

GOVERNMENT NOTICE No. 149 published on 03/04/2015

THE OCCUPATIONAL SAFETY AND HEALTH
ACT,
(CAP. 297)

RULES

(Made under section 109)

THE OCCUPATIONAL SAFETY AND HEALTH
(GENERAL ADMINISTRATIVE) RULES, 2015

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*The Occupational Safety And Health (General Administrative)
Rules, 2015*

G.N. No. 149 (contd.)

THE OCCUPATIONAL SAFETY AND HEALTH ACT,
(CAP. 297)

RULES

(Made under section 109)

THE OCCUPATIONAL SAFETY AND HEALTH (GENERAL
ADMINISTRATIVE) RULES, 2015

Citation	1. These rules may be cited as the Occupational Safety and Health (General Administrative) rules, 2015.
Interpretation	2. In these rules unless the context requires otherwise-
Cap.297	“Act” means the Occupational Safety and Health Act; “Authority” means the Occupational Safety and Health Authority; “occupational safety and health private providers” means persons appointed by the Chief Inspector to provide private occupational safety and health services and who is not in the service of the Government; “lifting appliances” include cranes, chain blocks, forklifts, wire ropes, chain slings; and “Pressure vessels” includes steam boiler, hot water boiler, steams receiver, air receiver, sterilizer, steam jacket, auto clave, vessel or similar apparatus other than a boiler that may be used for handling gas, fluid or solid that is normally operated under pressure.
Application for registration	3.-(1) An application for registration of the workplace shall be- (a) made by filling OSHA form 1(a) for building operations or works of engineering construction sites and OSHA 1(b) for other workplaces; and

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(b) Submitted to the Authority within seven days upon payment of application fees as set out in the First Schedule.

(2) Upon grant, the applicant shall pay prescribed registration fees as set out in the First schedule.

(3) Where the application under this rule is refused, the Chief Inspector shall state the reasons for the refusal.

Inquiries on data

4. The Authority may inquire in writing from any other authority or institution dealing with the core activities of the workplace on the information declared by the applicant.

Compliance

5. Where the applicant fails to satisfy the requirements as set out under the Act, the inspector shall recommend to the Chief Inspector not to issue the license or to withdraw compliance license and to stop activities until the requirements are complied with.

Private
occupational
safety and health
services delivery

6.-(1) The Chief Inspector may appoint a competent person to deliver the occupational safety and health services after fulfilling the necessary requirements and shall be re applied for every twenty four months upon payment of registration fee as set out in the First Schedule.

(2) Every person intending to deliver occupational safety and health services shall apply in writing to the Chief Inspector.

(3) The Chief Inspector may reject an application referred in sub-section (1) where the applicant does not fulfil the necessary requirements.

(4)The Chief Inspector may revoke a certificate of appointment in case of any misconduct by a holder of the said certificate.

Occupational
safety and health
services
provided by the
Authority

7.-(1)The Authority may provide occupational safety and health services which includes-

- (a) examination of pressure vessels;
- (b) examination of lifting equipment;

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- (c) electrical inspection;
- (d) occupational health services;
- (e) occupational hygiene measurements;
- (f) risk assessment;
- (g) scrutiny of industrial drawings and plans;
- (h) accidents investigation;
- (i) occupational safety and health impact assessment;
- (j) occupational safety and health post-tender qualification;
- (k) ergonomics inspection;
- (l) approval of training manual in occupational safety and health;
- (m) consultancy;
- (n) specific medical tests;
- (o) training in OSH;
- (p) Safety in gas installation; and
- (q) any other occupational safety and health services approved by the authority.

(2) The fees for occupational safety and health services and any other fees required under the Act, shall be as prescribed in the First Schedule.

(3) Fees for occupational safety and health services rendered by the Authority shall be payable within thirty days from the date of issuance of the bill, failure of which, a daily penalty of five percent shall be charged.

(4) Any person who delivers occupational safety and health services under these rules shall be required to submit a report in writing to the recipient of the services, the Chief Inspector and keep record for further reference and action on the workplace inspected.

(5) the employer shall be liable for a penalty equivalent to twice the services fee mentioned under sub rule (2) where an inspector or authorized officer is requested to provide any occupational safety and health services at a certain time and is unable to do so because of lack of preparation on the part of the occupier or employer.

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Approved
inspection
authority

8.-(1)The Chief Inspector may approve any organization which performs the prescribed functions with regard to the manufacture or testing of electrical machinery or any other occupational health and safety services as an inspection authority.

(2) The Chief Inspector may require an organization contemplated in terms of sub-rule(1) to submit such particulars of its technical equipment and resources, the extent of the qualifications and experience of its staff and such matters as he may deem necessary.

(3) The Chief Inspector may withdraw any approval of an inspection authority at any time.

Certificate of
appointment

9. Inspectors appointed by the Chief Inspector under section 5 of the Act and approved under rule 8 shall be issued with a certificate of appointment as set out in the Third Schedule and shall produce it upon demand during the cause of their duties.

Register

10. (1) There shall be kept a register for each type of equipment at workplaces.

(2) Equipments to be kept in the register includes-

- (a) lifting appliances;
- (b) pressure vessels; and
- (c) any other type of equipment as may be specified by the Authority.

Employer to
provide status of
inspection
Cap. 297

11. Without prejudice to the duties and responsibilities of the employer as set out in the Act, the employer shall provide the status of the inspection conducted by signing the inspection status report form as set out in the Third Schedule.

