



# **SAFETY AND HEALTH EMPLOYEE HANDBOOK**

**Ensuring a safe Workplace**

**Kakuzi Safety and health Employee Handbook**  
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## **I. Introduction**

In compliance with the requirement of providing a safe workplace, Kakuzi PLC has effectively discharged her statutory duties by preparing and putting in place a Safety and Health Program. A Safety and Health Policy and associated employee handbook, outline Kakuzi’s Safety and Health arrangements and organizational structure in place to ensure a safe workplace. The handbook also ensures that employees understand the compensation process and requirements as provided by Kenyan law.

## **II. Safety and Health Policy Statement**

- Kakuzi PLC is committed to ensuring the safety, health and welfare of its employees in as far as is reasonably practicable and in accordance with the law.
- To this end, all employees are encouraged to read and get familiar with the policy and other relevant instructions on our Safety and Health noticeboards.

## **III. Environmental Policy Statement**

- It is the policy of Kakuzi PLC to be sensitive to the impact of agribusiness on the environment and to protect and enhance the biodiversity on its property. We are committed to preventing pollution and to complying with all relevant environmental legislations, regulations and requirements.
- On their part, all employees are encouraged to be responsible stewards of our environment.

## **IV. Relevant Legislation**

### **A. Occupational Safety and Health Act, 2007**

This hand book is both consistent and in line with the Occupational Safety and Health Act, 2007. An act of Parliament that provides for the safety, health and welfare of workers and all persons lawfully present at workplaces against risks to safety and health arising out of, or in connection with, the activities of persons at work.

### **B. The Work Injuries Benefit Act, 2007**

This hand book is also consistent and in line with the Work Injuries Benefit Act, 2007; an Act of Parliament that provides for compensation to employees for work related injuries and diseases contracted in the course of their employment and for connected purposes.

The following are the salient points relating to the above Acts

#### **1. Responsibilities of the Directorate of Occupational Health and Safety**

Director of Occupational Safety and Health Services is responsible for the administration of the Safety and Health Act including but not limited to;

- shall promote education and training in occupational safety and health;
- shall collect and disseminate information on occupational safety and health;
- shall promote occupational safety and health in all workplaces and in the community to encourage a safety and health culture in workplaces;

- may conduct training for enterprises, self-employed persons, individuals and occupational safety and health officers;
- may after consultation with the technical advisory committee, approve in writing training institutions providing occupational safety and health training.
- Collection, of occupation safety and health statistics.
- Research and related activities.

## **2. Employer Responsibilities**

- To ensure the safety, health and welfare at work of all persons working in his workplace;
- To provide and maintain systems and procedures of work that are safe and without risks to health;
- To ensure safety and absence of risks to health in connection with the use, handling, storage and transportation of articles and substances;
- To inform all persons employed of any risks and imminent danger from new technologies;
- To provide information, instructions, training and supervision as is necessary to ensure the safety and health at work of every person employed;
- To maintain the workplace in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks to health.

- To carry out appropriate risk assessments
- To stop any operation or activity where there is an imminent and serious danger to safety and health and to evacuate all persons employed as appropriate.
- To maintain a work injury benefits insurance policy (WIBA) .
- To ensure registration with the Director of Occupational Safety and Health Services and to provide him/her with prescribed particulars of the business or additional particulars as the Director may require.
- To keep extensive records of earnings and all other particulars of the employee.

### **3. Obligations of employees**

- To ensure his/her own safety and health and that of other persons who may be affected by his acts or omissions at the workplace;
- To co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made hereunder;
- To at all times properly wear or use any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health;
- To comply with the safety and health procedures, requirements and instructions given by a person having authority over him for his own or any other person's safety



- To report to the supervisor, any situation which he has reason to believe would present a hazard and which he cannot correct;
- To report to his supervisor any accident or injury that arises in the course of or in connection with his work; and
- With regard to any duty or requirement imposed on his employer or any other person by or under any other relevant statutory provision, to co-operate with the employer or other persons to enable that duty or requirement to be performed or complied with.

