

HEALTH AND SAFETY AT WORK: A BASIC HUMAN RIGHT

BY

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“According to the principles of the United Nations, WHO and ILO, every citizen of the world has a right to healthy and safe work and to a work environment that enables him or her to live a socially and economically productive life. ” WHO Global Strategy for Occupational Health

“Work can only be decent if it is safe and healthy. Work that is well paid but unsafe is not decent. Work practiced freely but which exposes workers to health hazards is not decent. A fair employment contract for a work that impairs one’s well-being is not decent work. Decent Work must be safe work.”

ILO on Right to Decent Work

At least 45 workers lost their lives on the night of September 15 2002 when a fire swept through a Nigerian plastics factory—West Africa Rubber Products Limited, 40 kilometres north of Lagos. The fire gutted the factory and the adjacent Super Engineering Limited, both of which are owned by a conglomerate based in Shanghai and Hong Kong.... According to Reuters, Nigerian newspapers put the death toll at hundreds, saying that scores of night shift workers are still missing.

1. INTRODUCTION

I consider it a great privilege to be invited to speak at this forum. I have been asked to deliver a paper titled **“Health at Work: A basic human right”** within the local theme **“ Realising the 7 point Agenda of the present administration”**. Having ruminated on the topic and the theme I would like to appeal that you grant me the permission to amend the topic to **“Health and safety at Work: A basic human right”**. This is because I see a correlation between Safety and Health in the workplace. It seems to me that discussing health at work without safety may not fully achieve the desired purpose. It also seems to me that *health and safety at work are almost inseparable, while safety without security is almost useless*. Moreover in the past few years, PENGASSAN and indeed other workers union, in the Niger Delta and Nigeria have come to realize that security is an important component of safety, and that a workplace cannot be safe if it is not secured. Similarly a workplace cannot be healthy if it is not safe.

Let me also state that the subject of this seminar is timely and the forum at which it is presented is commendatory for some reasons. First is that as a Union Leader I have always believed that *the single most important protection the State can give to a worker is protection from unsafe and unhealthy workplace*. This is because the consequences of workplace fatalities, accidents, injuries, sickness and disease conditions are far reaching both to the individual, the employer and the society. Second is that it is organized by the Federal Ministry of Labour and Productivity indicating that the Government sees a positive correlation between the achievement of the seven point agenda of the present administration of Alhaji Umaru Musa Yar’adua and the Health and safety of workers at work. Third is that it provides an opportunity to restate the importance of health and safety of workers especially in the midst of the global economic downturns when

companies and employers are under pressure to cut cost and therefore under severe temptation to compromise the health and safety of their workers. Moreover as a union leader I have come to ask time and time again-When cutting costs, why do safety, health and training have to go first? Does it mean they are nice to do items of the budget? Or is it an indication of the value placed on the human life by employers of labour? Or is it one of those wrong practices that are handed down from generation to generation without any challenge as to its usefulness?

When President Umaru Musa Yar'dua came into office in 2007, he did not waste time to announce the key focus of his Government via the Seven Point Agenda. It seems to me that the organisation of this forum by a Ministry of the Federal Government could be an indication that government believes that the country would need a safe and healthy workforce to deliver on the 7point agenda. *This could be because without the support and cooperation of labour, the 7point agenda, as laudable as they are, would just remain a dream.* The delivery of each aspect of the 7point agenda require human labour and it is important that the safety and health of these human beings are protected by the society and government, as well as recognized as one of the basic human rights.

When a worker leaves his residence to work for the upkeep of his family and contribute to the economy of his society and nation, he does so with a believe that he will come back to the warm embrace of his family at least the way he was when he left them. He does not expect that the work will howsoever lead to his death or disability or injury or ill health. There is therefore no gainsaying that he has a right to demand this from the society and the nation and that his employer, the society and nation have a duty to ensure that this right to safety and health at work is respected. Anyakwe Nsirimovu (1997:14) has submitted that *'more than any institutional guarantees respect for human rights must be inherent in the habits and desires of the people of the society'*. It was this understanding that gave rise to International Labour Organisation (ILO) conventions on Occupational Health and Safety. It is also good to note that Nigeria has ratified some of the ILO Conventions on Occupational Health and safety, although a lot are yet to be ratified. The Nigerian Government has also enacted some laws to protect the safety and health of the workers such as the Factories Act, The Workmen's Compensation Act, Life Insurance provisions under the Pension Act of 2004 as well as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act. In addition, Bamidele Aturu (2005:233) argues that 'at common law the employer basically has a duty to provide a safe environment for the workers to fulfil their obligations under the contract of employment' and of course the Collective Agreement of most unions recognize this duty of the employer in ensuring safety and health at work.

