ADEQUATE PROVISIONS OF THE LAW IN PROMOTION AND MANAGEMENT OF DISABILITY IN THE WORKPLACE

BY

ZELU SANDRA SISYA
(94302308)

A dissertation submitted to the University of Zambia Law Faculty in partial fulfilment of the requirement for the Award of the Bachelor of Laws (LLB) Degree.

© University of Zambia

May 2012
DECLARATION

I ZELU SANDRA SISYA computer number 94302308 hereby declare that the contents of this directed research are entirely based on my own findings and it has not previously been submitted for a degree at the University of Zambia or any other University. All other works referred to in this essay have been duly acknowledged. I bear absolute responsibility for all errors, defects or any omissions herein.

STUDENTS' NAME: Zelu S. Sisya
SIGNATURE: 
DATE: 11/05/12
I recommend that the Directed Research prepared under my supervision
by
ZELU SANDRA SISYA

(Computer No. 94302308)

Entitled:
ADEQUATE PROVISIONS OF THE LAW IN PROMOTING AND MANAGING
DISABILITY AT THE WORKPLACE

be accepted for examination. I have checked it carefully and I am satisfied that it fulfils
the requirements relating to the format as laid down in the regulations governing
Directed Research.

MS. F MANDHU
SUPERVISOR

14th MAY 2012
DATE
DEDICATION

To you my beloved husband Fred and my dear children Chisanga, Chola and Ndatowa Mulenga
ACKNOWLEDGEMENTS

I wish to express my profound gratitude to Ms F. Mandhu, my supervisor, for the guidance without which this research would not have been possible, thank you ma’am.

I also wish to extend my thanks to my family for the support, encouragement and patience.

To Florence, much younger but mature enough to be called a friend, thank you for the ever timely support and encouragement, God bless you.

Last but not least, I would like to thank all those not mentioned above but who contributed in any way to make this research a success.
INTERNATIONAL INSTRUMENTS


ILO, Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168):

# TABLE OF LEGISLATION

- Environmental Protection and Pollution Control Act Chapter 204 of the Laws of Zambia
- Explosives Act Chapter 115 of the Laws of Zambia
- Factories Act Chapter 441 of the Laws of Zambia
- Ionising Radiation Protection Act No 16 of 2005 of the Laws of Zambia
- Mines and Minerals Act No. 7 of 2008 of the Laws of Zambia
- National Pension Scheme Act Chapter 256 of the Laws of Zambia
- Occupational Health and Safety Bill, NAB No.35 of 2010
- Occupational Health and Safety Act No. 10 of 2010 of the Laws of Zambia
- Persons with Disabilities Act No.33 of 1996 of the Laws of Zambia
- Public Health Act Chapter 295 of the Laws of Zambia
- Workers Compensation Act No.10 of 1999 of the Laws of Zambia
<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>Journal</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paris v Stepney Borough Council</td>
<td>1951</td>
<td>1 All E.R.</td>
<td>42</td>
</tr>
<tr>
<td>Bradford v Robinson Rentals</td>
<td>1967</td>
<td>1 All E.R.</td>
<td>267</td>
</tr>
<tr>
<td>Berry v Stone Manganese Co. Limited</td>
<td>1972</td>
<td>1 Lloyds Rep.</td>
<td>182</td>
</tr>
</tbody>
</table>
ABSTRACT

This dissertation seeks to ascertain the adequacy of the law in promoting and managing disability at the workplace. In order to do this, the paper employs primary and secondary methods of data collection including interviews with key staff in relevant organisations. The dissertation considers the subject of occupational health and safety and promotion and management of disability at the workplace in particular, under domestic framework such as the Workers Compensation Fund Control Board and international standards as set by the International Labour Organisation.

This research showed that there is an insufficient legal framework and implementation infrastructure to effectively promote and manage disability in the workplace. In fact, though the Workers Board subrogates the responsibility of the employer to compensate, rehabilitate and possibly return-to-work the affected worker, the sums payable as compensation are meagre because they are indexed to the regulating Act which has no regard to variables such as inflation.

The dissertation concluded that the domestic law has not fully incorporated the provisions of the international instruments which provide for adequate compensation, rehabilitation and retainment of employees. It also concluded that rehabilitation should include reasonable accommodation of the work environment. In view of these findings the dissertation recommends among other things that managing disability at the workplace should not be left to the discretion of the employer alone. It should be provided for by a minimum standard set by the Occupational Health and Safety Act.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBR</td>
<td>Community Based Rehabilitation</td>
</tr>
<tr>
<td>CRPD</td>
<td>Convention on Rights of persons with disabilities</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
</tr>
<tr>
<td>MLSS</td>
<td>Ministry of Labour and Social Security (now Ministry of Communication and Labour)</td>
</tr>
<tr>
<td>OHS</td>
<td>Occupational Health and Safety</td>
</tr>
<tr>
<td>WCFCB</td>
<td>Workers Compensation Fund Control Board</td>
</tr>
<tr>
<td>WHA</td>
<td>World Health Assembly</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
</tr>
<tr>
<td>ZCPDA</td>
<td>Zambia Centre for Persons with Disabilities Agency</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

TITLE ........................................................................................................................................i

DECLARATION .........................................................................................................................ii

SUPERVISOR'S RECOMMENDATION .....................................................................................iii

DEDICATION ............................................................................................................................iv

ACKNOWLEDGEMENTS .........................................................................................................v

INTERNATIONAL TRUMENTS ............................................................................................vi

TABLE OF ISLATION ..............................................................................................................vii

TABLE OF CASES ..................................................................................................................viii

ABSTRACT .............................................................................................................................ix

LIST OF BREVIATIONS ..........................................................................................................x

TABLE OF CONTENTS ...........................................................................................................xi

CHAPTER ONE .......................................................................................................................1

1.1 Introduction ......................................................................................................................2

1.2 Statement of the problem ...............................................................................................2

1.3 Significance of the study ...............................................................................................3

1.4 Purpose of the Study ......................................................................................................3

1.5 Specific Research questions .........................................................................................4
1.6 Research Methodology.................................................................................4
1.7 Occupational Health and Safety at places of work.................................5
1.8 The ILO on Occupational Health and Safety...........................................8
1.9 Conclusion..................................................................................................10

CHAPTER TWO.................................................................................................14
2.0 Introduction...............................................................................................14
2.1 Occupational Health and Safety...............................................................16
2.2 Occupational Health and Safety at Common Law ....................................18
2.3 International Instruments .........................................................................20
2.4 HIV/AIDS ..................................................................................................22
2.5 Rehabilitation and Job Retention...............................................................24
2.6 Rehabilitation and Retention in the ILO Conventions.................................26
2.7 The Persons with Disabilities Act No. 33 of 1996 of the Laws of Zambia......28
2.8 The Workers Compensation Act No. 10 of 1999 of the Laws of Zambia......28
2.9 Conclusion..................................................................................................29

CHAPTER THREE..........................................................................................31
3.0 Introduction...............................................................................................31
3.1 Workers Compensation Fund Control Board (WCFCB)..............................32
   3.1.1 Compensation under the Worker Compensation Fund Control Board....34
   3.1.2 The National Vocational Rehabilitation Centre...................................37
   3.1.3 Medical Aid System..............................................................................38
3.1.4 Public Awareness Campaigns ......................................................... 38
3.2 The Zambia Congress of Trade Unions (ZCTU) ..................................... 39
3.3 The Zambia Centre for Persons with Disability Agency (ZCPDA) ............. 40
3.4 Conclusion ................................................................................. 44

CHAPTER FOUR .................................................................................. 46
CONCLUSION AND RECOMMENDATIONS ........................................... 46
4.1 Introduction .............................................................................. 41
4.2 Recommendations ..................................................................... 45

BIBLIOGRAPHY .................................................................................. 52
1.0 CHAPTER ONE

1.1 Introduction

There is a lack of consolidated law relating to occupational health and safety at places of work. The responsible department had operated under the supervision of the Ministry of Labour and Social Security (now Ministry of Communications and Labour) as the department of occupational health and safety. This department was established within the legal framework of the Factories Act\(^1\) as the main Act and several other Acts including The Workers Compensation Act\(^2\), the Public Health Act\(^3\), the National Pension Scheme Act\(^4\) and the Ionising Radiation Act\(^5\) among others.

Occupational health and safety is a multi faceted area concerned with protecting the safety, health and wellbeing of people engaged in work or employment. It is aimed at promoting a work environment which is safe. Since 1950, the International Labour Organisation (ILO) and the World Health Organisation (WHO) have shared a common definition of occupational health. It was adopted by the Joint ILO/WHO Committee on Occupational Health at its first session in 1950 and revised at its twelfth session in 1995. The definition states:

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

\(^1\) Cap 441 of Laws of Zambia
\(^2\) Cap 271 of Laws of Zambia
\(^3\) Cap 295 of Laws of Zambia
\(^4\) Cap 256of Laws of Zambia
\(^5\) No 16 of 2005 of the laws of Zambia
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. This standard is based on the methodology known as Plan-Do-Check-Act (PDCA).

