

National Occupational Safety and Health (OSH) Policy for Saint Lucia



March 28, 2017

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ACRONYMS AND ABBREVIATIONS

EHD	Environmental Health Department
DoL	Department of Labour
ILO	International Labour Organization
NIC	National Insurance Corporation
NSDC	National Skills Development Centre
OSH	Occupational Safety and Health
PAHO	Pan American Health Organization
PDCA	Plan Do Check Act
PPE	Personal Protective Equipment
PTCCB	Pesticides and Toxic Chemicals Control Board
SALCC	Sir Arthur Lewis Community College
SEDU	Small Enterprise Development Unit
WHO	World Health Organization

National OSH policy for Saint Lucia

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Chapter 1. Introduction

The Constitution of Saint Lucia was passed upon the attainment of independence by Saint Lucia in 1979 and recognized that labour should not be exploited or forced by economic necessity to operate in inhumane conditions. Saint Lucia subscribes to the United Nations 2030 Agenda for Sustainable Development, to transform the world. Sustainable Development Goal 8 is to promote inclusive and sustainable economic growth, employment and decent work for all. In the area of Occupational Safety and Health (OSH), the government, employers and workers of Saint Lucia are guided by the ILO standards on OSH that provide essential tools and guidance to establish sound prevention, reporting and inspection practices and to provide for maximum safety at work. ILO's constituents from Saint Lucia have embraced the ILO's Global Strategy to Improve Occupational Safety and Health (2003) which includes the cultivation of a preventive safety and health culture, the promotion and development of relevant instruments, and technical assistance.

As a member of the World Health Organisation (WHO) and Pan American Health Organisation (PAHO), the Government of Saint Lucia through its WHO/PAHO focal point, the Ministry of Health, is also committed to implementing the WHO Global Plan of Action on Workers' Health 2008-2017 endorsed by the World Health Assembly in 2007, and the PAHO New Action Plan on Workers Health 2015 -2025.

The Department of Labour (DoL) and other relevant stakeholders have recognized the need for greater focus on prevention of occupational accidents and diseases on the part of workers, enterprises and the government, to ensure sustainably safe workplaces. They also recognise that a healthy workforce operating in work environments that meet established standards has numerous potential benefits, including increased productivity, economic and social development, a lower public health bill, and international competitiveness.

The Labour Act (No. 37 of 2006) was enacted after rigorous tripartite consultation, and came into force in 2012. The Act was intended to consolidate and reform legislation applicable to labour and industrial relations in Saint Lucia. The Labour Act applies to all employees and all work places. This includes employees in the private and public sectors, self-employed persons, interns and apprentices, seniors, the differently able, and migrant workers. Provisions of this Act prevail over those in any other enactment with which they may be in conflict. Part IV of the Act addresses occupational safety and health under the following Divisions:

- Division 1: Registration and requirements of industrial establishments
- Division 2: Hazardous chemicals, physical agents and biological agents
- Division 3: Notification of accidents and occupational diseases
- Division 4: Duties of employers, workers and other persons

Under the Act, the DoL, headed by the Labour Commissioner, is assigned responsibility for performing all administrative functions as laid down in the Act, or as directed by the Minister of Labour. The duties of all parties (regulatory authorities, employers and their representatives, employees and their representatives) are clearly stipulated in the Act. The Minister of Labour is required under the Labour Act to establish an Advisory Council on Occupational Safety and Health which is required to act in an advisory capacity to the Minister, and to receive proposals on a national OSH policy. To date however,

the Advisory Council has not been established, and no regulations pursuant to the legislation have been passed.

The DoL does not have the capacity or resources to properly fulfil its statutory responsibilities in relation to occupational safety and health, with only two persons operating as Occupational Safety and Health Officers. As a consequence, enforcement and compliance with the occupational safety and health provisions of the Labour Act are low. Public awareness of legal provisions and good occupational safety and health practices is also low. While there is some collaboration with the National Insurance Corporation (NIC), there is room for greater cooperation between other public agencies and the DoL. The draft policy and strategy for environmental health (2016 - 2021) also acknowledges the opportunities for the Department of Environmental Health to cooperate with the DoL (among others) in the sharing of inspection responsibilities to ensure that health and safety standards are maintained.

The Ministry in charge of labour decided to improve the OSH system of Saint Lucia and requested technical assistance from the ILO. The strategic vision of the Government of Saint Lucia is fully aligned with the ILO's strategic framework and conducive to the development of a two-year cooperation framework. The most relevant activities of the agreement will be the elaboration of a National OSH Policy, an OSH Profile and an OSH Programme in line with ILO Conventions No. 155 and No. 187.

