

# **National Occupational Safety and Health (OSH) Profile for Nepal**

## **Submitted to:**

International Labour Organization (ILO) in Nepal  
Dhobighat, Nayabato, Lalitpur, Nepal

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# **1. Laws and Regulations**

## **1.1 Legislation System of Occupational Safety and Health**

There is no exclusive legislation on Occupational Safety and Health in Nepal. The constitutional provisions for work, workplace, and workers, however, can be contextualized for few OSH issues. The Labour Act of Nepal includes a chapter on OSH provisions which is the major national legislation to date incorporating the safety and health concerns of the workers. Few other existing national acts, regulations, and guidelines encompassing safety and health are also relatable to the OSH concerns.

## **1.2 Occupational Safety and Health Requirement in the Constitution**

The constitution of Nepal was promulgated in 2015. Although the constitution does not speak outrightly on directives related to Occupational Health and Safety, nevertheless, it provides fundamental premises to attaining, ensuring, and establishing the highest level of health and safety practices. Some of the relatable constitutional provisions include Part 3 on the fundamental rights and duties. Clause 16 of the part ensures that everyone enjoys the right to live with dignity anywhere in the nation, which incorporates the inherent rights of the workers as well to live with dignity at their workplaces. Clause 17 of the constitution addresses the right to freedom and sub-clause 17 (d & f) informs that every citizen has the freedom to form unions and associations, and freedom to practice any profession, carry on any occupation and establish and operate any industry, trade, and business in any part of Nepal. The constitution thus ensures the establishment and functioning of the worker's related organizations. The constitution identifies labour with the greatest respect and any act of its disrespect is considered contrary to public decency or morality. Clause 18 of the constitution states the non-discrimination of rights and ensures equality and equal protection of law to all its citizens. This non-discriminatory provision established by the constitution ensures equality regardless of the worker's socio-economic background or ideologies.

Clause 20 of the constitution ensures the rights relating to justice safeguarding the right to benefit from the established legal systems. The clause guarantees that workers are entitled to receive benefits from the legal system for finding legal solutions. Clause 27 of the constitution ensures citizens with the right to information indicating that every citizen has the right to demand and receive information on any matters of public or private interest. The possible workplace exploitation from any employment and working environment can be assessed as a constitutional right for the workers as clause 29 provides immunity against any such exploitation. This clause explicitly states that every person shall have the right against exploitation and no person shall be exploited in any manner. No one shall be held in slavery or servitude and no one shall be forced to work against his or her will indicates the constitutional right of the workers to raise concern regarding their working conditions and refuse to work in any unsafe work conditions. Clause 30 of the constitution guarantees the right to a clean and healthy environment and warrants eligible compensation in case of any proven infringements. The constitution of Nepal in its clause 33, under the right to employment, ensures that every citizen shall have the right to employment. The terms and conditions of employment and

unemployment benefit shall be as provided by the relevant Federal law. Clause 34 explicitly speaks on the right to labour and identifies that every labourer shall have the right to practice appropriate labour. It defines labourer or worker as who does physical or mental work for an employer for remuneration. The article in the constitution adds that every labourer shall have the right to appropriate remuneration, facilities, and contributory social security. Finally, the constitution states that every labourer shall have the right to form and join trade unions and to engage in collective bargaining, as stipulated by the law.

### **1.3 Major Occupational Safety and Health Laws**

#### **Labour Act 2017**

The Labour Act of Nepal provides directives on the areas of Occupational Safety and Health for the workers in Nepal. The current Labour Act has replaced a close to three-decade-old Act and envisions a complete change in the employment regime of Nepal with the inclusion of several new dimensions replacing outdated older provisions. The Labour Act section 12 from clause 68 to clause 83 is related to OSH. The Labour Act in practice has made earlier headcount of workers a redundant criterion, as for now, the current Act remains applicable to all workplaces regardless of the number of employees at any given workplace. The earlier Act applied only to the workplaces where ten (10) or more people were employed while the newly adopted Act has increased its coverage with greater inclusive arrangements.

The newer Labour Act has also incorporated the insurance provisions. The current Labour Act has a mandatory provision of coverage of at least NPR one hundred thousand per year for every worker as part of the medical treatment cost. Similarly, the Act demands coverage of at least NPR seven hundred thousand for every worker as workplace injuries-related treatment cost. The Act specifies that the premium for medical insurance will be paid half by the employer and half by the employee, however, the Act requires premium for accident insurance to be fully borne by the employer. The other OSH-related provisions included in the newly adopted Labour Act identifies the preparation of Safety and Health Policy applicable to each workplace and such policy should be registered respective Labor Offices. The Labour Act also requires the formation of a Safety Committee when 20 or more workers are engaged in any workplace. The Act also provides provision for the formation of different OSH-related committees as well. The Labour Act has made the employers responsible and accountable for the duties towards the workers and directs the employers for making appropriate safety and health arrangement, arrangements ensuring no adverse effect on the workers from the use, operation, storage, or transportation of chemical, physical, or biological materials. It also requires employers responsible for disseminating necessary notice, information, and training related to safety and health.

The Labour Act has also made the employee and workers of developing responsibilities towards attaining safety and health at the workplace which include abstaining from doing any activities that are likely to affect the safety and health of any individual in the workplace, cooperate with the employer for proper implementation of the health and safety arrangements, to use the personal safety devices provided by the employer, etc. The Act has delegated

authorities to the workers on stopping the work anytime, in case of the immediate threat of any injury or adverse health effect or damage to the equipment in the workplace. The Act also bars the employees with any communicable diseases to prevent the spread of communicable diseases at the workplace until the treatment is completed. The compensation provision allowed by the Act identifies that all the expenses for the investigation and treatment of any work-related diseases should be provided by the employer and where such disease cannot be cured, the worker should be provided with compensation as prescribed.

### **Public Health Service Act 2018**

The Public Health Service Act has recently been introduced by the Government of Nepal and it encompasses the health and safety issues for the workers involved in the health care service. Clause 44 of this Act speaks on the safety of the health workers in risky zones and encourages them to adopt safety measures. The same clause also requires the health workers to be insured by the employers. The Act also endorses the provision of risk allowance to the workers and in case of serious infection, injury, or death necessary compensation has also been recommended.

### **Three Years Interim Plans**

The first inclusion of OSH in the Three Years Interim Plan occurred during 2007-2010. The plan laid the foundation for a few strategic programs and visions to make the workplace safe, healthy, and productive by promoting and developing occupational safety and health as an integral part of all industrial enterprises and workplaces. This Plan had endorsed the formulation of the Occupational Safety and Health Project and established it as the center for advisory functioning such as provider f capacity enhancement and research on OSH. Together with this, the Plan envisioned increasing the capacity of various related stakeholders through training, orientation, awareness enhancement on diverse OSH issues.

The approach paper for the Three-Year Plan (2010/11-2012/13) had set an objective to create a healthy, safe, and decent working environment through the development of cordial labour relations. This was envisioned to be achieved through the revision of the existing labour laws and developing a scientific labour inspection system and model labour offices.

The Government of Nepal has also adopted the 15th Strategic development Plan (2019/2020-2023/2024) for setting up and implementation of occupational safety and health standards in enterprises to provide dignified employment opportunities to the workers in the country.

### **Disaster Management Act 2017**

The Disaster Management Act 2017 directs to developing an executive committee in its clause 8 and makes the committee responsible for directing any public or private entity and/or organization to developing disaster management policy, plan, and activities for disaster reduction. The Act also envisions developing risk reduction through emergency plan preparation and its execution. The Act provides autonomy to the Provincial Disaster Management Committee for monitoring and supervision and reports to the established Federal structures. The Act makes public and private organizations responsible for disaster reduction through practicing safety behaviors, proper storage, and use of safety equipment. The Act

envisions the capacity development of all concerned staff and workers through training and awareness-raising. The Act also provides directives on proper waste disposal to minimize adverse outcomes and decrease related pollution.

### **Environmental Protection Act 2019**

The Environmental Protection Act 2019 in chapter 3 has provided provisions for pollution control and states that the Government can develop guidelines for reducing waste, pollution, and hazardous substance management. Clause 2 of this chapter explicitly states that polluting activities with non-compliance to the developed guidelines deteriorating public health and environment are prohibited. Clause 5 of the chapter states that any harmful discharge of waste matter originating from machinery causing environmental damages is punishable. The Act addresses monitoring and supervision of compliance with the guidelines as the responsibility of the department.

### **Solid Waste Management Act 2011**

The Solid Waste Management Act has stipulated provisions on section 2 of clause 7 on responsible waste management by the organization management of chemical or any harmful waste.

### **Pesticide Act 1991**

The Pesticide Act has provided directives on clause 10 on a prohibition on the use of pesticides other than notified pesticides: The import, export, production, use, purchase, and sale of any pesticides other than the pesticides notified by the Government of Nepal are prohibited.

### **National Building Act 1998**

The National Building Act 1998 provided authorization for the formation of the Building Construction System Improvement Committee developed a National Building Code in 2006. NBC 114 standard covers provisions for the Health & Safety of the workers in building construction/demolition works performed under a formal contract between the employer and the contractor. Similarly, NBC 107 provides fundamental requirements for Fire Safety in commercial, official, or ordinary residential buildings.

## **1.4 Major Occupational Safety and Health Regulations**

### **Labour Rule, 2018**

The Labour Rules is the fundamental regulation developed by the Government, of Nepal and it remains equally applicable to various emerging OSH concerns and issues. The rule informs of required working time, provision of work continuation with shifts, and the resting hours. The rule has allocated additional resting hours to nursing mothers and pregnant workers. The rule provides provisions for receiving paid leave during the weekly holiday. The rule directs the employee and employers to get associated with the social security fund and provident funds established by the government. Chapter 7 of the Labour Rules has described specific OSH regulations. The rule encourages for development of an Occupational Safety and Health Policy for each workplace with the inclusion of a safety preparedness plan, worker's health, machine operation, use of hazardous substances, etc. The rule also directs the employers to be responsible towards the workers during accidents and injuries utilizing emergency preparedness and evacuations. Moreover, the rule informs employers for providing periodic OSH reporting indicating the status of their respective workplace at the respective labour offices. The Labour Rule also requires the formation of a safety committee at the workplace with representation from both employees and employers for safeguarding OSH concerns.

The Labour Rules has stipulated special arrangement for eye safety, prevention from chemical hazards, pressure plant and boiler operation directives, fire control, and ergonomics for repetitive works. The rule directs on greater use of personal protective equipment and safety gears, periodic maintenance, fencing and guarding, etc. to reduce any hazards arising from potentially hazardous working conditions. The rule prescribes permissible weight limits to be carried by an individual which is 55 Kg for adult male workers and 45 Kg for adult female workers. Clause 44 of the Labour Rule has also highlighted other arrangements related to OSH which include hygiene and sanitation issues, adequate lighting and airflow, waste management, provision of safe drinking water, and health inspection of the workers, among others. The regulation directs for establishing health care facility for primary first aid at the workplace as the primary treatment for workers before seeking specialized medical and health services. The regulation also warrants the development of sound accident recording and reporting mechanisms. Similarly, the regulation also informs on occupational diseases and compensations.

### **Mines and Mineral Rule**

The Mines and Mineral rule 1999 provide directives more on the mining activities but few of its clause is relatable to Occupational Safety and Health. Clause 11 (a) of the rule highlights the need for following healthy systems and the application of diligent and efficient methods for carrying out prospecting mining operations. Clause 13 (d) of the same rule speaks of adequate storage methods of the machine, machinery, and other equipment required for the mining activities. The rule identifies the need for maintaining appropriate safety measures to avoid any accident in the tunnel, hole, and well-formed during the excavation activities. Similarly, the rule ascertains of developing greater communication and reporting systems by informing local authorities in case of any loss to life and property during the mining activities in its clause 19

(g) and (h) respectively. The rule also provides directives for adopting the greatest safety measures during the use of hazardous substances.

### **Environmental Protection Rule**

The Environmental Protection Rule directs for the Initial Environment Examination or Environmental Impact Assessment to predict and determine any adverse impact produced by an establishment. The rule also prescribes that no one shall emit or cause to emit the noise, heat, and waste from any mechanical means, industrial establishment, or any other place. The Rule speaks on the issuance of a permanent pollution control certificate valid for three years to those industries after having their examination from the designated laboratory in maintaining a developed standard of sound, heat, nuclear radiation, and waste disposal for any industry.

### **1.5 Province-level Regulations and Departmental Rules**

There are no Province level Regulations related to occupational safety and health to date in Nepal. The Labour Act, 2017 and Labour Rules, 2018 which include provisions of occupational safety and health are the central government legislation. Provisions of occupational safety and health directed in Labour Act, 2017 and its Rules, 2018 apply to all workplaces of seven provinces of Nepal but the provision of safety and health committee mentioned in section 74 of Act and rule 37 of Regulation is only applicable in the enterprises employing 20 or more employees.

There are currently 11 Labour and Employment Offices all over Nepal. These offices are, Labour and Employment Office, Jhapa, Labour and Employment Office, Biratnagar, Labour and Employment Office, Janakpur, Labour and Employment Office, Birganj, Labour and Employment Office, Hetauda, Labour and Employment Office, Kathmandu, Labour and Employment Office, Pokhara, Labour and Employment Office, Butwal, Labour and Employment Office, Nepalgunj, Labour and Employment Office, Surkhet and Labour and Employment Office, Dhangadhi. These offices are under the Department of Labour and Occupational Safety which is under the central government. Labour Act and Labour Regulations provide authority to these offices to inspect the workplace to monitor and supervise the implementation status of occupational safety and health provisions of existing legislation. If an employer violates the provisions of occupational safety and health, these offices have a right to penalize the employer.

According to the constitution of Nepal, labour issue is under the jurisdiction of the central government as well as the provincial government. The labour issue is defined by the central government and it should clearly define rights, duties, and responsibilities of centre and provincial structures related to labour issue. For example, enterprises/undertaking of central government and enterprises having its branches/units in more than one province fall under the jurisdiction of the central government. Besides these, all types of workplaces and enterprises fall under the canopy of the provincial government.

## **1.6 OSH Standards**

The government of Nepal has promulgated OSH standards in the workplace on Noise and Light during 2073 B.S and this standard has been published in Nepal Gazette dated 2074/03/25 B.S. Besides these, the Government has also formulated the directives/guideline for Brick industries in 2074. The guideline speaks about the Occupational Health and Safety of the workers.

The permissible exposure limit (PEL) of noise for the workplace is 90 dBA for 8 hours, 95 dBA for four hours, 100 dBA for two hours, 105 dBA for one hour, 110 dBA for 30 minutes, and 115 dBA for 15 minutes a day in the workplace. The government has also recommended the minimum light illumination level for the workplace depending on the type of work and place. The lux (unit of illumination) should not be less than between 10 and 100. For the light, the standard stipulates, emergency exit and emergency pathways shall have 10 lux, inactive storage 20 lux, rough active storage, and warehouse 50 lux, machine work 100 lux, checking and sorting 300 lux, weaving dark-colored woolen goods 500 lux and jewellery and watch manufacturing 1000 lux. Any local light, that is to say, an artificial light designed to illuminate, particularly the area or part of the area of work of a single operative or small group of operatives working near each other, shall be provided with a suitable shade of opaque material to prevent glare with other effective means by which the light source is completely screened from the eyes of every person employed at a normal working place, or shall be so placed that no such person is exposed to glare therefrom.

## **1.7 Ratified ILO Conventions**

The International Labour Organisation (ILO) was established on April 19, 1919, with the primary objective of the improvement of labour conditions. The ILO was born as a result of the peace conference convened at the end of World War I at Versailles. It works for social justice, universal peace, and human dignity. The unique feature of this organization is that it represents employer's associations, trade unions, and governments from around the world. In 1946, when the United Nations organization came into existence, the ILO became the first specialist agency in its tripartite structure providing representation to workers and employers besides governmental agencies in all of its proceedings. By 2020 the ILO's membership is with 186 countries and Nepal has been its member since 1966.

### **ILO Convention**

The ILO standards are analogous to treaties requiring ratification by a competent national authority within 1 year or 18 months at the latest from the closing session of the ILC. In Nepal, the convention has to be endorsed by the Government of Nepal. The power to enact and implement legislation remains with the Parliament. The Tripartite Committee of Nepal, Central Labour Advisory Council chaired by Ministry of Labour and has representatives from employer's council and trade unions, make a recommendation for the council of ministers for parliamentary endorsement and finally, the parliament ratifies the convention and Nepal became the parties of ILO convention. As of November 2020, the Government of Nepal (GoN) has ratified only 11 ILO Conventions out of 190 ILO Conventions. Out of 11 ratifications,

seven are fundamental conventions, one is related to governance and three conventions are technical.<sup>1</sup>

Further, the Government of Nepal is considering the adoption of the Occupational Safety and Health Convention, 1981 (no. 155). At present, a discussion on the ILO Convention 155 is ongoing in the parliamentary committee on Labour and International relation.

### **ILO Convention and Ratification by Nepal**

<b>ILO Conventions</b>	<b>Date of Ratification</b>
<b>C029</b> - Forced Labour Convention, 1930 (No. 29)	03 Jan 2002
<b>C098</b> - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	11 Nov 1996
<b>C100</b> - Equal Remuneration Convention, 1951 (No. 100)	10 Jun 1976
<b>C105</b> - Abolition of Forced Labour Convention, 1957 (No. 105)	30 Aug 2007
<b>C111</b> - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	19 Sep 1974
<b>C138</b> - Minimum Age Convention, 1973 (No. 138)	30 May 1997
<b>C182</b> - Worst Forms of Child Labour Convention, 1999 (No. 182)	03 Jan 2002
<b>C144</b> - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	21 Mar 1995
<b>C014</b> - Weekly Rest (Industry) Convention, 1921 (No. 14)	10 Dec 1986
<b>C131</b> - Minimum Wage Fixing Convention, 1970 (No. 131)	19 Sep 1974
<b>C169</b> - Indigenous and Tribal Peoples Convention, 1989 (No. 169)	14 Sep 2007

As a Member State of these Conventions, Nepal must respect, protect, and fulfill the rights provided by these conventions. Nepal has internalized the ILO conventions through constitutional vis-a-vis legislative frameworks including the Constitution of Nepal (2015), Labour Act, 2017 and Labour Regulations, 2018, and Right to Employment Act, 2018. It is noteworthy to mention that the GoN is committed to ensuring labour-related rights and has already taken numerous innovative measures to implement provisions of ILO conventions and national legal frameworks on labour and employment.<sup>2</sup> In this regard, Nepal's efforts, and achievements in terms of ensuring labour and employment rights have brought tangible effects and the ILO office in Nepal has made a significant contribution.<sup>3</sup>

<sup>1</sup> International Labour Organization, *Information System on International Labour Standards*, <https://www.ilo.org/dyn/normlex/en/f>(accessed on November 13, 2020).

<sup>2</sup> Meeting with representatives of Ministry of Labour, Employment and Social Security, (June and July 2020).

<sup>3</sup> ILO Nepal Office, *50 Years of Work in Nepal: Reflecting Back and Looking Forward/Together for Social Justice 1966-2016*, 2016. Available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms\\_539492.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_539492.pdf) Accessed on November 14, 2020

It is important to note that the Constitution of Nepal provides, among others, the right to employment<sup>4</sup> and right to labour<sup>5</sup> as fundamental rights whereas legislations like Labour Act, 2017, Right to Employment Act, 2018, Child Labour (Prohibition and Regulation) Act, 2000, and Bonded Labour Prohibition Act, 2002 and plans and programs such as Prime Minister Employment Program and annual budgets are tools to realize those fundamental rights are guaranteed by the Constitution as well as international labour standards included in ILO conventions.

### **ILO Conventions related to OSH**

Many ILO conventions are related to the work, working environment, and by large the occupational safety and health of the workers. The following is a list of key conventions related to OSH which Nepal has been referring to.

No 139: Occupational Cancer (1974)	No 148: Working Environment (1977)
No155: Occupational Safety and Health (1981)	No161: Occupational Health Services (1985)
No162: Asbestos (1986)	No167: Construction (1988)
No170: Chemicals (1990)	No174: Major Industrial Accidents (1993)
No176: Mines (1995)	No184: Agriculture (2001)
No187: Promotional Framework for OSH (2006)	

### **ILO Conventions No. 155 and No. 187**

ILO Occupational Safety and Health Convention (No 155, 1981) defines the responsibilities of governments and employers and the rights of workers. ILO Promotional Framework for OSH Convention (No 187, 2006) provides concrete measures to develop National OSH Programme.