General
inspection
procedures

12. An inspector shall conduct general inspection in accordance with procedure set out in the Fourth Schedule.

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Intoxication

13.-(1) An employer or user shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace.

(2) A person at workplace shall not be under the influence of or have in his possession or partake of or offer any other person intoxicating liquor or drugs.

(3) An employer or user shall in the case where a person is taking medication, allow such people to perform duties at the workplace if the side effects of such medication do not constitute a threat to the health or safety of the person concerned or other persons at such workplace.

Admittance of
persons

14.-(1) An employer or user shall not permit a person to enter a workplace where the safety or health of such person is at risk or may be at risk, unless such person enters such workplace with the express or implied permission of, and subject to the conditions laid down by such employer or user:

Provided that the express or implied permission shall not apply in respect of a person entitled by law to enter such premises.

(2) An employer or user shall, if he deems it necessary in the interests of health and safety, put up a notice at every entrance to a workplace prohibiting the entry of unauthorised persons to such premises without the permission of the employer or user.

Exemption

15. A certificate of exemption issued in terms of section 103 of the Act shall be signed by the Chief Inspector or by an officer acting in his stead.

Health and
Safety
Committees

16. An employer shall:

- (a) make a suitable meeting place available for the health and safety committee;
- (b) endorse the recommendations as contemplated

in section 11 of the Act or cause such recommendations to be endorsed by a person designated by him;

- (c) ensure that the recommendations as contemplated in paragraph (b) are kept for a period of at least three years;
- (d) ensure protection from discrimination or retaliation in the exercise of their functions under the Act; and
- (e) ensure that the members of the committee are trained on the duties and responsibilities under the Act.

(2) The health and safety committee members shall order the shutdown of an imminently dangerous operation and shall report to immediate supervisor or any other authorised person.

(3) The health and safety committee shall have the right to conduct collective bargaining on occupational health and safety matters.

(4) The health and safety committee shall be consulted in occupational safety and health matters.

Handling of
Hazardous
Chemical
Substances

17.-(1) Subject to the provisions of section 67 of the Act, every person who manufactures, imports, sells or supplies any hazardous chemical substance for use at work, shall as far as is reasonably practicable provide the party receiving such substance, free of charge with a material safety data sheet containing all the information with regard to-

- (a) Product and company identification;
- (b) information on ingredients;
- (c) hazards identification;
- (d) first aid measures;
- (e) fire fighting measures;
- (f) accidental release measures;
- (g) handling and storage;
- (h) exposure control or personal protection;
- (i) physical and chemical properties;

- (j) stability and reactivity;
- (k) toxicological information;
- (l) ecological information;
- (m) disposal considerations;
- (n) transport information;
- (o) regulatory information; and
- (p) other relevant information.

(2) Notwithstanding sub rule (1), where it is not reasonably practicable to provide a material safety data sheet, the manufacturer, importer, seller or supplier shall supply the receiver of any hazardous chemical substance with sufficient information to enable the user to take the necessary measures as regards to the protection and health.

(3) An employer shall possess a copy of the relevant material safety data sheets (MSDs) or a copy of sufficient information specified in sub-rule (1) for any hazardous chemical substance for use at work.

(3) An employer shall make the relevant material safety data sheets or sufficient information in plain language, as stipulated in sub-rule (3), available at the request of inspector or any authorised person.

Witnesses at
formal inquiry

18.-(1) When an inspector is directed to hold a formal inquiry into an incident in terms of section 8 of the Act, he shall notify the employer or user concerned, of the date, time and place, and that their presence shall be required at the inquiry.

(2) The employer or user shall provide the inspector with the names and addresses of witnesses in order that the inspector can summon such witnesses.

(3) The summons issued in terms of sub-rule (2) shall be as set in the form 4 of the Third Schedule:

(4) The summons under this rule may be served by any person authorised by the inspector.

(4) Save as is otherwise provided in these rules, the law governing criminal trials in magistrates' courts shall, with necessary modifications, apply to obtaining the attendance of witnesses at an inquiry under these rules.

(5) Any inquiry under this rule shall be held in public:

Provided that the presiding inspector may exclude from the place where the inquiry is held, any person whose presence is, in his opinion, undesirable or not in the public interest.

(6) The presiding inspector may designate any person to lead evidence and to examine any witness giving evidence at a formal inquiry;

(7) any person who has an interest in the issue of the formal inquiry may personally or by representative, put such questions to a witness at the inquiry to such extent as the presiding inspector may allow.

(8) the following persons may have an interest as referred to in paragraph (b):

- (i) any person who was injured or suffered damage as a result of the incident forming the subject of the inquiry;
- (ii) the employer or user involved in the incident;
- (iii) any person who in the opinion of the presiding inspector may be held responsible for the incident;
- (iv) a trade union recognised by the employer concerned or any trade union of which a person referred to in subparagraph (i) or (iii) is a member;
- (v) any owner or occupier of any premises where the said incident occurred; and
- (vi) any other person who, at the discretion of the presiding inspector, can prove such interest.

(7) An inquiry may, if it is necessary or expedient, be adjourned at any time by the presiding inspector.

(8) The inquiry adjourned under paragraph (a) may at any stage be continued by any inspector other than the

inspector before whom the inquiry commenced.