The Ministry of Labour notes that

[A]s Zambia seeks to improve the well-being of its people through development, there are however hazards that come about and affect the health of workers, the community and the general environment. In this respect, one of Zambia’s overriding policy goals (through the Ministry of Labour and Social Security, Occupational Safety and Health Services Department) is to promote and enforce occupational health and safety standards at places of work to ensure a safe and health working environment. The programmes and activities of the department are consequently focused on prevention of occupational diseases and accidents in the world of work.

Occupational health and safety is therefore an integral part of employment to the extent that if the sector remains unchecked many employees could be made jobless due to occupational accidents and disease. Employment rates are an indicator of economic development and the lower the rate of unemployment the higher the level of development of a country.

1.2 Statement of the Problem

The Occupational Health and Safety Act⁶ is a legal instrument enacted to establish an autonomous body to regulate all matters pertaining to occupational health and safety. The

---

⁶Georges H. Coppee, Occupational Health Services And Practice accessed on 09/05/12 http://www.ilo.org/safework_bookshelf/english?content&nd=857170174
⁸Act No. 36 of 2010 of the Laws of Zambia
major concern here is that employees disabled during the course of employment have not been sufficiently included in the law in terms of mandatory policies and provisions for them to return to work as far as is possible. This could either be in the same capacity or rehabilitated and adapted to a different skill or resource. It was also noted that there is a problem of lack of adequate rehabilitation infrastructure to train persons who have been affected by disability in the workplace in order to reintegrate them.

1.3 Significance of the Study

The objective of the research was to determine whether this Act\(^9\) being the first in this area has aptly catered for enhancement of occupational health and safety and for persons who acquire disability during the course of employment and whether the Act makes adequate provisions for employers as far as possible to return these affected employees to work. The major field of study was the role of government as a regulator in making deliberate policy to include people who acquire disability during the course of employment. In turn, by adequately providing for their management within the workplace and reintegration by skills training the state will increase social and economic development.

1.4 Purpose of the Study

More specifically, this research sought to answer the question whether or not the new Act\(^10\) provides for adequate benchmarks or minimum standards in promoting and managing disability at the workplace. It was acknowledged that this research could not be complete

\(^9\)Occupational Health and Safety Act No. 36 of 2010 of the Laws of Zambia  
\(^10\)Occupational Health and Safety Act No. 36 of 2010 of the Laws of Zambia
without an assessment of whether or not the Occupational Health and Safety (OHS) Act\textsuperscript{11} provides for effective recourse to workplace accidents more so skills training, rehabilitation and reintegration.

1.5 Specific Research Questions

In order to effectively fulfill this research, the following questions were answered;

1. To what extent do employers know and apply occupational health and safety standards at the workplace?

2. When an employee becomes disabled what return-to-work strategies or policies are in place so that employers can ensure such an employee is not laid off and subjected to unwanted economic hardship?

3. What role has government as the regulator of the labour market played by enactment of the occupational health and safety Act\textsuperscript{12} to regulate the rights and obligations of employees and employers as regards managing disability at the workplace to contribute to fostering economic development?

4. What can be done to reduce the impact of separation due to disability during the course of employment?

1.6 Research Methodology

This study employed primary and secondary methods of data collection. These included interviews with respective personnel in the Ministry of Labour and Social Security (now

\textsuperscript{11} No 36 of 2010 of the Laws of Zambia

\textsuperscript{12} No 36 of 2010 of the Laws of Zambia
included key personnel at the Zambia Congress of Trade Unions and the Zambia Centre for People with Disabilities Agency. Other sources of data included published works, books, International Instruments, the National Assembly parliamentary debate on the occupational health and safety Bill and the Internet.

Much of the materials necessary for this research were available as soft copy on the ILO website and therefore there is more Internet referencing for ILO publications than book citation.

1.7 Occupational Health and Safety at places of work.

World over, it is the universal desire that persons with disabilities are participating in and contributing to employment at all levels is achieved to the highest degree. This is irrespective of whether the disability was inborn or acquired\textsuperscript{13}. Quite a number of people with disability want to work or continue working; however they are not given the unfettered opportunity to do so.

It is imperative to address these concerns while providing valuable guidelines for employers in the management of disability in the workplace. Such provisions and management must include work and non work related disabilities which ultimately ensure continuity of employment particularly in return to work, job retention and other opportunities for human resource advancement.

\textsuperscript{13} ILO, \textit{Achieving Equal Employment Opportunities for people with Disabilities through Legislation}, (Geneva: ILO, 2007) 18
opportunities for human resource advancement.

It is thus inevitable that this topic is not novel. A search in the University of Zambia Library revealed that several research papers have been written in this field though the focus is notably at variance. A dissertation by C. Jere\textsuperscript{14} evaluated the law that regulates Occupational Health and Safety in Zambia. This particular research concentrated on the limitations of the OHS Act\textsuperscript{15} to certain areas such as factories and workers compensation and also looked at the critical need to extend the framework which this law should cover. This research also looked at whether the law is effective in operation and implementation and what can be done to achieve its objective if it is not.

Another dissertation by M. Mulenga\textsuperscript{16} appraised the law governing people with disability and discrimination in the employment sector. His purpose of the study was based on how the law can help in curbing disability discrimination and accessing employment on equal platform. It was found that the law needs to be revisited in order to effectively fulfill the integration of people with disability in the workplace. The modern trend for OHS policies in the workplace is to ensure that upon rehabilitation of an injured employee, reasonable accommodation is implemented in the work environment. According to Dean and O’Leary,

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{13} ILO, \textit{Achieving Equal Employment Opportunities for people with Disabilities through Legislation}, (Geneva: ILO, 2007) 18
\item \textsuperscript{14}Catherine Jere, “An Evaluation of the law that regulates occupational Health and Safety in Zambia” (LLB Dissertation, University of Zambia, 2011) 11-12
\item \textsuperscript{15}No. 36 of 2010 of the Laws of Zambia
\item \textsuperscript{16}Maybin Mulenga, A Critical Analysis of the Role of the Law governing Persons With Disability in Zambia with particular reference to employment (LLB Dissertation, University of Zambia, 2011) 10-11
\end{itemize}
\end{footnotesize}
the general rule is that a reasonable accommodation is one that can be accomplished without putting an "undue hardship" on the operation of the business. Undue hardship is determined on a case by case basis, and factors such as the financial resources and structure of the company are critically important. This recognizes that an accommodation that is reasonable in one company, may not be reasonable in other companies. Employees are also only entitled to the minimum necessary reasonable accommodation.\textsuperscript{17}

Several scholars have embarked on various research to provide recommendations to enhance the rights and livelihood of people with disability. More research in this field includes a paper by Heron and Murray\textsuperscript{18}. They focused on what the main impediments are for people faced with disability during the course of employment to access to employment and what can be done to alleviate the problems encountered. The paper deliberated on an overview of approaches and strategies to develop job opportunities rehabilitation and retention for disabled jobseekers. Some of the findings included the urgent need to customise policies so that there can be supplementary placement of job seekers with disabilities.

It has generally been recognised that even when there could be opportunities for people with disabilities to be employed, they lack skills or sufficient qualifications. This is due to the fact that academic infrastructure has often left out physical accessibility, such as sufficient space for persons on wheel chairs or crutches, or hearing aid for the deaf and

\textsuperscript{17} J. Khotar, \textit{International Research Project on Job Retention and Return to Work Strategies for Disabled Workers: Study Report USA} available on http://digitalcommons.ilr.cornell.edu/gladnetcollect/159 accessed on 18/04/12
\textsuperscript{18} R. Heron and B. Murray, Assisting Disabled persons in Finding Employment, 2nd Ed. (Uruguay: ILO, 2003) 68
is blind or deaf they cannot get the benefit of education in this environment. It is a cycle of
deficiency because lack of access to a conducive learning environment leads to lack of
skills and training which also leads to less or none at all chances of employment.\textsuperscript{19} The
correlation here is that disabled jobseekers are as much disadvantaged in securing
employment as would a person who has been separated with their employer for medical or
disability reason. Regardless of the cause of disability they both require reasonable
accommodation in the work environment.

1.8 The ILO on Occupational Health and Safety

The International Labour Organisation (ILO)\textsuperscript{20} recognises that health and safety at work
has been recognised as non bargainable assets to which every worker is entitled and the
only way to ensure realisation of this principle is by legislation.\textsuperscript{21} To this effect, the ILO
Convention on Vocational Rehabilitation and Employment (Disabled Persons) Convention
(No. 159) and Recommendation (No. 168) provides member states minimum standards to
set for promoting and managing disability.

The ILO has thus in this field done a survey on skills acquisition and work retention for
persons with disabilities in Southern Africa. This research critically assessed the general
problems surrounding persons with disabilities in the area of employment and what can be

\textsuperscript{19}Interview with the librarian at Zambia Centre for Persons with Disability Agency on 16/11/11
The ILO has thus in this field done a survey on skills acquisition and work retention for persons with disabilities in Southern Africa. This research critically assessed the general problems surrounding persons with disabilities in the area of employment and what can be done to curb these adversities and improve the lives of affected persons so that they can effectively contribute to development.