## **V. Employee information**

Information regarding safety and health requirement is provided in a number of ways:-

- Employees are provided with a copy of the ‘Employee handbook’.
- The DOSHS “Safety and Health Abstract” –is displayed in prominent positions in all our workplaces. This abstract is complete with Occupational Safety and Health Requirements at the workplace.
- Employees have access to our Safety and Health Management Plan that contains all relevant information with regard to recording and monitoring procedures.
- Training Sessions
- Health and safety policy

## **VI. Reporting and investigating accidents**

- Every employee to report to the immediate supervisor / line

manager any situation however minor which the employee has reasonable grounds to believe presents an imminent or serious danger to the safety or health of that employee or of other employees in the same premises.

- All injuries however minor, to be reported to the first aider and line manager for treatment / referral and recording in the injuries book.
- Every employee to use correctly and not willfully interfere with, or recklessly misuse any tools, appliances, conveniences, or other facilities provided in pursuance of safety, health and welfare at work.
- Every employee to ensure that he/she does not willfully endanger his/her life or that of any other person, or the environment by his or her irresponsible action.
- An employee who has left a work place, which the employee has reasonable justification to believe present, eminent and serious danger to life and health; shall not be dismissed, discriminated against or disadvantaged for such an action by the employer.
- An employer shall notify an occupational safety and health officer of any accident, dangerous occurrence or occupational poisoning which has occurred at the work place.
- Fatal accidents must be investigated by the employer and reported to the Directorate of Occupational Safety and Health (DOSHS) verbally or in writing within 24 hrs of occurrence while other injuries, accidents, dangerous occurrences or occupational poisoning must be reported within 7 days.

## **VII. Access and Egress**

Safe access and egress includes movement of persons, equipment and vehicles into, around and out of the place of work.

### **Associated hazards**

- Slips, trips and falls.
- Falling objects.
- Vehicle movement.
- Uneven/obstructed floor.
- Trailing cables.
- Opening in the floor.
- Unsuitable/insufficient lighting.

### **Employer's responsibility**

- Provide and maintain safe means of access and egress to every place at which a person, has at any time, to work.
- Ensure all floors, steps, stairs, passages and gangways in a workplace shall be of sound construction and be properly maintained.
- Ensure there is sufficient clear and unobstructed space maintained at every machine while in motion to enable the work to be carried on without unnecessary risk.
- Ensure that all means of exit are not locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

### **Employee's responsibilities**

- To follow advice and information given by the employer in relation to safe access and egress.

- To regularly check that there is sufficient space to move about their work area freely and where necessary report any problems.
- To report any situation to the employer where safe access and egress is restricted or obstructed so that arrangements for the appropriate remedial action can be taken.

### **VIII. Alcohol, Drugs and Substance use and abuse**

There is evidence that the effects of drinking or drug use or abuse can reduce personal performance and potentially increase absence rates and compromise safety. Any form of drug or alcohol related problem is a very serious matter and, in some circumstances, may be a criminal offence.

#### **Associated hazards**

- Impairment of co-ordination.
- Inability to drive or use equipment safely.
- Lack of awareness, judgment and sense of danger.

#### **Counseling/ Rehabilitation programme**

The employer shall consider that workers who have problems with alcohol and drugs use may be suffering from a health problem. In such circumstances, the employer will offer counselling and rehabilitation alternatives before consideration is given to the imposition of disciplinary measures. Employees who abuse alcohol and substance shall be taken through a rehabilitation program on the **company's**

#### **Substance and Alcohol Substance Abuse program**

## **Disciplinary procedures**

- If an alcohol or drug related problem comes to light that results in unacceptable behavior or performance it may be dealt with in accordance with the Employment Act 2007 and the Collective Bargaining Agreement our disciplinary procedures and may result to dismissal.

## **Employer's responsibility**

- Prepare a written alcohol and substance abuse policy statement that: provides information on the dangers of alcohol and drug abuse, lists what is prohibited and the consequences of violating the policy. Bring the statement to the notice of all the employees
- Providing information, education and training on; policy statement, substance abuse and addiction, available assistance and counseling.
- Ensure that employees with substance abuse disorders are not being discriminated against and should access healthcare services similar to employees with other health problem.
- Assist the employee in finding a treatment provider
- Take appropriate measures in respect of workers with alcohol and drug-related problems which affect, or which could reasonably be expected to affect, their work performance.

