletal disorders

- 2.3.1 Radial styloid tenosynovitis due to repetitive movements, forceful exertions and extreme postures of the wrist
- 2.3.2 Chronic tenosynovitis of hand and wrist due to repetitive movements, forceful exertions and extreme postures of the wrist.
- 2.3.3 Olecranon bursitis due to prolonged pressure of the elbow region
- 2.3.4 Prepatellar bursitis due to prolonged stay in kneeling position
- 2.3.5 Epicondylitis due to repetitive forceful work
- 2.3.6 Meniscus lesions following extended periods of work in a kneeling or squatting position
- 2.3.7 Carpal tunnel syndrome due to extended periods of repetitive forceful work, work involving vibration, extreme postures of the wrist, or a combination of the three.
- 2.3.8 Other musculoskeletal disorders not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the musculoskeletal disorder(s) contracted by the worker.

2.4 Mental and behavioural disorders

- 2.4.1 Post-traumatic stress disorder
- 2.4.2 Other mental or behavioural disorders not mentioned in the preceding item where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the mental and behavioural disorder(s) contracted by the worker.

3. Occupational cancer

3.1. Cancer caused by the following agents

- 3.1.1 Asbestos
- 3.1.2 Benzidine and its salts
- 3.1.3 Bis-chloromethyl ether (BCME)
- 3.1.4 Chromium VI compounds
- 3.1.5 Coal tars, coal tar pitches or soots
- 3.1.6 Beta-naphthylamine
- 3.1.7 Vinyl chloride
- 3.1.8 Benzene
- 3.1.9 Toxic nitro- and amino-derivatives of benzene or its homologues
- 3.1.10 Ionizing radiations
- 3.1.11 Tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances
- 3.1.12 Coke oven emissions
- 3.1.13 Nickel compounds
- 3.1.14 Wood dust
- 3.1.15 Arsenic and its compounds
- 3.1.16 Beryllium and its compounds
- 3.1.17 Cadmium and its compounds
- 3.1.18 Erionite
- 3.1.19 Ethylene oxide
- 3.1.20 Hepatitis B virus (HBV) and hepatitis C virus (HCV)
- 3.1.21 Cancers caused by other agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these agents arising from work activities and the cancer(s) contracted by the worker

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4. Other diseases

4.1 Miners' nystagmus

4.2 Other specific diseases caused by occupations or processes not mentioned in this list where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure arising from work activities and the disease(s) contracted by the worker.

SECOND SCHEDULE

(Made under rule 3(2))

INCIDENTS AND OCCUPATIONAL DISEASE NOTIFICATION	OSHA 1
THIS FORM IS MADE UNDER SECTION 40 OF THE ACT No. 5 of 1988. IT SHALL BE FILLED BY AN EMPLOYEE OR OTHER RESPONSIBLE PERSON AND SUBMITTED TO THE CHIEF INSPECTOR WITHIN SEVEN DAYS	
<p>A- Particulars of the Workplace (Maelezo ya Eneo la Kazi) 1. Name of the workplace (Jina la eneo la kazi): _____</p> <p>2. Postal address (Anuani ya Posta): _____</p> <p>3. Location of the workplace (Mahaali lilipo eneo la kazi): _____</p> <p>4. Telephone No. (Simu): _____</p>	<p><input type="checkbox"/> Nerves or spinal cord (Neva au ugwae mgonogo)</p> <p><input type="checkbox"/> Mental disorder (Maratizo ya akili)</p> <p>Any other, please specify (Ingeme, tafadhali taja): _____</p>
<p>B- Particulars of the Affected Person (Maelezo Binafsi ya Mfanyakazi/Mgonjwa/Marehemu) 5. Name of the person involved in the incident (Jina la mhusika): _____</p> <p>6. Title (Cheo): _____</p> <p>7. Date of birth (Tarehe ya kuzaliwa): _____</p> <p>Sex: M/F (Jinsia: Me/Ke): <input type="checkbox"/> <input type="checkbox"/></p> <p>8. Period of employment (Kipindi cha utumishi): _____</p> <p>9. Date/time of incident (Tarehe/muda wa tukio): _____</p> <p>10. Location where the incident happened (Jina la sehemu ya tukio): _____</p> <p>11. The affected person is (tick-V) (Mhusika ni (weka V)): <input type="checkbox"/> An employee (Mwajiri) <input type="checkbox"/> An employer (Mvugiri) <input type="checkbox"/> Self employed (Wtu alyevitajiri) <input type="checkbox"/> Other (Ingeme): _____</p>	<p><input type="checkbox"/> Biological factors (Tijidada ya mgonjwa)</p> <p><input type="checkbox"/> Contact with electricity/ electrical discharge (Shoti ya umeme)</p> <p><input type="checkbox"/> Drowned or asphyxiated (Kuzama au kukosa hewa)</p> <p><input type="checkbox"/> Injured by an animal (Kujeruhwa na mnyama)</p> <p><input type="checkbox"/> Exposed to an explosion (Mipuko)</p> <p>Other kind of incident, please mention (Ingeme, tafadhali taja): _____</p>
<p>C- Mechanism of Event (Chanzo cha Tukio/Ajali) 12. (tick-V) (weka V) <input type="checkbox"/> Fall, trip or slip (Kuanguka, kujikwa au kuteleza) <input type="checkbox"/> Hitting objects (Kujigonga kwenye kitu) <input type="checkbox"/> Sound or pressure (Mto mkali au mgandamizo) <input type="checkbox"/> Body stressing (Kibamba na kitu/shinikizo) <input type="checkbox"/> Heat, radiation or energy (Joto, mionzi au nishati) <input type="checkbox"/> Being hit by moving objects (Kujigongwa na kitu) <input type="checkbox"/> Mental stress (Msongo wa manwazo)</p>	<p>E- Description of the Incident (Maelezo ya Tukio) 14. Describe briefly, or you may attach separate sheet(s) (Fafanua kwa kifupi, au ambatanisha karatasi ya maelezo): _____ _____ _____ _____ _____</p> <p>F- Treatment of the Affected Person (Matibabu) 15. Type of treatment provided (Matibabu yaliyotolewa): <input type="checkbox"/> None (Hakuna) <input type="checkbox"/> First Aid (Huduma ya kwanza) <input type="checkbox"/> Sent to Doctor (Karibwa) <input type="checkbox"/> Hospitalized (Kulazwa)</p> <p>G- Notification to Chief Inspector (Tariifa kwa Mungazi Mkuu) 16. Name and position of the person reporting the event (Jina na cheo cha anayetoa tariifa ya tukio): _____ _____ _____ Signature (Saini): _____ Date (Tarehe): _____</p>

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Dar es Salaam
16th September, 2016

JENISTA J. MHAGAMA
*Minister of State, Prime
Minister's Office, (Policy, Parliamentary
Affairs, Labour, Youth, Employment
and Persons with Disability)*