With the support of the International Labour Organisation (ILO) the DoL has hosted a number of national tripartite consultations with a view to finalizing this National Occupational Safety and Health Policy for Saint Lucia. A first consultation was convened at the Royal Saint Lucia Hotel on October 11 and 12, 2016, and the first draft policy was developed on the basis of these discussions. This draft was circulated to all relevant stakeholders for their review. To ensure that there was broad national awareness and support of this draft policy, five consultations were conducted with tripartite representatives and local actors, including representatives of the informal sector and cooperatives in Castries, Soufriere and Vieux Fort over February 23 to 28, 2017. The National OSH Policy sets out the tripartite vision for OSH, and identifies agreed priorities for action. Saint Lucia is adopting the systems approach to OSH advocated by the ILO Global Strategy which is premised on the PDCA¹ cycle. At the national level, the strategy has four elements:

1. Policy, to provide a framework for national-level action to improve OSH.
2. System, to describe available infrastructure and resources.
3. Profile, to describe the national OSH situation.
4. Programme, a time bound 3 to 5 year plan that identifies OSH problems, and clearly sets out objectives, targets and indicators, and implementation mechanisms.

This systems approach is cyclical, with regular reviews that capture new developments and revise priorities for action.

The national consultations included representation from statutory authorities with OSH-related responsibilities, public and private sector employers and employees, associations representing employers and unions representing employees. The consultations provided a vehicle to sensitise many actors to the importance of adopting a prevention culture. A national OSH culture is one in which the right to a safe and healthy working environment is respected at all levels; where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties; and where the highest priority is accorded to the principle of prevention.

¹ Plan Do Check Act

The resulting policy statement has been arrived at by consensus among all stakeholders, is a statement of their commitment to OSH in the work place, and acknowledges their respective roles and responsibilities. The National OSH Policy will be complemented with the OSH profile, which will provide a diagnostic of the existing OSH situation, including national data on occupational accidents and diseases, high-risk industries and occupations, and a description of the national OSH system and its current capacity. Finally, the OSH Programme will include priorities, objectives and targets for improving OSH within a predetermined timeframe, and indicators to assess progress.

Chapter 2. Policy

Vision

A modern and dynamic OSH system in which the culture of prevention is of paramount importance, and a safe and healthy working environment is provided for all workers, leading to higher productivity.

Goal

To create safer and more healthy work environments through the prevention of occupational accidents and diseases and the control of workplace hazards.

To inculcate a positive national culture of prevention of occupational accidents, diseases and dangerous occurrence.

To provide the DoL with policy orientations to modernize its policies and procedures.

Objectives

Foster a positive national culture of OSH at all levels in society, with an emphasis on prevention of occupational accidents and diseases. This implies the inclusion of OSH prevention in education, training and development activities.

Improve productivity and wellbeing of workers through a progressive reduction in the incidence of work related injuries, diseases and fatalities in all sectors of the economy and in all forms of work.

Improve quality of life for all workers through the development of safe and healthy work environments.

Enhance the legal framework and the enforcement capacities of the relevant institutions.

Promote coordination amongst institutions with an OSH mandate.

Principles

Preventive approach

Actions arising from this policy will be focused on the prevention of occupational risks including psychosocial risks and work-related stress, rather than compensation, rehabilitation and curative services, giving major attention to risk assessment and control.

Leadership by government and personal responsibility

Government policy, legislation, standards and requisite resources will be provided to support OSH requirements. Employers (including government) and employees will diligently exercise their rights and responsibilities to ensure that workplaces are kept safe and healthy.

Engagement and collaboration

All partners will be engaged in the development of programmes and standards to ensure their buy-in, acceptance and genuine application as required. Social partners and relevant stakeholders will collaborate, coordinate and actively participate in OSH initiatives, to effectively integrate interventions.

Efficiency

Programmes will be developed to address OSH priorities through a targeted and coordinated use of available resources and taking into account research and international good practice.

Awareness

The general public and workers will be more aware of occupational risks, prevention measures and requirements of the Labour Act.

Gender equality

Comprehensive consideration of gender issues at all levels of this policy will promote equity and equality between men and women so that mainstreaming gender becomes a common practice in all OSH policies and programs.

Social Dialogue

The Government will ensure that social partners and other relevant stakeholders are consulted during formulation, implementation and review of all policies, systems and programmes at all levels. Social dialogue will include processes related to administration, compliance and regulation through effective mechanisms of information and consultation.

Continuous improvement

Mechanisms will be adopted to ensure that the OSH legal framework and standards to prevent occupational injuries, diseases and death are regularly updated to reflect social, technical and scientific progress and changes in the world of work. Systems for collection and analysis of representative OSH data will be designed to inform the development and update of effective policies and programmes that respond appropriately to priorities.