## **Employee's responsibilities**

### **Employees must: -**

- Not attend work at any time whilst under the detrimental influence of alcohol or drugs.

- Seek help voluntarily from Management/medical team if they recognise they have an alcohol or drug related problem.
- Advise the employer if they are aware that a colleague has an alcohol or drug related problem, that is affecting their work. This will ensure that the employee receives the necessary support and assistance needed.
- Respect all laws and regulations applicable to alcohol and drugs in the workplace
- Cooperate with the employer to prevent accidents at work due to harmful use of alcohol or abuse of drugs
- Cooperate with the employer to maintain safety and health in the workplace and bring to the attention of the employer conditions in the work place that may encourage, incite, or lead to alcohol and drug related problems.

## **IX. Fire Safety**

Fire prevention is an important obligation for all businesses. Kakuzi has a responsibility for ensuring the health, safety and welfare of all employees and others who may have access to the workplace. These general duties include safety in relation to fire hazards, both from the work processes and activities, as well as general fire safety in the workplace.

In order to achieve this, appropriate fire prevention, protection, precautionary and evacuation measures have been taken in compliance with the relevant fire legislation and recognised good practice standards.

## **Associated hazards**

- Flames and heat.
- Smoke and toxic fumes.
- Reduced oxygen.
- Collapse of buildings.

## **Employer's responsibility**

- Provide and maintain appropriate firefighting appliances
- Provide training on correct use of firefighting appliances and actions to take in the event of fire
- Maintain a team of fire marshals and provide appropriate training for them
- Provide adequate means of escape which are marked distinctively, in case of fire, for the persons employed therein, having regard to the circumstances of each case. Ensure means of escape are properly maintained and kept free from obstruction.
- Ensure fire drills are conducted at least once in every period of twelve months
- Design emergency response and evacuation procedures to be used during any emergency and have the procedures tested at regular intervals.
- Provide measures to deal with emergencies and accidents including adequate first aid arrangements
- Ensure that fire exit doors for the persons employed therein are constructed to open outwards.

### **Employees are required to: -**

- Practice and promote fire prevention.
- Raise the alarm on discovery of a fire.
- Report any concerns regarding fire safety to management, so that any shortfalls can be investigated and remedial action taken.
- Receive basic training in the action to take in the event of fire.
- Follow instructions and training in relation to fire safety in the workplace.
- Co-operate with management arrangements for fire prevention in the workplace.
- Accept individual responsibility to take reasonable care for fire safety of themselves and for any other person who may be affected by their acts or omissions.

**Kakuzi does not expect employees to fight fires, however, extinguishing action can be undertaken if it is safe to do so and you have been trained.**

### **X. First Aid**

People at work can sustain an injury or become ill and it is important that they receive immediate attention and that an ambulance is called in serious situations. The provision of adequate first aid cover is essential; it can save lives and prevent minor injuries becoming major ones.

### **Associated hazards**

- Bodily injuries: blows, impact, crushing, stabs, cuts, grazes, scalds, falls.
- Nature of illnesses: asthma, diabetes, epilepsy etc.



### **First-Aiders are responsible for:**

- Undertaking an appropriate training course and, if required, attending refresher courses annually.
- Ensuring that their First Aid at Work or Emergency First Aid at Work Certificate is kept up to date.
- Assessing the immediate situation where first aid is to be applied, acting without placing themselves or others in danger and making the area safe or evacuating the victim.
- Administering first aid as required and within their capabilities, managing the situation while waiting for medical assistance to arrive.
- Calling for the appropriate medical assistance and immediately informing the line manager of any accidents brought to his/her attention.
- Keeping first aid signs up to date and legible.
- Ensuring first aid kits are checked regularly and contents are in date.
- Notifying the line manager if there are any entries in the accident book.

### **Employee's responsibilities**

To reduce the risks of suffering personal injury or delay in getting treatment, employees must:-

- Co-operate with management arrangements for first aid in the workplace.
- Know the procedure for summoning help.

- Follow guidance or instruction given, to prevent injury or ill health.
- Report any hazardous or dangerous situations to the employer.

## **XI. Housekeeping**

Poor standards of housekeeping are a common cause of injury and damage at work and can create possible health hazards. Unsatisfactory housekeeping is often the result of poor working practices, lack of direct supervision and/or organizational deficiencies within the workplace.