(8) An affidavit made by any person in connection with the incident in respect of which the inquiry is held, shall at the discretion of the presiding be admissible as proof of the facts stated in that affidavit, and presiding inspector may, at his discretion, summon the person who made such an affidavit to give oral evidence at the inquiry or may submit written interrogatories to him for reply, and such interrogatories and any reply thereto purporting to be a reply from such person shall be admissible in evidence at the inquiry:

Provided that the presiding inspector shall afford any person present at the inquiry the opportunity to refute the facts stated in such document, evidence or reply.

(9) where in the course of any inquiry it appears to the presiding inspector that the examination of a witness is necessary and that the attendance of such witness cannot be procured without delay, expenses or inconvenience which the circumstances would be unreasonable, the presiding inspector may dispense with such attendance and may appoint a person to be a commissioner to take the evidence of such witness, in regard to such matters or facts as the presiding inspector may indicate.

(10) A person referred to in sub-rule (8) may appear in person or through a representative.

(10) At the conclusion of an inquiry under this section, the presiding inspector shall compile a written report of the inquiry.

(11) The evidence given in any inquiry under this section shall be recorded and a copy the inquiry shall be submitted by the presiding inspector together with his report to the Chief Inspector.

(12) Nothing contained in this section shall be construed as preventing the institution of criminal proceedings against any person or as preventing any authorised person from issuing a warrant of arrest, whether or not an inquiry has already commenced.

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Display of
substituted
notices and signs

19. If the provisions of any rule prescribe a particular notice or sign which must be displayed by an employer at a workplace or by a user, the employer or user may, in lieu of the notice or sign, display a corresponding symbolic sign as contained in a safety standard prescribed under section 89 of the Act.

Compound
offences

20.-(1)-If the employer commits an offence under the Act, the inspector may compound the offences and upon the payment of the penalty the inspector shall produce an offence acknowledgement notice, as set out in OSHA Form 3, of the Second Schedule.

(2) Compound of offences shall include but not be limited to offences and penalties included in the Second Schedule.

Repeal GN. No
111 of 2001

21. The Factories (Occupational Safety and Health services fees) Rules are hereby repealed.

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FIRST SCHEDULE

(Made under rule 3 and 7)

WORKPLACES REGISTRATION FEES

Description

S/NO	FIRM CATEGORY	MICRO	SMALL	MEDIUM	LARGE
	<i>Total Liability in TShs</i>	<i>Up to 5m</i>	<i>Between 5m to 200m</i>	<i>Between 200m to 800m</i>	<i>Above 800m</i>
	<i>Number of employees</i>	<i>1 to 4</i>	<i>5 to 49</i>	<i>50 to 99</i>	<i>100 and above</i>
1	Agriculture, forestry and fishing	50,000	150,000	300,000	450,000
2	Mining and quarrying	200,000	600,000	1,200,000	1,800,000
3	Manufacturing	80,000	240,000	480,000	720,000
4	Energy and petroleum	100,000	300,000	600,000	900,000
5	Water supply; sewerage, waste management	100,000	300,000	600,000	900,000
6	Construction per storey built	150,000	300,000	600,000	900,000
7	Wholesale and retail trade	50,000	150,000	300,000	450,000
8	Transportation and storage	100,000	300,000	600,000	900,000
9	Accommodation and food service activities	100,000	300,000	600,000	900,000
10	Information and communication	100,000	300,000	600,000	900,000
11	Financial and insurance activities	150,000	450,000	900,000	1,350,000
12	Real estate activities	150,000	450,000	900,000	1,350,000
13	Professional, scientific and technical activities	100,000	300,000	600,000	900,000
14	Administrative and	100,000	300,000	600,000	900,000

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	support service activities				
15	Public administration and parastatal organizations	100,000	300,000	600,000	900,000
16	Education	100,000	300,000	600,000	900,000
17	Human health and social work activities	50,000	150,000	300,000	450,000
18	Arts, entertainment and recreation	50,000	150,000	300,000	450,000.0
19	Other service activities	50,000	150,000	300,000	450,000.0
20	Activities of extraterritorial organizations and bodies	50,000	150,000	300,000	450,000.0

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OCCUPATIONAL SAFETY AND HEALTH GENERAL INSPECTION FEES

General inspection fees shall be charged as 80% of the registration fees annually.

OCCUPATIONAL HEALTH AND SAFETY CONSULTANCY FEE

OHS Consultancy and expert services shall be charged TShs. 450,000 per expert per day. Reimbursable expenses, travelling and accommodation expenses shall be charged as per the actual expenses incurred.

OCCUPATIONAL HEALTH AND SAFETY TRAINING FEES

Description

Training on OHS matters shall be charged TShs 150,000 per day for residents and TShs300,000 per day for non-resident. However, specialized training courses fees will be determined depending with cost of the courses.

INVESTIGATION OF ACCIDENT AND NEAR MISSES FEES

Description

Investigation of accident and near misses fees shall be charged as TShs. 500,000 per day per expert.

SCRUTINY OF WORKPLACE DRAWING/PLANS FEES

Description

Scrutiny of workplace drawings/ plans shall be charge Tsh.300, 000 per hour per drawing.

OCCUPATIONAL HEALTH SERVICES FEES

Description	(per worker)	Fees in TShs
Medical Examination Consultation		20,000 per worker
Audiometry		15,000 per worker
Lung function test		25,000 per worker
Vision test		15,000 per worker
Peak Expiratory Flow test		10,000 per worker
Allergy test		25,000 per worker

Patch tests and Laboratory analysis will be charged as per current prevailing costs.