At the World Health Assembly (WHA)\textsuperscript{22} one of the resolutions was to call on the World Health Organisation (WHO) to assist member states in developing policies on disability and rehabilitation in the workplace. In this assembly, it was noted that about six hundred and fifty million people live with disabilities of various types, and the number is increasing due to the rise of chronic diseases, injuries, car crashes, falls, violence and other causes such as ageing.\textsuperscript{23} Of this total, eighty per cent live in low-income countries; most are poor and have limited or no access to basic services, including rehabilitation facilities.

The WHA\textsuperscript{24} also resolved that the World Health Organisation (WHO) should work towards ensuring equal opportunities and promotion of human rights for people with disabilities, especially those who are poor. The Secretariat was requested to assist member states in developing policies on disability which include community involvement and national rehabilitation programmes.

\textsuperscript{22} Dr. Margaret Chan & Mr. Robert B. Zoellick, World Report on Disability, WHO Website, http://www.who.int/disabilities/world_report/2011/reort/en/ accessed on 08/05/12
\textsuperscript{23} Dr. Margaret Chan & Mr. Robert B. Zoellick, World Report on Disability, WHO Website, http://www.who.int/disabilities/world_report/2011/reort/en/ accessed on 08/05/12
The first World Report on disability\textsuperscript{25} revealed that of the more than one billion people in the world who are disabled, one hundred and ten to about one hundred and ninety million encounter significant difficulties in their daily lives. A lack of attention to their needs means that they are confronted with barriers at every turn. These include stigma and discrimination; lack of adequate health care and rehabilitation services; and inaccessible transport, buildings and access to information. These difficulties are no different from those encountered by persons who suffer a disability during the course of employment.

The report\textsuperscript{26} recommends that governments and their partners provide people with disabilities access to all mainstream services, invest in specific programmes for those people with disabilities or who acquire disability and who are in need, and adopt a national disability strategy and plan of action. More importantly, people this group should be consulted and involved in the design and implementation of these initiatives.\textsuperscript{27} One of the conclusions was that the key in controlling long-term disability and dependence on disability-related benefits such as workers’ compensation, extended sick leave, and short or long term disability is an interdisciplinary approach to bridging the gap between medical

\textsuperscript{25}Dr. Margaret Chan & Mr. Robert B. Zoellick, World Report on Disability, WHO Website, http://www.who.int/disabilities/world_report/2011/reort/en/ accessed on 08/05/12


\textsuperscript{27} Dr. Margaret Chan & Mr. Robert B. Zoellick, World Report on Disability, WHO Website, http://www.who.int/disabilities/world_report/2011/reort/en/ accessed on 08/05/12

\textsuperscript{27}Editorial Board of WHO Website, World report on Disability, http://www.who.int/nmh/a5817/en/ accessed on 13/10/11
care and a safe and timely return to work strategy. It was concluded that time is the worst enemy for an employee off work due to an injury.28

Contemporary research29 has shown that the longer an individual remains off work, the less likely that person will ever return to his or her pre-injury job. Even when an employee is off work for several weeks, they often present the consequence of inactivity: physical de-conditioning, depression, chronic pain, symptom magnification and the perceived inability to return to work.30 This stresses the need for strategies of managing disability in the workplace.

“Work is central to people's lives, their health and wellbeing and their social inclusion. The benefits of work and meaningful activity go far beyond financial rewards and can provide structure, routine, shared experiences and social networks and can define aspects of personal identity and status.31

It is not a disputable fact that an employer is bound to a duty of care in common law to provide a safe place and system of work. An employer must also provide safe plant and equipment and ensure safe and competent fellow workers. The common law requirements are the first steps in a system devised to maintain the employer within the minimum legal requirements and consolidates the need for occupational health and safety.32 The emphasis placed on promoting the nationwide and company level application of new and far

29 Editorial Board of WHO Website World report on Disability http://www.who.int/nmh/a5817/en/ accessed on 13/10/11
30 Available at http://hr.healthcare.ucla.edu/Download/managingdisability.pdf accessed on 19/10/11
31 Colette Fegan, Health and Safety at Work, NHS Doncaster website http://www.doncaster.nhs.uk/your-services/better-workplace-better-mental-health/working-for-better-mental-health-toolkit/ accessed on 09/05/12
reaching measures designed to minimise occupational hazards and their causes and to improve the work environment constitutes an important trend in international health and safety and labour standards.\textsuperscript{33} However different countries have taken different approach to legislation, regulation, and enforcement. For instance, in the European Union, member states have enforcing authorities to ensure that the basic legal requirements relating to occupational health and safety are met.\textsuperscript{34}

Thus in many EU countries, there is strong cooperation between employer and worker organisations like labour or trade unions to guarantee superior occupational health and safety performance. This is because it is widely accepted that such interventions and prevention have benefits for both the worker and the organisation by reducing risk and accident. Consequently this fosters production and profit and enhances service delivery and development.\textsuperscript{35}

Having reviewed several areas of research in this area, this research will however focus on managing disability in the workplace with emphasis on reintegration after disability and provision of rehabilitation to successfully achieve return-to-work programs. Though disability and opportunity to employment may have similar circumstances, it will not be subject matter in this research.

\textsuperscript{33} Chandra Pinnagoda, \textit{From Prohibition to Prevention}, 63
1.9 Conclusion

In a nutshell, chapter one has considered the framework of this research. The problem has been identified as being the inadequacy of a domestic legal framework that supports people faced with disability at the workplace to enable them undergo rehabilitation and successfully be reintegrated into the workplace. Chapter one has also laid down the objectives of the occupational health and safety Act\textsuperscript{36} which mainly creates an institute for management of health and safety at the workplace and its functions.

The Act\textsuperscript{37} falls short of providing particular regulation as regards promoting and managing disability at the workplace. The review of existing literature has enabled this research define its margins in comparison to what other researchers have written on this topic. Precisely, this research will focus on managing disability at the workplace as opposed to employment of disabled persons.

The next chapter will focus on national legislation and international instruments that regulate OHS at the workplace. It will also discuss major concepts of OHS at common law.

\textsuperscript{35}Jackie Paul, \textit{Safety and Health Legislation and Enforcement}, 70
\textsuperscript{36}No. 10 of 2010 of the Laws of Zambia
\textsuperscript{37}No. 10 of 2010 of the Laws of Zambia
CHAPTER TWO

2.0 Introduction

The occupational health and safety Act\(^1\) was enacted to provide a framework within which disability can be promoted and managed at the workplace in Zambia. Before this Act, issues of occupational health and safety were regulated under the Workers Compensation Act\(^2\) which mandates the occupational health and safety Bureau formerly called the Pneumoconiosis Medical and Research Bureau. The bureau was mandated to provide medical examinations for miners with a major focus on the effects of silica.

The occupational health and safety Policy was formulated to expand the mandate of the occupational health and safety management Boards to include occupational health and safety service for all workers in the country and not just miners. According to the Committee debate\(^3\) on Health Community Development and Social Welfare on the Occupational Health and Safety Bill\(^4\) chaired by Jean Kapata, the Parliamentarians observed that the Bill sought to focus not only on pneumoconiosis and pulmonary tuberculosis but also other diseases such as organic dust, noxious fumes, gases and other work related injuries.

---

\(^1\) No. 36 of 2010 of the Laws of Zambia  
\(^2\) No. 10 of 1999 of the Laws of Zambia  
\(^4\) No. 35 of the Fifth Session of the Tenth National Assembly appointed on 23\(^{rd}\) September 2010, National Assembly of Zambia
Generally the Bill\(^5\) sought to increase coverage of occupational health and safety services in all sectors to contribute to and promote health and safety in places of work. However the emphasis placed on the occupational hazards caused by mines should also be accorded to those in other sectors not by mere acknowledgement but by the specific nomenclature they fall into. For instance services on HIV/AIDS, stress related injury (SRI), mental and physical disability. In fact the ILO Convention\(^6\) provides a guideline on provision of an ideal work environment for persons who encounter disability during the course of employment.

Having passed and assented to this Bill, the occupational health and safety Act\(^7\) merely establishes the occupational health and safety institute its functions, committees, welfare and protection of persons against risk to health and safety among other things. It appears the Act\(^8\) concentrates on prevention of occupational accidents and falls short of the aftermath to such mishaps. While Part Two\(^9\) and Part Three\(^10\) define the structure and function of the institute Parts Four\(^11\) and Five\(^12\) provide the duties of both the employer and the employee and enforcement provisions respectively.

---

\(^5\) OHS Bill, N.A.B No.35 of 2010 of the Laws of Zambia  
\(^7\) No 36 of 2010 of the Laws of Zambia Section 1  
\(^8\) No 36 of 2010 of the Laws of Zambia  
\(^9\) Occupational Health And Safety Act No. 36 of the Laws of Zambia, Sections 4-10  
\(^10\) Occupational Health And Safety Act No. 36 of the Laws of Zambia Sections 11-14  
\(^11\) Occupational Health And Safety Act No. 36 of the Laws of Zambia Sections 15-24  
\(^12\) Occupational Health And Safety Act No. 36 of the Laws of Zambia Sections 25-29
The other Act which is of great importance in regulating occupational health and safety issues is the Workers Compensation Act\textsuperscript{13}. It is apparent that the Act\textsuperscript{14} provides for compensatory damages and rehabilitation, after the fact, however much leaves to be desired on the quantified amount paid out. Even then, can the compensation paid out effectively sustain such an individual compared to rehabilitating the affected individuals and reintegrating him or her back into the organisation?