Before I continue, let me try to put forward some working understanding of the basic concepts in this paper. What is Health? What is Safety? What is Human right? *Let me add very quickly that I am not a Safety/Health Practitioner and that I will not pretend to be one. I am only a Union leader and will therefore attempt to present this paper from a Labour and Industrial Relations perspective.*

2. CONTEXTUAL MEANING

2.1 HEALTH AND SAFETY:

The generally accepted definition of health used by the World Health Organisation (WHO) is that it is " a state of complete physical, mental and social well being and not merely the absence of disease or infirmity ". **A Healthy workplace, in my opinion, is one that will not adversely affect the physical, mental and social well-being of the worker, while a safe work place, also in my opinion, is one where harm, damage, or loss to the workers and visitors is unlikely. *For me a safe and healthy workplace is one, which will ensure that a worker returns home at least the way he left his home in terms of his physical, mental and social conditions.*** For me it also does not matter whether the factory or platform he works was attacked by gun men or whether an equipment failure led to the loss/injury or whether it was caused by the carelessness of his employer or even a co-worker or whether the clinic at the worksite lacked the necessary drugs, equipment or doctor. **All that matters is that the man or woman did not return home at least the way he/she left and/or that the workplace cannot reasonably be expected to guarantee that the man or woman returns home the way he/she left.**

The ILO /WHO Committee on Occupational Health (1995) advises that "Occupational health should aim at the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an Occupational environment adapted to his physiological and psychological Capabilities; and, to summarize, the adaptation of work to man and of each man to his job"

2.2 HUMAN RIGHTS:

Anyakwe Nsirimovu (1997:21) has argued, and I support his line of reasoning, that Human Rights are founded in one single demand, that is, *that respect is shown for human dignity under any circumstance.* In recognition of this, Section 17 (2) (b) of the 1999 Constitution of the Federal Republic of Nigeria requires that "*the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced*" The International labour organization (ILO) also recognizes the dignity of the human person and has therefore come up with ILO Conventions which are labelled core labour standards based on human rights especially the respect for the dignity of labour. These Conventions addresses workers rights internationally in the following areas:

1. The right to organize and bargain collectively
2. The right to be free from slavery or bounded labour
3. The effective elimination of worst form of child labour
4. The right to be free from discrimination
5. The right to written particulars of employment
6. Right to minimum period of notice
7. Right to redundancy pay

8. Right not to be unfairly dismissed
9. Right to maternity leave
10. Right to health and safety at work.

My focus in this paper is on the Right number 10-Right to Health and safety at work.

It is very comforting to note that Section 17 (3) (b and c) of the 1999 Constitution of the Federal Republic of Nigeria also recognises this right and requires that the conditions of work are just and humane, ... and that the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused.

The right to health and safety at work requires that employers ensure that so far as is reasonably practicable the workplace, machinery, equipment and processes under them are safe and without risk to health, and they must take practical steps to achieve this. **It also recognizes the right of the worker to remove himself/herself from work situations he/she has reasonable justification to believe presents an imminent and serious danger to his/her life or health. The Factories Act Cap 126 laws of the Federation of Nigeria 1990 also provides for the protection of employees in hazardous situations, including the right to remove themselves from such situations.**

In furtherance of the constitutional role to protect the safety and health of workers, the Nigerian Government has over the years enacted some legislations designed to promote the health, safety, welfare and security of workers including those designed to provide compensation to the worker in the case of injury and more recently the compulsory life insurance provisions in the Pensions Act for the welfare of the survivors of a worker. The main legislations include:

- 1) The Factories Act cap 126 laws of the Federation of Nigeria (LFN) 1990
- 2) The Workmen's compensation Act Cap 470 LFN 1990
- 3) The Minerals oil safety regulation of 1997
- 4) The Pension Reform Act 2004
- 5) The Harmful Waste (Special Criminal Provisions, Etc .) Act LFN 165 1990

The **Factories Act Cap 126** Laws of the Federation of Nigeria 1990, is a legislation that provides that all factories in Nigeria must be registered, within a month of its commencement of business, with the Director of Factories who is statutorily required to keep a Register of all the Factories in Nigeria. It is the intendment of the Factories Act to also protect all workers that are employed in factories and are exposed to possible occupational hazards.

The **Workmen Compensation Act** is an employment legislation that provides a mechanism for the payment of compensation to employees who sustain injuries in the cause of their employment. Section 40(1) of the Act imposes on the employer a **compulsory obligation to insure every workman** against injury or death arising out of and in the course of employment, while subsection 3 of that section provides for penalties for failure to comply with the duty to insure. I will however like to draw the attention of workers to the provisions of Sections 3(2b), (4) and (5) of the Workmen's' Compensation

Act on the implications of serious and wilful misconduct, Self-Injury and false representation by the workman.

I will like us to thank the National Assembly for the efforts made so far in progressing the **Bill for an Act to Make Comprehensive Provisions for Occupational Safety and Health in Workplaces and for Matters Connected Therewith**. I am aware that the bill sponsored by Senator Chris Anyanwu passed through second reading on the floor of the Senate on or about February 25 2009. I will also like us to appeal to the National Assembly to further expedite action in passing the bill into a law. The aim of the bill is:

- i. To make further provisions for securing the safety, health and welfare of persons at work;
- ii. To make provisions for protecting others against risks to safety or health in connection with the activities of persons at work;
- iii. To establish the National Council for Occupational Safety and Health to create a general framework for the improvement of working conditions and the working environment;
- iv. To prevent accidents and departures from health arising out of or in the course of work;
- v. To ensure the provision of occupational safety and health services to workers in all sectors of economic activity.
- vi. The National Council for Occupational Safety and Health Hazards and for related issues which will be established when the bill becomes an act will have the following functions:
 - a) To ensure employee safety and health in Nigeria by working with employers and employees to create better working environments;
 - b) To act as a regulatory agency by issuing safety and health standards that are enforceable under Nigerian law.

The **Minerals oil safety regulation of 1997** is a Safety Regulation made by the Minister of Petroleum Resources pursuant mainly to the powers conferred on him by section 9 of the Petroleum Act . The regulation, inter alia, details the duties of managers of oil firms in the provision of Personal protective equipment. Under the Regulation, managers (employers) of oil firms shall ensure that Sufficient Safety Equipment of international approved types, are provided for the workforce and that every personal protective equipment is judiciously used and maintained in serviceable condition at all times. It further provides that a manager who fails to comply or ensure compliance with any of the provisions of this part of the regulation is guilty of an offence and liable on conviction to a fine of not exceeding N250, 000 or imprisonment for a term exceeding 5 years or to both such fine and imprisonment. On the part of the employees, the regulation provides that every person, working on a drilling rig, flow station, depot, pump station, tank farm, or other installation handling petroleum, shall make use of personal protective equipment against

credible hazards and which shall be in line with good oil industry practice. It also provides that every person working at a fixed workstation above the derrick floor of a drilling rig or other high-rise installation shall wear a safety harness. The regulation further provides that any person (employee) who fails to comply or ensure compliance with any of the provisions in this part of the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding N100, 000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

The **Pensions act** requires the compulsory provision of pension and life insurance for the workers. Section 9(3) of the Pension Act provides that **employers shall maintain compulsory life insurance policy in favour of the employees** for a minimum of three times the annual total emolument of the employees.

The **Harmful Waste (Special Criminal Provisions, Etc .)** Act LFN 165 1990 prohibits and declares as unlawful all activities relating to the purchase, sale ,importation, transit, transportation, deposit, storage of harmful wastes , except if done with lawful authority.