INDUSTRIAL HYGIENE MEASUREMENTS FEES

Description	Fees in TShs
Noise measurements per point	60,000
Noise measurements per person	100,000

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Heat stress measurements per point	60,000
Dust sampling per work point	120,000
Dust sampling per person	60,000
Gas detection per point per gas	350,000
Light measurements per point	60,000
Vibration test per point	200,000
Air current test per point	60,000
Toxic Gas emission measurement per source	200,000
Indoor air quality	200,000

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ERGONOMICS INSPECTION FEES

Description

Ergonomic inspection fees shall be charged as 80% of the current registration fee.

ELECTRICAL TESTS FEES

Description

Fees in TShs

Polarity test per point	50,000
Continuity test per point	50,000
Earth resistance test per point	150,000
Insulation test per point	200,000
Electromagnetic field (EMF) test	300,000

INSPECTION OF BOLERS AND PRESSURE VESSELS FEES

Description

Basic Fees

**hydraulic
test Fees**

**under pressure
test Fees**

Steam boiler above 40ton/hr	800,000	200,000	200,000
Steam boiler between 20 and 40ton/hr	600,000	200,000	200,000
Steam boiler between 10 and 19ton/hr	600,000	100,000	100,000
Steam boiler between 5 and 9ton/hr	400,000	100,000	100,000
Steam boiler between 1 and 5ton/hr	300,000	125,000	125,000
Steam boiler less than 1ton/hr	100,000	80,000	120,000
Each hot water boiler	100,000	100,000	100,000
Each economizer or each super heater	100,000	80,000	80,000
steam jacket vessel of a diameter	100,000	50,000	50,000
Each steam receiver or steam jacket vessel of a diameter			
Less than 60cm(steam heater, header, exchanger)	100,000	50,000	50,000
Each air receiver of a diameter of 75cm or over	100,000	50,000	50,000
Each air receiver of a diameter less than 75cm	100,000	50,000	50,000
Each medical sterilizing boiler (autoclave) of less than			
60cm in diameter	100,000	50,000	50,000
Each steam tube oven	50,000	50,000	50,000
Any other pressurised vessel (Tanks)	100,000	50,000	50,000

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INSPECTION OF LIFTING EQUIPMENT FEES

Description	Fees in TShs
Passenger lift (per number of persons)	
More than 20 persons	300,000
Between 11 to 15 persons	250,000
Between 6 to 10 persons	200,000
Between 3 to 5 persons	150,000
Between 0 to 2 persons	100,000

NB: This inspection will be done twice annually or any time when need arises.

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POWERED OPERATED CRANES/ HOISTS AND OTHER POWERED LIFT EQUIPMENT

Description	Fees in TShs
Over 100 tons capacity	300,000
Between 70 tons and 100 tons capacity	250,000
Between 50 tons and 70 tons capacity	200,000
Between 30 tons and 50 tons capacity	175,000
Between 10 tons and 30 tons capacity	150,000
Between 5 tons and 10 tons capacity	120,000
Between 1 ton and 5 tons capacity	100,000
Below 1 ton capacity	80,000
Manually operated lifting equipment	
Over 5 tons capacity	20,000
Between 1 ton and 5 tons capacity	10,000
Below 1 ton capacity	10,000

INSPECTION OF GAS INSTALLATION FEES

Description	Fees in TShs
Inspection of Gas installation per station	200,000
FEES FOR OSH RISK ASSESSMENT	
OSH risk assessment	450,000 per man
hour	
FEES FOR OSH IMPACT ASSESSMENT	
OSH impact assessment	450,000 per man
hour	
FEES FOR OSH POST TENDER QUALIFICATION	
OSH Post tender qualification audit	450,000 per man
hour	
FEES FOR APPROVAL OF TRAINING MANUALS	
Approval of training manuals	500,000 per manual

FEES FOR OTHER SERVICES

Description	Fees in TShs
Application fee for private service provider	100,000
Duplicate certificate	50,000
Workplace general register	50,000
Safety sign material per piece	15,000
Abstract	50,000

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SECOND SCHEDULE

(Made under rule 20)

S/N	OFFENCES TO BE COMPOUNDED	AMOUNT IN TSHS
1.	obstruct an inspector in the execution of his duties, Sect 6 (3) (c)	1,000,000
2.	Safety and Health Reps(1 safety rep for every 100 employees in offices &shops) (1 safety rep for 50 employees in a factory) Sect 11	200,000
3.	Registration of factories and workplaces (non- registration while operating) Sect 16	1,000,000
4.	Notification of closure or change of occupier or industry (non-notification) Sect 20	1,000,000
5.	Construction after approval of drawings (construction without approval) Sect 22	1,000,000
6.	Medical Examination (absence of periodical medical examination) Sect 24	1,000,000
7.	Training supervision and research (training to be conducted at least once every two years, all exposed workers are instructed on the hazards prevailing, safety measures taken to avoid injury- non-compliance) Sect 34 (2).	1,000,000
8.	Cranes and other lifting machines, (2) examination of the machines at least once in every twelve months Sect 39	200,000
9.	Maximum working load (operation of lifting machines without training/ competence- (training by a competent authority) Sect 40. (4) Operation by person under 18 not allowed.	1,000,000 500,000
10.	Register of chains, ropes other lift tackles, cranes etc. (absence of register)	500,000
11.	Register of chains , ropes other lifting tackles, cranes and other lifting machines no register at the workplace of the machines Sect 41	500,000/
12.	Reporting on plants due for inspection Sect 42	200,000
13.	Safe means of access and safe working place. (a) all floors, steps, stairs, ladders, covers and gangways are constructed of sound material and properly maintained; Sect 43 Safe floors per floor area Steps Stairs	200,000 200,000 200,000