The benefits of rehabilitation and return-to work are overwhelming not only to the individual, but for the society as well as this will maintain or even better, help reduce the unemployment level. In order to aptly discuss the adequate provisions of the law in promoting occupational health and safety it is important to understand the context of occupational health and safety in this research.

2.1 Occupational Health and Safety

Occupational health and safety (OHS) is a key issue for all employers, workers and the community and the government itself as regulator. The Occupational Health and Safety Act\textsuperscript{15} does not define OHS but defines occupation as any employment, business, calling, pursuit, vocation or profession. It also defines an OHS service as a service organized for protecting, contributing to employee's adaptation and maintenance.

A good OHS practice therefore ensures not only a safer working atmosphere but motivates and improves worker confidence and efficiency. Therefore, the better OHS practices an

\textsuperscript{13}Workers Compensation Act No. 10 of 1999 of the Laws of Zambia
\textsuperscript{14}Workers Compensation Act No. 10 of 1999 of the Laws of Zambia
\textsuperscript{15}No.10 of 2010 of the Laws of Zambia Section 2(1)
organisation has, the fewer workplace injuries that may occur.\textsuperscript{16} In fact the organisation will benefit from higher employee retention rates and enhanced corporate image. In essence, the costs associated with production delays are significantly reduced when recruiting new staff and replacing equipment. It also avoids the resulting uncertainty and workload pressure placed on co-workers.\textsuperscript{17}

Organisations that strive to improve their OHS performance create safer workplaces. This benefits not only employers and employees but also their families, their communities and the national economy as a whole. Harmonising employment and health and safety legislation through enactment of laws and delivering the same protection to all nationals is a vital tool in delivering development.

In Zambia occupational health and safety legislation is fragmented and includes The Factories Act\textsuperscript{18}, The Mining Regulations under the Mines and Minerals Act\textsuperscript{19}, The Explosives Act\textsuperscript{20} and the Ionising Radiation Protection Act\textsuperscript{21}. Other legislation includes The Workers' Compensation Act\textsuperscript{22}, The Public Health Act\textsuperscript{23}, The Environmental Protection and Pollution Control Act\textsuperscript{24}. For the purposes of this research, discussion will be

\textsuperscript{17} Irvin Michigan, \textit{Occupational Health and Safety Standards}
\textsuperscript{18} Chapter 441 (as amended 1994) of the Laws of Zambia
\textsuperscript{19} No. 7 of 2008 of the Laws of Zambia
\textsuperscript{20} Chapter 115 of the Laws of Zambia
\textsuperscript{21} Chapter 311 of the Laws of Zambia
\textsuperscript{22} No.10 of 1999 of the Laws of Zambia
\textsuperscript{23} Chapter 295 of the Laws of Zambia
\textsuperscript{24} No.5 of 2005 of the Laws of Zambia
limited to the Workers Compensation Act\textsuperscript{25} since the paper aims to review legislation in occupational health and safety at the general workplace as opposed to mines or factories only.

The first challenge to set up a social security system for the protection of workers against occupational accidents and diseases was in 1930 under the Workmen’s (Non Native) Compensation Ordinance which was restricted in scope and racial in concept.\textsuperscript{26} Though based on the British Factories Act of 1937, the Factories Ordinance did not clearly provide the institutional framework for enforcement. It however, gave more powers to the minister instead to make regulations. In 1967, the Government enacted the Factories Act\textsuperscript{27}, which was an extract of the British Factories Act of 1961. It stipulates the requirements of safety and health in workplaces in Zambia.\textsuperscript{28}

2.2 Occupational Health and Safety at Common Law

At common law, the employer owes a duty of care to his employees as individuals. In \textit{Paris V Stepney Borough Council}\textsuperscript{29} the House of Lords held that the employer owes a duty of care not only to the employee generally but to each employee as an individual. Thus in this case, the employer should have foreseen that there was a risk of greater injury and acted accordingly. His employee a Mr. Paris, who only had one good eye, was a cleaner and whose duties consisted of scraping rust from the underside of vehicles, was totally blinded when a splinter of rust entered his eye.

\textsuperscript{25} No.10 of 1999 of the Laws of Zambia
\textsuperscript{26} MLSS Fact Sheet leaflets available for visitors at the reception
\textsuperscript{27} Chapter 514 of the Laws of Zambia repealed and replaced by Chapter 441 of the Laws of Zambia
\textsuperscript{28} MLSS Website, History of the OHS Department, http://www.mlss.gov.zm accessed on 24/11/11
\textsuperscript{29} [1951] 1 All E.R. 42
The court stated that accordingly, if a particular employee may be susceptible to a danger, the employer would have a duty to take particular care. An argument for this position of law is that despite the graphic warnings to be cautious, employers are aware that not all employees are literate and as such some may have difficulty with general warnings.

The employer's duty extends to providing plant and equipment, a safe place of work, a safe system of work and competent fellow employees. In *Bradford v Robinson Rentals*\(^{30}\) the court held that a van could constitute a place of work hence the employer was liable for failing to supply suitable plant. This was in a case where an employee who was required to make a long round trip in company van that had no heater and had cracked windows suffered frostbite.

However, in *Berry v Stone Manganese Co. Limited*\(^{31}\) the employee worked in an area of the works in which the noise level was high. The employer provided ear defenders but little effort was made to ensure that employees actually wore them. The Queens Bench held that in view of the known danger to employees from high noise level, and in view of the fact that the danger may not have been apparent to many of the employees the employer had a duty to ensure that protective equipment was not only supplied but also actually used.

Often employees are reluctant to make proper use of safety equipment as it may restrict their movement, may be hot or even just uncomfortable. However the employer must take

\(^{30}\) [1967] 1 All E.R. 267  
\(^{31}\) (1972) 1 Lloyds Rep.182
steps to impress upon the employees the need for use of the equipment to the extent of dismissing employees who refuse to comply.  

Organisations that strive to improve their OHS performance create safer workplaces. This benefits not only employers and employees but also their families, their communities and the national economy as a whole. Harmonising employment and health and safety legislation through enactment of laws and delivering the same protection to all nationals is a vital tool in delivering development. This can only be possible if the national legislation meets international standard.

2.3 International Instruments

According to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) a disabled person means "an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment." It is obvious that when a person is disabled during the course of employment it is more likely that performance or efficiency at work will be adversely affected.

The International Labour Organization (ILO) of the United Nations is devoted to advancing opportunities for women and men, including persons with disabilities, to obtain decent and productive work in conditions of freedom, equity, security and human dignity.

---

33 R. Schilling, *Modern trends in Occupational Health*, 68
Its main aims are to promote employees rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues. It is a global body responsible for overseeing and drawing up labour standards. Standardisation of labour is an important tool in achieving development in the global village.

Juan Somavia the Director General of ILO stated that “decent work is the ILO’s primary goal for everyone, including people with disabilities. When we promote the rights and dignity of people with disabilities, we are empowering individuals, strengthening economies and enriching societies at large.” Best practices of the workplace are thus commonly designed to include multi sectoral approaches, partnership with civil society, inclusion people living with HIV and AIDS and education or advocacy.

Part II of the Convention, defines the principles of vocational rehabilitation and employment for persons with disabilities. Vocational rehabilitation is defined as “whatever helps someone who has a health problem to stay at, return to and remain in work.” Some the most common disability problems include physical and mental health problems, musculoskeletal conditions such as back pain or Repetitive Strain Injury (RSI), and

---

35 ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)
37 ILO Code of Practice on HIV/AIDS and the world of work, ILO, 2003
38 ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168) 2008
39 Neil Murdoch, OHS and Legislation http://www.tuc.org.uk/workplace/tuc-16616-f0.cfm accessed on 11/02/12
breathing difficulties which may be common in the mining sector. The lack of access to proper support means that every year many thousands of workers are off work for much longer than necessary, come back to work without getting proper treatment, or simply leave their job all together.

2.4 HIV/AIDS

With the advent of Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), illness has been widely been accepted as one of the major causes of disability at the workplace. It makes up over two-thirds of long-term sickness, absence or ill health retirement. These conditions should ordinarily be manageable yet are a leading target for vocational rehabilitation. A survey in the United Kingdom by the Department of Work and Pensions found that one hundred and seventy two million working days were lost due to sickness absence last year. Of these thirty four million were due to an injury or illness caused by work.

For most people who become ill or are injured, their main priority is to get their health back as soon as possible. More often than not, a person will get better by themselves, but sometimes the person will need help and support in recovering. If they have been off work for a long time they may also need help in regaining their confidence in getting back to work.

40 Neil Murdoch, OHS and Legislation
By Article 2 of the ILO convention, each member, in accordance with national conditions, practice and possibilities, must formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons. The convention recognises disabled persons as "individuals whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment."