The major articles of ILO's Convention 155 on Occupational safety and health are highlighted as.

- Introduces a national policy on OSH subject to periodic review.
- Based on tripartite consultation with social partners enforcement of the convention.
- This convention focuses on the on-prevention principle.
- It targets both governments and enterprises (employers and workers)
- Applicable to all branches of economic activity but it has a flexibility clause.
- Applicable to all workers, with a flexibility clause.

ILO convention 155 applies to all aspect of economic activities when member state ratifying this Convention may, after consultation with the representative organizations of employers and workers could exclude few economic activities.

ILO's convention on Occupational safety and health 1981(C155) has the following obligations.

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<sup>4</sup>CONST. OF NEPAL, Art. 33.

<sup>5</sup>*Id.* at Art. 34.

- National OSH Policy promulgation and implementation through OSH legislation & other suitable methods in consultation with representative organisations of employers and workers.
- Enforcement through adequate and appropriate inspection system & penalties (Article 9)
- Support to employers and workers to comply with legal obligations through guidance (Article 10)

Functions to be carried out progressively (Article 11):

- Determination of the conditions governing the conception of undertakings, operations, safety measures.
- Determination of work processes, substances, and agents to be prohibited, limited, or made subject to authorisation.
- Establishment of a procedure for notification of accidents & occupational diseases and the production of statistics
- Investigation of serious cases
- Publication of annual reports on measures taken following the National OSH Policy
- Introduction of a system to examine the impact on workers' health of chemical physical and biological agents
- Duties of designers, manufacturers, importers & providers of machines, equipment, and substances to ensure safety, provide information and undertake studies (Article12)
- Protection of the workers' right to remove from imminent and serious danger without undue consequences (Article13)
- Inclusion of OSH at all levels of education and training (Article14)
- Coordination between various authorities and bodies with competencies on OSH (Article15)

ILO's convention on Occupational safety and health 1981(C155) has the following obligation of employers of the country that ratify it.

- Ensure that workplaces, machinery, equipment, and processes are safe and without risk to health (Article16.1)
- Ensure that chemicals, physical and biological substances are without risk to health (Article16.2)
- Provide personal protective equipment (Article16.3)
- Collaborate with other undertakings that perform at the same workplace (Article17)

- Take measures for emergencies, accidents, first aid (Article18)
- Implement OSH measures at no or low cost for workers (Article21)

ILO's convention on Occupational safety and health 1981(C155) promotes the following duty and rights of workers.

- Cooperate with the employer in the fulfillment of the employer's obligations (Article19a)
- Worker representative to cooperate with the employer in OSH (Article19b)
- Receive adequate information on OSH and the right to consult representative organizations (Article19c)
- Receive appropriate training in OSH (Article19d)
- Enquire and be consulted on all OSH aspects (Article19e)
- Report any imminent and serious danger, and
- Right not to return to a work situation where there is continuing imminent and serious danger (Article19f)

## 1.8 Application of the ILO Occupational Safety and Health Codes, if and when implemented

ILO has recommended more than 40 codes of practices related to occupational safety and health. The government of Nepal has referred to them as useful instruments to consolidate its OSH policy-legislative frameworks to develop a few technical guidelines and code of conduct that are currently in practice.

- **Safety and health in the use of machinery** (08 November 2013): This code of practice sets principles concerning safety and health in the use of machinery. It defines safety and health requirements and precautions applicable to governments, workers, and employers, and also to designers, manufacturers, and suppliers of machinery.
- **Safety and health in agriculture** (21 March 2011): This code of practice is intended to increase awareness of the hazards and risks associated with agriculture and promote their effective management and control; to help prevent occupational accidents and diseases and improve the working environment in practice; to encourage governments, employers, workers, and other stakeholders to cooperate to prevent accidents and diseases; to promote more positive attitudes towards occupational safety and health (OSH) in agriculture throughout the sector; ensure that good workplace health and safety practices are applied to all workers in the workplace regardless of age or gender.

This code of practice is committed to improving OSH in agriculture and complements the Safety and Health in Agriculture Convention 2001 (No. 184), and its supplementing Recommendation (No. 192), and provides further guidance for their application in practice. It guides appropriate strategies to address the range of OSH risks encountered in agriculture to prevent – as far as is reasonably possible – accidents and diseases for all those engaged in this sector. It also guides the roles of the competent authorities, employers, workers, and their organizations in promoting OSH within this sector.

- **Safety in the use of synthetic vitreous fiber insulation wools** (glass wool, rock wool, slag wool) (01 January 2001): This code of practice defines major principles and approaches concerning safety requirements and precautions in the use of insulation wools (glass wool, rock wool, and slag wool). It provides practical control measures to minimize occupational exposure to fibers and dust from insulation wools, prevent irritation and discomfort, and avert any long-term health risks involved in working with such products. The code specifies general duties for the manufacturers, suppliers, specifiers, employers, workers, and the competent authorities, all of whom have an important role to play in maintaining safety in the entire process, from manufacture to waste disposal. The perspective has thus been enlarged to establish a proper chain of responsibility so that the diversified situations prevailing in various countries are covered. The general measures of prevention and protection specified by the code, and the relevant information included in the appendices (systems of classification, exposure data, and risk assessment), are of particular use to developing countries and countries in transition. The code emphasizes that such measures should be consistent with the

classification and potential health effects of the insulation wools, and the competent authority should ascertain which measures are to be applied.

- **Safety and health in forestry work** (01 January 1998): The objective of this code is to protect workers from occupational safety and health hazards in forestry work and to prevent or reduce the incidence of illness or injury by providing practical guidelines. Forestry continues to be one of the most hazardous industrial sectors in most countries. This code is not a legally binding instrument intended to supersede national legislation.
- **Recording and notification of occupational accidents and diseases** (01 January 1996): The code has been drawn up with the object of guiding those who may be engaged in the framing of provisions and the setting up of systems, procedures, and arrangements for the recording and notification of occupational accidents and diseases, commuting accidents, dangerous occurrences and incidents, and their investigation and prevention. It is of particular relevance to competent authorities, other governmental or public authorities such as social security institutions, management, employers and workers, and their organizations. The code gives more prominence to the effective use of collected, recorded, and notified data for preventive action than to the elaboration of statistics. As such it serves as a useful instrument to the competent authorities in developing systems for recording and notification of occupational accidents and diseases. It also provides valuable guidance for joint action by employers and workers and activities carried out by governments, social security institutions, and other organizations aimed at the overall prevention of occupational accidents and diseases.
- **Safety in the use of chemicals at work** (01 January 1993): Chemicals are used in virtually all work-related procedures, thus presenting certain chemical risks in many workplaces all over the world. Thousands of chemicals are used in substantial quantities, and many new chemicals are also introduced into the market each year. It is therefore an urgent task to establish a systematic approach to safety in the use of chemicals at work. Effective control of chemical risks at the workplace requires an efficient flow of information from the manufacturers or importers to the chemical users on the potential hazards and safety precautions. This information should be followed to ensure that the necessary measures are taken to protect workers, and consequently the public and the environment. The practical recommendations of this code of practice are intended for the use of all those who have a responsibility for safety in the use of chemicals. The code should also offer guidelines to suppliers, employers, and workers.
- **Safety and health in construction** (01 January 1992): The objective of this code is to provide practical guidance on a legal, administrative, technical, and educational framework for safety and health in construction to prevent accidents and diseases and harmful effects on the health of workers arising from employment in construction to ensure appropriate design and implementation of construction projects; providing means of organising from the point of view of safety, health and working conditions, construction processes, activities, technologies and operations, and of taking appropriate measures of planning, control, and enforcement.

- **Prevention of major industrial accidents** (01 January 1991): The objective of this code of practice is to guide the setting up of an administrative, legal, and technical system for the control of major hazard installations. The practical recommendations of this code of practice are intended for the use of all those who have responsibility for the prevention of industrial accidents. The code is not intended to replace national laws, regulations, or accepted standards. It has been drawn up to guide those who may be engaged in the framing of provisions relating to the control of major hazards in the industry: competent authorities; works managements; emergency services; and government inspectors. The code also offers guidelines to the employers' and workers'
- **Occupational exposure to airborne substances harmful to health** (01 January 1980): This code enumerates roles of concerned bodies and persons, principles of the prevention of harmful toxic substances, exposure limits, medical examinations, and biological monitoring, gives a glossary of relevant terms, and includes a list of participants present at the code approval. The protection of workers' health against the hazards due to the contamination of air at the workplace and the prevention of contamination of the working environment should be the concern of all those involved in the design, organizing, and performance of the work and all those concerned with the protection of workers' health. The ultimate aim of programmes for the prevention of contamination of the working environment is to eliminate contamination to protect the health of workers; and if that is not possible, the intermediate objective is to keep contamination at low level as possible by choosing the least harmful materials and products or by taking other technical measures to reduce the contamination of the working environment to the lowest possible level and at any rate to the exposure limit established by the competent authority or recommended by the scientific bodies.
- **Protection of workers against noise and vibration in the working environment** (01 April 1977): Code of practice on occupational safety and occupational health protection against noise and vibration in the work environment – covers the responsibility of government, employers and workers, measurement, exposure limits, identification and control of hazards, protective equipment, medical examination of employees, and monitoring. This code of practice is intended to guide governments, employers, and workers, it sets out the principles that should be followed for the control of workplace noise and vibration and contains information on controls. Definitions are followed by chapters devoted to general principles (duties of employers and workers, co-operation, factory inspection); organizing principles of prevention; noise measurement and assessment (hearing conservation, oral communications, fatigue, measuring instruments, instrument accuracy, and calibration, recording of data); noise limit levels (hearing impairment, ultrasound, and infrasound, fatigue and comfort, etc.); vibration measurement; vibration limits; whole-body vibration; identification of risk areas; noise and vibration control: new equipment; noise and vibration control in the working environment; protective equipment and reduction of exposure time; health supervision.

## **2. Authority or body, or the authorities or bodies, responsible for OSH**

### **2.1 National OSH Supervision and Administration/MoLESS**

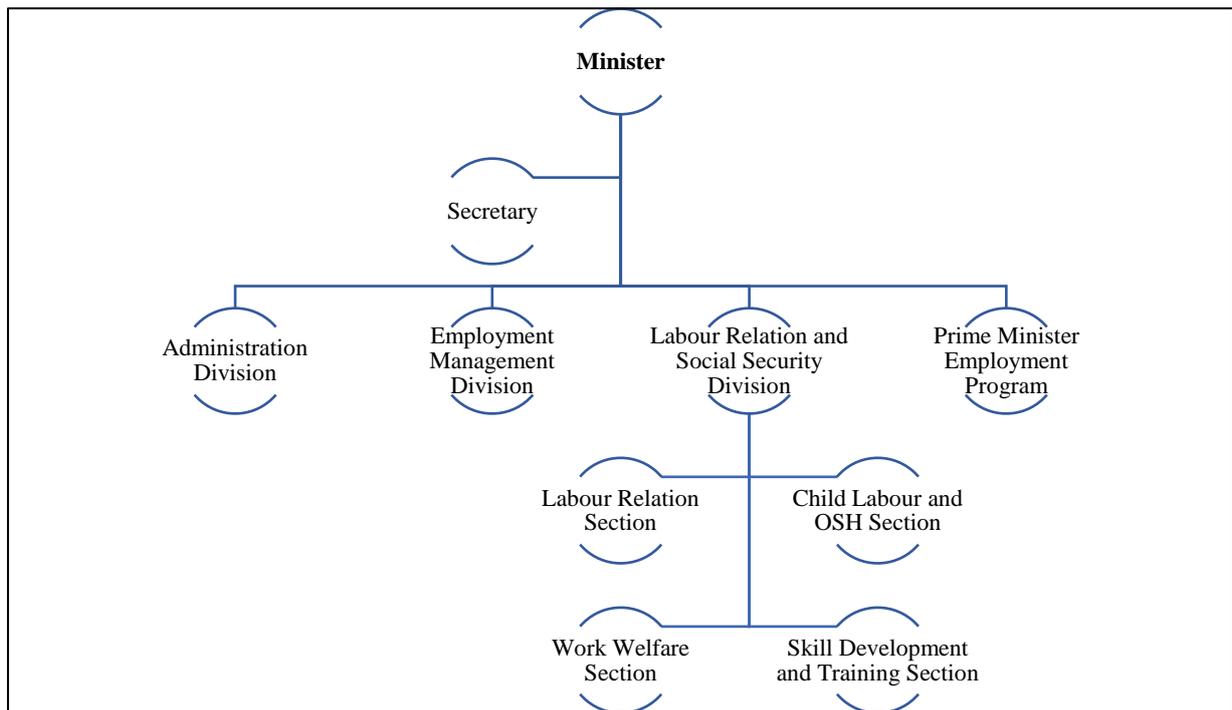
Ministry of Labour, Employment, and Social Security is the apex body for national Occupational Safety & Health (OSH) supervision and administration in Nepal.

The roles and responsibilities of this apex body are as follows,

- 1) According to subsection (2) of section (93) of the Labour Act, 2017, the Ministry of Labour, Employment and Social Security must allocate jurisdiction of respective Labour Offices.
- 2) According to section (102) of the Labour Act, 2017, under the chairmanship of a minister or minister of the state of labour and employment, a Central Labour Advisory Council, to advise on labour issues to the Government of Nepal, shall be established. Followings are the authority, functions, and duties of the council for the promotion of OSH:
  - To prepare standards on Occupational Safety and Health and recommend it to the Government of Nepal.
  - To provide necessary advice and suggestions to the Government of Nepal for appropriate improvement in the laws relating to labour;
  - To provide suggestions to the Government of Nepal for the ratification or implementation of any international convention concerned with the labour of which Nepal is a party.
  - To provide suggestions to the Government of Nepal on the report relating to any international convention on labour which it is required to submit.
- 3) According to section (176) of the Labour Act, 2017, the Ministry of Labour, Employment and Social Security has special authority. Except the issues sub judice in the Labour Court under this Act, nothing in this Act shall act as a constraint for the Ministry to give a decision acting on any application submitted to the Office or Department, in case of the required action on an application pending for a long time making the situation irksome to the concerned party or if it becomes appropriate for the Ministry to act and decide because of the complexity of the issue involved. The decision given on such matter shall be deemed to have been made by the body which is responsible at the first instance and the party dissatisfied with such decision may appeal in the Labour Court.
- 4) According to section (181) of the Labour Act, the Ministry of Labour, Employment and Social Security may, for enforcement of the Act or the rules made under this Act, make further necessary directives and working procedures and implement them.

- 5) According to clause (14) of the National Occupational Safety and Health Policy, 2019, to monitor and evaluate the implementation of this policy under the chairmanship of minister or minister of the state of labour and employment monitoring and evaluation committee shall be established.
- 6) According to Work Division Rules, 2074 of the Government of Nepal, an inspection of occupational health and safety is under the scope of the Ministry of Labour, Employment, and Social Security.

The structure of the Ministry of Labour, Employment and Social Security (Apex Body) for National OSH Supervision and Administration is as given below.



There are four divisions in the Ministry of Labour, Employment, and Social Security. The joint secretary is the chief of each division. According to the job description of the Labour Relation and Social Security division, functions related to OSH Supervision and Administration are given to this division. There are four sections under this division. According to the job description of the Child Labour and Occupational Safety and Health section, functions related to OSH are given to this section. Undersecretary technical (Mechanical Engineer) is the chief of this section. There are one factory inspector (Mechanical Engineer) and one section officer in this section. There is only three staff (including the undersecretary) posted in this section. According to the job description of this section, Child labour related works are also assigned to this section. This section is not only responsible for OSH-related works.

The main enforcement body at the local levels and the specified areas are the Labour and Employment offices. The major activities carried out by these offices are monitoring the labours relations and the occupational safety and other health aspects in the establishment and enterprises as specified under the legislation. The Labour and Employment Offices at the local

levels are headed either by the Labour Officer or the Factory inspector. The other staff members to support the activities of these offices are the non-gazetted officers and the assistants.

OSH seems a less priority area for the Ministry of Labour, Employment, and Social Security. Due to lack of priority, the institutional structure for OSH Supervision and Administration seems weak with a severe lack of human resources and includes only 3 staffs (joint secretary 1, undersecretary technical 1, factory inspector 1) responsible for OSH Supervision and Administration.

## **2.2 National Tripartite OSH Committee**

Whenever any amendments to Labour Laws are required, a National Tripartite Consultations take place. There is no permanent National Tripartite advisory body to address OSH issues in Nepal.

### **National Labour Advisory Council**

The National Labour Advisory Council (NLAC) is the apex body for the tripartite consultative committee in the Ministry of Labour, Employment and Social Security (MoLESS) to advise the Government on the issues concerning workers and labour of the country. This council is formulated under the legal provisions as stipulated in the Labour Act, 2074 (Article 102). The composition is tripartite representing government, employers, and the trade unions. The council has provisioned for twenty-one members with the official representation from different ministries and departments along with the five each including two female representatives from employers and trade unions. The chairman of the council is the minister/state minister and member secretary joint secretary, Labour, Employment and Social Security division of MoLESS. The law has also provisioned for the formation of a provincial committee as per the norms set by the provincial government. The modality of work is through consultative meetings and the agenda of NLAC is finalized by the secretariat after a thorough discussion with the member representing various organizations. The role and responsibility and other scopes of the Council have been defined as stipulated in Articles 103, 104, 105, and 105 (Ka).

### **National Occupational Safety and Health Policy Monitoring and Evaluation committee**

The National Occupational Safety and Health Policy Monitoring and Evaluation Committee (NOSHPEM) is the apex level tripartite consultative committee in the Ministry of Labour, Employment and Social Security (MoLESS). It functions to advise the Government on the issues concerning OSH for workers and labour of the country. This has been provisioned as stipulated in OSH policy -2076 (Article 14.). The tripartite composition includes government, employers, and trade unions. The council has provisioned for fifteen members with official representation from different ministries and departments along with three each including one female representative from employers and trade unions. The chairman of the council is the minister, and member secretary joint secretary, Labour, Employment and Social Security division of MoLESS. The law also allows provision for the formation of the provincial committee as per the norms set by the province government. The implementation and review process is done as stipulated by article 15.

### **Minimum Wages Fixation Committee**

The Minimum wages fixation committee (MWFC) is the central level tripartite consultative committee in the Ministry of Labour, Employment and Social Security (MoLESS) to advise the Government in setting minimum wages applicable for the employees. This has been formed following the legal provisions as stipulated in the Labour Act, 2074 (Article 107). The composition is tripartite with the representation of government, employers, and trade unions. The composition and the scope of the committee have not been indicated.

### **Labour Cooperation Committee**

The Labour Cooperation Committee (LCC) is the central level consultative committee in the chairmanship of the Director-General, Department of Labour and Occupational Safety to advise the Government on the issues concerning workers and labour of the country stipulated in Labour Act, 2074 (Article 177). The composition and scope of the work have not been indicated.

### **Labour Relation Committee**

The Labour Relation Committee (LRC) is the enterprise-level consultative committee as provisioned in Labour Act 2074 (Article 111) and responsible for OSH issues despite a separate OSH committee exists. The committee however requires a mandate by the employer. Besides, representative organizations such as employers and trade unions formulate a committee to comply with the OSH provisions as a mandate by the law. The detail on the committee is provided in the Annex (Employer, Trade Unions).

## **2.3 Ministry of Labour, Employment, and Social Security**

The ministry was formed in early 1981 as the Ministry of Labour and Social Welfare. In 1995 and 2000, the portfolio was adjusted respectively as the Ministry of Labour and the Ministry of Labour and Transport Management. At present, the ministry has been reformed as the Ministry of Labour Employment and Social Security since 2075. The ministry has been working on restructuring its department and local offices to delegate more power in executing the recently promulgated new labour act and regulation that has addressed stringent OSH provisions than its predecessors. The Ministry of Labour, Employment and Social Security (Apex Body) for National OSH Supervision and Administration have the following responsibilities.

- 1) To formulate/draft policy, plan, and law related to occupational safety and health.
- 2) To do regulatory works related to occupational safety and health.
- 3) To conduct study and research related to occupational safety and health.
- 4) To conduct seminars and workshops related to occupational safety.
- 5) To conduct an OSH awareness program in industrial enterprises.
- 6) To act on works related to occupational safety and health for workers working in the enterprises.