### **Associated hazards**

- tripping over loose objects on floors, stairs and platforms
- being hit by falling objects
- slipping on greasy, wet or dirty surfaces
- striking against projecting, poorly stacked items or misplaced material
- cutting, puncturing, or tearing the skin of hands or other parts of the body on projecting nails, wire or steel strapping

### **Employer's responsibility**

- Ensure access to all exits (including ladders, staircases, scaffolds, and gangways), fire-alarm boxes, fire extinguishing equipment and fire call stations.
- Maintain walkways so that they provide adequate passage and are: Free from debris including solid and liquid waste; Clear of tools, materials, equipment, and other objects; and Free from trip hazards as a result of the improper storage or placement of hoses and electrical service cords.

- Ensure all goods are stored and stacked in such a manner that passageways, gangways or traffic lanes, fire extinguishing appliances are not obstructed.

### **Employee’s responsibilities**

- Co-operate with management arrangements for good housekeeping in the workplace.
- Follow any guidance and instruction given to prevent injury or ill health.
- Report to the employer any hazardous or dangerous situations.

### **XII. Information, instruction and training**

Preventing accidents and ill health caused by work is a key priority for Kakuzi PLC.

Safety and Health information, instruction and training help the company to ensure our employees are not injured or made ill by the work they do; promotes a positive safety culture, where safe and healthy working becomes second nature to everyone; and enables the company to meet its legal duty to protect the safety and health of our employees.

### **Employer’s responsibility**

- Instruct employees on procedures to report injuries, illnesses, incidents, and concerns
- Provide appropriate training to the workers on new equipment, technology, change in the technique of production/operation, change in equipment or materials and transfer or change of job

- Provide refresher trainings to enhance the knowledge of the employees
- Provide information by using color codes, posters, labels or signs to warn employees of potential hazards.
- Establish and update safe operating procedures/safe system of work and appropriately communicate with the workers
- Provide training on fire safety, actions to take in an event of fire and correct use of the firefighting equipment.
- Provide instructions to the contractors, those legally at the workplace on safety and health risks including emergency procedures and action to be taken in case of an emergency.

### **Employee's responsibilities**

- Cooperate with the company in relation to all training aspects.
- Attend any training courses that are identified as necessary.
- Follow training, guidance and instruction to prevent injury or ill health.
- Use appropriately, protective and safety equipment provided.
- Report to line manager any hazardous or dangerous situations.
- Co-operate with management arrangements for safety and health .

### **XIII. Manual handling duties/Injuries**

Manual handling injuries can occur wherever people are at work. Manual labour, awkward postures, manual materials handling and previous or existing injury are all risk factors implicated in the development of manual handling injuries.

## **Associated hazards**

- Sprains, strains.
- Hernias.
- Damage to the joints, ligaments, muscles and vertebrae.
- Slips, trips and falls.

## **Employer's responsibility**

- Ensure that workstations, equipment and work tasks are adapted to fit the employee and the employee's ability.
- Ensure machinery, equipment, personal protective equipment, appliances and hand tools used in all workplaces shall comply with the prescribed safety and health standards
- Develop a safe system of work/ safe operating procedures and communicate them to the workers
- Prohibit the employee not to engage in the manual handling or transportation of a load which by reason of its weight is likely to cause the employee to suffer bodily injury.
- Provide training on safe manual handling and lifting

## **Employee's responsibilities**

Employees involved with manual handling activity should:-

- Follow the safe system of work designed and introduced by the employer and should not deviate from this without consultation with line manager.
- Not undertake a dangerous manual handling activity when a reasonably practicable alternative exists.

- Use mechanical aids that have been provided for their use and for which they have been trained. Any faults with mechanical aids should be immediately reported to the employer.
- Assist the employer with the implementation of staff training, attend training sessions as required and should apply the knowledge gained from training to their daily work.
- Report all accidents, injuries and near misses involving handling activities – however trivial they may deem it is.
- Inform the employer if they are unable to undertake their normal manual handling duties because of injury, illness or any other condition.
- Not undertake any manual handling operation that they believe is beyond their capability.
- Report any unsafe systems of work to the employer.