The Federal Ministry of Labour and Productivity, Department of Petroleum Resources (DPR) and Union leaders should ensure that these regulations are enforced. The Union leaders should also ensure that the right of workers with respect to Health and Safety including the obligations of the employers with respect to these rights are properly captured in the Collective Bargaining Agreement.

To this end, it is important that both workers, their representatives, their employers get abreast with these rights of the workers and work out an effective way of ensuring compliance.

3. SOME RESPONSIBILITIES FOR HEALTH AND SAFETY AT WORK

I have tried to make some attempts in the forgoing at demonstrating that Health and Safety at work is both a basic and constitutional right of workers. I have also tried to explain that the extant labour laws, International Labour Conventions and standard industrial relations practice all require that the health and safety of workers at work is given adequate attention by the employers. The next thing I want to try to do is to throw some light on the responsibilities of all the principal parties with respect to health and safety at work.

3.1 EMPLOYERS' RESPONSIBILITIES:

It is the responsibility and duty of the employer to ensure that no worker is hurt at work or ill through work. This duty of the employer cannot be extinguished howsoever by delegation. This responsibility includes, but is not limited, to the following:

- a) Regular and continuous review of the jobs and workplace to identify what could endanger the safety, security and health of the workers
- b) Explaining to the worker these identified hazards and other safety risks and how they will be controlled and managed to ensure that no worker is hurt at work or ill through work.
- c) Provision of adequate and sufficient training to enable the employee discharge his/her duties without being hurt or ill through work.
- d) Ensure that all the provisions of the law including ILO Conventions on the health and safety of workers have been fully complied with.
- e) Ensure that the workers are under the adequate supervision by persons who has thorough knowledge and experience of the machine or the particular work activity
- f) Regular consultation with the workers and their Representatives on health, safety and security issues including how the employer intends to protect the employees
- g) Regular health and safety trainings and briefings for all the workers
- h) Establishment of health and safety policies after due consultation with the workers Representatives
- i) Provision of adequate personal protective equipment (PPE),toilets, washing facilities, good drinking water, smoke detectors, fire extinguishers, adequate first aid facilities including onsite clinics etc
- j) Review of the report of all injuries, diseases and dangerous incidents at work and share the learning with the workers and their representatives
- k) Obtain adequate workmen Compensation Insurance as well as Life insurance for all workers inline with the extant labour laws.
- l) Work with any other employer or contractors/subcontractors sharing the workplace or proving workers (such as Labour Contractors) to ensure that they fulfil their obligations to the workers on health and safety with the aim of ensuring that the health and safety of everybody is protected.
- m) Ensure that adequate provision has been made for comprehensive health care of the workers either via company operated health facilities, retainer clinics or via the National Health Insurance Scheme
- n) Carry out any other lawful activity or process that will enhance or improve the health, safety and security at work of all workers.

3.2 WORKERS' RESPONSIBILITIES:

- a) Follow all lawful instructions and/or order given by the employer that is aimed at protecting his/her safety
- b) Follow the training he/she has received on health and safety at work
- c) Cooperate (but DO NOT COMPROMISE) with your employer on health, safety and security
- d) Intervene if you see that any other worker is not adhering to the health and safety rules/policies
- e) Tell your employer, supervisor or health/safety officer or your branch Union leadership if you think the work or workplace or inadequate precautions could put you or anyone's health and safety at serious risk

- f) Tell employer, supervisor or health/safety officer or your branch Union leadership if you are worried about health and safety in your workplace
- g) In consultation with the Union leadership consider if the situation presents an imminent and serious danger to his/her life or health and hence a reasonable justification to remove him/her from the worksite.