The ministry acts for the formulation and implementation of rules and regulations related to labour welfare protection, social securities, child labour, and Occupational Health and Safety management. The ministry also plays an important role in coordination and cooperation with the line ministries for the implementation of OSH provisions. Further, the ministry has a pivotal role in coordination and cooperation and with the trade unions, FNCCI, and chambers during the formulation of policies, programs, and strategies related to the labour welfare protection, social securities issues, and Occupational health and safety-related policy, and for developing standards and code of conduct. The ministry undertakes close liaisons with the international labour organization (ILO). Under the Ministry, the Department of Labour and Occupational Safety is the umbrella organization of all the Labour and Employment Offices located in a different location throughout the country.

The ministry closely supervises and monitors the work of the Department of labour and occupational safety and labour and other labour occupational offices. The ministry has authorised the Department of Labour and Occupational safety to implement the OSH provisions related to labor regulations, and the local labour offices are responsible for the inspection and monitoring of the implementations of child labour, social securities, and OSH provisions in the enterprises.

#### **2.4 Roles of other ministries in OSH and coordination and cooperation mechanisms**

Occupational safety & health (OSH) is a cross-disciplinary area concerned with protecting the health, safety, and welfare of people engaged in work or employment. Occupational Safety and Health (OSH) is a discipline with a broad scope involving many specialized fields. Therefore, each ministry has roles in the promotion of occupational safety and health at the workplace. The major line ministries and agencies for OSH in Nepal include the Ministry of Agriculture, Ministry of Health, and National OSH Centre.

There is a large workforce in the agricultural sector. This sector is identified as an informal sector in Nepal. The agricultural sector identifies as one of the most hazardous sectors of work in Nepal requiring special attention. Safety and health risks in the sector are numerous and diverse which include but not limited to manual handling of heavy materials and loads, strenuous work postures, long and irregular working hours, exposure to extreme weather conditions, pesticides, and other agrochemicals. Farms abound in opportunities for parasitic infection and animal and insect bites. Basic facilities for sanitation and welfare are frequently absent. All these hazards are increasing because in agriculture the “workplace” includes the family dwelling. Tools, fertilizers, and pesticides are often stocked in farmers’ houses, increasing the risk of exposure of all family members, especially children. OSH provisions of Labour Act, 2017 and its Rules, 2018 applicable in all types of workplace except the provision of formulation of safety and health committee (section 74, this provision is only applicable in the enterprise where 20 or more than 20 workers are working). Here, roles of the Ministry of Agriculture and Livestock Development, Ministry of Health and Population and Occupational Safety and Health Centre, Bhaisepati, Lalitpur are pivotal for establishing and maintaining coordination and cooperation mechanisms for safeguarding OSH issues

### **3. Mechanisms for ensuring compliance including the systems of inspection**

#### **3.1 National and provincial level OSH Supervision and Inspection systems**

The Labour Act 2074 in its section 12 relates to occupational safety and health provisions and the provisions are stated from clause 68 to 83. The Act defines the roles and responsibilities and procedures for the factory inspection.

#### **Structure and Activities of Labour and Employment Office (LEO) on OSH**

The first labour office in Nepal was established in 1970 at Biratnagar under the then Department of Industry. With the formation of the Department of Labour in BS 2038 under the ministry of labour and social welfare, there were very few labour offices and the number simultaneously increased to ten labour offices throughout the country by 1990.

The current offices are named as Labour and Employment Office (LEO) since 2075 with the revised organizational structure. The new additional Labour and Employment Office has been established in the Surkhet and restructured to the provisional jurisdiction. The number of staff at the Labor office has been increasing as they also need to work along with the issuance of foreign employment permits. Labour and employment offices are working to protect employees' rights by settling individual complaints filed by the worker as per the Labour Act 2074 and participatory collective bargaining. Labour and Employment Offices aim to ensure justice, promote OSH and foster harmony between workers and employers for good industrial relations towards sustainable industrial growth in the country. LEOs are responsible for factory inspection to ensure that enterprises comply with the OSH provisions stated by the Labour Act 2074 and Labour regulation. LEOs are also responsible for labour inspection to ensure the types of employment and employment contract, guaranties of stated minimum wages, and social security provisions such as provident fund, gratuity, and insurance to the workers. LEOs and its factory inspectors are also liable to ensure an appropriate Occupational Safety and Health condition for the workers to protect from work-related hazards and risks on their constraining resources provided. Also, LEOs are assigned for registering enterprise-level trade union and conduction of their union election to ensure workers enjoys their right of freedom of association and right for collective bargaining.

The LEOs are also responsible to act on the assignment and activities stated and directed by the Bonus Act 2030 and Child Labor (Prohibition and Regulation) Act 2056. The OSH inspection of industries is conducted by the Factory Inspector and a subordinate mechanical supervisor due to the technical nature of the inspection work. Each labour office has provisions for at least one factory inspector and in few labour offices a mechanical supervisor has also been commissioned to assist the Factory inspector, but currently, all mechanical supervisor positions are vacant. The status of LEOs with information on their staff, infrastructure, a vehicle for inspection, and the allocation of OSH inspection budget has been summarized later in the section. The section also includes the narrative response provided by factory inspectors on the developed questionnaire incorporating concerns related to OSH policy, safety committee, and overall OSH situation at the industries in their assigned territorial coverage.

### **Labour and Employment Office, Bhadrapur, Jhapa**

This LEO is responsible for six districts, Taplejung, Pachthar, Ilam, Jhapa, of Mechi zone and Terathum, Dhankuta of Koshi zone, in province 1.

The major industry in this region is tea plantation garden and tea processing followed by agro-based industries and forest-based industries, respectively. Recently, the growth of other manufacturing and hospitality industries are observed in this area. This labour and employment office oversees more than 200 industries. The LEO has conducted OSH training with a focus on tea sector workers several times over the past year with support from the occupational safety and health project. An OSH training involving 60 participants was organized in association with NCDC Bhadrapur, Jhapa. This year's budget for OSH training has not been provided. The Tea Producer Association along with the few donors has been conducting OSH, Environment, and energy audits in the selected industries of Jhapa and Ilam district. The boiler, pressure vessel, and other tea processing equipment are monitored and checked by experts from India who have been providing their services on a regular contract basis with the respective industries.

### **Labour and Employment Office, Biratnagar**

The first formal industry of the nation was established in Biratnagar in 1936 and the first labour office was established in 1960. Since then, this labour office has been working for labour inspection and OSH inspection for more than 750 industries. Despite declining specialized industry, jute processing, is uniquely found in the territorial coverage of this labour office employing more than 8000 workers. This labour office is one of the largest in terms of coverage based on the number of industries and the number of workers. This LEO is responsible for eight districts, Solukhumbu, Okhaldhunga, Khotang, Udaypur, Bhojpur, Sankhasawa, Sunsari, and Morang, of province no 1. Recently this office has been assigned for foreign employment work as well. More than 750 manufacturing industries employing from 10 to 5000 employees are found in the area. Jute processing is the largest industry situated in this region.

An OSH training last year was conducted for 60 participants from workers unions, employers, and government officers. An earlier project, Strengthening of Environmental Administration and Management at the Local Level (SEAM) Nepal had provided orientation, training, and awareness to the industries in the area.

### **Labour and Employment Office, Janakpur**

This LEO is responsible to look after the Labour inspection, OSH Inspection, and foreign employment permit (Since 2075) for the five respective districts, Dhanusha, Mohatari, Sarlahi, Siraha, and Saptari, of province no 2 of Nepal. The office oversees a mix of industrial clusters from cement processing to Agri and forest-based industries. This area under this LEO has witnessed an increasing trend of industries in the country.

The responsible officials for the OSH inspection include the factory inspector, mechanical supervisor, and labour inspector. With the increasing load and promptness required for the

permit granting of the foreign employment, this office has been occupied with the permit granting compared to the inspection work.

### **Labour and Employment Office, Parsa, Birgunj**

The Labour and employment office Parsa, Birjung is responsible for the territory of three districts, Bara, Parsa, and Rauthahat, of province no 2 of the country. Birgunj- Pathlaiya is considered as one of the highly-dense industrial corridors of the country with an estimation of more than 600 manufacturing industries ranging from small to large industries. The manufacturing industries are of various capacity and employ workers ranging from 5 to 400 in the enterprise.

### **Labour and Employment Office, Hetauda**

This LEO is responsible for six districts, Makawanpur, Chitawan, Dhading, Ramechap, Sindhuli, Dolakha, of the Bagmati province. Hetauda industrial district is considered one of the leading industrial zones in the country with more than 100 industries. The region house numerous cement industries. The Heatauda-Narayanghat is developing as a newer industrial corridor for the country. Earlier, there were numerous training and OSH activities carried out by Environmental Sector Programme Support (ESPS) Danida in Hetauda Industrial District (HID) and the general level of OSH awareness is considered better in this area compared to the rest of the country's industrial corridors. Some of the multinational companies are home to HID and Bharatpur. It is believed that the level of understanding and OSH culture is greater among the worker and employers in the area.

### **Labour and Employment Office, Teku, Kathmandu**

The LEO Kathmandu is responsible for seven districts, Kathmandu, Bhaktapur, Lalitpur, Sindhupalanchok, Kavrepalanchok, Nuwakot, Rasuwa, of Bagmati province. There are three industrial districts in Kathmandu valley namely Balaju industrial district, Patan industrial district, and Bhaktapur industrial district, and is home to around 250 small and medium-size industries. As per the government policy, since 2064, there has been a restriction for larger-scale industries in Kathmandu valley as those are considered highly polluted industries in Kathmandu valley. Hence, the greater concentration of the industries in Kathmandu and neighboring territory is largely limited to Handicraft, cottage, and small-scale industries. The area also houses the head office of big state enterprises such as electricity authority, information technology, telecommunication and banking, and financial institutions.

The awareness and implementation of ISO certification and cleaner production, energy efficiency, and OSH activities had been conducted in the past by ESPS Danida in the industrial districts and the surrounding Kathmandu valley. These activities in the past create the opportunity for the industries to develop OSH policy and the formation of safety committees. The engagement of trade unions has helped to develop OSH policy and safety committees. But this does not fully reflect a perfect OSH status of the workplace as many cottage and small industries are still not aware of optimum OSH standards and conditions. The informal sector consists of a larger segment of industries in the capital and the level of OSH status is not at an

optimum level. Recently, ILO Nepal has also been providing sensitization and strengthening of OSH in the informal sector in Kathmandu valley.

This LEO office has been conducting OSH awareness program for workers and employers in the Industrial districts. However, as reported by the officials this year the department had not provided any budget for the OSH training due to the current covid-19 situation.

#### **Labour and Employment Office, Pokhara**

This LEO is responsible for eleven districts, Nawalparasi, (Bardaghat Susta Purba), Gorkha, Lamjung, Tanahu, Manang, Mustang, Kaski, Parbat, Baglung, Myagdi, Syangja, of Gandaki province of Nepal. This labour office is equipped with a 4-wheel drive vehicle for inspection.

#### **Labour and Employment Office, Butawal**

This LEO is responsible for eight districts, Gulmi, Palpa, Arghakhaki, Kapilbastu, Rupandehi, Nawalparasi, Rolpa, Pyuthan, of Lumbini province of Nepal. This office is provided with a 4WD Jeep for labour and OSH inspection for close to 500 industries in the area.

#### **Labour and Employment Office, Nepalgunj,**

This LEO is responsible for labour and OSH inspection of 4 districts, Purbi-Rukum, Banke, Bardiya, and Dang, of Lumbini province of the country. This LEO was provided with a vehicle for inspection but taken by the Department of Labour hence the inspection work is carried with a motorcycle. There are around 150 manufacturing industries in operations and reach of LEO for inspection and labour audit. The regular budget on OSH awareness program had been provided in the past but this year budgetary constrain for OSH training has been reported by the officials.

#### **Labour and Employment Office, Surkhet**

This is a relatively new LEO, and it is responsible for 10 districts, Paschim Rukum, Surkhet, Dailekh, Jagarkot, Kalikot, Jumla, Humla, Mugu, Dolpa, and Salyan, of the Karnali Province of the country. This office is equipped with a 4WD jeep for labour and OSH inspection and recently a factory inspector has joined this office.

#### **Labour and Employment Office, Dhangadi**

This LEO is responsible for 9 districts, Kailali, Kanchapur, Dadheldhura, Doti, Bajhang, Bajura, Aachham, Darchula, Baitadi, of Sudurpachim province of the country. There is a large concentration of small industries and small brick industries. The reported condition of OSH is poor with an observation of inadequate OSH practice. The LEO has forwarded necessary directives for OSH improvement to the respective industries. OSH awareness training for 60 persons had been conducted in the previous year and the budget has been allocated for this fiscal year for the conduction of training activities. The technical aspect of the office work is carried out by the factory inspector from the Nepalgunj office owing to the practice prevailing for many years.

### 3.2 Number of inspectors, inspection visits, and results by year and by industry

The data gap exists in the OSH reporting. There are no segregated data available to report comprehensively on the results by year and industry in Nepal.

The available data on the number of inspectors has been obtained from the respective Labour and Employment Office and is shown below:

S. N.	Location	Designation	Number
1	Labour and Employment Office, Bhadrapur, Jhapa	Factory Inspector	1
2	Labour and Employment Office, Biratnagar	Senior Labour Inspector Factory Inspector	1 1
3	Labour and Employment Office, Janakpur	Senior Labour Inspector Factory Inspector	1 vacant
4	Labour and Employment Office, Parsa, Birgunj	Factory Inspector	vacant
5	Labour and Employment Office, Hetauda	Factory Inspector	1
6	Labour and Employment Office, Teku, Kathmandu	Senior Factory Inspector Factory Inspector	1 1
7	Labour and Employment Office, Pokhara	Factory Inspector	1
8	Labour and Employment Office, Butawal	Factory Inspector	1
9	Labour and Employment Office, Nepalgunj	Factory Inspector	vacant
10	Labour and Employment Office, Surkhet	Factory Inspector	1
11	Labour and Employment Office, Dhangadi	Factory Inspector	vacant
12	Department of Labour and Occupational Safety	Deputy Director General (Tech.) Director (Tech.) Factory Inspector	1 1 4(vacant 2)

The inspection data for the last ten fiscal years has been shown under:

S. N.	Fiscal year	No. of Inspections made
1	2010/11	NA
2	2011/12	1200
3	2012/13	1060
4	2013/14	1009
5	2014/15	1050
6	2015/16	1088
7	2016/17	1175
8	2017/18	910
9	2018/19	883
10	2019/20	1592

Source- Department of Labour and Occupational Safety 2019/20

## 4. Arrangement to promote, at the level of the undertaking, cooperation between management, workers, and their representatives

### 4.1 Number of OSH committees by the size of the undertaking

The respective labour and employment office across the country estimates of following OSH committees in the respective industries.

Labour Office	Districts	OSH committee Estimate Percentage (%)
Labour and Employment Office, Bhadrapur, Jhapa	Taplejung, Pachthar, Ilam, Jhapa, of Mechi zone and Terathum, Dhankuta	14
Labour and Employment Office, Biratnagar	Solukhumbu, Okhaldhunga, Khotang, Udaypur, Bhojpur, Sankhasawa, Sunsari and Morang,	4
Labour and Employment Office, Janakpur	Dhanusha, Mohatari, Sarlahi, Siraha and Saptari,	6
Labour and Employment Office, Parsa, Birgunj	Bara, Parsa and Rauthahat,	5
Labour and Employment Office, Hetauda	Makawanpur, Chitawan, Dhading, Ramechhap, Sindhuli, Dolakha	15
Labour and Employment Office, Teku, Kathmandu	Kathmandu, Bhaktapur, Lalitpur, Sindhupalanchok, Kavrepalanchok, Nuwakot, Rasuwa,	20
Labour and Employment Office, Pokhara	Nawalparasi, (BardaghatSustaPurba), Gorkha, Lamjung, Tanahu, Manang, Mustang, Kaski, Parbat, Baglung, Myagdi, Syangja	10
Labour and Employment Office, Butwal	Gulmi, Palpa, Arghakhaki, Kapilbastu, Rupandehi, Nawalparasi, Rolpa, Pyuthan,	6
Labour and Employment Office, Nepalgunj	PurbiRukum, Bake, Bardiya and Dang	10
Labour and Employment Office, Surkhet	Paschim Rukum, Surkhet, Dailekh, Jagarkot, Kalikot, Jumla, Humla, Mugu, Dolpa and Salyan,	1
Labour and Employment Office, Dhangadi	Kailali, Kanchapur, Dadheldhura, Doti, Bajhang, Bajura, Aachham, Darchula, Baitadi,	4

Source- Personal Communication with respective LEO

## **4.2 Other arrangements in OSH at the level of the undertaking:**

Federation of Nepal Chamber of Industry and Commerce (FNCCI) is the employers' association working on the welfare of employers. Personal communication with a senior expert at FNCCI informs on the activities performed for the promotion of OSH. The following list of activities was found organized by the employers for OSH promotion.

- Bigger companies like Surya Nepal have established OSH divisions within their organization. This division is led by a safety director/manager. OSH division conducts an internal safety audit annually. This division also conducts an in-house OSH orientation programme for the workers.
- Local bigger companies like Ektrat Engineering conducts OSH awareness programme for their workers.
- FNCCI conducted an OSH training programme in the year 2014, 2015, and 2016 for the employers and their representatives. The duration of the training programme was 2-3 days.
- FNCCI developed an OSH training manual for the managers.
- FNCCI has developed a memorandum of understanding (MOU) with major trade unions (General Federation of Nepalese Trade unions and Nepal Trade Union Congress) on various OSH works.

Federation of Cottage and Small Industry is an association of the owners of cottage and small industries. It is an employers' association. The information received through a personal communication with the with the vice president of the Federation of Cottage and Small Industry, informs of the following:

- Federation of Cottage and Small Industry conducts a one-day OSH awareness programme for owner/manager/staff of its member industries frequently.
- Federation of Grill and Steel Fabricators of Nepal established an OSH committee within its organization and established an OSH committee at the district level and the municipality level. These committees conduct OSH awareness programme from time to time.

Nepal Telecom is the largest and public limited company working in telecommunication. It is the first company in Nepal to work in telecommunication. Based on a discussion with a technical officer at Nepal Telecom, information about the activities performed at Nepal Telecom for the promotion of OSH was obtained listed as under:

- OSH cell has been established in the training center of Nepal Telecom. This cell conducts 4 days of basic training on OSH for employees and 3 days of basic OSH management training for the first-line manager (district level office chief of Nepal Telecom) from time to time.
- OSH-related 3 hours subject contents are included in other training.

- Nepal Telecom has formulated its Safety Policy.
- As per the requirement, a risk assessment team is formulated for the risk assessment of the workplace at regular intervals.
- Nepal Telecom conducts a half-day safety awareness orientation programme for its employees periodically.

Nepal Trade Union Congress (NTUC) is the oldest workers' association of Nepal working for the welfare of workers. From discussion with the General Secretary of Nepal Trade Union Congress (NTUC), information on the activities performed for the promotion of OSH was collected. The following list of activities is performed by NTUC for OSH promotion.

- NTUC has formulated an OSH policy.
- NTUC has established an OSH department within its organization. This department conducts a half-day OSH orientation programme for its member workers and also provides OSH training for trainers (ToT) to its members periodically. The duration of the ToT programme is 3-5 days.
- NTUC has developed a training manual for the conduction of training.
- NTUC has conducted the OSH ToT programme for its members.
- NTUC has conducted training programmes on OSH with the collaboration of ILO.
- NTUC has done some research in the area of OSH.
- Enterprise-level unions member of NTUC put forward OSH-related issues in collective demand letters.

General Federation of Nepal Trade Unions (GeFoNT) is a workers' association of Nepal working for the welfare of workers. From discussion with the Vice President of GeFoNT, information about the activities by GeFoNT for the promotion of OSH was obtained listed as under.

- OSH department is established in GeFoNT.
- OSH committee is established in each provincial committee of GeFoNT.
- Enterprise-level unions those are GeFoNT member put OSH related issues in collective demand letters.
- OSH content is included in each 3-5 days training programme conducted by GeFoNT.
- GeFoNT has conducted some research in some industries on OSH.
- GeFoNT has conducted an OSH ToT programme for its members.
- GeFoNT has conducted training programmes on OSH with the collaboration of ILO.

## **5. National tripartite advisory body addressing OSH issues**

### **5.1 Composition and mechanisms**

The Labour Act 2074 clause 102 deems the Central Labour Advisory Council with the following composition.