The effects of HIV/AIDS on employees and organisations have various effects such as increased sick leave, absenteeism, high medical bills low productivity, high employee turnover by loss of employees and increased expenditure on health and death benefits. Appropriate strategies for prevention, health promotion, caring for and treatment of members of staff living with HIV/AIDS is very critical in contemporary organisations let alone to guarantee employment by observing the legal rights of persons living with HIV and AIDS.

The ILO Code of Practice provides invaluable practical guidelines to policy-makers, employers, workers' organisations and other social partners for formulating and implementing appropriate workplace policy prevention and care programmes. The major objectives of the code include prevention, management and mitigation of the impact of HIV and AIDS and elimination of stigma and discrimination on the basis of real or

---

perceived HIV status. It is no doubt that ILO recognises the fact that HIV/AIDS goes beyond the suffering caused to individuals and their families. It affects social and economic fabric of societies to the detriment of the communities.\footnote{ILO Code of Practice on HIV/AIDS and the world of work, (ILO: Geneva, 2003) 2}

2.5 Rehabilitation and Job Retention

Article 3 of the CRPD\footnote{ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)} provides that the Convention\footnote{ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)} shall aim at ensuring that appropriate vocational rehabilitation measures are made available to all categories of disabled persons. However, rehabilitation requires the participation of other key players such as trainer of trainers and counsellors. In this regard Article 9\footnote{ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)} states that each member shall aim at ensuring the training and availability of rehabilitation counsellors and other suitably qualified staff responsible for the vocational guidance, vocational training, placement and retention of person’s disability during the course of employment.

This means rehabilitation is not just about the injured worker. It is also about the support persons around the affected employee including employer, medical staff, colleagues, family and friends can avail. Vocational counselors play a crucial role at this point because it is they that are trained to encourage the employee in such a way that he or she does not
lose hope by the effects of the disability, but must be encouraged to see beyond the disability.\textsuperscript{51}

When employees suffer a work-related injury it is imperative that every effort is made to return the injured worker to the workplace through a rehabilitation process. In this way injured workers have the opportunity to remain in employment by returning to the job originally employed in or, through retraining, to start a new occupation.\textsuperscript{52} This obviously depends on the recommendation of the medical practitioner whether the employee has capacity to return to work on the same, on modified or on alternative duties. Precisely, rehabilitation is about job retention where an employer continues to benefit from the expertise of an employee by creating an environment in which the employee can adapt.\textsuperscript{53}

It is vital that vocational rehabilitation is started as soon as possible. It is for this purpose that there must exist healthcare systems and other bodies responsible for medical and social rehabilitation which should cooperate regularly with those responsible for vocational rehabilitation.\textsuperscript{54} On consultation, an employer may use the advice of technical skill to make out opportunities and modifications in relation to managing disability at the workplace.

\textsuperscript{51} ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)
\textsuperscript{52} ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)
\textsuperscript{53} ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)
\textsuperscript{54} ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168) : United Nations Convention on the Rights of Persons with Disabilities / International Labour Office
In the alternative, employees must be accorded a chance to work in substitute employment if they are unable to resume the prior job. Whether or not the employee will continue in the same position or in another capacity, an employer must make the reasonable adjustment as soon as possible. This will not only cushion the loss in man hours but also boost the employee's motivation which may in turn expedite the rehabilitation process. Thus “the disability management strategy should include measures to promote job retention in whichever form taken.” Among the many ways in which job retention can be enhanced includes

training or retaining for provision of information to supervisors and co-workers the use of devices and appliances, the right to access to other supports as appropriate, as well as modifications or alternative options in the procedures needed to perform the job so that any existing condition is not exacerbated.

2.6 Rehabilitation and Retention in the ILO Conventions

At this point it is important to note that the ILO has provided policy guidelines for member states to employ for rehabilitation and retention of workers disabled during the course of employment. The guidelines reflect a reappraisal of disability as a human rights issue. These guidelines are intended for policy makers and drafters of legislation, and have been developed in order to protect and promote through general as well as specially designed laws, national policies and programmes.

---

56 ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168):
57 ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)
59 ILO, Achieving Equal Employment Opportunities for people with Disabilities through legislation
Governments can thus make these possible through domestic legislation.\textsuperscript{60} However in whichever method of implementation of occupational policies within the employer-employee framework, the ultimate result is the desire to achieve a standard and positive approach the rehabilitation of employees that are disabled during the course of employment. In other words employers must affirmatively and deliberately design policies that enhance job retention and in accordance with national laws.

The (1983) ILO Convention\textsuperscript{61} states that members states should provide vocational rehabilitation services in order “to enable a disabled person to secure, retain and advance in a suitable employment and thereby to further each person’s integration or reintegration into society.” It is essential to note that the occupational health and safety Act\textsuperscript{62} which was enacted way after the ILO convention\textsuperscript{63} does not in any part consider the guidelines as set by the international instrument which was ratified by Zambia.\textsuperscript{64} Domestication is the enactment of national laws that are in line with international instruments which have been ratified by a member country. In this regard one would expect that the occupational health and safety Act\textsuperscript{65} would encompass provisions of the ILO convention. Regrettably to a large extent and specifically on the part of rehabilitation, job retention, reasonable accommodation, it does not.

\textsuperscript{60} ILO, Achieving Equal Employment Opportunities for people with Disabilities through legislation
\textsuperscript{61} ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159)
\textsuperscript{62} No. 36 of 2010 of the Laws of Zambia
\textsuperscript{64} Ratified in February 2010
\textsuperscript{65} No. 36 of 2010 of the Laws of Zambia
2.7 The Persons with Disabilities Act No. 33 of 1996

The Persons with Disabilities Act\textsuperscript{66} provides for the Zambia Centre for Persons with Disabilities Agency (ZPDA) and its functions, one of which is to ‘coordinate rehabilitation and welfare services provided to persons with disabilities by ministries and voluntary associations’.\textsuperscript{67}

The Act also states that the agency will ‘promote, directly and indirectly, the development of human resources in the prevention of disabilities and in provision of rehabilitative, education, training and general welfare of persons with disabilities.’ The Act\textsuperscript{68} further mandates the agency to provide rehabilitation services to persons with disabilities.

However this Act relates more to opportunities for disabled persons than disability during course of employment. The ZCPDA strives to afford equal opportunities for employment among other opportunities to persons with disabilities. Nevertheless, the agency and the government as a whole have not lived to fulfil its requirements to implement the provisions of the Act\textsuperscript{69}.

2.8 The Workers Compensation Act No. 10 of 1999 of the Laws of Zambia

In 1991 parliament passed legislation to repeal the Workers Compensation Act\textsuperscript{70} and the Pneumoconiosis Compensation Act\textsuperscript{71} in order to merge the two schemes which had

\textsuperscript{66} No 33 of 1996 of the Laws of Zambia Section 3
\textsuperscript{67} No 33 of 1996 of the Laws of Zambia Section 3(1)
\textsuperscript{68} No. 33 of 1996 of the Laws of Zambia Section 3(2)
\textsuperscript{69} No. 33 of 1996 of the Laws of Zambia
\textsuperscript{70} Chapter 271 of the Laws of Zambia
\textsuperscript{71} Chapter 276 of the Laws of Zambia
operated independently. The repealing of the two Acts resulted in the current Workers Compensation Act\textsuperscript{72}.

Before the merger, the workers compensation board was responsible for accidents and scheduled diseases arising out of and in the course of employment while the pneumoconiosis compensation board was responsible for lung diseases caused by silica in the mines. The merged Act\textsuperscript{73} now mandates the Board to compensate or rehabilitate employees who are disabled as a direct result of an occupational hazard whether by lung or scheduled disease or accident.

Other than providing for compensation of workers as stated above, the Act\textsuperscript{74} also provides for the prevention of accidents or of any diseases which are due to the nature of any occupation, and the promotion of the health or safety of workers. The Act also provides for rehabilitation of disabled workers. In order to regulate occupational health and safety in the workplace the government has enacted the occupational health and safety Act\textsuperscript{75} to establish an occupational health and safety institute to regulate and protect persons at work from occupational hazard.

2.9 Conclusion

In summary, the chapter discussed the national legislation that regulates occupational health and safety. These include the Occupational Health and Safety Act,\textsuperscript{76} the Workers Compensation Act No. 10 of 1999 of the Laws of Zambia

\textsuperscript{72} Workers Compensation Act No. 10 of 1999 of the Laws of Zambia
\textsuperscript{73} Workers Compensation Act No. 10 of 1999 of the Laws of Zambia
\textsuperscript{74} No. 33 of 1996 of the Laws of Zambia
\textsuperscript{75} No. 10 of 2010 of the Laws of Zambia
\textsuperscript{76} No 10 of 2010 of the Laws of Zambia
Compensation Act,\textsuperscript{77} Persons with Disability Act\textsuperscript{78} and the ILO International Conventions.\textsuperscript{79} Since the international standard of the ILO has recognised that disability during the course of employment can occur due to HIV and AIDS the ILO has set up guidelines for member states to implement so that the rights of these employees is not infringed upon.