#### **XIV. Personal protective equipment**

Personal Protective Equipment (PPE) is to be supplied (as per valid CBA) and used at work wherever there are risks to safety and health that cannot be adequately controlled in other ways. PPE will only be used as a last resort when preventative or other control measures cannot be applied.

#### **Associated hazards**

- Bodily injuries: - blows, impact, crushing, stabs, cuts, grazes, scalds, falling objects, falls from height.
- Health hazards: - dust, fumes, vapours, gases, bacteria, viruses, fungi.

- Noise.
- Vibration.
- Slipping/falling over.
- Electrical hazards.
- Non-ionising radiation.

### **Employer's responsibility**

- Provide appropriate personal protective equipment
- Train workers on proper use, maintenance and cleaning of personal protective equipment.
- Supervise to ensure that the issued personal protective equipment is working as required and the workers are utilizing them.
- Provide adequate storage for PPE
- Ensure regular replacement of PPE especially those with expiry dates and when they are worn out
- Train workers on proper disposal of disposable PPE.

### **Employee's responsibilities**

- Make full and proper use of all PPE that has been issued to them.
- Inspect all PPE before use to ensure that it is suitable, clean and undamaged.
- Report any defective PPE to the employer.

- Not undertake any work unless the correct personal protective equipment is being worn.
- Store PPE securely at all times.

## **XV. Electrical Safety**

Portable electrical appliances are found in our workplaces and include power tools, portable lighting, computer equipment, kitchen appliances, portable heaters and equipment such as cable extension leads.

### **Associated hazards**

- Shock or burns.
- Uncontrolled startup of equipment.
- Fire or explosion.
- Trips and falls.

### **Employer's responsibility**

- Ensure equipment has undergone all necessary safety checks before use.
- Provide all employees with adequate training and information on electrical safety.
- Ensure equipment is safely installed and regularly maintained by a qualified person.
- Provide appropriate PPE to persons likely to be exposed to electrical hazards
- Ensure electrical equipment is suitable for the purpose it is intended.



## **Employee's responsibilities**

- Visually check the equipment before and during use, looking for signs of faults, overheating or damage to the equipment including to the wiring, plugs, casing and any guarding.
- Immediately stop work if faults are found and report any defects to the supervisor.
- Do not carry out any repairs or adjustments to equipment, only trained electricians to do the repairs.
- Take care of the equipment that has been provided.
- Ensure that equipment is plugged into the correct supply by an approved method, do not attempt to use a makeshift temporary connection

## **XVI. Safety signs**

Safety signs include the use of illuminated signs, hand and acoustic signals (e.g. fire alarms), spoken communication and the marking of pipe work containing dangerous substances. Signboards such as prohibition and warning signs have been supplemented to comply with more specific legislation e.g. photo luminescent signs for fire exits, speed limits, no swimming, hunting etc.

Kakuzi PLC has provided specific safety signs whenever there is a risk that cannot be avoided or controlled by other means, for instance by engineering controls and safe systems of work.

## **Employer's responsibility**

- Provide and maintain safety signs displaying specific risk, hazards and safety related issues.

- Provide suitable and sufficient instruction in the meaning of safety signs and measures to be taken in connection with safety signs.

### **Employee’s responsibilities**

- Familiarise yourself and comply with any signs and notices that are displayed.
- Bring any defects to the employer’s attention.
- Follow safe operating procedures.
- Wear relevant personal protective equipment as identified.

### **XVII. Smoking**

Second-hand or passive smoking has been shown to cause health problems in non-smokers. In addition, tobacco smoke is a cause of discomfort and irritation to many people, particularly those suffering from respiratory illnesses such as asthma.

Kakuzi PLC has measures in place to ensure compliance with statutory duties in respect of smoking in the workplace and in particular, fulfill obligations to assess the risk associated with smoking in the workplace. Effective measures to prevent or control any ill health effects or accidents arising from such activity have been applied; such as restricting cigarette smoking, which is only allowed at designated smoking zones only.

### **Associated hazards**

- Health risks including stroke, cancers and heart disease.
- Fire damage to buildings and associated risks to those in and around the premises.