3.3 SOME RESPONSIBILITIES OF GOVERNMENT:

The Federal and State Governments have a duty to make laws for the protection of the health and safety of workers, in addition to their duty to ensure the security of lives and property. They also have a duty to enforce the laws that they have made. **I would like us to further appeal to the Federal Government to seek for workable, enduring and acceptable solutions to the Niger Delta crises especially the unwarranted attacks on Nigerian/foreign workers and their family members, as well as other residents of the region. *This has adversely affected the economy of the Niger Delta and in deed that of Nigeria and is capable of making mockery of the South-South Economic and Investment Summit that just ended last week in Calabar.***

4. ISSUES AND CHALLENGES

At present, there are quite some challenges in the way of achieving the full realisation of the health and safety of workers in Nigeria and by extension the right of workers to a safe and health workplace as aforementioned. I will try to highlight some of these issues and challenges and hope that we in this forum will proffer workable solutions to each of them.

4.1 LEGAL:

One of the key challenges to the enforcement of these rights in Nigeria is legal. *The court has ruled that ILO Conventions are International Treaties and as such they are subject to Section 12 of the 1999 Constitution*, and that for any treaty or ILO Convention to have force of law in Nigeria, it must first be ratified by the Federal government of Nigeria and secondly must be domesticated or passed into law by the National Assembly. See *Abacha vs. Fawehinmi* ((2000) 6 NWLR (Pt.660)226) and more importantly *MHWUN vs. Minister of Labour and Productivity& ors* ((2005)17 NWLR (Pt.953). This is very serious when one considers that Nigeria has not even ratified a sizeable number of ILO Conventions on Workers Health and Safety, and that the existing legislations on workers health and safety are seriously in need of review. A lot of legal luminaries have observed that **there is clearly a need for laws that will adequately address the problems arising from the concern for the health, safety and welfare of citizens in general and those who work in factories or are engaged in industrial activities in particular.** Participants at the Workshop on “Workers’ safety and compensation in Nigerian Industry” organized by the House of Representatives’ Committee on Labour, Productivity and Employment, in collaboration with Friedrich Ebert Stiftung (FES) in Makurdi, Benue State from May 30 - 31 2006 in their communiqué stressed the need for an amendment to the current

Workmen Compensation and Factory Acts which they considered as inadequate, outdated, and faulty in several respects.

4.2 LABOUR MARKET SITUATION:

The labour market situation in Nigeria is such that there are too many people chasing too few jobs. The implication for Health and Safety at Work is that the average worker is afraid to ask for his right to decent work and to a safe and healthy working environment. When they summon courage to do so, they are met with harsh response from the employers and faced with a long wait to obtain justice. The truth is that even when the law is on your side, it could take years for government officials and the courts to undo an employer's illegal punishment of a worker who exercises a safety and health right. This is more pathetic for non-unionised workers.

4.3 GLOBAL ECONOMIC CRISES:

That there is a global economic crisis of a very huge and worrisome dimension is no longer in dispute. It is also not in dispute that the crises has adversely affected Nigeria leading to the melting away of the capital markets and the increase in interest rates as Government borrowing to augment the shortfall in revenue is crowding out private borrowing. Companies and institutions are daily reviewing their strategy to surmount the crises. Empirical evidence however suggests that labour unions and workers need to be very watchful as the first casualty is usually the working conditions including safety and health at work. Labour Unions and Government should work closely with the employers to ensure that safety and health measures policies are not compromised and that there is adequate mechanism in place to prevent workplace accidents, diseases and fatalities.

4.4 THE INSECURITY IN THE NIGER DELTA:

The insecurity in the Niger Delta has led to the death, injury and maiming of many workers and their family members. A lot of oil and gas workers have been killed and/or kidnapped and this obviously adds a very dangerous dimension to the safety and health of workers. Traumatized workers and their family members are worried about who could be next. The situation cannot be fully discussed in this paper, but the fact remains that this is the single greatest threat to the realization of the 7point Agenda as output and production has drastically reduced in response to the growing fatalities and attacks on the oil and gas workers and facilities as well as other residents of the Niger Delta. *The urgency of resolving the insecurity in the Niger delta cannot be over emphasised. A review of any Nigerian newspaper or magazine, for instance the current edition of NewsWatch, will reveal the magnitude of the losses to the nation both in terms of lives and revenue*