Rehabilitation and job retention has been discussed at length in this chapter and it has been found that there is adequate policy and legal framework created by the ILO as the international body which harmonises employment conditions. However, the onus is on individual member states to implement this framework and adopt national laws that will promote and manage disability in the workplace.

\textsuperscript{77} No 10 of 1999 of the Laws of Zambia
\textsuperscript{78} No. 33 of 1996 of the Laws of Zambia
\textsuperscript{79} ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168) United Nations Convention on the Rights of Persons with Disabilities / International Labour Office
CHAPTER THREE

3.0 Introduction

In the previous chapter, this research discussed at length the salient features of the occupational health and safety Act.¹ The chapter also discussed major international instruments such as the ILO conventions² on occupational health and safety and policy on acquired disabilities. It was noted that despite the consolidation of the various Acts which together provided the legal framework for occupational health and safety regulation, there is still a shortfall in effective management of disability in the workplace. The current occupational health and safety Act³ was enacted to create a regulatory institute for occupational health and safety and its functions.

In this chapter the research seeks to discuss other functions not included in the occupational health and safety Act⁴. It will discuss existing prevention rehabilitation and reintegration or redeployment policy at places of work. It will also review the Workers Compensation Fund Control Board (WCFCB) as regulated by the Workers Compensation Act⁵. In addition, this chapter will also consider national policies with particular attention to government as the major regulator. It will also consider other key players such as the Zambia Congress of Trade Unions (ZCTU) and the Zambia Centre for Persons with Disability Agency (ZCPDA) as regards occupational health and safety.

¹ No. 36 of 2010 of the Laws of Zambia
³ Occupational Health and Safety Act No. 36 of 2010 of the Laws of Zambia
⁴ No. 36 of 2010 of the Laws of Zambia
⁵ No 10 of 1999 of the Laws of Zambia
Insurance companies have been engaged by several employers in group personal accident schemes to mitigate the impact of medical or other costs when injury occurs in order to effectively manage disability in the workplace. This however, will not be a subject of discussion in this research. It is only worth noting that insurance is an additional and/or alternative means of providing compensation to employees who are injured during the course of employment.

3.1 Workers Compensation Fund Control Board (WCFCB)

The WCFCB is a social security scheme created by the Workers Compensation Act No. 10 of 1999 of the Laws of Zambia and is responsible for compensating workers in respect of accidents suffered and diseases contracted during the course of employment in accordance with the Act. Its main objective is to compensate workers for disabilities suffered or diseases contracted during the course of employment.

The WCFCB compensates workers disabled or killed by occupational accidents and diseases through various schemes which are classified according to level or type of disablement. In addition the Board conducts health and safety programmes at various work places to help employers reduce the occurrence of accidents and diseases. The Workers Compensation Act\(^6\) also provides for the investment of any surplus funds to generate additional income to ensure growth of the fund and meet any contingent liabilities.\(^7\)

---

\(^6\) No. 10 of 1999 of the Laws of Zambia

\(^7\) WCFCB Website, Functions of the Board
The Act further makes provision for the payment of compensation to workers sustaining any injury while on duty. In this regard the employer is protected against civil claims which may be instituted against him in the event of a worker getting injured except where negligence, breach of duty or other wrongful act or other omission of the worker for whose act or default the employer is responsible. A worker who is injured on duty is entitled to the payment of compensation in respect of partial disablement, total disablement and death also classified under the Act as temporary, permanent and fatal. For instance, the Board has considered buying a house, besides the monthly pension payable, for an elderly man who has been confined to wheelchair in Linda Compound of Lusaka, following a fatal accident during the course of employment.

Affiliation to the WCFCB is compulsory to all employers as provided by section one hundred and four of the Act it follows that most accidents which occur in effect have no civil liability. As long as the WCFCB has compensated the worker even if insufficiently he or she has no recourse to the courts of law for other incidental claims like loss of income. This is particularly where the employer has satisfied his duty of care. However, if the accident was caused by negligence on the part of the employer then the employee has a right to a civil cause in the courts of law besides the compensation if any to be paid under the Act.

---

8 Workers Compensation Act No. 10 of 1999 of the Laws of Zambia
9 Workers Compensation Act No. 10 of 1999
10 Real name withheld for confidentiality purposes
11 Information given in an interview with the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
12 No. 10 of 1999 of the Laws of Zambia
13 Act No. 10 of 1999 of the Laws of Zambia Section 8
In terms of contributions, only the employer and not the employee makes a yearly contribution or assessment payment. The payments are not uniform across all employers as they are determined by the degree of risk associated with the particular employment sector. These contributions range from two point eight two percent to six point nine three percent of nine point six million kwacha per employee per year. The highest risk is in the mining industry while the lowest is in personal services and financial institutions. This is a motivating factor on the part of the employee as it ensures that the employer’s liability is taken care of in the event of an occupational hazard. On the part of the employer however, it is not enough that assessments are paid to the Board regularly, the employer has to ensure that safety standards are maintained to avoid civil liability due to negligence.

3.1.1 Compensation under the Workers Compensation Fund Control Board

The types of compensation payable to claimants include lump sum payments which are paid to disabled workers for partial disabilities which are below ten percent. On the other hand life pension is paid monthly to disabled workers with permanent disabilities which are above ten percent. This means a worker who has a partial disability may be given a one-off compensation and have a further opportunity to be redeployed. Two such victims are currently being sponsored by the Board in vocational rehabilitation and skills training at the National Institute for Public Administration (NIPA) and the Zambia Centre for

---

14 WCFCB Website, Key Facts
accessed on 24/03/12
15 Miscellaneous Provisions of Act No. 10 1999 of the laws of Zambia
16 Miscellaneous Provisions of Act No. 10 1999 of the laws of Zambia
17 Real name withheld for confidentiality purposes
Accountancy Studies (ZCAS) in Lusaka. On the other hand, a permanently disabled employee cannot work at all because the accident was fatal and therefore the monthly income being paid as pension will help to sustain the family. For instance, a disabled worker in Chawama compound has successfully established a business venture to sustain his livelihood from the proceeds of compensation paid to him following an accident during the course of employment.

There is also compensation paid for commuting accidents. These occur whilst on a direct route to the place of work or from the place of work to one’s residence with reasonable dispatch. Alternatively, commutations are paid to permanently disabled workers who are in receipt of monthly pension and are granted part or total commutation of their pension for purposes of venturing into business or capital support. Other types of compensation include payment to surviving spouses of workers who die as a result of accidents and diseases during the course of employment also have recourse to a monthly widow's while children's and guardian's allowances are paid to children of deceased workers below eighteen years and guardians of single deceased workers.

In other words the Workers' Compensation Commissioner grants part, maximum or total commutation of a monthly pension to a disabled pensioner to provide for themselves a dwelling house or enable them enter into a business venture in order that they may earn a reasonable means of living. The mandate of the Board provides that

---

18 Information given in an interview with the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
19 Real name withheld for confidentiality purposes
20 Information given in an interview with the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
21 WCFCB website, Payment Schemes
24/03/12
22 Information from leaflets from the WCFCB
in addition to cash benefits, the Board provides nursing care services to highly disabled beneficiaries (mostly bed ridden) through regular distribution of medical items such as urinal bags etc; mobility aid through distribution of wheel chairs, crutches etc and facilitating regular periodical medical examination for beneficiaries with Pneumoconiosis (an incurable lung disease caused by inhalation of fine (silica) dust particles in the mining industry) and tuberculosis (TB) at the Occupational Health Management Board in Kitwe.\textsuperscript{23}

The Occupational Health Management Board in Kitwe referred to here is now the Occupational Health and Safety Institute as created by the Occupational Health and Safety Act of 2010\textsuperscript{24}. Generally, employers benefit from the payments of assessments because of the collective liability insurance features of the workers compensation fund system. Contributions are pooled so that the costs of all claims are shared by all employers. Current statistics show that an average of one thousand two hundred accidents and diseases are reported to the Board annually\textsuperscript{25} for the purpose of settling compensation claims in respect of occupational accidents and diseases. These accidents and diseases are prevalent in all sectors of the economy with the most affected being mining, construction, transport, manufacturing and commerce.

However with the advent of HIV/AIDS which may also result in disability there is need for an inclusion of all other aspects of occupational hazards so that availability of technocrats and expertise is not undermined. The Board recognises this aspect but was quick to point out that the mandate of the Board rests only at compensation for disability only as a direct


\textsuperscript{24} Act No. 36 of 2010 of the Laws of Zambia Section 3

result during the course of employment." The Board stated that "HIV/AIDS is not yet classified as occupational related disease and is therefore beyond the jurisdiction of the WCFCB." This raises the question of the circumstances of drivers, for instance, who are away from their families more often than they are at home. It can be argued that they are made susceptible to HIV and AIDS infection by the very fact that they are exposed to the causes, like prostitutes, during the course of employment. Precisely this is possible because of the exposure of commuting from one place to another and spending nights out of station whilst in the line of duty.