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Ladders	200,000
Covers	200,000
gangways	200,000
(b) all openings in floors are being securely fenced, or when not in use shall be kept covered;	200,000
Non fencing or covering of floors	200,000
(c) there are maintained and safe means of access to every place at which any person has at any time to work; a handrail is provided	200,000
(d) for every staircase in a structure affording a means of exit from, if the staircase has an open side,	200,000
(ii)for every staircase having two open sides and shall be maintained on both sides;	200,000
(e) sufficient clear and unobstructed space shall be maintained at every machine or plant while in motion to enable the work to be carried out without unnecessary risk;	200,000
(f) every teagle opening or similar doorway used for hoisting or lowering goods or materials, are securely fenced, and are provided with a secure hand-hold on each side of the opening or doorway.	200,000
lack of such safe means of access per each place/work area	200,000
14. non examination of a used steam boiler Sect 47 (6)	1,000,000
Non- compliance in terms of certificate specifying the maximum permissible pressure	500,000
15. Prevention of fire (lack of appropriate fire extinguishers and escape exists) Sect 50.	500,000
16. Supply of drinking water (lack of clean uncontaminated drinking water) Sect 54	500,000
17. Sanitary conveniences (lack of sufficient sanitary convenience, to consider invalids, women) Sect 55.	500,000
18. Washing facilities (lack of appropriate washing facilities) Sect 56	500,000
19. Accommodation for clothing (to be separate and clean) Sect 57	500,000
20. First Aid (Lack of first aid facilities and medication) Sect 58.	500,000
21. Facilities for sitting (lack of appropriate sitting facilities) Sect 59	500,000
22. Risk assessment (lack of report for a period of three years) Sect 60	1,000,000
23. Provision of protective equipment lack of appropriate PPE, per person Sect 62, 63	50,000/
24. Safety of electrical installations and apparatus lack of electrical inspection every twelve months Sect 66.	500,000

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25.	Provision of safety data sheet Sect 74 (2) non-submission to the Chief Inspector	200,000
26.	Labelling of hazardous chemicals Sect 75 (b) Lack of register or list of chemicals in the workplace	500,000
27.	Preparation of policy Sect 96. a) Lack of workplace OSH policy b) non display of policy	500,000 500,000
28.	Notification of incidents or occupational diseases Sect 101 (minimum) a) failure to submit report within 24 hours b) failure to submit report within seven days c) Lack of written report d) non-submission to the authority	1,000,000 1,000,000 1,000,000 500,000

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THIRD SCHEDULE

(Made under rule 9)

OSHA FORM 1

THE UNITED REPUBLIC OF TANZANIA

**MINISTRY OF LABOUR AND EMPLOYMENT
Occupational Safety and Health Authority (OSHA)**



CERTIFICATE OF APPOINTMENT OF INSPECTORS

This is to certify that
(Whose photograph appears below)

Holds the appointment(s) of
In the Occupational Safety and Health Authority – OSHA.

.....
Signature of holder

No.

CERTIFICATE OF APPOINTMENT

The person named in this certificate hereby authorized to exercise the powers of an inspector as set out in sections 5, 6 of the Occupational Safety and Health Act, 5 of 2003. This certificate of appointment shall serve as the authority required by section 4(4) of the said Act.

Date

.....
.....
Chief Inspector

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OSHA FORM 2

THE UNITED REPUBLIC OF TANZANIA

**MINISTRY OF LABOUR AND EMPLOYMENT
Occupational Safety and Health Authority (OSHA)**



AUTHORISED/APPROVED PLANT INSPECTOR

This is to certify that

.....

(whose photograph appears below)

Has been Authorized and/or Approved under Section

Of the Occupational Safety and Health Act, to carry out the examination, inspection and test of
Plant under the above Sections.

.....

Signature of Holder

Certificate No.

CERTIFICATE OF APPOINTMENT

In exercise of the powers conferred on the Chief Inspector by Section 4 the person named on this Certificate is authorized to carry out the inspection and test of plant in all premises coming within the scope of the Occupational Safety and Health Act, and the owners/Occupiers/Managers of such premises are requested to afford him/her to carry out duties all reasonable times and such assistance as is necessary for him/her to carry out duties efficiently.

.....

Chief Inspector

Date

Occupational Safety and Health Authority

P.O. Box

Dar es Salaam.

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OSHA FORM 3

**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF LABOUR AND EMPLOYMENT
Occupational Safety and Health Authority (OSHA)**



OFFENCE ACKNOWLEDGEMENT NOTICE
(Made under rule 20)

I of
..... Do hereby acknowledge and declare that onday of
..... 20....., was found by one
..... (Inspector)
In breach of

I do hereby declare further this acknowledgement is done with sober mind and own volition.
Signed at this day of 20.....

.....
NAME

.....
SIGNATURE

DECISION OF INSPECTOR

I by reason that the above named person has
acknowledged to have committed a crime/crimes as abovementioned, the said
..... is
hereby required to make payment in sum of
The same being
.....
.....Date this day of
..... 20.....