- i. President – Minister /State Minister, Labour, Employment and Social Security
- ii. Secretary – Ministry of Finance
- iii. Secretary – Ministry of Labour, Employment and Social Security
- iv. Secretary – Ministry of Physical Infrastructure and Transportation
- v. Secretary – Ministry of Agriculture Development
- vi. Secretary – Ministry of Industry, Commerce, and Supplies
- vii. Secretary- Ministry of Health & Population
- viii. Director-General – Department of Labour and Occupational Safety
- ix. Executive Director – Social Security Fund
- x. Executive Director – Vocational Skill Development Training Center
- xi. Representation from Employers’ associations – 5 members including at least one female member.
- xii. A representative from Trade Union Federations with at least 2 female members
- xiii. Joint Secretary – Member Secretary from the Ministry of Labour, Employment, and Social Security.

The Central Labour Advisory Council meets at least once not exceeding four months period on the following issues.

- Provide the labour policy advisory service to the Government of Nepal (GoN).
- Provide advisory services for government to improve labour legislation appropriately.
- Suggest GoN for effective implementation of ratified Labour-related international conventions.
- Recommend Government to formulate OSH standards.
- Recommend to the government by preparing a code of conduct for appropriate Labour practices.
- Provide the advisor services to GON for vocation training and skill apprenticeship-related policy formulation.

- Coordinate between government, employers, and trade unions to establish industrial peace and good industrial relationship and reducing labour disputes.
- Formulate and make in force collective bargaining related directive as per necessity.
- Other activities include delegation of work for this council.

## **5.2 Recent discussion items and results**

After the enactment of the Labour Act 2074, the first meeting of the Central Labour Advisory Council was held on 2075.4.11 chaired by Rt Honorable Minister of Labour, Employment and Social Security (MoLESS) along with the presence of committee members and other influential dignitaries such as secretary of Ministry of Home Affairs, Secretary of Ministry of Federal Affairs and Local Development and labour relation expert advocate, etc.

Another meeting of the central labour advisory council was held after a month dated 2075.5.11 with the major agenda on the progress of ILO's convention C29, C105, C138, C144 & C182. This meeting also raised the agenda for formulating "National Occupational Safety and Health Policy 2076" in consultation with relevant stakeholders and OSH experts to protect workers from all sectors of a workplace with the adequate provision of OSH. MoLESS was directed to conduct necessary arrangements for the policy formulation.

The Central labour advisory council meeting was held by its Chair, Minister for Labour, Employment and Social Security, and directed Ministry for National Occupational Safety and Health Policy 2076 for implementation at all governmental and private enterprises. The committee, also, recommended the ministry of Labour, employment, and social security for conducting necessary arrangements and procedures for the ratification of ILO's occupational safety and health convention 1981(C155).

On 19 July 2019, the MoLESS in collaboration with ILO conducted the National Tripartite and expert consultative workshop on Occupational Safety and health policy dissemination and obtaining final feedback. The national-level trade union federations, employers' associations (FNCCI & CNI) along with the relevant government agencies, experts working in the field of OSH, and senior factory inspector from the labour and employment office Kathmandu had participated in the workshop.

In August 2019, a one-day seminar was conducted with the tripartite consultation and representation for understanding the ILO Occupational Safety and Health Convention (No. 155, 1981) and Developing National OSH Programme in Nepal. Senior Specialist in Safety and Health and Labour Inspection ILO, Decent Work Technical Support Team for South Asia, New Delhi delivered his presentation.

## **6. Information and advisory services on OSH**

### **6.1 Websites and other means to disseminate OSH information**

The Ministry of Labour, Employment and Social Security, Department of Labour and Occupational Safety, and Ministry of Social Development have their websites. The website of these government agencies provides information on diverse issues including OSH. The official website of these state functionaries is:

- Ministry of Labour, Employment and Social Security ([www.MoLESS.gov.np](http://www.MoLESS.gov.np))
- Department of Labour and Occupational Safety ([www.dol.gov.np](http://www.dol.gov.np))
- Occupational Safety and Health Centre ([www.oshc.gov.np](http://www.oshc.gov.np))
- Labour and Employment office, Kathmandu ( [www.loba.gov.np](http://www.loba.gov.np))

The Labour and Employment Offices also have their respective websites. However, very little information is available on the OSH concerns.

FNCCI and GEFoNT provide limited OSH information through their websites.

- Federation of Nepalese Chamber of Commerce and Industry ([www.fcan.org.np](http://www.fcan.org.np))
- General Federation of Nepalese Trade unions ([www.gefont.org](http://www.gefont.org))

Further, the Federation of Auto mechanics Association of Nepal and the Federation of Grill and Steel Association of Nepal use social media platforms to disseminate information including OSH.

### **6.2 OSH advisory or consultancy services provided**

The MoLESS does not provide any consultancy services, however, the Department of Labour and Occupational Safety (DoLOS) provides advisory services through training and workplace assessment as per their annual work plan. Similarly, Occupational Safety and Health Centre provides capacity building services. Labour and Employment Offices at the local level advise factories during their routine inspections or upon inquiry in all provinces. The provincial ministries have not adopted any special programme on OSH to date.

Similarly, organisations like FNCCI and GEFoNT also provide advisory and consulting services periodically. There are also a few private companies rendering these services.

## **7. Provision of OSH training**

### **7.1 List of National and state-level OSH training systems**

Occupational Safety and Health Project (OSHP), Bhaisepati, since its inception in 1995 under the Ministry of Labour and Transport Management, is conducting various types of capacity-building training programs in the field of occupational safety and health. This project also conducts workplace monitoring in the industries to identify the status of the working condition. Since 2075 (2018 AD), this project is transformed into a permanent government body, Occupational Safety and Health Center (OSHC). The center has 20 staff and an operating budget of NPR 2004 lakhs for 2077/78 out of which the program budget consists of 62 lakhs.

OSHC by now, since the establishment, has provided numbers of training both at its center and at the regional level and or factory site for more than 11 thousand workers, employees, and government officers. Each year, under the annual program and activities, this project conducts the following training program. The course contents and structure for the training is listed as under:

- a) Advance training on OSH for 14 days.
- b) Boiler Safety and Operation Management for 14 days and 7 days modules.
- c) 4 days training on OSH.
- d) 4 days training on OSH for government employers.
- e) Hazard analysis and risk assessment training.
- f) Basic awareness training on OSH.
- g) Training material, poster, and leaflet development.
- h) OSH awareness program and seminar in each province or region.
- i) OSH awareness sector-specific programs.

This year, under the annual program of the center, the following training and other OSH related activities have been planned.

S. N	Programs and Activities	Unit
1	Four Days awareness training program of <i>Occupational Safety and Health</i> for the industrial workers	1
2	Three Days training awareness program for the industrial workers on " <i>Emergency Preparedness and First Aids</i> ".	1
3	One day awareness program on "Occupational Safety and Health for Construction workers"	1
4	One day " <i>Eye Protection awareness program</i> " for the industrial worker	1
5	Awareness booklet production for "nonferrous metal workers especially those working for the crafting of the statue"	1
6	Occupational safety and health capacity and awareness building for industrial workers	2
7	Training Program on "Boiler & pressure vessel safety and operation" for industrial workers	2
8	National Day of Occupational safety and health at a central level	1
9	Training program on "eye protection from mercury, dust, fumes, glass and small flying objectives existing on workplace"	7
10	14 days capacity building training program on Occupational safety and health	3
11	4 days capacity building training program on "Hazards Identification and Risk assessment on Workplace".	2
12	7 days capacity building training program on "Boiler and Pressured Vessel Operation"	1
13	Workplace OSH intervention	1
14	Sample collection from the hazardous substance from workplaces	40
15	OSH promotional poster production and distribution	1
16	One day workers' health program	1
17	OSH focal persons interaction program	1
18	Enterprise-level Occupational Safety and Health Committee members knowledge enhancement program	1
19	Noise Protection and risk reduction program for metal industry workers	1

## **Private Institutions for OSH Training**

The information provided hereunder on the private institutions providing OSH training is not the exclusive list of OSH training providers in Nepal. The information provided is based on convenience sampling of the training providers.

### ***1. SMS Engineering Pvt. Ltd.***

SMS Environment & Engineering Pvt. Ltd. offers services related to Occupational Safety and Health, Environment, Fire Safety, and Energy Efficiency. It also provides training services and has a well-equipped laboratory to aid in monitoring and auditing works.

### ***2. Complete Environment Management Solution Pvt. Ltd, Battisputali, Kathmandu***

Complete Environment Management Solutions Pvt. Ltd was established in 2015 to deliver quality services in the field of Environment, Occupational Health and Safety, Energy Efficiency, Climate Change, Poverty Alleviation, Strategy planning, Environment Assessment (IEE, EIA), Waste Management, Water and Sanitation Sectors and Management System development (ISO14001:2015 Environment Management System, ISO 45001: 2018 Occupational health and Safety Management System, ISO 9001: 2015 Quality Management System, ISO 50001: 2015 Energy Management System, ISO 22001: 2018 Food Management System, etc) and ISO Certification assistance. Recently in 2019, the Company has diversified its services in the field of Information Technology Information Systems and Security Audit and IT security-related training and labour audit, etc.

### ***3. Safety, Health and Environment Research and Development (SHERD Nepal) Pvt. Ltd., Maharajgunj, Kathmandu***

Safety, Health and Environment Research and Development (SHERD Nepal) Pvt. Ltd was established in 2075 to deliver quality services in the field of Environment, Occupational Health and Safety, Energy Efficiency, Disaster Management, Climate Change, Poverty Alleviation, Strategy planning, Environment Assessment (IEE, EIA), Road Safety, Waste Management, Water and Sanitation Sectors and Water and Sanitation Sectors and Management System development (ISO 14001:2015 Environment Management System, ISO 45001: 2018 Occupational health and Safety Management System, ISO 9001: 2015 Quality Management System, ISO 50001: 2015 Energy Management System, ISO 22001: 2018 Food Management System, etc) and ISO Certification assistance. The organization has provided technical support to the Department of Road on Occupational and Community Health and Safety Policy and Environment and Social Impact Assessment for Road project in 2075 and 2076. Also, provided Earthquake emergency preparedness support to School in 2077. The Company has diversified its services on the different capacity of policy development, workplace assessment and audits in different sectors.

### ***4. Himalayan safety solution Pvt Ltd***

Himalayan safety solution Pvt Ltd founded in 2018 to work in the ever-growing field of occupational safety, health, environment and quality sector of Nepal. Himalayan safety

solution is the internationally recognized health safety environment and quality consultants and course provider offering industry oriented highly reputed, globally recognized, most prestigious quality courses on international health and safety to students and working professionals and organizations.

#### **5. *Eco TRANS Consult***

Eco TRANS Consult is a professional organization registered under the Company Registrar Office, Ministry of Industries of Nepal for the aim of providing consultancy and research services on different fields of studies such as Civil and Environment Engineering, Health, Health and Safety, Energy, Tourism, Agriculture, Forestry and Natural Resources Management etc. In a move to diversify, the firm also further ventured into the areas of rural livelihood, health and industrial hygiene, social sciences, development planning, Impact assessments, training and awareness campaigns and other conservation-related disciplines. It has already provided consulting services in the environmental, tourism, social and livelihood related impact assessment studies; preparation of planning and budgeting in the alternative energy sector; conduction of different training, PRA/FGDs and workshops; formulation of action plans/ policies and strategies in health sector etc. During its course of operation for the last 17 years, it has accomplished several projects in the country.

## 7.2 Number of training courses by theme and state and participants

Occupational Safety and Health Centre (OSHC) is only one central government institution responsible for OSH awareness raising and capacity building of stakeholders (workers, employers, and government officials) in occupational safety and health. This Centre is situated in Baisepati, Lalitpur. This Centre plays the role of facilitator in the promotion of OSH at the workplace. This Centre is playing a vital role in OSH awareness creation among stakeholders and capacity building of stakeholders in occupational safety and health. This Centre conducts workplace monitoring programme and workplace intervention programme which enhance the preventive safety and health culture of organisation. The information relating to OSH related activities performed by OSHC are listed here.

### Training programmes conducted for awareness-raising and capacity building:

OSH-related training which was conducted during the last six fiscal years for awareness-raising and capacity building of stakeholders is presented below.

### Training programmes conducted for awareness-raising and capacity building in the fiscal year 2014/15

The table below shows OSH related programmes were conducted by OSHC during the fiscal year 2014/15 in which 379 persons (including workers, employers' representatives, and government employees) participated.

**Table: OSH related programmes were conducted by OSHC during the fiscal year 2014/15**

S.N	Name of Programme	No. of Programmes conducted	No. of Participants		
			Male	Female	Total
1	3 days OSH facilitator training for social partners.	3	60	12	72
2	3 days training on Hazard Identification and Risk Assessment in the workplace.	2	35	16	51
3	14 days capacity enhancement training on "Occupational Safety and Health".	2	28	18	46
4	3 days training on "Emergency Preparedness and First Aid"	1	NA	NA	25
5	7 days training on Boiler Safety and Operation Management.	2	32	18	60
6	Interaction Programme with OSH Focal Point/Persons.	2	89	36	125
Total		12			379

### Training programmes conducted for awareness-raising and capacity building in the fiscal year 2015/16

The table below shows OSH related programmes were conducted by OSHC during the fiscal year 2015/16 in which 268 persons (including workers, employers' representative, and government employees) participated.

**Table OSH related programmes were conducted by OSHC during the fiscal year 2015/16**

S.N	Name of Programme	No. of Programmes conducted	No. of Participants		
			Male	Female	Total
1	4 days OSH training for social partners.	2	34	16	50
2	3 days training on Hazard and Risk Assessment in the workplace.	2	27	19	46
3	14 days capacity enhancement training on "Occupational Safety and Health".	2	26	21	47
4	3 days training on "Emergency Preparedness and First Aid"	1	NA	NA	25
5	7 days training on Boiler Safety and Operation Management.	2	40	9	49
6	Interaction Programme with OSH Focal Point/Persons.	1	39	11	51
Total		10			268

### Training programmes conducted for awareness-raising and capacity building in the fiscal year 2016/17

The table below shows OSH related programmes were conducted by OSHC during the fiscal year 2016/17 in which 314 persons (including workers, employers' representative, and government employees) participated.

**Table OSH related programmes were conducted by OSHC during the fiscal year 2016/17**

S.N	Name of Programme	No. of Programmes conducted	No. of Participants		
			Male	Female	Total
1	4 days OSH training for social partners.	2	36	17	53
2	3 days training on Hazard Identification and Risk Assessment in the workplace.	2	29	21	50
3	14 days capacity enhancement training on "Occupational Safety and Health".	2	27	27	54

4	3 days training on “Emergency Preparedness and First Aid”	1	14	11	25
5	7 days training on Boiler Safety and Operation Management.	2	NA	NA	53
6	Interaction Programme with OSH Focal Point/Persons.	1	46	12	58
7	3 days OSH training for government employees	1	10	11	21
Total		11			314

### **Training programmes conducted for awareness-raising and capacity building in the fiscal year 2017/18**

The table below shows OSH related programmes were conducted by OSHC during the fiscal year 2017/18 in which 516 persons (including workers, employers’ representatives, and government employees) participated.

**Table OSH related programmes were conducted by OSHC during the fiscal year 2017/18**

S.N	Name of Programme	No. of Programmes conducted	No. of Participants		
			Male	Female	Total
1	4 days OSH training for social partners.	3	64	13	77
2	3 days training on Hazard and Risk Assessment in the workplace.	2	27	23	50
3	14 days capacity enhancement training on “Occupational Safety and Health”.	2	31	24	55
4	3 days training on “Emergency Preparedness and First Aid”	2	34	16	50
5	7 days training on Boiler Safety and Operation Management.	2	49	4	53
6	Interaction Programme with OSH Focal Point/Persons.	1	55	15	70
7	3 days OSH training for government employees.	1	16	5	21
8	One day awareness orientation program on “Occupational Safety and Health” for construction workers.	2	122	18	140
Total		15	398	118	516

## Training programmes conducted for awareness-raising and capacity building in the fiscal year 2018/19

The table below shows OSH related programmes were conducted by OSHC during the fiscal year 2018/19 in which 561 persons (including workers, employers' representatives, and government employees) participated.

**Table OSH related programmes were conducted by OSHC during the fiscal year 2017/18**

S.N	Name of Programme	No. of Programmes conducted	No. of Participants		
			Male	Female	Total
1	4 days OSH training for social partners.	2	36	19	55
2	3 days training on Hard Identification and Risk Assessment in the workplace.	2	32	18	50
3	14 days capacity enhancement training on "Occupational Safety and Health" for workers and employees.	2	28	25	53
4	3 days training on "Emergency Preparedness and First Aid"	2	50	10	60
5	7 days training on Boiler Safety and Operation Management.	2	56	2	58
6	Interaction Programme with OSH Focal Point/Persons.	1	72	13	85
7	3 days OSH training for government employees.	1	22	8	30
8	One day awareness orientation program on "Occupational Safety and Health" for construction workers.	2	136	34	170
Total		14	432	129	561

## Training programmes conducted for awareness-raising and capacity building in the fiscal year 2019/20

The table below shows OSH-related programmes were conducted by OSHC during the fiscal year 2019/20 in which 316 persons (including workers, employers' representatives, and government employees) participated.

**Table 8 OSH related programmes were conducted by OSHC during the fiscal year 2019/20**

S.N	Name of Programme	No. of Programmes conducted	No. of Participants		
			Male	Female	Total
1	4 days OSH training for social partners.	2	36	17	3153
2	3 days training on Hard Identification and Risk Assessment in the workplace.	1	17	9	26
3	14 days capacity enhancement training on "Occupational Safety and Health" for workers and employees.	2	19	21	40
4	3 days training on "Emergency Preparedness and First Aid"	1	27	1	28
5	7 days training on Boiler Safety and Operation Management.	1	29	5	34
6	One day awareness orientation program on "Occupational Safety and Health" for construction workers.	2	66	69	135
Total		9	194	122	316

## **8. Occupational health services including industrial hygiene**

### **8.1 Mechanisms**

The Occupational Safety and Health Center used to provide industrial hygiene services such as measuring light, noise, sound, and dust in the factories based on their annual work plan. However, now due to the lack of adequate equipment and human resources, the service is currently outsourced.

The basic Occupational Safety and Health Services include the following major criteria:

1. Surveillance of work environment and risk assessment.
2. Health surveillance and health examinations.
3. Advice on preventive and control measures.
4. Health education and health promotion, and promotion of workability.
5. Maintaining preparedness for first aid and participation in emergency preparedness.
6. Diagnosis of occupational diseases.
7. Record keeping.

The Labour Act 2048 of Nepal ensures the provision of first aid in industrial enterprises with more than 50 employees and the requirements of an academically trained medical assistant in the case of industrial enterprises with more than 400 workers. If an industrial enterprise has more than 1,000 employees, a medical doctor and a medical assistant are required. The current Labour Act, however, fails to address this medical examination of the workers stipulated by the earlier Act 2048.

Many registered health centers in Nepal provide health care services including Occupational Health Services to the employees of different workplaces under a memorandum of understanding between those institutions. But their services are limited to the diagnosis and treatment of the diseases of the workers. Some of the institutions like BPKIHS has established the Department of Environment and Occupational Health under the School of Community Medicine which provides health screening program in some of the industries in the Dharan-Biratnagar Industrial Corridor.

Though Nepal is a signatory to the UN High-Level Meeting political declaration on Universal Health Coverage, there is no provision yet for the standard occupational health services in the industries and enterprises in Nepal.

## **8.2 List of occupational health service providers and their service contents**

To date, there are no specialized health service providers in Nepal offering their targeted services related to Occupational Safety and Health. Although, Occupational Safety and Health Center is the apex body for providing these basic occupational health services among other services, currently lacks trained human resources and advanced monitoring equipment. The Center has not been rendering these services currently, But a few private institutions are known to provide fragmented occupational health services such as health screening, diagnosis, workplace monitoring, etc.

## 9. Research in OSH

### 9.1 Main research items and projects in OSH research and which universities or academic/technical institutions

The following is the list of research items and projects in OSH research and which universities or academic/technical institutions.