### **Employer’s responsibility**

- Provide designated smoking zones
- Display no-smoking signs in workplace and work vehicles

### **Employee’s responsibilities**

In accordance with Kakuzi’s arrangements, employees will:-

- Comply with verbal, written and signed instruction given by the employer regarding smoking at workplace
- Co-operate as far as is necessary to enable compliance with the requirements for non-smoking
- Not smoke whilst on company premises (unless in smoking zones) or in designated company vehicles.

### **XVIII. Stress**

It is Kakuzi’s policy to address all work-related illnesses and in particular stress, to control, reduce or eliminate it so far as is reasonably practicable.

We recognise that our employees are the company’s most valuable assets and that any problem associated with work-related stress is a management responsibility.

A certain amount of stress may provide high motivation, a positive outlook and good performance. However, it is when these personal levels are exceeded that detrimental health effects may appear. Whilst stress-related problems of short duration often resolve themselves, it is the long-term stresses that the company aims to address.

Through the risk assessment process, Kakuzi will continue to identify hazards and assess all mental and physical risks to safety and health with the objective of reducing them, as far as is reasonably practicable.

Possible environmental stressors include noise, temperature, overcrowding and humidity. Possible work-related stressors include tight deadlines, long hours, heavy workload, changes within the organization, change to duties and job insecurity. Other issues that may have an impact include:-

- Under challenged.
- Promotion prospects.
- Racial or sexist remarks.
- Personal relationships with other employees.
- Travelling.
- Job satisfaction.
- Harassment and confrontation.

It is our policy that all employees can approach management to raise concerns relating to stress. All employees will have access to guidance and counselling services. All conversations will be addressed in the strictest confidence and management will try and assist any individuals suffering from stress.

### **XIX. Waste disposal**

This arrangement covers general waste generated by the company when carrying out our operations.

#### **Associated hazards**

- Buildup of combustibles presenting a fire hazard.
- Health hazard due to possible vermin infestation, reuse of used chemical containers.
- Poor housekeeping may present a tripping hazard.

## **Employer's responsibility**

- Provide waste disposal facilities labeled appropriately; type of waste
- Oversee handling wastes from generation to disposal to prevent pollution
- Develop waste management policy
- Ensure workers handling waste are trained appropriately.
- Ensure employees are trained on importance of waste segregation at source and the 3Rs (Reduce, Reuse & Recycle)

## **Employee's responsibilities**

- To collect waste at designated places, while observing segregation instructions.
- Not to litter or use empty chemical containers / receptacles for any use.
- To inform management if waste receptacles are full and need emptying.
- Not to remove or take items from waste receptacles for personal use.

## **XX. Welfare**

The provision of welfare in the workplace should be taken seriously; it applies to all areas including the common parts of shared buildings, private roads and paths on the estates. Welfare provisions is also provided for those people who are not employees but use the premises on an infrequent basis e.g. visitors and contractors.

For persons with disabilities, parts of the workplace have been made accessible for their use e.g. toilets, doors etc.

### **Employer’s responsibility**

- Provide and maintain an adequate supply of wholesome drinking water at suitable points; conveniently accessible to all persons employed.
- Provide and maintain for the use of persons employed, adequate and suitable facilities for washing
- Provide and maintain adequate and suitable accommodation for clothing not worn during working hours
- Provide and maintain, for the use of a person employed whose work is done standing, suitable facilities for sitting
- Provide and maintain a first-aid box or cupboard of the prescribed standard.

### **Employee’s responsibilities**

The welfare facilities provided and maintained by Kakuzi PLC are for the benefit of all employees and visitors. Employees have a responsibility to use the facilities in a proper manner and not damage or misuse any equipment that is provided.

Personal responsibility should be taken for clearing your own waste and cleaning any utensils when eating or drinking on the premises. Any damage or defects should be reported immediately to enable attention and repair.

## **XXI. Working at height**

A person is considered to work at height if working above a height of one and half meters. At Kakuzi PLC however, a place is at height if a person could be injured falling from it, even if it is at or below ground level. Relevant training and procedures have been put in place to ensure safe work at height.

### **Associated hazards**

- Falls from equipment, structures or trees.
- Falling objects.