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Rules, 2015*

G.N. No. 149 (contd.)

OSHA FORM 4

**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF LABOUR AND EMPLOYMENT
Occupational Safety and Health Authority (OSHA)**



ORDER TO ATTEND FORMAL INQUIRY

(Made under rule 18)

To:
.....
.....

WHEREAS your attendance is necessary to attend a formal inquiry into the incident which has occurred at your workplace and resulted into the injury/illness or death of

You are hereby ordered to see the Chief Inspector athours, on the day of 20..... at OSHA Headquarters Office situate on Plot No MWY/KMB/565/Kinondoni, Mahakama road.

.....
ISSUED BY CHIEF INSPECTOR

*The Occupational Safety And Health (General Administrative)
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G.N. No. 149 (contd.)

OSHA FORM 5

**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF LABOUR AND EMPLOYMENT
Occupational Safety and Health Authority (OSHA)**



OSHA INSPECTION STATUS REPORT FORM

(Made under rule 11)

WORKPLACE IDENTIFICATION NAME AND ADDRESS OF WORKPLACE/DISTRICT

NATURE OF WORK.....

NO. EMPLOYEES..... WOMEN..... MEN.....

OSHA REG. NO.....DATE OF INSPECTION

	TYPE OF INSPECTION	STATUS	NAME OF INSPECTOR	DATE
1	GENERAL INSPECTION			
2	ELECTRICAL			
3	INDUSTRIAL HYGIENE			
4	MEDICAL EXAMINATION			
5	PLANTS INSPECTION			
6	ERGONOMICS			
7	OTHERS			

NAME OF INSPECTOR(S)

SIGNATURE(S).....

DATE.....

NAME OF WORKPLACE AUTHORIZED OFFICER

DESIGNATION

SIGNATURE.....

DATE.....

PHONE NUMBER/CELL

(OFFICIAL STAMP)

FOURTH SCHEDULE



OCCUPATIONAL SAFETY AND HEALTH AUTHORITY

GENERAL INSPECTION PROCEDURES

(Made under Rule 12)

PURPOSE:

This practice identifies the key aspects of the Occupational Safety and Health (OS&H) compliance, and establishes the minimum requirements for employers to fulfill their responsibilities by cooperating with duly Safety and Health inspectors.

SCOPE:

This practice describes the general requirements for Safety and Health inspectors in handling any workplace safety and health inspection by OSHA and all inspections covered under the Occupational Health and Safety Act.

APPLICATION:

This practice applies to all workplaces in mainland Tanzania unless otherwise stated.

GENERAL:

Under the Occupational Health and Safety (OHS) Act of 2003, Safety and Health Inspectors have the right to inspect any workplace in order to determine whether an employer is in compliance with the Act's safety and health standards. Compliance inspections are initiated and prioritized based upon the following criteria:

- Imminent Danger of death or serious physical harm.
- Workers' Complaint - the worker's identity remains confidential, though OSHA is required to furnish a written copy of the complaint to the employer.
- Programmed Inspection.
- Follow-up Inspection to determine if previously cited violations have been abated.

A. PREPARATION FOR INSPECTION

1. Reviewing information on the workplace

Prior to initiating an inspection, Safety and Health Inspector shall identify and review all information on the workplace to be inspected. The information to be reviewed include safety and health hazard reports, injury and illness records, previous inspection reports, and reports of unsafe and unhealthy working conditions, and complaint of employees (if any).

2. Advance Information prohibited

- a. No advance information of intended inspection shall be given to employer by inspector, unless given express permission to do so by the Zonal Manager.
- b. Advance information of an inspection shall only be given when:
 - (i) an imminent hazard is present so that the employer can take necessary measures as quickly as possible;
 - (ii) an inspection has to be conducted after regular business hours;
 - (iii) Special arrangements are necessary to conduct the inspection, e.g., when it is necessary for maintenance of security at a correctional facility or for protecting the safety and health of Inspector when inspecting a correctional facility.

3. Materials and Equipment to carried

- a. Valid Inspector's Identification Card, Note book, and if possible some indicative measuring instruments such as noise level meter, lux meter, etc.
- b. Inspection Forms

Prior to initiating an inspection, Safety and Health Inspector shall ensure that all applicable inspection forms are ready to be taken with him/her to the inspection site.
- c. Personal Protective Equipment
 - (i) Prior to initiating an inspection, Safety and Health Inspector shall ensure that all appropriate personal protective equipment (PPE) to be taken to the inspection site is ready and in good working order.

4. Expert Assistance

Prior to initiating an inspection, Safety and Health Inspector shall determine if expert assistance is necessary to conduct the inspection. If such assistance is needed, Safety and Health Inspector shall notify the Zonal Manager of the need for assistance. The Zonal Manager shall arrange, through the Chief Inspector, for the expert assistance to be provided.

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B. INITIAL CONTACT

1. Professionalism

When conducting an inspection, Safety and Health Inspector conduct themselves as professional and be cognizant that they represent OSHA at all times.

2. Timing

Inspections shall be conducted during normal business hours unless special circumstances necessitate otherwise.

3. Presentation of Credentials

Safety and Health Inspector shall identify him/herself to the employer by showing his/her OSHA Identification Card prior to conducting briefing meeting before inspection.