- Tanweer Mikrani, Thesis title: Assessment of occupational health of brick kiln workers of Kathmandu Valley (MD thesis supervised by Prof. Sunil Kumar Joshi)
- Leela Paudel, Thesis title: Work-related musculoskeletal disorders in traffic police in Kathmandu Valley (MD thesis supervised by Prof. Sunil Kumar Joshi)
- Bibeka Shrestha: Assessment of occupational health hazards and use of safety measures among steelworker and welders in Kathmandu District (MD thesis supervised by Prof. Sunil Kumar Joshi)
- Seshananada Sanjel, Kathmandu University, Nepal, Topic: “Investigating links between environmental pollutions and occupational and environmental health hazards among brick kiln workers in Kathmandu valley” (PhD thesis supervised by Prof. Sunil Kumar Joshi)
- Joshi SK. Occupational Health and Safety Assessment of Child Workers in the Brick Industry, Nepal in coordination with Dr. Susan Gunn, Senior Technical Expert, ILO Geneva. published report as Occupational Health and Safety Assessment of Child Workers in the Brick Industry, Nepal / International Labour Office, International Programme on the Elimination of Child Labour (IPEC) - Geneva: ILO, 2014
- Joshi SK. Analysis of possible occupational related lung cancer among the patients attending Bhaktapur Cancer Centre, Bhaktapur, Nepal, University of Bergen, Norway, 2002. ISBN 82-7815-075-3
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## **10. Mechanism for the collection and analysis of data on occupational injuries and diseases and their causes**

The Labour and Employment Offices (LEO) are entitled to collect and analyze data on occupational injuries, diseases, and their causes. The data gap majorly exists due to poor monitoring and supervision of the factory inspectors and lack of adequate accident recording and reporting systems. As per the Labour Act 2074, the employers are responsible to report the occurrence of any accident in their enterprises to the respective Labour and Employment Office and also inform employees at their enterprise. The Labour and Employment Office is obliged to make further investigations of the incident. However, the reporting of such incidents is very limited on the employer's part. It is known that most of the cases of an accident are negotiated and solved and negotiated within the industrial premises and never reported.

The major causes for diseases and accidents at the workplace reported by earlier research identify that violation of safety rules, congested workplaces, unsecured workplaces, carrying a heavy load, lack of awareness among workers, carelessness of both the workers and management, unsecured/old machines or equipment, poor layout, unavailability of the safety equipment/tools as necessary, low standard tools, unsuitable working conditions and use of low-quality raw materials (Gautam and Prasai, 2011). Likewise, lack of training, lack of inspection, supervision, and monitoring, resource constraint (human and financial), oversight of facilities (Joshi and Dahal, 2009, Carter,2010) are also the important factors responsible for the high incidence of disease and accident in Nepal.

## **11. Collaboration with insurance or social security schemes covering occupational injuries and diseases**

### **11.1 Mechanism of collaboration**

This insurance is valid for the formal sector registered under the Company Act. For collaboration, online registration can be done via the Social security fund and after verification, a username and password are issued along with a certificate. After receiving the certificate, the details of all the employees must fill using the same online platform.

The collaboration can be completed via online registration and enlistment of employees after certification.

For the premium, 11 percent of the basic salary must be shared by the employee and 20% of the basic salary should be shared by the employer. A total of 31% of the basic salary should be deposited through the bank to the social security fund by the 15<sup>th</sup> day of each month-end.

While claiming for the compensation, the employee treatment-related original bills and receipt have to be submitted to the social security fund and the reimbursement occurs per the formulated rate of the health insurance board. A total of 80% of the cost is borne by social security funds and the remaining 20% of the cost is to be borne by the individual employee.

From 1<sup>st</sup> Shrawan 2076, social security fund was being implemented where 11 percent of basic salary should be shared by the employee and 20% of basic salary should be shared by the employer; therefore, in total 31% of the basic salary should be deposited through bank to social security fund by 15<sup>th</sup> day of each month-end.

As per the information gathered from the social security funds' website as of 17<sup>th</sup> Mangsir 2077, a total of 12935 enterprises have developed a collaboration with private insurance and the central social security. The collaboration developed at the provincial level so far has been Province 1- 1868; Province-2:523; Bagmati Pradesh: 8753; Gandaki Pradesh: 595; Lumbini Pradesh: 926; Karnali Pradesh: 133 and Sudur Paschim Pradesh: 145.

### **11.2 Number of occupational injuries and diseases covered by social security schemes**

In 2017 AD, a new Labor Act was enacted. The Act added some important provisions on occupational diseases. After the enactment of the Labour Act 2074 (2017 AD), the Labor Regulations, 2075 (2018 AD) and the Occupational Safety and Health Policy, 2076 (2019 AD) was also enacted. The regulations made detailed arrangements for occupational diseases. It included in the regulations that the list of the occupational diseases needs to be published in the Gazette. However, the government has not yet classified the occupational diseases and published the list in the Gazette, but instead published it in the "Social Security Scheme Operation Procedure, 2075". While preparing the "Social Security Scheme Operation Procedure, 2075" the OSH expert who is responsible for this National OSH profile suggested to the Government of Nepal that in the absence of Nepal's own list occupational diseases, it would be wise to implement the ILO list of the occupational diseases. The Government of

Nepal agreed to this suggestion and endorsed the ILO list of occupational diseases as the Nepal's list of occupational diseases. The procedure states that in the event of an illness or accident while working, the company or the organization should protect such a person.

### **List of Occupational Diseases**

1. Occupational diseases caused by exposure to agents arising from work activities.
  - 1.1. Diseases caused by chemical agents.
    - 1.1.1. Diseases caused by beryllium or its compounds.
    - 1.1.2. Diseases caused by cadmium or its compounds.
    - 1.1.3. Diseases caused by phosphorus or its compounds.
    - 1.1.4. Diseases caused by chromium or its compounds.
    - 1.1.5. Diseases caused by manganese or its compounds.
    - 1.1.6. Diseases caused by arsenic or its compounds.
    - 1.1.7. Diseases caused by mercury or its compounds.
    - 1.1.8. Diseases caused by lead or its compounds.
    - 1.1.9. Diseases caused by fluorine or its compounds.
    - 1.1.10. Diseases caused by carbon disulfide.
    - 1.1.11. Diseases caused by halogen derivatives of aliphatic or aromatic hydrocarbons.
    - 1.1.12. Diseases caused by benzene or its homologues.
    - 1.1.13. Diseases caused by nitro- and amino-derivatives of benzene or its homologues.
    - 1.1.14. Diseases caused by nitroglycerine or other nitric acid esters.
    - 1.1.15. Diseases caused by alcohols, glycols or ketones.
    - 1.1.16. Diseases caused by asphyxiants like carbon monoxide, hydrogen sulfide, hydrogen cyanide or its derivatives.
    - 1.1.17. Diseases caused by acrylonitrile.
    - 1.1.18. Diseases caused by oxides of nitrogen.
    - 1.1.19. Diseases caused by vanadium or its compounds.
    - 1.1.20. Diseases caused by antimony or its compounds.
    - 1.1.21. Diseases caused by hexane.
    - 1.1.22. Diseases caused by mineral acids.
    - 1.1.23. Diseases caused by pharmaceutical agents.

- 1.1.24. Diseases caused by nickel or its compounds.
- 1.1.25. Diseases caused by thallium or its compounds.
- 1.1.26. Diseases caused by osmium or its compounds.
- 1.1.27. Diseases caused by selenium or its compounds.
- 1.1.28. Diseases caused by copper or its compounds.
- 1.1.29. Diseases caused by platinum or its compounds.
- 1.1.30. Diseases caused by tin or its compounds.
- 1.1.31. Diseases caused by zinc or its compounds.
- 1.1.32. Diseases caused by phosgene.
- 1.1.33. Diseases caused by corneal irritants like benzoquinone.
- 1.1.34. Diseases caused by ammonia.
- 1.1.35. Diseases caused by isocyanates.
- 1.1.36. Diseases caused by pesticides.
- 1.1.37. Diseases caused by Sulphuroxides.
- 1.1.38. Diseases caused by organic solvents.
- 1.1.39. Diseases caused by latex or latex-containing products.
- 1.1.40. Diseases caused by chlorine.
- 1.1.41. Diseases caused by other chemical agents at work not mentioned in the preceding items where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to these chemical agents arising from work activities and the disease(s) contracted by the worker. In the application of this list, the degree and type of exposure and the work or occupation involving a particular risk of exposure should be taken into account when appropriate.

## **1.2. Diseases caused by physical agents**

- 1.2.1. Hearing impairment caused by noise.
- 1.2.2. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).
- 1.2.3. Diseases caused by compressed or decompressed air.
- 1.2.4. Diseases caused by ionizing radiations.
- 1.2.5. Diseases caused by optical (ultraviolet, visible light, infrared) radiations including laser.

1.2.6. Diseases caused by exposure to extreme temperatures.

1.2.7. Diseases caused by other physical agents at work not mentioned in the preceding items where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to these physical agents arising from work activities and the disease(s) contracted by the worker.

### **1.3. Biological agents and infectious or parasitic diseases**

1.3.1. Brucellosis.

1.3.2. Hepatitis viruses.

1.3.3. Human immune deficiency virus (HIV).

1.3.4. Tetanus.

1.3.5. Tuberculosis.

1.3.6. Toxic or inflammatory syndromes associated with bacterial or fungal contaminants.

1.3.7. Anthrax.

1.3.8. Leptospirosis.

1.3.9. Diseases caused by other biological agents at work not mentioned in the preceding items where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to these biological agents arising from work activities and the disease(s) contracted by the worker.

## **2. Occupational diseases by target organ systems**

### **2.1. Respiratory diseases**

2.1.1. Pneumoconioses caused by fibrogenic mineral dust (silicosis, anthraco-silicosis, asbestosis).

2.1.2. Silicotuberculosis.

2.1.3. Pneumoconioses caused by non-fibrogenic mineral dust.

2.1.4. Siderosis.

2.1.5. Bronchopulmonary diseases caused by hard-metal dust.

2.1.6. Bronchopulmonary diseases caused by the dust of cotton (byssinosis), flax, hemp, sisal or sugar cane (bagassosis).

2.1.7. Asthma caused by recognized sensitizing agents or irritants inherent to the work process

2.1.8. Extrinsic allergic alveolitis caused by the inhalation of organic dust or microbially contaminated aerosols, arising from work activities.

2.1.9. Chronic obstructive pulmonary diseases caused by inhalation of coal dust, dust from stone quarries, wood dust, dust from cereals and agricultural work, dust in animal stables, dust from textiles, and paper dust, arising from work activities.

2.1.10. Diseases of the lung caused by aluminum.

2.1.11. Upper airways disorders caused by recognized sensitizing agents or irritants inherent to the work process.

2.1.12. Other respiratory diseases not mentioned in the preceding items where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the disease(s) contracted by the worker.

## **2.2. Skin diseases**

2.2.1. Allergic contact dermatoses and contact urticaria caused by other recognized allergy provoking agents arising from work activities not included in other items.

2.2.2. Irritant contact dermatoses caused by other recognized irritant agents arising from work activities not included in other items.

2.2.3. Vitiligo caused by other recognized agents arising from work activities not included in other items.

2.2.4. Other skin diseases caused by physical, chemical or biological agents at work not included under other items where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the skin disease(s) contracted by the worker.

## **2.3. Musculoskeletal disorders**

2.3.1. Radial styloid tenosynovitis due to repetitive movements, forceful exertions and extreme postures of the wrist.

2.3.2. Chronic tenosynovitis of hand and wrist due to repetitive movements, forceful exertions and extreme postures of the wrist.

2.3.3. Olecranon bursitis due to prolonged pressure of the elbow region.

2.3.4. Prepatellar bursitis due to prolonged stay in kneeling position.

2.3.5. Epicondylitis due to repetitive forceful work.

2.3.6. Meniscus lesions following extended periods of work in a kneeling or squatting position.

2.3.7. Carpal tunnel syndrome due to extended periods of repetitive forceful work, work involving vibration, extreme postures of the wrist, or a combination of the three.

2.3.8. Other musculoskeletal disorders not mentioned in the preceding items where a direct link is established scientifically or determined by methods appropriate to national conditions and

practice, between the exposure to risk factors arising from work activities and the musculoskeletal disorder(s) contracted by the worker.

## **2.4. Mental and behavioural disorders**

2.4.1. Post-traumatic stress disorder

2.4.2. Other mental or behavioural disorders not mentioned in the preceding item where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the mental and behavioural disorder(s) contracted by the worker.

## **3. Occupational cancer**

### **3.1. Cancer caused by the following agents**

3.1.1. Asbestos

3.1.2. Benzidine and its salts

3.1.3. Bis-chloromethyl ether (BCME)

3.1.4. Chromium VI compounds

3.1.5. Coal tars, coal tar pitches or soot

3.1.6. Beta-naphthylamine

3.1.7. Vinyl chloride

3.1.8. Benzene

3.1.9. Toxic nitro- and amino-derivatives of benzene or its homologues

3.1.10. Ionizing radiations

3.1.11. Tar, pitch, bitumen, mineral oil, anthracite, or the compounds, products or residues of these substances

3.1.12. Coke oven emissions

3.1.13. Nickel compounds

3.1.14. Wood dust

3.1.15. Arsenic and its compounds

3.1.16. Beryllium and its compounds

3.1.17. Cadmium and its compounds

3.1.18. Erionite

3.1.19. Ethylene oxide

3.1.20. Hepatitis B virus (HBV) and hepatitis C virus (HCV) 3.1.21. Cancers caused by other agents at work not mentioned in the preceding items where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure to these agents arising from work activities and cancer(s) contracted by the worker.

#### **4. Other diseases**

4.1. Miners' nystagmus

4.2. Other specific diseases caused by occupations or processes not mentioned in this list where a direct link is established scientifically or determined by methods appropriate to national conditions and practice, between the exposure arising from work activities and the disease(s) contracted by the worker.

## **12. Support mechanisms for disadvantaged groups of workers**

The Government of Nepal has enacted the Industrial Enterprise Act, 2076 (2020) and has categorized the industries as per their sizes such as laghu, cottage, small, medium, and large scale industries/enterprises. Along with the industries has also been further categorized to different eight groups such as nature of goods and services such as energy-based manufacturing, agriculture and forest product, mines, infrastructure, tourism, information technology and communication, and service. The act has stipulated the following provisions for different types of industries:

- Laghu Enterprise: Fixed assets of 20 Lakh and a maximum number of nine employees.
- Cottage Industries: Not declared
- Small Industries: Fixed assets of 15 Crore.
- Medium Industries: Fixed assets of 15 – 50 Crore.
- Large Industries: Fixed assets of more than 50 Crore.

### **12.1 Workers in small and medium-sized enterprises (having 10 to 200 workers)**

Under the Labor Act 2074, the provisions are made applicable for all categories of workers working under small and medium-sized enterprises (having 10 to 200 workers). These workers continue to enjoy the support mechanisms as per the Labour Act, 2074, Child Labour (Regulate and Prohibition) Act, 2056, Contributory Based Social Security Act, 2075, and OSH Policy, 2076. The power of legal enforcement has been delegated to DoLOS and Labour and Employment Offices. Supports in terms of technical advice, training, and information except financial has been provided to all groups and they have been involved in consultative consultations. National and international support has been in practice but has not been found adequate. Grievance handling and an annual review are being carried out from the responsible department.

### **12.2 Workers in micro-enterprises (having less than 10 workers)**

Under the Labor Act 2074, the provisions are made applicable for all categories of workers including workers even from small and medium-sized enterprises (having less than 10 workers). These workers are entitled to enjoy the support mechanisms defined by the Labour Act, 2074, Child Labour (Regulate and Prohibition) Act, 2056, Contributory Based Social Security Act, 2075, and OSH Policy, 2076. The authority for the legal enforcement has been delegated to DoLOS and Labour and Employment Offices. Supports in terms of technical advice, training, and information except finance are provided to all groups, hence different level of consultative consultations is operational. Various national and international support for the upliftment of the enterprise has been in practice but the support is mainly short-term and not adequate. Few enterprises have developed grievance handling with a system of annual reviews

### **12.3 Workers in the informal economy, including home-based workers**

There are many informal economy sectors/jobs where a large number of workers are engaged. But the informal sector workers do not enjoy any provisioned aspects under any of the OSH legislation. The Labour Act, 2074 (article 88) has highlighted a few provisions for the protection of the right of such workers. Also, Labour Regulation, 2075 has provisioned for public and week holiday (rule 83). It has been identified that the local government also are working for the needful support at a respective level for developing agenda and setting norms for the inclusion of workers involved in the informal economies.

Currently, an ILO project on Sustainable Global Supply Chains has been working together with the informal workers especially home-based workers. Through this project, ILO has implemented various activities related to the OSH, which include ToT as well as the rollout of OSH training at field-level workers as well as enterprises. Employers' association FHAN (Federation of Handicraft Association of Nepal) and FWEAN (Federation of Women Entrepreneur associations of Nepal) have been working to promote OSH practices at workplaces of small and micro enterprises and FNCSI (federation of the cottage and small industry). The list of the activities carried out by ILO is attached in annexes.

Also, FHAN has developed the voluntary code of practice on OSH, especially in the non-ferrous metal craft sector. They are also promoting the use of safer practice through developing IEC materials such as brochures, calendars with information on the practical ways to improve the working environment at very low cost or no cost. Simultaneously, ILO has also been capacitating the trade unions on skills and knowledge on OSH practice for reaching to the informal workers.

## **13. Support mechanisms for women workers**

The legislation on OSH as per the Labour Act has stipulated provisions for support mechanisms for women workers. This practice is however only practiced at the larger and multinational industries with specialized facilities for women such as transportation facility for late-night workers by Arihant Jute Mills, Khanar, Sunsari, Hulas Wire Industries Limited, Morang, Aarati Strips Pvt. Ltd. Morang, fixed day time working schedule for women by Pragati Textile, Sunsari, JBS Industry, Sunsari. The local labour and employment offices are responsible for handling complaints related to women worker's issues as well. The section under provides the details of associated legal provisions.

### **13.1. Special arrangements for reproductive health and maternity care**

Under the Labor Act 2074, the provisions are made applicable for all categories of workers including workers involved in the small and medium-sized enterprises (having 10 to 200 workers, less than 10 workers, and informal workers). These workers continue to receive support mechanisms established by the Labour Act, 2074, Child Labour (Regulate and Prohibition) Act, 2056, Contributory Based Social Security Act, 2075, and OSH Policy, 2076. The power of legal enforcement has been delegated to DoLOS and Labour and Employment Offices. The special arrangement for female workers in terms of reproductive health and maternal care are listed in articles 6 and 7 (no discriminations), article 41 (public holiday), article 45 (maternity leave), article 48 (ritual leave), article 55 (accidental insurance). A further provision in the Labour Regulations, 2075 under rule 17 has mentioned additional rest time, similarly, rule 45 necessities the need for a childcare center. The LEO is entitled to handle grievances and complaints on the women's issues.

### **13.2. Special arrangements for preventing workplace violence and sexual harassment**

Under the Labor Act 2074, the provisions are made applicable for all categories of workers working under small and medium-sized enterprises (having 10 to 200 workers, less than 10 workers, and informal workers). These workers continue their support mechanisms as per the Labour Act, 2074, Child Labour (Regulate and Prohibition) Act, 2056, Contributory Based Social Security Act, 2075, and OSH Policy, 2076. The power of legal enforcement has been delegated to DoLOS and Labour and Employment Offices. Supports in terms of technical advice, training, and information except financial has been provided to all groups and they have been involved in consultative consultations. The special arrangement for female workers in terms of preventing workplace violence and sexual harassment article 132 (sexual harassment and abuses). Grievance handling mechanism is being established at responsible Labour and Employment Offices.

### **13.3. Special arrangements for other special needs of women workers.**

Under the Labor Act 2074, the provisions are made applicable for all categories of workers including workers involved in the small and medium-sized enterprises (having 10 to 200 workers, less than 10 workers, and informal workers). These workers continue to receive support mechanisms established by the Labour Act, 2074, Child Labour (Regulate and

Prohibition) Act, 2056, Contributory Based Social Security Act, 2075, and OSH Policy, 2076. The power of legal enforcement has been delegated to DoLOS and Labour and Employment Offices. The special arrangement for female workers in terms of special arrangements for other special needs of women workers are listed in article 6 and 7 which focus on non-discriminatory practices article 21 has provisioned schemes for the social security, article 33 highlights transport facility for late-night workers, article 41 defines directives on the public holiday, article 81 prioritizes ease at work and lesser or no involvement in the -hazardous work), and other provisions as stipulated in section 12 encompassing Occupational Safety and Health. A further provision in Labour Regulations, 2075 specifies rule 42 for the lifting of weight at work. Additionally, any further grievance complaints are handled by responsible Labour and Employment Offices.