3.1.2 The National Vocational Rehabilitation Centre

The WCFCB has defined rehabilitation as the restoration of the disabled worker to the fullest physical, mental, social, vocational and economic usefulness of which he is capable. In this regard the Board works in conjunction with the National Vocational Rehabilitation Centre in Ndola to determine what vocational rehabilitation services may be required for the disabled worker. If the required services are offered at the centre then the employee is referred by the Board to the centre. In a bid to support the centre, the Workers' Compensation Fund Control Board purchased a block making machine as a donation to the National Vocational Rehabilitation Centre. This will help to increase the infrastructure of the centre which is aimed at giving hope to the disadvantaged employees who are recruited.

---

26 Information given in an interview with the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
27 Information given in an interview with the OHS Manager through the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
to the centre for rehabilitation. However the Centre has been repossessed by the government with a view to renovate it, improve its infrastructure and offer better service to the needful citizens.

3.1.3 Medical Aid System

The Board also has a medical aid system which covers expenses incurred by the Board or employer during conveyance of an injured worker to and from home and the hospital for medical treatment. It also caters for skilled nursing services, supply of medicines and surgical dressing. The Board provides for the supply and maintenance of artificial limbs or such other aids that enable the worker to perform his or her work. The Chawama resident, now a paraplegic and confined to a urine bag, is one of the beneficiaries of the medical aid system of the Board. During his ailment, the Board takes responsibility of all medical bills including transport to and from hospital and all surgical and medical requirements such as replacement of the urine bag.

3.1.4 Public Awareness Campaigns

The Board in realising the need to effectively fulfil their mandate embarked on public awareness campaigns to sensitise employers on the provisions of the Workers'
Compensation Act\textsuperscript{34}. These campaigns targeted employers in twelve districts within the Republic of Zambia and employer education seminars which at the time of assessing the website have so far been held in Chipata, Kitwe, Mufulira and Mazabuka. These campaigns have now been declared on going.\textsuperscript{35} They include sensitisation advocacy that targets both the employers and the employees. The campaigns include education seminars which educate stakeholders on why employers should register with the WCFCB, how to fill forms and computations, how and when to access medical refunds and also to get feedback from the stakeholders.\textsuperscript{36} In this way the Board hopes to improve service delivery to intended beneficiaries. Even more employees are being sensitised on the need to report any occupational accidents and illnesses acquired during the course of employment.

3.2 The Zambia Congress of Trade Unions (ZCTU)

The ZCTU as one of the mother body of workers unions has a crucial role to play in cohering workers rights and more so occupational health and safety. The union recognises that “the suffering in terms of human life is enormous while the economic cost associated to the failure to ensure occupational health and safety is so great that it threatens to undermine national aspirations for sustainable economic and social development.”\textsuperscript{37}

The ZCTU OHS policy\textsuperscript{38} states that the congress considers occupational health and safety as cardinal in promotion, protection and advancement of workers rights and as such will endeavour to promote the safety health and welfare of workers. The Congress pledge that

\textsuperscript{34}No. 10 of 1999 of the Laws of Zambia
\textsuperscript{35}Information given in an interview with the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
\textsuperscript{36}Information given in an interview with the Senior Branch Manager at WCFCB in Lusaka on 17/04/11
\textsuperscript{37}ZCTU Occupational Health And Safety Policy ZCTU OHS Project
\textsuperscript{38}ZCTU Occupational Health And Safety Policy
they shall lobby social partners, government and employers to provide the resources necessary to keep the workplace healthy and safe for their members.39

While the ZCTU is responsible for developing, communicating and reviewing the OHS Policy the national Unions Executive committees is responsible for the implementation of the OHS policy in their respective industries and workplaces and ensuring the participation of their members in occupational health and safety workplace committees. The policy statement states that the minimum benchmarks shall include commitment, risk assessment, emergency procedures, communication, training monitoring, auditing and inspection.40 In view of this, it is the responsibility of the stakeholders to include issues of occupational health and safety in the bargaining process and subsequently in the collective agreements.

3.3 The Zambia Centre for Persons with Disability Agency

The Persons with Disabilities Act41 of 1996 provides for the functions of the Zambia Centre for Persons with Disabilities Agency (ZCPDA), one of which is to coordinate rehabilitation and welfare services provided to persons with disabilities by ministries and voluntary associations.42 The Act also states that the agency will promote, directly and indirectly, the development of human resources in the prevention of disabilities and in provision of rehabilitative, education, training and general welfare of persons with disabilities.43 The Act further mandates the agency to provide rehabilitation services to

39 ZCTU Occupational Health And Safety Policy ZCTU
40 ZCTU Occupational Health And Safety Policy ZCTU
41 No. 33 1996 of the Laws of Zambia
42 Persons with Disabilities Act No. 33 of 1996 of the Laws of Zambia Section 6
43 Persons with Disabilities Act No. 33 of 1996 of the Laws of Zambia Section 7
persons with disabilities in line with the provisions of the ILO Conventions\textsuperscript{44} to which Zambia is a party. The ILO on matters of managing disability in the workplace does not differentiate between persons disabled by birth and those disabled during the course of employment in terms of the right to decent work. Particularly, the ILO code of practice\textsuperscript{45} recognises that employers may gain by expanding the number of eligible workers through continuing the employment of those who become disabled since valuable expertise acquired on the job and through work related training is retained.

In addition ILO states that most organisations and their networks are contributing to facilitating the employment, job retention and return to work opportunities for disabled persons.\textsuperscript{46} In fact one of the objectives of the ILO is to provide practical guidance on management of disability in the workplace. Through the code of practice the ILO states that one of the objectives is to improve employment prospects for persons with disabilities by facilitating recruitment, return to work, job retention and opportunities for advancement.\textsuperscript{47}

The United Nations\textsuperscript{48} which clearly supports community based rehabilitation (CBR), states that “persons with disabilities are members of society and have the right to remain within their local communities. They should receive the support they need within the ordinary structures of education, health, employment and social services.” However, the agency and

\textsuperscript{45} ILO Managing Disability at the Workplace, Code of Practice, (ILO, Geneva 2002) vi
\textsuperscript{46}ILO Managing Disability at the Workplace, Code of Practice, (ILO, Geneva 2002) vi
\textsuperscript{47} ILO Managing Disability at the Workplace, Code of Practice, (ILO, Geneva 2002) 1
\textsuperscript{48} UN, Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (New York: UN, 1993)
the government as a whole have not effectively met the requirements to implement the provisions of the Act\textsuperscript{49}

Many disabled persons whether inborn or as a result of employment are left without equal opportunity to find alternate employment. For instance a person who during the course of employment has an accident may be faced with difficulty to return to work because the infrastructure may not allow. A person using a wheelchair for example may find that despite being given an alternate job, he or she will not be able to access the second floor on his or her own and above of a building if there is no elevator. Or perhaps a person blinded by an accident during employment may be retired medically because of sufficient infrastructure to fully support rehabilitation and return to work. This in itself is ineffective rehabilitation.

The ILO Convention\textsuperscript{50} states that “State Parties shall safeguard and promote the realisation of the right to work, including for those who acquire a disability during the course of employment by taking appropriate steps, including through legislation, to, \textit{inter alia} continuance of employment\textsuperscript{51}, ensure that reasonable accommodation is provided to persons with disabilities in the workplace\textsuperscript{52} and promote vocational and professional rehabilitation, job retention and return to work programmes for persons with disabilities.\textsuperscript{53}

\begin{footnotes}
\item[49] Persons with Disabilities Act No. 33 of 1996 of the Laws of Zambia
\item[51] Article 27(1)(a) of Convention No.159
\item[52] Article 27(1)(i ) of Convention No.159
\item[53] Article 27(1)(k) of Convention No.159
\end{footnotes}
The code of practice\textsuperscript{54} states that in developing strategy for managing disability in the workplace, employers should include measures for job retention including early intervention and referral to appropriate services. For instance in the mines where employees are more susceptible to dust and subsequent pulmonary lung infections the employer must be prompt in reacting to suspected lung infection.

Secondly the employer must have gradual resumption of work as opposed to the employer's greed to maximise profit by making an employee return to work prematurely. Thirdly, the code of practice\textsuperscript{55} states that the employer should provide opportunities for workers with disabilities (including during the course of employment) to test an alternative job if they are unable to resume their previous jobs. It is submitted here that the trend of the Zambian employer is to separate with the employee who has become disabled during the course of employment probably in order to maximise profits by avoiding medical bills. For instance a pre-school director in Luanshya did not renew the contract of one of the teachers because she had her legs amputated after a road traffic accident and was now confined to a wheelchair\textsuperscript{56}.

The International Labour Organisation Convention concerning vocational rehabilitation and employment (of disabled persons)\textsuperscript{57} states that member states should provide vocational rehabilitation services in order "to enable a disabled person to secure, retain and

\textsuperscript{54}ILO Managing Disability at the Workplace, Code of Practice, (ILO, Geneva 2002) 29
\textsuperscript{55}ILO Managing Disability at the Workplace, Code of Practice, (ILO, Geneva 2002) 29
\textsuperscript{56}ZNBC News at 19 00hrs Friday 13\textsuperscript{th} April 2012
\textsuperscript{57}ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168): United Nations Convention on the Rights of Persons with Disabilities / International Labour Office
advance in a suitable employment and thereby to further each person's integration or reintegration into society." This in turn will advance new opportunities for people faced with disability during the course of employment. Vocational rehabilitation is more than just counselling and training. It involves if need be adjustments to the workstation or the work environment itself. In addition, employers should strive to improve accessibility of the work premises. Accessibility should be understood to include signage, manuals, workstation, instructions and electronic information. Notice should be had to those who have hearing impairment and need access to information other than sound, for instance a graphic alarm as opposed to a sound alarm.