4.5 THE OIL AND GAS FREE ZONE AUTHORITY ACT:

The Oil and Gas Free Zone Authority Act of 1996 seeks to abridge the right of workers to join a trade union and bargain collectively. Unfortunately prior to the take-off of

democracy in 1999 (i.e. during the military era) decrees reigned supreme over all other laws, including the constitution. *Fortunately, with the advent of democracy in 1999, and the reinstatement of the constitution, the supremacy of the constitution over all other laws is no longer an issue for debate. Expectedly, the courts have also ruled, for instance, in A.G. Oyo State vs. NLC (2004 NLLR Pt 3) that as from May 29th 1999, the constitution is supreme and all other legislations in the land take their hierarchy from the provisions of the constitution.*

Regrettably, some employers are still hiding under the act to deny their workers their rights including the right to decent work, health and safety at work etc. We in PENGASSAN have always drawn the attention of the Free Zone authority and these employers to the provisions of sections 1 and 40 of the 1999 Constitution of the Federal Republic of Nigeria as well as the position of the Law Courts on the Supremacy of the Constitution, for instance as stated in A.G.Oyo State vs. N.L.C. I also want to restate that S.40 of the Constitution entitles workers to join a trade union for the protection of their interest. This right to associate and join a trade union like PENGASSAN is a constitutional right that, in my opinion and with all due respect, cannot be taken away or even abridged by implication through an inferior legislation which the Oil and Gas Free Zone Act is when compared with the constitution. In fact Sections 1 (1) and (3) of the 1999 constitution is very clear that that the constitution is supreme and that if any law is inconsistent with the provisions of the constitution, the constitution shall prevail and the other law shall to the extent of inconsistency be void. In addition

I want to reaffirm our believe in the constitution and rule of law. I also hope that these companies will respect the rights of their workers in the spirit of rule of law and in the interest of industrial peace and harmony.

4.6 NON-UNIONISED WORKERS AND CONTRACT STAFF:

Non-unionised workers as experience has shown are the greatest victims of unsafe and unhealthy work places. **Empirical evidence has also shown that the respect for workers' health, safety and dignity are very much likely to be violated for non-unionised workers and contract staff of all categories.** This is quite understandable and that is why the constitution, extant labour laws, African Charter on Human and People Rights as well as various ILO conventions seeks to guarantee the right of workers to join a trade union for their protection. It is unlawful for an employment contract to require or to restrain an employee from joining a Trade Union. In the same fashion, employees' contracts cannot be extinguished by reason of the employee joining a Trade Union. *All workers, whether they are permanent staff, agency or contract staff of any category, have the right to join a trade union and bargain collectively. This is a constitutional right as well as a right under the ILO Convention. Trade Unions should intensify their efforts at unionizing the workers.*

4.7 SUPERVISION CAPACITY OF THE FEDERAL GOVERNMENT AGENCIES:

There are doubts in some quarters as to whether the Federal Government has sufficient qualified personnel for the inspection of our factories for the purpose of ensuring that the

provisions of the law are effectively and adequately observed by factory operators including those engaged in the oil and gas business. A very close examination of the number of officers working in the Federal Ministry of Labour and Productivity in say Port Harcourt vis-à-vis the level of industrial activities in Rivers State tend to support this line of thinking. In addition any critical review of court rulings in this area will reveal that almost all the cases are English Cases and that there have been very few Prosecutions under our law. As a Union leader, I still believe that a lot need to be done to increase the capacity of the Ministry and other relevant government agencies to discharge this very important duty as empirical evidence has shown that quite a lot of these accidents and work related diseases are preventable.

4.8 IGNORANCE AND LACK OF AWARENESS OF THESE RIGHTS BY THE WORKERS:

All workers, whether they are permanent staff, agency or contractors, need to be aware of issues that affect their health and safety at work. Although the unions have fought and achieved certain basic legal and contractual health and safety rights for workers, it is obvious that a sizeable number of workers do not even know these rights. Efforts such as this should be encouraged so as to let workers know these rights. I also encourage the various trade unions and their labour centres to champion the crusade for the education of their members as regards their rights to a safe and healthy workplace. Remember even the Bible in Hosea 4:6 says **“my people are destroyed for lack of knowledge”**.