## **14. Coordination and collaboration mechanisms at national and enterprise levels, including national OSH policy and programme review mechanisms**

All the information related to OSH is collected through the industries or enterprises by the respective Labour and Employment Offices and the information is further forwarded to the DoLOS in a monthly progress report. Besides, OSHC can also gather information directly from the industries or enterprises. The coordination and collaboration mechanism is ensured at the three tiers of government established through tripartite and bipartite mechanisms to facilitate an efficient information system. The Labour Act prescribes the provision of workplace safety, health committees and labour relation committees through a bipartite engagement. The coordinating role has been delegated to different focal persons at the different offices such as Senior Factory Inspector in MoLESS, Technical Director in DoLOS, Centre Chief in OSHC, and Senior Factory Inspector/ Factory Inspector in the respective LEOs. The review of the information is provided on a monthly, quarterly, and annual basis. Furthermore, the social partners' organizations also have their coordination and collaboration mechanism for information sharing through the focal OSH department and an annual review mechanism is adopted organizations. The information is shared among workers-industry-trade union/employer-LEO-DoLOS-OSHC. The tripartite and bipartite consultations on a needful basis exist at both levels of programme design and review.

## **15. Technical standards, codes of practice and guidelines on OSH**

### **Occupational Safety and Health Guidelines (DoLIDAR)**

The Government of Nepal, Ministry of Federal Affairs and Local Development Department of Local Infrastructure Development and Agricultural Roads (DoLIDAR) has developed a comprehensive guideline applicable to all its projects. The purpose of this guideline is to provide all projects under the DoLIDAR with basic principles for working safely on construction sites and directives for the contractors and managers to manage the safety and health on site. This guideline emphasizes developing Safety and Health committees at three different levels i) Central ii) District iii) Grassroots (Contractors) and has also assigned specific responsibilities to each level on dealing with arising and overcoming Occupational Safety and Health issues. The guideline also identifies the need for a Safety and Health Officer to act as the principal assistant and consultant in the application of OSH programmes. The objective of it is to remove hazards from the workplace and correction of any unsafe practices. The guideline stipulates the number of required safety officers and their responsibilities. The guideline also requires the need for developing a site safety plan to be established and maintained by every contractor at each respective work site. This plan identifies the potential for accidents and emergencies and addresses the prevention of occupational safety and health risk associated with them. The guideline to ensure onsite safety and health responsibilities have assigned duties and responsibilities to contractors, engineers, and architects, respectively. The guideline also speaks about the working hours and the welfare of the workers. The guideline to ensure the site safety plan identifies the need for a detailed plan for emergency and evacuation procedures but not limited only to accidents, natural disasters, evacuations, construction, and other hazards, fire, structural collapse, first aid protocols, and others, regular risk assessment and risk reduction activities and their results, use of personal protective equipment and their proper use checklist, accidents and incidents investigation report, safety and training register, site induction register, designated emergency personnel with contact details and the need of the first aid facilities. The guideline provides a framework for developing accident recording and reporting systems as well.

The guideline on risk control and management focuses on capacity building through information dissemination and training. The guideline also describes regulatory OSH standards, PPE use, and hazard identification with risk controls. This guideline provides a holistic coverage for ensuring OSH concerns and can be customized to various other sectors as well to ensure OSH needs are met.

### **Code of Practice on Occupational Safety and Health for the non-Ferrous Home-based Economic Units**

This code of practice was developed for the metallurgical industries in meeting their OSH needs. This code of practice provides detail on maintaining and establishing safety precautions and highlights safety and hazards associated with the work. The code makes all associated enterprises liable for providing accident insurance covering medical treatment for work-related accidents to all the workers. Similarly, the code elaborates on the physical factors of noise,

indoor air pollution, and the storage and handling of used chemicals. The code requires an enterprise to establish and maintain an updated list of all chemicals, including the name of the chemical product, the purpose/area of use, and a reference to a Material Safety Data Sheet (MSDS) together with worker's capacity to workers that purchase, store, handle and use chemicals before starting work. The code directs the enterprise to establish and maintain a list of hazardous and non-hazardous waste to monitor generated waste type and quantity. The code orients the enterprise to establish a procedure for the handling, storing, transportation, and disposal of hazardous waste such that it prevents harmful emissions to air, ground, and water, prevents risks of ignition/explosion and ensures workers' health and safety. The code speaks volumes on fire hazard prevention and the need for establishing fire safety mechanisms in the enterprise with robust evacuation plans and periodic drills. The code identifies the need for developing a safety committee, record keeping of work incidents and accidents including corrective actions, health and safety training, and use of personal protective equipment.

### **OSH guideline 2074 for Brick industries by the Ministry of Labour**

This guideline for the brick industry developed by the Ministry of Labour has identified some occupational safety and health concerns. The guideline has stipulated working hours for the brick industries workers prescribing 8 hours of daily work and a half an hour of rest after 5 hours of continuous work. The guideline prescribes for relatively shorter work duration for workers involved in the furnace and brick firing area. The guideline also identifies the need for adequate safe drinking water, provision for canteen, and rest areas for the workers. The guideline encourages the use of personal protective equipment, prioritizes electrical safety, dust control, and the regulation of noise in the brick industry. The guideline prioritizes spreading awareness on occupational safety and health concerns and recommends the development of participatory safety committees involving the workers.

## **16. Educational and awareness-raising arrangements to enhance preventive safety and health culture, including promotional initiatives**

The national occupational safety and health week has been conducted since 2057 B.S (2000 A.D.) by OSHP with close coordination of all involved stakeholders including employers' organizations, trade unions, government organizations and other related organization working in the field of occupational safety and health. After the transformation of this project into the Occupational Safety and Health Centre, the events in safety week are conducted with the collaboration and participation of all stakeholders including trade unions, employers' associations, government organization, and educational institutions. The primary objective of this weeklong activity is to create awareness on OSH on a nationwide scale calling participation and commitment from all the organizations and agencies.

Each year National Occupational Safety and Health Week is celebrated across the country. Celebration of this week starts from 28<sup>th</sup> April each year marking UN-endorsed World Day for Safety and Health at Work. The event is primarily focused on safety at work and awareness on the consequences of work-related accidents and diseases; this also helps to position occupational safety and health (OSH) on the international and national agendas, and for providing support to the national efforts for the improvement of national OSH systems and programmes.

The activities performed during the celebration involve morning rallies, distribution of banners, posters, awareness-raising campaigns, seminars, health camps for workers, etc. The list of activities conducted by the Occupational Safety and Health Centre during the last six fiscal years is provided below.

### **Activities conducted during the National Occupational Safety and Health Week in the fiscal year 2014/15:**

Due to the earthquake of 25<sup>th</sup> April 2015, no activities were conducted during the National Occupational Safety and Health Week at the national level.

### **Activities conducted during the National Occupational Safety and Health Week in the fiscal year 2015/16 at the National level and district level are given below.**

**“Workplace Stress: a collective challenge”** was the theme during the campaign of the National Occupational Safety and Health Week, 2016. The list of activities for the National Occupational Safety and Health Week, 2016 has been provided as under.

### At National Level:

The activities conducted during the National Occupational Safety and Health, 2016 are tabulated as under.

Date	Activities conducted	Participating Organisations	No. of Participants
28-04-2016	Morning Rally	Workers, Trade Unions, Employers, Government institution, ILO, Technical Teaching Institution et.	600
29-04-2016	OSH related awareness-raising posters distribution	Free of cost OSH related awareness-raising posters were distributed in industries situated in Balaju Industrial Estate, Patan Industrial Estate, and Bhaktapur Industrial Estate.	
30-04-2016	<ul style="list-style-type: none"><li>• Blood donation</li><li>• ½ day OSH awareness orientation programme for printing press workers.</li></ul>	<ul style="list-style-type: none"><li>• Jointly organized by GEFONT and OSHP.</li><li>• Jointly organized by OSHP and NTUC.</li></ul>	<ul style="list-style-type: none"><li>• 98 individuals donated blood.</li><li>• NA</li></ul>
01-05-2016	1 <sup>st</sup> May celebration with trade unions.		
02-05-2016	Free Health Camp	Jointly organized by OSHP, Save the Children and Child Development Society.	Free Health Checkup and medicine distribution for 181 workers of Brick Industries.
04-05-2016	Interaction Programme on OSH	Jointly organized by OSHP and Save the Children.	55 individuals from various stakeholders.

### At District Level:

Morning Rally was conducted by each Labour and Employment Office (except Labour and Employment Office, Kathmandu) on 28<sup>th</sup> April at the respective district headquarter. Similarly, an interaction programme was also conducted by each office (except Labour and Employment Office, Kathmandu) during the week. Labour and Employment Office, Kathmandu participated in the national level programmes.

### Activities conducted during the National Occupational Safety and Health Week in the fiscal year 2016/17:

“Optimize the collection and use of OSH data” was the *theme* of the campaign of the National Occupational Safety and Health Week, 2017. With this theme National Occupational Safety and Health Week, 2017 was celebrated.

### At National Level:

The activities which were conducted during the National Occupational Safety and Health are tabulated as under

<b>Date</b>	<b>Activities conducted</b>	<b>Participating Organisations</b>	<b>No. of Participants</b>
28-04-2017	Morning Rally	Workers, Trade Unions, Employers, Government institutions, ILO, Technical Teaching Institutions etc.	800
29-04-2017	Free Eye Camp	Jointly organized by OSHP and Federation of Grill and Steel Fabricators of Nepal.	Free Eye Checkup and medicine distribution for 177 workers of Grill and Steel Fabrication Industries.
30-04-2017	OSH related awareness-raising posters distribution	Free OSH-related awareness-raising posters were distributed in industries situated in Balaju Industrial Estate, Patan Industrial Estate and Bhaktapur Industrial Estate.	
01-05-2017	Blood donation	Jointly organized by OSHP and National Democratic Trade Union Federation Independent.	32 individuals donated blood.
01-05-2017	1 <sup>st</sup> May celebration with trade unions.		
04-05-2017	Interaction Programme on OSH	Jointly organized by OSHP and Save the Children.	70 individuals from various stakeholders.

#### **At District Level:**

Morning Rally was conducted by each Labour and Employment Office (except Labour and Employment Office, Kathmandu) on 28<sup>th</sup> April at the respective district headquarter. Similarly, an interaction programme was also conducted by each office (except Labour and Employment Office, Kathmandu) during the week. Labour and Employment Office, Kathmandu participated in the national level programmes.

#### **Activities conducted during the National Occupational Safety and Health Week in the fiscal year 2017/18:**

“OSH vulnerability of young workers” was the *theme* of the campaign of the National Occupational Safety and Health Week, 2018. With this theme National Occupational Safety and Health Week, 2018 was celebrated.

### At National Level:

The activities which were conducted during the National Occupational Safety and Health are tabulated as under

Date	Activities conducted	Participating Organisations	No. of Participants
28-04-2018	Morning Rally	Workers, Trade Unions, Employers, Government institutions, ILO, Technical Teaching Institutions etc.	1000
29-04-2018	Blood donation	Jointly organized by OSHC and ANFTU.	162 individuals donated blood.
30-04-2018	Free Eye Camp	Jointly organized by OSHP and Federation of Grill and Steel Fabricators of Nepal.	Free Eye Checkup and medicine distribution for 133 workers of Grill and Steel Fabrication Industries.
01-05-2018	1 <sup>st</sup> May celebration with trade unions.		
02-05-2018	First Aid Box with Medicines	Jointly organised by OSHP and Auto Mechanics Association of Nepal	First Aid Box with Medicines distributed to 100 Auto Mechanics Workshop.
03-05-2018	OSH related awareness-raising posters distribution	Free OSH related awareness-raising posters were distributed in industries situated in Balaju Industrial Estate, Patan Industrial Estate and Bhaktapur Industrial Estate.	
04-05-2018	Interaction Programme on OSH	Jointly organized by OSHP and Save the Children.	70 individuals from various stakeholders.

### At District Level:

Morning Rally was conducted by each Labour and Employment Office (except Labour and Employment Office, Kathmandu) on 28<sup>th</sup> April at the respective district headquarter. Similarly, an interaction programme was also conducted by each office (except Labour and Employment Office, Kathmandu) during the week. Labour and Employment Office, Kathmandu participated in the national level programmes.

### Activities conducted during the National Occupational Safety and Health Week in the fiscal year 2018/19:

“Safety and Health and the Future of Work” was the *theme* of the campaign of the National Occupational Safety and Health Week, 2019. With this theme National Occupational Safety and Health Week, 2019 was celebrated.

### At National Level:

The activities which were conducted during the National Occupational Safety and Health are shown as under

Date	Activities conducted	Participating Organisations	No. of Participants
28-04-2019	Morning Rally	Workers, Trade Unions, Employers, Government institutions, ILO, Technical Teaching Institutions etc.	1000
29-04-2019	Free Eye Camp	Jointly organized by OSHC and Auto Mechanics Association of Nepal.	Free Eye Checkup and medicine distribution for 230 workers of Auto Workshops.
30-04-2019	Free Health Camp	Jointly organized by OSHC, World Vision and Child Development Society.	Free Health Checkup and medicine distribution for 250 workers of Brick Industries.
01-05-2019	1 <sup>st</sup> May celebration with trade unions.		
02-05-2019	OSH related awareness-raising posters distribution	Free OSH related awareness-raising posters were distributed in industries situated in Balaju Industrial Estate, Patan Industrial Estate and Bhaktapur Industrial Estate.	
04-05-2019	Interaction Programme on OSH	Jointly organized by OSHC, World Vision and Child Development Society.	70 individuals from various stakeholders.

### At District Level:

Morning Rally was conducted by each Labour and Employment Office (except Labour and Employment Office, Kathmandu) on 28<sup>th</sup> April at the respective district headquarter. Similarly, an interaction programme was also conducted by each office (except Labour and Employment Office, Kathmandu) during the week. Labour and Employment Office, Kathmandu participated in the national level programmes.

### Activities conducted during the National Occupational Safety and Health Week in the fiscal year 2019/20:

Due to COVID 19 Pandemic, no activities were conducted during the National Occupational Safety and Health Week of this fiscal year at the national level and at the district level.

## 17. Specialized technical, medical and scientific institutions with linkages to various aspects of OSH, including research institutes and laboratories concerned with OSH

### 17.1. List of universities and other academic institutions related to OSH

Different universities and autonomous institutions and affiliated colleges provide courses such as MPH/ MD Community Medicine /MSc/ ME where student conducts thesis work on occupational health and safety-related topics.

Institutions	Affiliations	Courses	Thesis on Occupational Health and Safety
1. Kathmandu University School of Medical Sciences	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> <li>• MSc in Public Health</li> </ul>	Yes
2. Manipal College of Medical Sciences	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Yes
3. College of Medical Sciences, Bharatpur	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Not done till now
4. Kathmandu Medical College, Kathmandu	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Yes
5. Nepal Medical College, Kathmandu	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Not done till now
6. Nepalgunj Medical College, Nepalgunj	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Not done till now
7. Nobel Medical College, Biratnagar	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Not done till now
8. Lumbini Medical College	Kathmandu University	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> </ul>	Not done till now
9. BP Koirala Institute of Health Sciences, Dharan	BPKIHS	<ul style="list-style-type: none"> <li>• MD Community Medicine</li> <li>• Masters in Public Health</li> </ul>	Yes
10. Institute of Medicine, Kathmandu	Tribhuvan University	<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Yes
11. KIST Medical College	Tribhuvan University	<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Not done till now

12. Universal College of Medical Sciences, Bhairahawa	Tribhuvan University	<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Not done till now
13. Chitwan Medical College, Bharatpur	Tribhuvan University	<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Not done till now
14. Gandaki Medical College, Pokhara		<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Not done till now
15. Manmohan Medical Institute of Health Sciences, Kathmandu	Tribhuvan University	<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Not done till now
16. Patan Academy of Health Sciences, Lalitpur	PAHS	<ul style="list-style-type: none"> <li>• Masters in Public Health</li> </ul>	Not done till now
17. School of Health and Allied Sciences, Kaski	Pokhara University	<ul style="list-style-type: none"> <li>• MPH (Public Health and Services Management)</li> <li>• MPH (Health Promotion and Education)</li> </ul>	Not done till now
18. Nobel College, Kathmandu	Pokhara University	<ul style="list-style-type: none"> <li>• MPH (Public Health and Services Management)</li> <li>• MPH (Health Promotion and Education)</li> </ul>	Not done till now
19. Himalayan Institute of Science and Technology, Kathmandu	Purbanchal University	<ul style="list-style-type: none"> <li>• M.Sc. (Engineering Management)</li> </ul>	Done
20. Nepal Engineering College, Centre for Post Graduate Studies, Lalitpur	Pokhara University	<ul style="list-style-type: none"> <li>• M.Sc. (Construction Management)</li> </ul>	Done
21. Central Department of Environmental Science	Tribhuvan University	<ul style="list-style-type: none"> <li>• Ph.D. in Occupational and Environmental (Road Safety)</li> <li>• M.Sc. Environment Science (OHS management Course)</li> <li>• M.Sc. Environmental Health in Disaster</li> </ul>	Done

## **17.2. Non-Governmental OSH Organization**

There are few Non-Governmental OSH Organizations in Nepal.

**Occupational Health and Safety Society of Nepal** is the society of researchers and professionals in the field of OHS in Nepal. The society publishes the International Journal of Occupational Safety and Health (IJOSH) since 2011. IJOSH is an international peer-reviewed, indexed, open-access journal covering occupational health and safety-related disciplines. IJOSH is published half-yearly. It provides occupational health physicians, doctors, nurses, engineers, ergonomists, and a wide range of occupational hygiene, health and safety professionals with a dependable single source of proficiently written legal, practical and management occupational health information.

**Occupational Safety and Health Professionals Nepal** is a national organization of the OHS professionals in Nepal. Its core objectives are to promote occupational health and safety in the workplaces in Nepal and to form a learning, sharing and networking platform on OSH Development in Nepal. It also promotes the sharing of ideas, opinions, knowledge, skills, various issues, experiences, relevant information in the field of OSH.

## **18. List and number of personnel engaged in the area of OSH, such as safety and health officers, safety engineers, occupational physicians, nurses and hygienists and other related personnel**

The labour law does not specify the need for appointing safety officers in workplaces. Multinational companies like Coca-Cola Bharatpur, Asian Paint Industry, Hetauda, Unilever Hetauda and CSI Nepal have appointed safety officers. Similarly, in the construction sector, as reported by FCAN, the A grade contractor companies hire a safety officer to implement the project construction work and the need of hiring safety officers has also been made for any donor-supported project. The guideline developed by DoLIDAR for the construction projects also identifies the need for using safety and health officers.

Occupational Health and Safety Platform Nepal have been recently established in Nepal. This organization has been performing voluntary OSH activities and awareness program. The list of personnel engaged in the Occupational Health and Safety Platform has been provided in the annex.

The Occupational Health and Safety Center previously used to conduct industrial hygiene program in the industries as per their annual work program. The main services offered include monitoring of noise, temperature, and dust. Currently, the Center lacks s adequate human resources and relies on outsourcing for any required services.

Academic institutions such as the school of engineering (mechanical, electrical environment, construction) and medical science (community medicine) in the different universities of Nepal requires students to undertake some courses on Occupational Health and Safety.

## **19 Occupational injury and disease statistics and events**

### **19.1 Statistics on occupational diseases/accidents by year, province, severity, industry and size of undertakings including sex-disaggregated data.**

Section 79 of the Labour Act, 2017, requires a piece of immediate information from the employer in case of occurring of accident-causing injury or death or for any suffering occurring through an occupational disease. Similarly, rule 50 (1) of the Labour Rules, 2018, identifies the need for accident reporting to the respective LEO by the employer or its representative for any injury or death due to an accident within seven days of the event. However, mandatory reporting of a minor accident or injury for which first aid treatment is the only requirement has been waived. According to rule 50 (2) of Labour Rules, 2018, the information submission requires as guided by rule 50 (1), to provide detail on the date, time, place, description, cause of the accident and name, address of the employee, name of the hospital of treatment must be disclosed. The information related to occupational injuries in the enterprises provided later in this chapter is based on the statistics provided by the Department of Labour and Occupational Safety. The segregated data such as clustered data on Provincial level, sector data segregating the enterprise such as manufacturing, construction, etc.), and sex (male and female) segregated data of the accidents are not available in the Department of Labour and Occupational Safety. Most of the accidents recorded in the Labour and Employment officers' origins from the manufacturing industries.

It seems as if occupational accidents are scarce in Nepal. This is largely due to the underreporting of the events although reporting of any type of accident is mandatory, its implementation is perceived to be lacking. The law prescribes mandatory notification on any fatal accidents and/or accidents causing -man-day losses. It is perceived that the majority of these accidents are unreported. Further, the data on the construction sector with a higher prevalence of accident rate is largely not covered. The magnitude of the problems and the numbers of accidents are much higher than the information provided by the available statistical indicators. The under-reporting of occupational accidents is primarily attributed to the lower level of awareness of OSH and lack of sensitivity among management and workers in general.