Beneficiaries of the National OSH Policy

The actions and programmes derived from this policy will benefit all workers, regardless of contractual or employment status, including workers with disabilities, the young, the elderly and migrants workers. These actions will be implemented in every workplace, whether in the public, private or informal sectors, and will be equitable, inclusive and without discrimination.

Spheres of Action

Demonstrate national high level political commitment to the importance of OSH

The Government will demonstrate its commitment to the importance of OSH, through:

1. Establishing an Advisory Council on OSH in accordance with the Labour Act.
2. Committing requisite resources to the DoL and other relevant regulatory authorities, to ensure that the Labour Act can be effectively administered.
3. Ratifying relevant ILO Conventions on OSH and maintaining consistency with the ILO Global Strategy on OSH.
4. Regularly providing forums for consultations between employers, employees and community on OSH matters of national importance.
5. Leading by example in its approach to OSH in its own workplaces.

Build capacity of government to implement effective OSH interventions

The Government will:

1. Build the capacity of the DoL and other relevant regulatory authorities, to ensure that the Labour Act can be effectively administered and enforced. In particular, the government will

provide and maintain a sufficient number of qualified Health and Safety Officers and other support staff to fulfil the responsibilities of the DoL as set out in the Act.

2. Prioritise training for medical practitioners and nurses in occupational diseases.
3. Facilitate worker access to improved occupational health services.

Rationalise legislation and policy, and develop standards

The Government, in consultation with the social partners, will:

1. Provide a suitable statutory framework to ensure a cohesive and collaborative approach to OSH by all partners and participating agencies.
2. Review OSH legislation in congruence with international standards and practices as appropriate, to ensure, among other things, that rights and responsibilities of all stakeholders are unambiguous.
3. Develop regulations pursuant to the Labour Act.
4. Develop national OSH standards, codes of practice and manuals in priority areas and consistent with international standards, and make these readily accessible.
5. Incorporate OSH considerations into other national policies, legislation and regulations as appropriate.

Improve information management

The government will institutionalise collaboration between agencies responsible for gathering relevant OSH data, and developing appropriate networks for data gathering, sharing and analysis.

All parties will fulfil their monitoring, data collection, reporting and analysis responsibilities, to:

1. Provide the basis for collaboratively identifying priorities for OSH programme design, including for the self-employed and informal economic sectors.
2. Evaluate the performance of OSH initiatives, and amend programmes accordingly.
3. Support development of appropriate OSH policies and programmes by enterprises.

The DoL will develop systems to facilitate public access and contribution to OSH data and other information, respecting the confidentiality of certain types of information.

Raise awareness and knowledge of OSH

All parties will implement awareness raising activities to:

1. Enhance community knowledge of OSH issues, legislation and standards.
2. Ensure that all parties know their complementary rights and responsibilities to achieve and sustain healthy and safe working environments.
3. Emphasize the need to integrate OSH considerations into all operations.

Stakeholders will be engaged using appropriate media. The impact of public awareness activities will be monitored and evaluated.

The ultimate objective will be to develop a national OSH culture.

Provide training in OSH

Training programmes will be enhanced and/or developed:

1. OSH considerations will be integrated into existing educational programmes in institutions such as secondary schools, Sir Arthur Lewis Community College (SALCC), the Small Enterprise Development Unit (SEDU) and the National Skills Development Centre (NSDC).

2. New training programmes will be developed and offered at existing institutions such as SALCC, SEDU and NSDC, to increase the number and competence of OSH and other workers in the workplace.
3. Government, employer associations and unions will continue to offer certification courses in OSH to their staff and members.

Recognise best practice

1. All parties will facilitate the sharing of best practices and experiences nationally, regionally and internationally.
2. All parties will publicly recognise best practices and facilitate their adoption.

Functions and responsibilities of stakeholders

Government/Labour Department

The Government is expected to provide OSH leadership, and prioritise OSH at the national level. The Government will set national OSH policy in consultation with social partners and rationalize the legal framework. The Government will finance public sector OSH requirements, to improve the national OSH system and develop and implement national OSH programmes in collaboration with its partners. The Government will provide an OSH inspectorate and ensure coordination amongst its agencies so as to efficiently provide public OSH services, including provision of advisory services to enterprises and support to OSH committees/representatives in enterprises. The DoL will collaborate with other government agencies and its social partners in the surveillance of workplace conditions, the provision of OSH information and implementation of awareness raising activities.

The government will approve construction of new and remodeled industrial establishments to ensure that OSH concerns are addressed.

The government will develop a system for collecting, recording, storing, retrieving, analyzing, evaluating, reporting, sharing and disseminating information (on occupational accidents and diseases), and for conducting research.

National OSH programmes will be regularly reviewed to ensure continual improvement. Targets will be set, and indicators monitored.

The government, as the largest single employer in the country, will comply with this OSH policy and set the example in OSH for other employers in the state to follow.