In February, 2010 the government of Zambia ratified the Convention on the Rights of Persons with Disabilities (CRPD). Article 26 of the Convention supports full inclusion of persons with disabilities in their communities. It is submitted that disability during the course of employment is disability no different from inborn disability and thus enough ground for government to ensure that the objective of the convention is fulfilled. If employers are unregulated on the separation of persons who are disabled during the course of employment many families will suffer, resulting in increased poverty levels and rate of unemployment which are not good attributes of the country's economic status.

3.6 Conclusion

Chapter three has discussed the implementation of the rehabilitation and redeployment policies in line with the international and national laws. Notable among these is the

---

59 ILO Managing Disability at the Workplace, Code of Practice, (ILO, Geneva 2002) pg 33
Workers Compensation Act\(^{60}\) which is mandated to cushion the economic impact of disability during the course of employment. It compels employers to register to the Workers Compensation Fund Control Board which in turn will pay compensation to the affected worker in the event of an accident during the course of employment. It has also been established that HIV/AIDS has not been classified as an occupational disease. The Board accordingly, does not offer any compensation to employees, drivers or otherwise, who may be disabled by HIV/AIDS during the course of employment, whether in line of duty or not.

The chapter has also discussed the national rehabilitation centre which provides skills training for disabled workers in order to offer them an opportunity to acquire alternative skills. The Zambia Agency for persons with Disabilities provides for persons who are disabled without discrimination to those disabled during the course of employment and in line with the international conventions and ILO code of practice.

Having discussed at length the provisions of the law both national and international provisions in chapter two, and the adequacy of implementation in chapter three, the next chapter will provide a summary of the whole research and provide recommendations.

\(^{60}\) No 10 of 1999 of the Laws of Zambia
CHAPTER FOUR

4.0 CONCLUSION AND RECOMMENDATIONS

4.1 Introduction

This research has laboured to discuss legislation that surrounds occupational health and safety in the workplace. This includes managing disability that results from occupational hazards in the workplace. In chapter one the research merely sought to highlight the objectives and the methodology the research will undertake. The problem identified is the inadequacy of a legal framework in relation to managing and promoting disability at the workplace. The problem relates to lack of adequate legislation on implementation of rehabilitation and return to work strategies in the workplace. It has also been observed that there is a deficiency of infrastructure to enable workers who have been disabled during the course of employment to undergo rehabilitation and successfully be reintegrated into the workplace. Rehabilitation includes sufficient skills training institutions and reasonable accommodation facilities.

Chapter one also outlined what the proceeding chapters of the research will cover. The review of existing literature enabled this research define its margins in comparison to what other researchers have written on this topic. It also highlighted the major concepts that have been used in this research. These include disability, occupational health and safety, rehabilitation and return to work strategies and reasonable accommodation among others. In short, chapter one laid out the platform on which this research is based.
Chapter two is a discussion on the legislation that surrounds occupational health and safety and managing disability at the workplace. The main Acts discussed include national laws which are the Occupational Health and Safety Act, the Workers Compensation Act, and the Persons with Disability Act. International instruments discussed in this chapter include the ILO International Conventions, and the ILO Policy Guidelines and Code of Practice on occupational health and safety. The international standard of the ILO has recognised that disability during the course of employment can occur due to HIV and AIDS which has the same, if not more serious, adverse effects of unemployment which may increase poverty levels. It has been established that in this regard ILO has set up guidelines for member states to incorporate in their national laws so that the right of these employees is not infringed upon.

However though ratified, Zambia has not yet domesticated this convention. The general argument is that economic and social rights in Zambia are not justiciable and so it will be very difficult to incorporate a law compensating disability due to HIV and AIDS, without laying a concrete foundation for the provision of these rights to be guaranteed. In addition, the findings reveal that unless sex workers are legally recognised as workers, the result of their illegal activity cannot be given the benefit of the compensation. As such disability due to HIV/AIDS for now remains a burden of the individual.

---

1 No. 10 of 2010 of the laws of Zambia
2 No. 10 of 1999 of the laws of Zambia
3 No. 33 of 1996 of the laws of Zambia
Chapter two also discussed at length legislation of rehabilitation and job retention of workers who are disabled during the course of employment. One of the findings is that ILO as the international mother body that aims to harmonise labour matters, has a comprehensive Convention\(^5\) which when ratified and domesticated by member countries, will address most of the labour issues that surround disability in the workplace. Moreover, ILO has adequate contemporary policy guidelines which aim to give guidance to governments as regulators and employers as one of the major stakeholder’s in employment issues. The onus rests on individual member states to implement this framework by adopting national laws that will promote and manage disability in the workplace effectively and efficiently. The ultimate goal must be to afford the citizens a right to decent work.

The third chapter discussed at length implementation of the rehabilitation and redeployment policies in line with the international and national laws. Notable among these is the Workers Compensation Act\(^6\) which is mandated to cushion the economic impact of disability during the course of employment. Employers are compelled to register with the Workers Compensation Fund Control Board which indemnifies all cases pertaining to compensation of workers disabled in the course of employment where the employer exercised a diligent duty of care.

It has been established that in Zambia HIV/AIDS has not been classified as an occupational disease. Accordingly, The Workers Compensation Fund Control Board does

---

\(^5\) ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168) United Nations Convention on the Rights of Persons with Disabilities

\(^6\) No 10 of 1999 of the Laws of Zambia
not offer any compensation to employees, drivers or otherwise, who may be disabled by HIV/AIDS during the course of employment whether contracted in the line of duty or not. The chapter also discussed the national rehabilitation centre which provides skills training for disabled workers in order to offer them an opportunity to acquire alternative skills. Furthermore, the Zambia Agency for persons with Disabilities (ZAPD) provides rehabilitation for persons who are disabled without discrimination to those disabled during the course of employment. This is in line with the international conventions and ILO code of practice. Due to limited resources however, the Agency may give preference to assist disabled persons seeking employment to those that have already had the opportunity to work. The International Labour Organisation states that the right to decent work for persons with disability is not restricted to those who are already disabled and seek employment. It includes those who are disabled during the course of employment.

ILO recognises that being out of work is bad for physical and mental health - while being in employment can help recovery and lead to improved health outcomes. Therefore, helping people with health problems to stay at or return to work is beneficial for them, their families, business and society. On the other hand it has been recognised that for many workers, the type of work they do actually leads to ill-health or can make a condition worse. In other words forcing workers to return to work before they feel ready can lead to a relapse or a delay in recovery.

Scientific evidence shows that early rehabilitation can be very effective in many of the most common health problems like TB due to silica that can lead to long-term sickness, absence, including mental health illnesses such as depression and anxiety. Furthermore
most people with common health problems can be helped to return to work by following a few basic principles of healthcare and workplace management.

In order to reverse these problems the ILO and national social and employment policies are encouraging employers to facilitate continued employment for employees with long-term health problems and disabilities. Much as the Workers Compensation Act\textsuperscript{7} is mandated to take over the liabilities of employers in paying compensation, still, more that can be done to enhance management of disability in the work place. The following are the recommendations that this research has drawn from the findings:

4.2 Recommendations

4.2.1 The occupational Health and safety Act should not only create the OHS institute and leave administration to its Board. Decent Work is a basic right and therefore workers must be able to know their rights in the provisions of the Act and not in subsidiary legislation or administrative policy of the Institute.

4.2.2 Managing Disability at the work place should not be left to employers to provide their own guidelines. The state must domesticate the ILO conventions and guidelines and provide all inclusive basic requirements of prevention, management and rehabilitation for workers who are injured during the course of employment. This will help to significantly reduce the high levels of unemployment.

\textsuperscript{7} No 10 of 1999 of the Laws of Zambia Section 3

50
4.2.3 The role of the Workers Compensation Fund Control Board should be more regulatory and supervisory in ensuring that employers have in place a compensation scheme. As much as the Board may pay out compensation, it is often inadequate and thus employers should have a compulsory scheme whether by insurance or other to meet occupational liability.

4.2.4 Government should create a legal framework that includes compulsory rehabilitation and return to work legislation with very limited exceptions. This will ensure employers will not get away with unfair separation of the employment contract with disabled employees all for the benefit of profits.
BIBLIOGRAPHY


JOURNALS


POLICY DOCUMENT

1. ZCTU Occupational Health and Safety Policy ZCTU

DISSERTATION


WEBSITES

2. Geoge H. Coopee, Occupational Health and Safety  
   http://hr.healthcare.ucla.edu/Download/managingdisability


5. WHO Website, Health and Safety http://www.who.int/nmh/a5817/en/

6. WCFCB Website, Key Facts  