The causes of accidents are varied but the common causes of accident in Nepal are due to lack of safety policy, lack of or poor implementation of manual and guidelines at the enterprises, the improper layout of workplace / unsafe workplace design, unsafe handling/use of chemicals, unguarded or inadequately guarded machinery, use of an unsafe machine (unsafe design and construction of machines), lack of adequate maintenance of machinery, inadequate ventilation at the workplace, unsafe electrical connection, inadequate/improper lighting system, lack of training of the workers, lack of supervision, use of an old or outdated machine or equipment, poor housekeeping and material handling, negligent or no use of safety gears and personal protective equipment, stretched working hour compounded with overload, lack of awareness on personal health and hygiene, lack of inspection and violation of safety rules. The accidents are categorized as major and minor ones. Any accident that does not make an injured person a disabled one and where the injured person get the first aid and return to the work is called a

minor accident. While an accident causing permanent or prolonged disability and death of the employees is called a major accident.

The figures and data presented below show the reported incidents only.

Table Occupation Accident During the Last 10 Fiscal Year.

S. N.	Fiscal year	Accident			
		Minor	Major	Fatal	Total
1	2010/11	53	11	5	69
2	2011/12	37	0	2	39
3	2012/13	25	5	3	33
4	2013/14	20	10	6	36
5	2014/15	22	5	6	33
6	2015/16	25	0	3	28
7	2016/17	21	5	6	32
8	2017/18	36	11	4	51
9	2018/19	14	3	3	20
10	2019/20	38	7	8	53

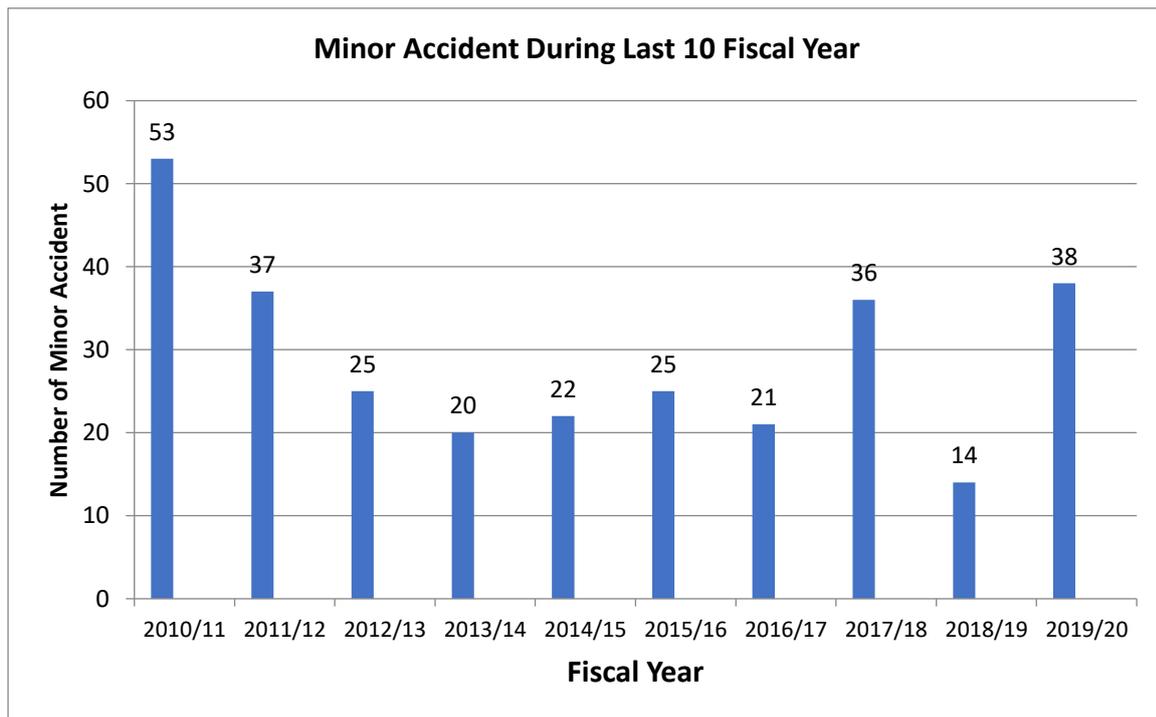


Figure Minor Accident During the Last 10 Fiscal Year.

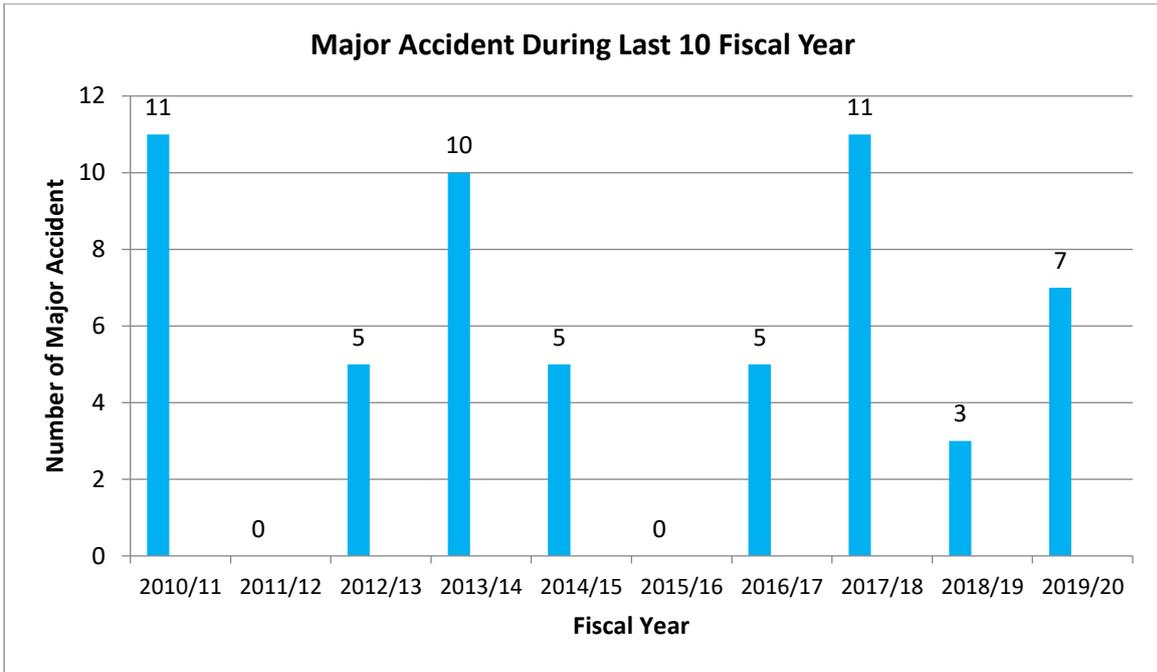


Figure: Major Accident During the Last 10 Fiscal Year.

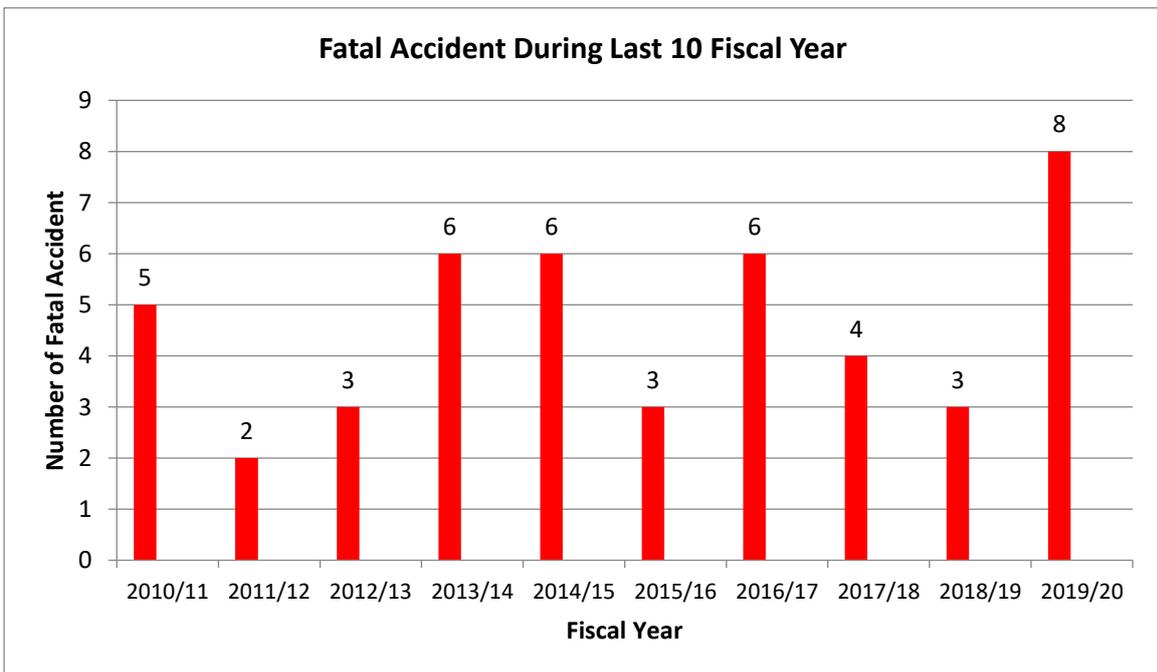


Figure Fatal Accident During the Last 10 Fiscal Year.

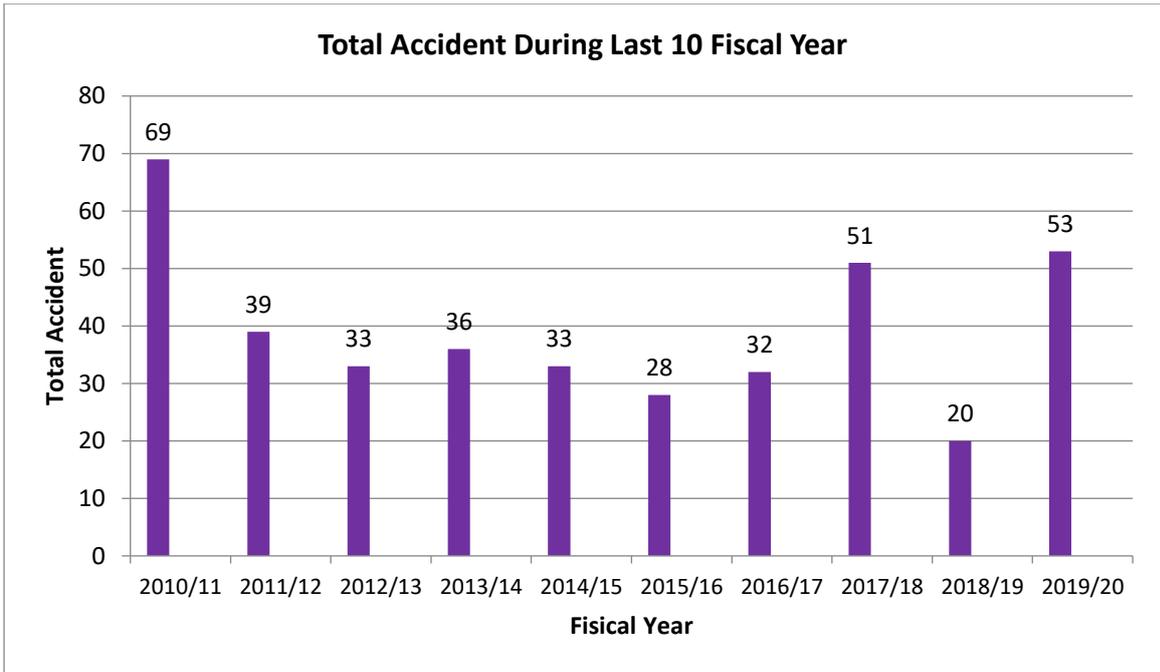


Figure Total Accident During the Last 10 Fiscal Year.

## 19.2 Examples/cases of recent serious occupational disease outbreaks

There is no data on occupational disease in the Department of Labour and Occupational Safety. However, few independent studies carried out in brick industries by different academic /technical intuitions had revealed that there is a is increased prevalence of respiratory illness and musculoskeletal disorder symptoms among brick workers. Similarly, a greater prevalence of hearing loss among employees has been reported in the textile industries.

## **20. Industry-specific policies, programmes, and activities for hazardous occupations**

### **20.1 Construction**

The construction industry is a growing industry in Nepal contributing majorly to the socio-economic development of the country. A common practice observed in this industry is that it aims at completing the project on time with minimum investments resulting in heightened negligence of safety at the construction sites. The industry employs a maximum number of workers throughout the nation creating greater risk for those involved. The Nepal labor force survey identifies that most of the reported deaths in this industry are a result of negligence, poor safety performance in the sites, unskilled labor, and many more. Despite the initiation of processes for enabling a safer construction work environment in Nepal no specific guidelines prioritizing this sector exists as of now.

Chapter 13, Section 85 of the existing Labour Act has specified special provision applicable to this industry outlines the employer responsibilities towards labourer:

- ❖ Provide the Personnel protective equipment to the workers to reduce the risk of injury and health problems arising from the construction activities.
- ❖ Arrange temporary shelter, drinking water, and food for those workers who do not have their residence near to the construction site.
- ❖ Arrange appropriate safety of the workers at the construction site.

Until the 1988 (2045 BS) Udayapur Earthquake in Nepal, there were no regulations or good practice documents available in place to guide for earthquake-safe construction in the country, although frequently occurring natural disaster was pointing towards its need. Under the Ministry of Physical Planning and Works (MPPW), the Department of Urban Development and Building Construction (DUDBC) developed the Nepal National Building Code (NBC) in 1993. The document was developed in a joint effort and technical assistance received from United Nations Development Programme (UNDP), the United Nations Center for Human Settlement (UNCHS), and a few domestic, as well as foreign subcontractors' teams.

The Department of Road has started to practice Occupational and Community Health and Safety (OCHS) by developing the OCHS policy since 2018 with required intervention operationalized through Bridge Improvement Management Programme.

The NBC implementation came into effect after the authorization provided by the Building Construction System Improvement Committee (established by the Building Act 1998). Following a government notice in the Nepal Gazette in 2006, the implementation of NBC became mandatory in all the municipalities of Nepal. Under the safety section of the requirements, the NBC includes Construction Safety (NBC 114: 1994) standard and provisional recommendation on Fire Safety (NBC 107: 1994) standard.

NBC 114 standard encompasses provisions for the Health & Safety of the workers in building construction/demolition works performed under a formal contract between the employer and the contractor. In the case of owner-built construction sites, the requirements are advisory. Similarly, NBC 107 provides fundamental requirements for Fire Safety in commercial, official, or ordinary residential buildings.

#### **NBC 114: 1994**

Listed below are the provisions developed as per NBC 114 on the Construction Safety control measures and their corresponding safety requirements.

1. **Material Handling** – Safe storage and handling of materials including flammable liquids, explosives, mechanical equipment, adequate warning signs, Personal Protective Equipment (PPE) as well as slip, trip & fall protection.
2. **First Aid** – First Aid facility including stretchers, paramedic, and regular health checkups.
3. **Fire Fighting** – Fire prevention measures including fire-fighting equipment, electrical safety, and fire escape routes.
4. **Site Preparation** – Site safety preparation includes prevention from falling, dust, flying/falling/piercing objects, etc. PPE such as a hard hat, safety harness, safety goggles, mask, gloves, boots, etc., and the first-aid facility should be provided or available at all times.
5. **Excavation Safety** – Trenching and excavation safety allows safety provisions such as escape routes, precautions against the collapse of retaining wall or damage of service lines, oxygen masks for underwater/underground works, adequate fencing/barriers/barricades, etc.
6. **Foundation Construction** – Application of safe construction design and practices including protection of health and property of workers/neighbors, reinforcing adjoining infrastructures, shoring of excavation walls in deep excavation, etc.
7. **Wall Construction** – Provisions for safe manual/material handling of pre-cast elements/doors/windows, canvas-covered guard, scaffolding safety, an adequate design of safe working platforms.
8. **Roof Construction** – Slip, trip, and fall protection by requiring safety harness and belt, designated walking/working platforms, railings, and other protective guards including hard hat, safety boot, and protective gloves.
9. **Electrical Works** – Electrical safety program should require protective measures such as avoiding live wires, not placing electrical equipment on the wet floor, protecting floor-laid/overhead wires from moving machinery and workers, isolating combustible substances/clothing away from electric switchboard/work, quick access to CO<sub>2</sub>/Dry

Powder extinguishers, employing qualified electrician, covering of exposed high- or low-tension lines, etc.

10. **Temporary Works** – Temporary works require safety provisions such as the safe design of temporary framework structures, adequate load-bearing capacity, ladder safety, guard/handrails, etc.
11. **Demolition of Structures** – The safety of workers and adjoining properties must not be compromised while undertaking the demolition plan. Care must be taken regarding hazard communication including warning signs, barricades, posters, etc., bracing/shoring to prevent accidental collapse, disconnection of electric/water service lines, public safety, and prevention of slip, trip, and falling objects.
12. **Requirements During Demolition** – Other specific requirements during building demolition includes adequate lighting arrangements for night demolition (only if night demolition is necessary), enough warning signs for public/workers, use of adequate PPE including hard-hats, goggles, gloves, boots, etc., fall protection measures, use of explosives only if approved by the authorities.
13. **Use of Explosives** – Explosives can be used only after consulting engineers and authorities. Specifics must be maintained as per safety requirements such as marking/guarding of blasting area, appropriate audible signal before each blast, alerting workers/public/animals, adequate protection during controlled blasting in a confined space, the safety of adjoining properties, strict supervision of authorities, record keeping of every minute detail of the operation, safe storage/handling of explosives.
14. **Labor Welfare** – All workers should be provided with basic facilities such as drinking water, shelter outside the danger zone, toilets, adequate number/type of fire extinguishers, access to firefighting equipment, adequate safety clothing, and PPE as demanded by the job, isolated storage of highly combustible or blasting materials away from labor settlement area, insurance against workplace accidents, etc.
15. **Other Safety Requirements** – To ensure workplace safety, NBC 114 provides other safety requirements such as safe handling of moving vehicle/equipment, protection from falling structures/objects, installation of safety nets, restriction/control of people in construction or demolition sites, etc.

#### **NBC 107: 1994**

Listed below are the provisions for the maintenance of the basic Fire Safety measures and their corresponding Fire Safety requirements as per NBC 107.

#### **Types of construction and appliances**

- Provision of fireplace and chimney where applicable.
- Elimination of fire sources near combustible materials.
- Encourage occupants to install applicable fire extinguishers.

- Sufficient water storage where open hearth or kerosene stoves are used.

### **1. Fire Zones**

- ❖ Demarcation of fire zones by coordinating with proper authorities in urban areas.

### **2. General Requirements**

- ❖ Adequate building designs for containment of fire to reduce its spread to other buildings.
- ❖ Provision for wide enough access and wide/tall entry doors (as per Architectural Design Requirements NBC 206) to enable firemen to approach the building site.
- ❖ Sufficient escape routes and open spaces (as per Architectural Design Requirements NBC 206) to allow the rapid evacuation of occupants.

### **3. Exit Requirements**

- ❖ Exit routes should be free of obstruction and with clearly visible signs.
- ❖ Stairs, Fire Escapes, and Exit Doors should meet minimum NBC 107 Requirements regarding their design, size, and location in the building.

### **4. Access to a Building**

- ❖ Compliance with applicable zoning requirements and road accessibility requirements.

### **5. Lightning Arresters/Conductors**

- ❖ Installation of lightning arresters/conductors as per NBC 107 Requirements.

Further, under the Ministry of Federal Affairs and Local Development, the Department of Local Infrastructure Development and Agriculture Road (DOLIDAR) is responsible for the planning and implementation of local infrastructure throughout the country. The DOLIDAR has prepared an Occupational Health and Safety guideline with the technical support of the World Bank and ILO. This guideline came to effect in 2017 and has been implemented throughout the country. This guideline is a basic guideline, applicable for only DOLIDAR related projects and/or donor-funded projects. The guideline maintains the basic principle for safe working at the construction site and recommends ways for the contractor to manage safety and health on the worksites.

Further, A class construction company (like Kalika Construction, Manakamana Constructions, JB Construction, etc.) deploys safety officers to look after the health and safety of the workers at their respective construction sites. These companies have also been providing PPE (personal protective equipment) to their workers, conducting awareness program on OSH and made the availability of the first aid kits.