Ministry of Health

The Ministry of Health will report to the DoL, within a reasonable time, information in relation to workplace accidents, disease or deaths that come to its attention.

Environmental Health Department (EHD)

The EHD will collaborate with the DoL in workplace inspections, and each agency will share information that has the potential to improve the performance of the other, in the delivery of their respective mandates.

Ministry of Agriculture/Pesticides and Toxic Chemicals Control Board (PTCCB)

The PTCCB will screen applications for importation, storage, use, handling and disposal of new chemicals and pesticides. They will maintain a register of chemicals and pesticides approved for use in the country.

Ministry of Education and other educational institutions

The Ministry of Education and other national institutions of education will, with support of the DoL as required, integrate OSH considerations into existing educational programmes in institutions such as public schools, Sir Arthur Lewis Community College (SALCC), the Small Enterprise Development Unit (SEDU) and the National Skills Development Centre (NSDC), with a view to increasing the OSH awareness of future workers.

Employers

Employers will manage and finance OSH in compliance with the national legislation. They will set enterprise OSH policy, keep abreast of OSH trends and standards, and implement these as appropriate. They will prioritise OSH at enterprise levels, to provide a safe and healthy workplace, and minimize OSH risks. They will train their employees to safely undertake assigned tasks, and provide them with appropriate Personal Protective Equipment (PPE). They will establish OSH organization and responsibilities within the enterprise, facilitate the understanding of workers and secure their collaboration. They will develop and maintain systems of worker participation in OSH. They will develop enterprise OSH plans in collaboration with their employees. Employers will maintain records, and comply with notification (on occupational accidents and diseases) and reporting requirements.

Employers will intermittently evaluate and review their OSH performance, and amend their plans in consultation with employees, with a view to continuous improvement.

Private Sector Council

The Private Sector Council will represent the interests of Employers at the national level, through among other things, its participation as a member of the National Advisory Council.

Workers

Workers will participate in workplace OSH committees, and collaborate in identifying hazards and in making proposals for control measures. They will comply with OSH requirements in the workplace. They will identify and report non-compliance with OSH legislation.

Unions

Unions will represent their worker interests, and enhance worker knowledge and awareness of OSH.

The Advisory Council on Occupational Safety and Health

The Advisory Council comprising representation of the tripartite interests (government, employer and employees) will advise the Minister on matters of OSH.

NIC

The NIC will maintain and share with the DoL, data on occupational accidents and disease and other information that may reasonably be requested by the DoL.

Bureau of Standards

The Bureau of Standards will support the DoL in the adoption and/or development of relevant OSH standards.

Governance of the policy

The Labour Act clearly sets out tripartite roles and responsibilities, and greater compliance with these will significantly improve the OSH situation in Saint Lucia. This policy is premised on an assumption that there is a political will to make workplaces across the country safer and healthier, and that the resources required to make this so will be committed by the government.

The DoL is tasked with the administration of the Act and requires significant capacity to meet its responsibilities. The establishment of the Advisory Council on OSH is also critical, as it is a high level tripartite body that the Act positions to advise the Minister as he focuses the priorities and activities of his DoL.

There are opportunities for other agencies of government to support the DoL beyond the requirements stipulated in the Labour Act, particularly in the areas of monitoring and reporting on OSH issues. These should be capitalized on by the government, so that resources are not duplicated unnecessarily. This will require early identification of common areas of interest and development of systems for programming initiatives and sharing of real time information. It is anticipated that the DoL will have to drive this process, but they will require sustained, high level support if a spirit of genuine collaboration between relevant agencies is to ensue and endure. While the Labour Act does not currently require regular reporting at a national level, the ILO Conventions do, and national reports prepared for the ILO after Convention ratification will also provide the Cabinet of Ministers with reliable data that can inform its decisions on how resources should be deployed to achieve the continual improvement in OSH that is desired.

The responsibilities of workers should not be overlooked. Workers need to have an improved understanding of mechanisms that should be in place to protect their safety and health in the workplace, and their options for recourse when their working conditions are not in compliance with the legislation, or if they are injured at work or suffer from an occupational disease. This can only be achieved through public awareness and education programmes provided by the government or their unions, coupled with worker preparation that is the responsibility of the employer to provide.

Employer compliance levels are widely variable, with some employers trading on the regional and international markets already meeting or exceeding national standards, as they strive to attain certification to facilitate their external trading activities. Many other employers are not satisfactorily compliant with the Act, and require a combination of education and enforcement to improve compliance and working conditions for their workers. This requires a more proactive DoL.

Policy Review

Review of this policy is required at least once every three years to:

- assess the relevance of national goals; and
- respond to emerging OSH issues as new materials, technologies and processes are introduced, and institutional capacity grows.