4. Consent

- a. Safety and Health Inspector shall obtain the permission from employer or employer's representative to enter the workplace, unless the workplace is one which is open to the public, and shall obtain the employer's permission to conduct an inspection of the worksite prior to beginning an inspection.
- b. Safety and Health Inspector shall obtain permission to conduct an inspection from a management level representative of the employer, or if none is present, from the employer representative who appears to have authority to grant permission to conduct an inspection.
- c. For inspections of military installations, national parks and government buildings, Safety and Health Inspector shall identify himself to the management official or representative at the site and obtain their permission to conduct an inspection.
- d. When a management level or other acceptable employer representative is not present at the workplace, Safety and Health Inspector shall contact the employer by telephone and request permission to conduct the inspection.
 - i. If the employer consents to the inspection over the telephone, but does not plan to come to the workplace to participate in the inspection, Safety and Health Inspector shall request that the employer designate an individual to accompany Safety and Health Inspector on the walk-around.
 - ii. If the employer does consent over the telephone to the inspection, but requests that Safety and Health Inspector wait for the employer's arrival, Safety and Health Inspector shall await the arrival of the employer, or a representative of the employer, but shall do so for no more than one hour. If the employer or

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his/her representative does not appear at the workplace within one hour, Safety and Health Inspector shall initiate the inspection.

- iii. If Safety and Health Inspector cannot reach the employer after making a good faith effort to do so, Safety and Health Inspector shall initiate the inspection and shall document the effort made to obtain the employer's consent to conduct the inspection on the OSHA Form No. 5.
- iv. If the employer refuses to grant permission to Safety and Health Inspector to enter the workplace or to conduct the inspection, the employer's response shall be construed as an obstruction.

5. Obstruction

Safety and Health Inspector shall take with him/her any assistant or police officer and notify the Zonal Manager of any obstruction. The Zonal Manager shall notify the Legal Unit, through the Chief Inspector, of the obstruction, and the Legal Unit shall provide assistance in obtaining a summons or in taking other appropriate legal action.

6. Safety and health orientation programme

In a situation where employer has set up safety and health orientation programme, employer shall conduct the orientation programme to Safety and Health inspector before entry to the workplace.

C. BRIEFING MEETING BEFORE INSPECTION

1. Management Representation

- a. A briefing meeting before inspection shall be conducted with the employer, or the employer's representative of the employer available at the workplace to be inspected.
- b. If an inspection is being conducted because of an imminent danger, Safety and Health Inspector, after identifying himself/herself to the nearest available representative of the employer, ask to be taken to the imminent danger immediately. After workers have been removed from exposure to the imminent hazard, Safety and Health Inspector shall conduct a briefing meeting before inspection.

2. Joint Employer-Employee briefing meeting before inspection

Safety and Health Inspector shall hold a joint briefing meeting before inspection with the employer, or his or her representative, and workers' representative(s). When it is not possible to hold a joint briefing meeting before inspection, Safety and Health Inspector shall hold separate briefing meetings before inspection when appropriate.

3. Multi-Employer Workplace

a. Construction sites

- i. After entering the site, Safety and Health Inspector shall make contact with the highest ranking representative of the main contractor present at the site and ask about the presence of sub-contractors currently working at the site on the day of the inspection.
- ii. Safety and Health Inspector shall notify any sub-contractor working at the site, who is also to be inspected, of the briefing meeting before inspection, and allow not more than 30 minutes, to provide a representative to attend the briefing meeting before inspection.
- iii. Safety and Health Inspector shall document the names, addresses and activities of each employer involved at the multi-employer site. If any hazard(s) are present at the multi-employer site, Safety and Health Inspector shall determine if any of the employers involved at the multi-employer site have exposed their workers to the hazard(s), created the hazards, failed to implement control measure, and any employer who, by contract or practice, controls the multi-employer site.

b. Other Multi-Employer Workplaces

At non-construction multi-employer workplace, Safety and Health Inspector shall notify each of the employers who are present at the worksite, and who will also be inspected, of the briefing meeting before inspection and allow not more than 30 minutes, to provide a representative to attend the briefing meeting before inspection.

4. Briefing meeting before inspection

- a. Briefing meeting before inspection may be conducted at the employer's workplace with the employer physically present or may be conducted at the workplace with the employer telephonically present.
- b. The following contains the essential items Safety and Health Inspector need to include in a briefing meeting before inspection. The order in which the items are covered, or the addition of other items, is the responsibility of the inspector. The items include:
 - (1) Show his/her credentials to the employer;
 - (2) Explain the purpose and scope of the inspection. When communicating the purpose and scope of the inspection, Safety and Health Inspector shall take care not to reveal to the employer the identity of the complainant(s) or any of the complaint item(s) because disclosure of the complaint items may identify the complainant to the employer.