### **Employer's responsibility**

- To have a risk assessment undertaken for work at height
- Provide appropriate training on working at height
- Provide safe access e.g. ladder, scaffolds, as stated in the risk assessment, which is of good construction, sound material, adequate strength and suitable for the purpose for which it is used and shall be properly maintained
- Provide appropriate personal protective equipment suitable for work to be done.
- Develop a safe system of work including work at height procedure and communicate it the workers
- Develop a permit to work for risky activities e.g Work at height, working in confined spaces and electrical work etc

### **Employee's responsibilities**

- Comply with training for working at height.
- Only use the height access equipment identified in the risk assessment.

- Make use of any personal protective equipment provided by the employer.
- Follow safe systems of work devised by the employer.
- Report any accidents, incidents and near misses to the employer.
- Obtain a work at height permit to work before starting to work at height

## **XXII. Inexperienced Workers (Interns and Attachées)**

Responsibly, we give young graduates an opportunity to gain industrial experience.

At Kakuzi; we don't offer any kind of employment to anyone under 18 years old.

For industrial placement, Kakuzi assesses the risks to inexperienced workers before they start working under the supervision of experienced persons who tell them what the risks are.

### **Associated hazards**

- Inadequate awareness.
- Unfamiliarity with their surroundings.
- Being physically or psychologically less suited to certain tasks.

### **Employer's responsibility**

- Provide induction training on all operations in place, risks and hazards they are likely to be exposed to and safety measures expected.



- Ensure that no person undergoing attachment or internship is allowed to attend to any machinery, equipment, tools, and plant or process unless adequate supervision and protection against hazardous work conditions and environment is provided and maintained.
- Ensure all attachees work under the supervision of a qualified person

### **Employee’s responsibilities**

- Co-operate with management arrangements for inexperienced workers in the workplace.
- Report any hazards to the supervisor / line manager.
- Follow any guidance, information, instruction and training given by the employer.

### **Inexperienced workers must: -**

- Ask the employer or supervisor if unsure about anything.
- Make full and proper use of all PPE that has been issued to them.
- Not undertake any tasks unless they have been trained and authorized.
- Report any hazards or defects to the supervisor or manager.

### **XXIII. COMPENSATION FOR WORKPLACE INJURY**

Compensation for Work related injuries and occupational diseases is governed by the Work Injuries Benefits Act, 2007.

## **Rights to Employee compensation\_**

- a. An employee who is involved in an accident resulting in the employee's disablement or death should be compensated.
- b. An employer is liable to pay compensation in accordance with the provisions of the Act to an employee injured while at work.
- c. An occupational accident or disease resulting in serious disablement or death of an employee is deemed to have arisen out of and in the course of employment; if the accident was due to an act done by the employee for the purpose of the business of the employer despite the fact that the employee was, at the time of the accident acting—
  - In contravention of any law or any instructions by or on behalf of his employer; or
  - Without any instructions from his employer.
- d. Exception- An employee is not entitled to compensation if an accident, not resulting in serious disablement or death, is caused by the deliberate and willful misconduct of the employee.
- e. Conveyance of an employee to or from the employee's place of employment for the purpose of the employee's employment by means of a vehicle provided by the employer, for the purpose of conveying employees, is deemed to be in the course of the employee's employment.

## **Employee role in accident investigation**

- Report occurrence of an accident to the supervisor or responsible manager.
- Should avail him/herself for the interview if he/ she is involved in an accident, witnessed the accident or worked in the immediate area.
- The employee must provide unbiased information appertaining to the accident
- Help the casualty if he is a trained first Aider or call the first Aider if he is not trained
- Report to the line manager any problem relating to their work activities along with any shortcomings they believe exist in the arrangement made to protect them.

## **Claim for compensation**

- Claim for compensation shall be lodged by or on behalf of the claimant in the prescribed manner within twelve months after the date of the accident or, in the case of death, within twelve months after the date of death.

## **Lapse of right to benefit**

A right to benefits shall lapse if the accident is not reported to the employer within twelve months after the date of such accident.

The right of the employee to compenstion does not lapse if it is proved ththe employer had knowledge of the accident

### **Compensation for temporary total or partial disablement**

- a. This is in relation to an accident that incapacitates the employee for three days or longer. Employee is entitled to receive a periodical payment equivalent to his earnings, subject to the minimum and maximum amounts fixed by the Minister from time to time, after consultation with the Council. Temporary disablement continues for a period not exceeding 12 Months.

