

# **Institutional Context of OHS in 4 Countries**

# National OHS Legislation

<b>GHANA</b>	<b>INDIA</b>
<ul style="list-style-type: none"><li>• Labour Act (2003), Part XV</li><li>• Factories, Offices and Shops Act (1970)</li><li>• Environmental Protection Agency Act (1994)</li><li>• Various Mining Acts</li></ul>	<ul style="list-style-type: none"><li>• Factories Act (1948) (National legislation)</li><li>• Shops &amp; Commercial Establishments Acts (State level legislation)</li><li>• The Environmental Protection Act/Water Pollution Act/Air Pollution Act</li><li>• Sector Specific Legislation</li></ul>

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<b>TANZANIA</b>	<b>BRAZIL</b>
<ul style="list-style-type: none"><li>• Occupational Health &amp; Safety Act (2003)</li><li>• National Environmental Policy (2007)</li><li>• Sector/Hazard Specific Legislation</li></ul>	<ul style="list-style-type: none"><li>• Amendment 5452 (1943)</li><li>• Constitution (1988)</li><li>• Manly formal, urban workers covered, but some protection for temporary workers</li></ul>

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## **PERU**

- No single OHS law.
- Sector specific legislation: mining, construction, electricity, hydrocarbons etc.
- Focus is largely on formal work and workplaces
- Laws for market porters, newspaper vendors and waste pickers. Lack of enforcement a problem.

# National OHS Policy

<b>GHANA</b>	<b>INDIA</b>
<p>No OHS Policy exists, although a draft policy has been under consideration since 2000.</p>	<p>OHS Policy exists, but no concrete guidelines for policy implementation have been formulated.</p>

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<b>TANZANIA</b>	<b>BRAZIL</b>
OHS Policy was to be passed in May 2010.	National Worker's Health Policy.

**...cont.**

**PERU**

**No OHS Policy**

# National OHS Machinery

<b>GHANA</b>	<b>INDIA</b>
<ul style="list-style-type: none"><li>• Factories Inspectorate</li><li>• Labour Inspectorate</li><li>• OHS Unit, Ghana Health Services</li><li>• Environmental Protection Agency/Mining</li></ul>	<ul style="list-style-type: none"><li>• Directorate General of Factories Advice Service and Labour Institute (DGFASLI)</li><li>• State Inspectorates</li><li>• Shops and Commercial Establishments Inspectorates (certain states)</li><li>• NIOH</li><li>• National Steering Comm.</li></ul>

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<b>TANZANIA</b>	<b>BRAZIL</b>
<ul style="list-style-type: none"><li>• Occupational Health &amp; Safety Authority (OSHA)</li><li>• Factories Inspectorate. (prior to OSHA)</li><li>• OHS Unit, Ministry of Health &amp; Social Welfare</li><li>• National Environmental Management Council</li></ul>	<ul style="list-style-type: none"><li>• Ministry of Labour and Employment</li><li>• Health Ministry/SUS</li><li>• Ministry of Social Security</li></ul>

**...cont.**

## **PERU**

- Vice Ministry of Labour: Directorate of Fundamental Rights and OHS, and Directorate of Inspection.
- Social Security System.
- Ministry of Health.
- Ministry of Environment
- Regulatory body for Energy and Mining

# Resourcing of OHS

<b>GHANA</b>	<b>INDIA</b>
<p>OHS “grossly underfunded.” DFI annual budget cut from \$250 000 in 1999 to \$65 200 in 2000. Estimated public OHS workforce: 4 doctors, 1 nurse, and 34 factory inspectors (Clarke, 2005).</p>	<p>Budget information not yet known. DGFASLI in 2005 had 217 sanctioned technical posts, but only 149 were filled at the time.</p>

## ...cont.

<b>TANZANIA</b>	<b>BRAZIL</b>
<p>Resourcing is poor. Ministry of Labour is underfunded and understaffed. OSHA is better, but only 57 workers when it should have 170. Major shortage of health professionals.</p>	<p>Poor resourcing of OHS in Labour Ministry.</p> <p>Better resourcing in Health Ministry.</p>

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## **PERU**

- Insufficient resources.
- 443 inspectors countrywide.
- Since March, there have been budget restrictions – all training activities stopped, only inspections to continue.

# OHS in Local Government

<b>GHANA</b>	<b>INDIA</b>
<ul style="list-style-type: none"><li>• No 'OHS division.' Local government closest to informal workers in terms of provision of sanitation, waste management, fire services, but 'worker' is not seen.</li><li>• Problems with vertical and horizontal alignments at this level.</li></ul>	<ul style="list-style-type: none"><li>• Pune Municipal Authority has provides SWaTCH Sathis with health insurance.</li><li>• In Maharashtra State enforcement of the Shops and Commercial Establishments Act is given to local government.</li><li>• Workers Welfare Boards (state level).</li></ul>

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<b>TANZANIA</b>	<b>BRAZIL</b>
<ul style="list-style-type: none"><li>• LG reform gives more power to LG health services</li><li>• Almost complete absence of LG support in rural areas</li><li>• Role of LG in regulating domestic work?</li><li>• Gaps between National Business Policy and LG planning and health</li></ul>	<p><b>SUS</b> <b>(State &amp; Local levels)</b></p>

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## **PERU**

Decentralisation process begun in 2008 will devolve responsibility for health provision, including OHS, to sub-national and local governments.

# National OHS Data

<b>GHANA</b>	<b>INDIA</b>
<ul style="list-style-type: none"><li>•DFI/Labour Department Compensation Claims</li><li>• Hospitals</li><li>• Labour Force Survey</li></ul>	<ul style="list-style-type: none"><li>• DGFASLI displays accident information on its webpage.</li><li>• NIOH conducts epidemiological research.</li><li>• Hospitals/health services?</li><li>• Labour Force/Demographic Surveys?</li></ul>

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<b>TANZANIA</b>	<b>BRAZIL</b>
<ul style="list-style-type: none"><li>• OSHA in process of designing data reporting system</li><li>• Labour Commissioners</li><li>• Labour Force and Demographic Health Surveys</li></ul>	<ul style="list-style-type: none"><li>• Sentinel Units</li><li>• DATASUS</li><li>• SINAN/WRDI</li></ul>

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## **PERU**

- No official OHS data on informal workers.
- Ministry of Labour.
- Health centres.
- Social security.
- Regulatory body for Energy and Mining.