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- (3) Explain to the employer responsibilities of OSHA in general terms, and present to the employer any informational materials about duties and responsibility of OSHA;
- (4) Ask the employer to present the following for verification:
 - i. Certificate of registration by Chief Inspector
 - ii. Current OHS Compliance license
 - iii. Name of the enterprise's (full time or part time) designated office dealing with OHS issues including first aid.
 - iv. Enterprise Occupational Safety and Health policy
 - v. Composition of safety and health committee
 - vi. Minutes of the last safety and health committee meeting
 - vii. Current Risk assessment report
 - viii. Last inspection reports
 - ix. Reports of specialised inspections/examinations, i.e. boilers, crane, electrical, medical fitness examination, etc
 - x. OHS training reports
 - xi. Accident investigation reports
- (5) Inform the employer about the workers' rights, or their representative,
 - i. have to make a complaint to OSHA about workplace safety and health hazards,
 - ii. to be allowed by the employer to participate in the walk-around part of the inspection,
 - iii. to be interviewed by Safety and Health Inspector out of the presence of the employer,
 - iv. to be free from being disciplined by the employer for participating in the inspection,
 - v. to be notified of toxic substance exposure and to be informed of any corrective action taken.
- (6) Inform the employer about the inspection walk-around procedures,
 - i. that worker interviews will be conducted during the walk-around,
 - ii. that photographs of the workplace may be taken during the walk-around, and, if hazards are observed during the walk-around,
 - iii. that improvement notice or prohibition notice may be issued and compounding of offences penalties may be proposed even if the employer is a public sector entity;
- (7) Arrange for an employer and workers' representative to accompany during the walk-around.
- (8) Review the employer's Injury and Illness Prevention Program (if any) and request a copy of the Program to review at a later date.

- (9) Request and verify that the employer maintains the register of work-related illness and injuries, workers' injuries or illnesses notification form;
 - (10) Ask the employer if any specialized PPE equipment is needed by Safety and Health Inspector to conduct the inspection; and
 - (11) Ask the employer for consent to proceed with the walk-around part of the inspection.
- c. Safety and Health Inspector shall ensure that the time between the briefing meeting before inspection and the initiation and completion of the walk-around portions of the inspection is brief enough.

D. WALK-AROUND

1. Scope

The scope of inspection may be full inspection where inspector looks for every thing or partial where the inspector looks only at a specific item. After the briefing meeting before inspection and while conducting the walk-around, Safety and Health Inspector may expand the scope of an inspection from partial to full inspection if workplace conditions or workers' comments suggest the need for a full inspection. Safety and Health Inspector shall document the reasons for expanding the scope from a partial inspection to a full one.

2. Workers Participation in the Walk-around

- a. Safety and health representative(s) shall accompany Safety and Health Inspector during the walk-around.
- b. Where there is no safety and health representative at the inspected worksite, Safety and Health Inspector shall consult with a representative number of the workers concerning matters of workplace safety and health.
- c. If a translator is needed to effectively communicate with workers, Safety and Health Inspector shall secure a reliable translator. Safety and Health Inspector shall not use the employer, or a representative of the employer, as a translator. However, other workers may be used as translators.

3.1. Walk-around - The following are minimum items Safety and Health Inspector need to include in a walk-around.

- (a) Perform a complete and effective walk-around consistent with the scope of the inspection.
- (b) Interview a representative number of workers and record their names, job title, addresses, and telephone numbers.

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- (c) Take any pertinent photographs of the workplace, including photographs of any materials, processes or equipment, but shall not disclose trade secret to employer's competitor;
- (d) Collect pertinent documentary and physical evidence. If during the investigation of an accident or occupational illness it is necessary to ensure that the workplace, or physical evidence located at the workplace, are preserved until the inspection is completed.

3.2. During the inspection, Safety and Health Inspector and the experts shall coordinate their activities in conducting the inspection. Experts hired by the OSHA as consultants for assisting with the particular inspection shall be accompanied at all times by Safety and Health Inspectors conducting the inspection.

E. BRIEFING AFTER INSPECTION

1. No Violations Observed

If Safety and Health Inspector are certain that no violations were observed during the walk-around and that no any Notice will be issued, Safety and Health Inspector shall inform the employer that no violations were observed, and that, after approval by the Zonal Manager, a compliance licence shall be issued to the employer.

2. Violations Observed

If violations are observed during the walk-around, Safety and Health Inspector may issue improvement or prohibition notice or compounding offences in the "field" without Zonal Manager review and approval, and Safety and health inspector may revoke or restrict the issuing of the next compliance licence until the violation(s) are cleared.

3. During the brief after inspection, Safety and Health Inspector shall provide the employer, or the employer's representative with:

- (a) A preliminary report about any violations observed during the walk-around;
- (b) Information about any recommended interim corrective action(s).

F. REPORT OF INSPECTION

- 1. After the inspection, the inspector shall write a comprehensive report and submit to employer and copies to Zonal Manager and Chief executive.
- 2. The report shall contain recommendations pointing out the need to conduct OHS programmes such as medical surveillance, environmental monitoring, biological

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monitoring or workplace risk assessment depending on the hazards found in the workplace.

3. All findings, conclusions and recommendations of experts shall be included in the inspection report.

G. FOLLOW-UP INSPECTIONS

1. A return visit by the Safety and Health Inspector may be made at any time after the initial inspection. This inspection may be conducted to verify:
 - Violations as noted in the citation have been corrected,
 - Workers are adequately protected during the abatement period, and appropriate administrative or engineering abatement steps have been taken.
2. If a return visit occurs and the Safety and Health Inspector finds that abatement has not been completed by the designated abatement date, Safety and Health Inspector may issue prohibition notice or compound offences for each citation concerned or notify to Zonal manager. The Zonal Manager shall notify the Legal Unit, through the Chief Inspector, of the non-compliance, and the Legal Unit shall provide assistance in obtaining a summons or in taking other appropriate legal action

Dar es Salaam,
20th February, 2015

GAUDENTIA M. KABAKA
Minister for Labour and Employment