### **Compensation for permanent disablement**

There is applicable schedule in the Work Injuries Benefits Act, 2007 for both permanent and temporary incapacity.

### **Occupational disease**

#### **Compensation in respect of scheduled and unscheduled diseases**

An employee is entitled to compensation if—

- a. Contracts a disease (specified in 2<sup>nd</sup> schedule of WIBA ) that arose out of and in the course of the employee's employment; or.
- b. Employee is entitled to compensation if the disablement is Diagnosed by a designated health practitioner as having been caused by an accident.

### **Calculation of compensation**

Compensation for an occupational disease shall be calculated on the basis of the earnings of the employee

- a) At the time of the commencement of the disease; or
- b) Such earlier date as a medical practitioner may determine, if the employee was suffering from the disease at an earlier date

If an employee is no longer in employment at the time of the commencement of the disease, the earnings shall be calculated on the basis of the earnings that the employee would have been earning had the employee still been working.

### **Reporting of occupational diseases**

- a. An employee must report as soon as possible after the commencement of an occupational disease diagnosed by a designated medical practitioner in writing.
- b. An employer must within 40 days after receiving notice or learning of the employee's occupational disease, report such disease to the Director of Occupational Safety and Health

### **Medical Aid for Workplace Injuries and Occupational Diseases.**

- a. The employer provides first aid appliances services as required by law.
- b. Conveyance of an injured person to hospital is the duty of the employer
- c. The employer will defray any expense reasonably incurred by the employee as a result of an accident in the course of his employment. The cost may include-
  - i. Dental, medical surgical or hospital treatment.
  - ii. Skilled nursing service
  - iii. Supply of medicine and surgical dressing.
  - iv. Travelling and subsistence in connection with the employees journey to and from treatment within Kenya.

- v. Supply, maintenance, repair and replacement of aids such as artificial limbs clutches and any other appliances used by the physically challenged when the employee is in employment.
- vi. If an employee incurs cost, this may be required to be refunded.

### **WIBA Schedules**

The Work Injury Benefits Act, 2007 contains schedules that give guidance on degree of disability, occupational disease, and compensation of dependents.

- a) First schedule lays out both permanent and temporary degree of disablement.
- b) The second schedule lays out occupational disease.
- c) The third schedule lays out dependents compensation.

### **WIBA Compensation Procedure**

1. Filling of ML/DOSH/Form I – Done by the Employer
  - Including Internal Investigation report and
  - Eye witness statement  
(Injuries of less than 3days to be reported within 7days)  
(Injuries 3+ days and fatal – reported within 24hrs, and occupational disease Safety and Health committee must be convened – the DOSH form must be filled in triplicate)
2. Part II–filled by the medical officer (Who determines the degree/% of incapacitation )

3. Part III – Filled by the Occupational Safety and Health Officer (Only in cases of fatality or 3 days and above cases)
4. Documents are forwarded to the insurer who act on our behalf.
  - A. Injuries of less than 3days the CO generates costs related to the injured (Invoice if treated at our clinics) and the company is compensated based on that
  - B. 3 days and above the DOSH officer generates DOSH/WIBA 3 and 4 based on the income and percentage awarded by an approved medical practitioner
  - C. Fatal case – the next of kin identified through the county commissioner completes certificate of dependency form (DOSH / WIBA 6) before final payment is made to the nominee/s.
5. The compensation is of 3tire:-
  1. Medical costs / expenses
  2. Temporarily disability (TTD) the total number of days of incapacity
  3. Permanent disability (PTD) the % awarded to the employee (Paid directly to the employee or dependant) through the DOSH office (Generate DOSH/WIBA 5A and DOSH /WIBA 7)
6. Our insurer work out the total costs for each claim and forward a discharge voucher, of which after signing, the amounts are credited directly to the company.
7. Second opinion – normally if the insurers believe the award is beyond the laid down scale, they refer the claimant to their

doctor for a second opinion. They are at liberty to use either of the reports to offer compensation.

- 8. In case of any dispute of any award of compensation, the matter is referred to the occupational health and safety officer for final determination by the board