5. RECOMMENDATION

The ILO estimates that about 1 million people are victims of industrial accidents every day, and that quite a lot of these accidents are preventable. I would like to think that this figure does not include those whose health are adversely affected by the work they do and by the conditions of the place they work. This figure is expected to grow in view of the current global financial crises and the well known Niger Delta if nothing drastic is done to protect workers and ensure that employers put in place appropriate mechanisms aimed at the prevention of these accidents and fatalities. The following suggestions, in addition to others that may have been made elsewhere in this paper, should be given adequate attention:

- a) The ILO adopted Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001) should be considered in the implementation of Health and Safety programmes.
- b) Accident prevention programmes, including the use of protective equipment, safety education, machine guarding, a work permit system, effective supervision at work sites and the enforcement of factory laws and regulations should be pursued vigorously.
- c) The Federal government should ratify the ILO Conventions on Health and safety that they have yet to ratify, while the National Assembly should pass the ratified ILO conventions into laws. To this end we would request the Federal

Ministry of labour and Productivity to assist us appeal to the National Assembly to further expedite action on the Bill for an Act Make to Comprehensive Provisions for Occupational Safety and Health in Workplaces and for Matters Connected Therewith. We would also like to use the opportunity presented by this forum to thank the National Assembly for the progress made so far on the bill and *appeal to them to further expedite action in passing the bill into law in the interest of the Nigerian workers who look unto them for protection against the flipside of capitalism.*

- d) Trade Unions should educate their members on their right to decent work including safe and healthy workplace. They should ensure that these rights are captured in the collective bargaining agreements and employee handbook in all the companies under their jurisdiction. **They should also ensure that all legal provisions on the protection of the health and safety of workers are duly observed and respected and that there are adequate arrangements to reasonably cater for the health of employees affected by redundancy and retirement** .This arrangement should include full and comprehensive medical examination to confirm the extent to which their health has been impacted by their work and the medical arrangement to mitigate the identified risks. They should also ensure that all workers have a comprehensive medical cover either via Company nominated clinics or utilising the National Health Insurance Scheme. Although preference could be given to the use of competent company retainer clinics.
- e) The Federal Government should ensure that it gives the Federal Ministry of Labour and Productivity, the Department of Petroleum Resources and other relevant government agencies all that they require to carry out effective inspection of all factories and worksites as well as adequate enforcement of the existing labour laws.
- f) State Governments should leverage on the fact that the health, safety and welfare of persons employed to work in factories etc is in the concurrent list of the Constitution and hence they should engage their state houses of assembly to enact laws that will ensure the protection and advancement of the right of workers to safe and health workplace. As at today, it appears it is only the Federal Government that has enacted a Factories Act. The States Government especially those of the Niger Delta States have not done anything in this direction.
- g) All workers, whether they are permanent staff, agency or contractors should be made aware of their right to join a trade union and bargain collectively. **This is the first and basic step for the protection of their rights as workers.**
- h) Trade unions and Federal Ministry of Labour and Productivity should ensure that all workers, whether they are permanent staff, agency or contractors should be covered by Workmen's Compensation Insurance and Life insurance from a reputable Insurance Companies in line with the law. They should also ensure that

workers have effective and working medical and health cover either via competent retainer clinics or at least via the National Health Insurance Scheme.

- i) The penalties for breaches of the provisions of the Labour Laws by employers should be reviewed in line with the current economic realities. The current regime of penalties is insufficient and even ridiculous, thereby encouraging the deliberate default on the part of the employers.
- j) Let me state that workers, employers and Government have a shared responsibility for safety and health at work, and we must work vigorously to achieve a safe and healthy workplace.

Finally let me leave you with this statement from the ILO on Health and Safety at work.

“Safety and health at work does not merely mean preventing workers from being exposed to workplace risks and hazards and to protect them against these. It also involves being proactive in promoting healthy lifestyles and practices. Using the workplace as a platform to raise awareness of healthy lifestyles can help workers and reach out to their families and the community as a whole”

Thank you for you attention.

Comrade Hyginus Chika Onuegbu

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