## **20.2 Mining**

Mining is considered one of the hazardous industries. In Nepal, the law stipulates that all the mineral resources found in the country are state-owned. The Department of Mines and Geology (DMG) under the Ministry of Industry is the responsible government agency conducting systematic geological mapping and mineral exploration activities in different parts of the country for the last five decades. Few small to medium scale mining of limestone, magnesite, marble, talc, coal, peat, clay, salt, talc, mica, quartz crystals, semiprecious and precious stones, dimension/ paving stones, roofing slates are in operation by the private organizations after obtaining mining licenses from the DMG. There are over 29 limestone quarries supplying limestone to the cement industries (Kaphle, 2011). The Mines and Mineral Act and Regulation 2056 is silent on the OSH provisions to be adopted during the mining process. However, the OSH plans are made mandatory for the mining industry during Initial Environmental Review or EIA for receiving the project approval from the concerned ministry /agency. Furthermore, the Labour Act 2075 necessitates OSH provisions as mentioned in chapter 13 as a general and mandatory provision for any industry type.

The Mines and Mineral Act and Regulation of Nepal provide subsequent provisions regarding improved safety and security of mine and associated workers., proper land usage, and for undertaking mining activities in an environmentally responsible manner. Further, the government of Nepal has not developed and formulated any guidelines and code of conduct related to mines and mineral extraction, and for further processing despite being considered as one of the hazardous industries.

## **20.3 Agriculture**

The agriculture sector is defined as an informal sector work in Nepal. Agriculture is one of the most hazardous sectors of work and requires special attention. Safety and health risks in this sector are numerous and diverse not limited only to manual handling of heavy materials and loads, strenuous work postures, long and irregular working hours, exposure to extreme weather conditions, pesticides, and other agrochemicals. The farms also harbor opportunities for parasitic infection and animal/insect bites. Basic amenities for sanitation and welfare are often missing in the establishments. All these hazards are ever-increasing because the workplace for agriculture often overlaps with the family dwelling. It is a very common practice to observe tools, fertilizers, and pesticides stocked in the farmers' houses, increasing the greater risk of exposure to all the family members, especially children.

The Labour Act Chapter 13 of section 84 specifies special provision for the employer's responsibility towards labour:

- ❖ The employer shall offer free minor treatment to their injured works and shall deploy trained health assistants in the industry and make the medical tools available.
- ❖ The employer shall arrange an entertainment facility for the workers and their families for the development of physical and mental health.

Likewise, Nepal Pesticide Regulation 1993 has established guidelines for the management of pesticides in Nepal. Pesticide management involves activities like regulatory control, proper handling, supply, transport, storage, application, use, waste management, and disposal of obsolete pesticides to minimize the adverse environmental effect and human exposure.

The Ministry of Agriculture and Livestock Development has not any special program related to OSH. However, the District Agriculture Office conducts periodic awareness program targeted to the farmers for the safe use of pesticides. Similarly, ILO has also been conducting periodic OSH training programs in the various tea-based industries and cooperatives in Nepal.

#### **20.4 Workplaces using hazardous substances and chemical.**

The Government of Nepal is yet to categorize industries using hazardous substances and chemicals. However, the Environmental Protection Act has enlisted 55 different types of industries that have to follow Initial Environmental Examination or Environmental Impact assessment depending upon the size and investment.

Further in 2014, SEAM-Nepal (Strengthening of Environmental Administration and Management Nepal, completion phase) conducted a study on the categorization of the Most Health Hazard Industry, 2014 and submitted it to the Ministry of Labour and Employment for required further actions. As per the study finding, there were 22 industrial sectors and 82 types of industries for manufacturing industries. Out of 22 industrial sectors, 7 seemed very significant (> risk score 3.6), 15 significant (risk score > 2.6), 13 moderately significant (> risk score 1.6) and 3 non-significant (< risk score 1.5). Similarly, out of 82 industrial types, 9 were found very significant, 48 significant, 22 moderately significant, and 3 non-significant. Based on the facts and the contemporary international practices it was recommended to provide color coding to the industries with Red, Orange, Yellow & Green colors respectively indicating the level of hazard as very significant, significant, moderately significant, and non-significant. (SEAM-Nepal completion phase, 2014).

The study used secondary data from 1500 industries compiling information and data from different sources such as Labour Offices, Office of Cottage and Small Industry (CSI), and Chambers of Commerce and Industry (CCI), and the primary data was collected from the selected industries within six districts from the project area. Further, the results were compared with National (CBS, Nepal Standard Industrial Classification -2056/2000) and International Standards (United Nations Statistics Division - Industrial Classification Systems and Codes).

#### **20.5 Prevention of major industrial accidents**

The classification of industries in Nepal uses the range of fixed capital for determining the level of the respective industry. The enacted Industrial Enterprise Act, 2076 (2020) defines the industries as laghu (micro), cottage, small, medium, and large-scale industries/enterprises, and further categorizes the industries into eight different class based on the nature of goods and services like energy-based manufacturing, agriculture and forest product, mines, infrastructure, tourism, information technology and communication, and service. Also, the act stipulates

various provisions in terms of the benefits relating to health, safety, security, and inclusion. The act has stipulated the following fixed capital provision for categorizing different types of industries:

Laghu enterprise: Fixed assets of 20 Lakh with a maximum number of nine employees.

Cottage industries: Not declared.

Small Industries: Fixed assets of 15 Crore.

Medium Industries: Fixed assets of 15 – 50 Crore.

Large Industries: Fixed assets of more than 50 Crore.

According to the economic survey 2017/2018, 7832 industries are registered to date.

Among industries registered by mid-March of FY 2018/19, by their number, the share of manufacturing industries occupies 37.9 percent, service industries 27.8 percent and tourism industries 21.8 percent, and the remaining is shared by other industry types. (Economic Survey Report, 2019).

Table: Industry Registration Details (From the beginning to mid-March of FY 2018/19) (Rs. In 10 million)

Classification of industry	No. of Industry	Total capital	Fixed capital	Proposed employment
Large Scale	1078	157769.2	147164.4	154791
Medium Scale	1698	16183.7	11195.2	156945
Small scale with foreign investment	5056	8423.4	5303.3	279365
Total	7832	182376.3	163662.9	591101

Source: Industry Department, FY 2018/19

Among industries registered by mid-March of FY 2018/19, by their number, the share of manufacturing industries has occupied 37.9 percent, service industries 27.8 percent and tourism industries 21.8 percent, and the remaining share by other industry types.

Table: Registration and Investment by Industry Types # (Rs. in 10 million)

Classification of industry	Number	Total Capital	Fixed capital	Working capital	Employment
Agriculture and forest based	456	2464.95	2139.53	337.22	35302
Construction	58	4992.2	4843.1	149.2	3801
Energy	350	102015.2	99876.6	2138.7	32483
Information, Transmission and Communication	50	203.7	152.0	51.8	2401
Manufacturing	2976	43390.3	33677.1	9697.4	320003
Mining	69	688.4	576.6	112.0	7204

According to the EPR 2020, there are Seventy-eight types of industries that require the conduction of Environmental Impact Assessment including the development of OSH plan. Although it is not mandatory, the respective authority seeks to incorporate the OSH plan in the individual assessment report.

The government has formulated various guidelines to reduce industrial accidents. The OSH-related guideline applies to the brick sector and construction work. The guideline for the construction work sector is relevant only for the Government-owned project and is developed by the Department of Local Infrastructure Development and Agricultural Roads (DoLIDAR). In addition to these, recently Federation for Handicraft Associations of Nepal (FHAN) Thapathali, Kathmandu has developed Code of Practice on Occupational Safety and Health for the non-Ferrous Home-based Economic Units, 2019. The code of practice was developed with the technical assistance of ILO and UNIDO. However, the implementation is at its early stage and will require some time for the full-fledged implementation.

Further, the OSH standard on noise, light, and dust has been also promulgated by the Government of Nepal, Ministry of Labour, Employee, Social, and Security. The implementation of the developed OSH standard at the enterprise level is very low. However, multinational companies like the Coca-Cola industry Bharatpur, Unilever industry, Hetauda, Asian Paints Hetauda, and Bijaya Distillery industry has established and implemented Occupational Health and Management System and received certification of ISO 45001: 2018 Occupational Health and Management System. Further, eight companies have received ISO 45001: 2018 Certification. These industries are Avinash, Subhashree Agni Cement, Highland Distillery, Vijaya Distillery, Surya Nepal, Singh Durbar construction project, Ghorahi cement, Hongshi cement (URS Nepal website).

SEAM-NEPAL Project had supported the OSH program in the eastern region Dharan Biratnagar Industrial corridor to more than 100 industries from 2002-2014. The project had also piloted the accident recording and reporting system where the industries were capacitated to record the incident and display the information. The display boards had three categories viz major accident, minor accident, and fatal accident. Some of the industry like Pragati Textile Industry Khanar, JBS industry Itahari, Hulas Industry, Tankinsinwari, reported that they have been carrying out some OSH activities at their workplace annually. In the overall scenario, very few industries have established Occupational Health and Safety Management System and are in functions. Most industries do not have any emergency preparedness program to cope with emergencies. However, most of the industries have developed fire-fighting mechanisms with the installation of fire extinguisher units and personnel trained to handle fire situations.

## **21. Mechanisms to prevent industrial disaster, protect the environment and promote public safety**

The governance of disaster in Nepal is regulated and guided by the Constitution and the Disaster Risk Reduction and Management (DRRM) Act, 2017. The Constitution of Nepal authorizes local government and the governing structures at the federal, provincial, and local levels for any disaster management. The Constitution infers on providing the support by the Federal and Provincial levels on the efforts of local government for effective management during a disaster. Despite Constitutional clarity, the ambiguity provided by DRRM Act and other related legal provisions create greater confusion on roles, responsibilities, and accountability between the three levels of government. The DRRM National Council to clear out this confusion has decided to establish authority, responsibility, and accountability based on the nature, intensity, and scale of disasters (Information based on the meeting decision 2 of the National Council on May 5, 2019).

The DRRM Act prescribes formal structures, roles, and responsibilities at the Federal, Provincial, district, and Local levels. At the federal level, the Act identifies for the formation of two committees firstly, a DRRM National Council, Executive Committee, and secondly, the National Disaster Risk Reduction and Management Authority (NDRRMA). The First Amendment of the DRRM Act in 2019 establishes an inclusive provision to incorporate Provincial Level together with a formation of a Province Disaster Management Council (Chapter 6, Clause 13Ka). Together with this, the amendment also specifies the structure and functions of Provincial Disaster Management Executive Committees. The Act also stipulates the formation of a Disaster Management Committee effective at the local government. Moreover, the Local Government Operationalization (LGO) Act 2017 guides the local governments to establish disaster management structures and functions for each local government reaching to the lowest administrative units.

The DRRM Regulations 2076 specifies the functions of different government decision-making mechanisms in line with provisions stipulated by the DRRM Act. National DRRM Policy 2075 and Disaster Risk Reduction National Strategic Action Plan 2018-2030 are the two comprehensive documents produced by the Government of Nepal encompassing different priority areas to guide diverse actors and stakeholders.

The Federal Government is responsible for mainstreaming DRRM and establishing harmonized policies and institutional support systems. It is equally accountable for managing Level-3 disasters and for providing support to the provinces and local governments based on the received demands. Federal agencies are responsible for seismic, meteorological, and hydrological monitoring systems and advanced forecasting, and early warning systems. The Federal government also holds primary responsibility for coping with unprecedented hazards, such as COVID-19.

The legal requirements ascertain the Provincial Governments for independently managing disaster of Level-2 scale without seeking any Federal support. The Provincial Government is

required to collaborate with the Federal agencies for the management of Level 3 disaster, with Federal structure support on preparedness activities, and for the backstopping efforts during disaster response. The provincial government has to assess the impact of the disaster to recommend the Federal Government for a declaration of localized or province-wide emergency. The Provincial Government is accountable for providing overall required guidance and capacity building for the Local Governments.

The Local Governments are assigned with logistics and resources to manage a disaster of Level 0 -and also primarily manage Level - 2 and 3 disasters before external help reaches the worst affected areas. The Local Government is required to develop the capacity in assessing required immediate relief needs. They are also responsible to manage relief distribution and develop databases of vulnerable populations, vulnerability profiles, and disaster risk profiles.

There should be a differentiated responsibility between rural and urban municipalities and sub-metropolitan and metropolitan jurisdictions. Standard operating procedures would enable a more systematic disaster response. Municipalities must seek technical support from their Federal and Provincial counterparts for hazard mapping; risk monitoring, risk reduction, and mainstreaming DRR into development activities. They must immediately inform concerned actors of any disaster incidents. Municipalities should take early action, based on early warning systems provided by the Province or a Federal agency.

Although t a National Disaster Risk Reduction and Management Policy, Act, and Guideline are in place for the national context, there is no separate authority to monitor the hazardous industries to date. The industries which have established Occupational Health and Management System have developed their emergency preparedness plan and conducts periodic drills. Some examples of industries that have established OSHMS and Environment Management System are Coca-Cola, Bharatpur and its branches, Unilever Industry Hetauda, Asian Paint Industry Hetauda, Bijay Distillery Industry, Shivam Cement Industry Hetauda, Maruti Cement industry Hetauda, Hongshivam Cement Industry, etc.

## **22 OSH policies and programmes of organizations of employers and workers.**

### **22.1. Policies, programmes and activities in OSH by employers' organizations**

The Labour Act prescribes various responsibilities to the employers for safeguarding OSH for the workers to developing a safer workplace. The available data from Labour and Employment Office suggest that less than twenty percent of industries across the country have OSH policies and stringent plans in safeguarding the safety and health of the workers. Most of these industries and employers' organizations fall under the category of large-scale industry and multinational companies. A bigger segment of medium and other smaller-scale industries is yet to develop OSH-targeted activities, plans, policies, and programs.

The observations and information suggest that employers' organization provides additional facilities such as transportation, hygiene, and sanitation, canteen, safe drinking water. A periodic risk assessment to reduce potential hazards is also performed by a few of these organizations. Similarly, the development of a safety committee and stringent action plans are also known in a few of these industries. This practice is however very limited across the nation, and this best practice is yet to be replicated by most of the industries in Nepal.

### **22.2. Policies, programmes and activities in OSH workers' organization**

#### **Nepal Trade Union Congress (NTUC)**

Nepal Trade Union Congress (NTUC) was reestablished on 29th May 1990. The sixth general assembly of the Nepal Trade Union Congress (NTUC) was held in 2018. The NTUC unites workers in the service, production, informal, and self-employment sectors and has been working towards social security, the dignity of labour, women, and youth empowerment to strengthen the entire Trade Union Movement. In the Nepalese context, NTUC has been actively campaigning on issues such as the guarantee of social dialogue and the representation and participation of workers in all three levels of the government. NTUC is affiliated with ITUC since its establishment. It has a vision of building a prosperous nation based on social justice through organized workforce. It carries a mission to raise the living standard of the workers through sustainable practice and development by cooperating with stakeholders. The union provides training on OSH to its affiliated members and collaboration with Building & Wood Workers International (BWI) has been established.

#### **National OSH Policy of NTUC**

- NTUC OSH department aims to increase accessibility reachability extending up to the local level.
- Affiliated unions will strive to formulate/established the OSH committee in their respective establishment/factory/institutions.
- OSH awareness program will be extended up to every enterprise-level trade union.
- Striving to develop at least one skilled OSH Trainer on each enterprise for OSH awareness and promotional programs.

- Lobbying to conduct Safety Audit for enterprises.
- Conduct refresher training for the enterprise-level half-yearly or annually.
- Maintain records and statistics for accidents especially fatal and major injuries.
- Bilateral and multilateral social dialogue for OSH issues with stakeholders.
- Lobbying with the government for appropriate OSH provisions requiring amendment and/or additions on the OSH regulations.
- Build up a cordial relationship with the national and international organization working in the field of OSH.
- Conduct the OSH conference each year.
- Development and training delivery on the OSH effect of nanotechnology.
- COVID -19 prevention and preventive action reaching the lower tier of the union and its affiliates.

### **General Federation of Nepalese Trade Unions (GEFONT)**

General Federation of Nepalese Trade Unions (GEFONT) was established on 20th July 1989. It has 20 affiliates covering fields of agriculture, industries, and services reaching sectors such as manufacturing, textiles and clothing, carpet industry, transport, hotels, restaurants and catering, tourism, printing, auto-mechanics, food production, breweries, chemical and metal industry, rickshaw pullers, tea plantations, street vendors, private school, hairdressers & beauticians, employees of the security sector, thanka painting, tax- counseling, courier & cargo service, gold and jewellery work, construction, and agriculture<sup>6</sup>.

GEFONT represents nearly 400,000 workers from all its affiliates. Over 33% of women have been elected to the National Executive Committee during its 5th National Congress. GEFONT is one of the founders of the international trade union body- the International Trade Union Confederation (ITUC) established in November 2006. GEFONT affiliates are affiliated with various Global Union Federations (GUFs).

A study entitled “Current Situation of Occupational Safety and Health in Nepal: a study report was conducted by GEFONT in 2011 evaluating workplace environment, safety issues in workplaces, awareness of Occupational Safety and Health (OSH) within the labour body and it also recommended possible measures to improve the conditions.

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<sup>6</sup><https://www.gefont.org/> accessed on 2 Dec 2020

## **23 Regular or ongoing technical cooperation activities related to OSH, including international collaboration and a list of ILO projects having OSH components:**

Recently, the Government of Nepal formulated and launched the National OSH Policy in January 2019. The policy was developed with the technical collaboration of ILO and involved multi-stakeholder consultation.

The government of Nepal is working in close collaboration with ILO to implement this policy. Further, ILO had previously supported the Government in developing the Occupational Safety and Health guideline for DOLIDAR. Similarly, ILO had provided technical assistance to FHAN to develop the Code of Practice on Occupational Safety and Health for non-Ferrous Home-based Economic Units.

In addition to this ILO is implementing the Project called Safety + Health for all plantation workers of South Asia (India, Nepal, Sri Lanka). As per the draft project document, the ILO is implementing various activities in collaboration with MoLESS and trade unions, Tea Plantation and Cardamom Sector for improving the OSH performance.

Further, the project also envisions supporting the government for the adoption of ILO 155 convention. The project may require conducting a gap analysis and provide technical advice for necessary legal reformation to align with existing OSH national legislation and International Labour Standards. Likewise, ILO is also supporting technical assistance in improving the Inspection system of the inspectorate adapting to the ILO methodology. The draft report of the project document is attached in the annex.

The list of the ILO projects having OSH components is given in the below table.

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**Compilation of List of Occupational Safety and Health Interventions in Nepal covering the last three years (2017-2020)**

**CO-Kathmandu (11. 08.2020)**

Activities	Status or completion date	Source of fund /Name of the project
<b>COVID 19 responses</b>		
ILO technical assistance to National Business Initiatives (NBI) to prepare the COVID 19: Basic Business Preparatory Guidelines (14 May 2020) including inputs from the ILO Specialist on OSH. NBI is distributing it to its members (5000 businesses).	Completed - March 2020	ILO
Translated into Nepali and dissemination of the following COVID 19 communication materials produced by the ILO: - A short video clip on, "Covid-19: Three tips to protect SME Workers" - A short video on, Protecting workers: OSH tips for workplaces. -A PowerPoint presentation on "In the face of a pandemic: Ensuring Safety and Health at Work" - Prevention and Mitigation of COVID-19 at Work ACTION CHECKLIST (this one included in the employers' guide produced by NBI as mentioned above)	April 2020	Regular Budget for Technical Cooperation (RBTC)
2 mitigation of COVID-19 in the workplace trainings (with FNCCI and later with Felt & Wool Association)	June & July 2020	ILO Skills for Employment and Productivity( SEP)
Web-based Training of Trainers (ToT) Programme on "Promoting Occupational Safety and Health (OSH) in Micro, Small and Home Based Enterprises in Lower Tiers of Supply Chains including Post COVID 19 Response -For Government, Members of Trade Unions and Community Based Organizations, working for Homebased Workers in Nepal)	June 2020 and March 2021 (80 plus participants)	Sustainable Global Supply Chains (SGSC)
Web-based Training of Trainers (ToT) Programme on "Promoting Occupational Safety and Health (OSH) in Micro, Small and Home Based Enterprises in Lower Tiers of Supply Chains including Post COVID 19 Response -For Eos (FHAN, FWEAN & FNCSI)	July 2020 and March 2021 (70 plus participants)	SGSC
<b>OSH Programme Interventions</b>		
<b>Labour compliance frameworks</b>		
- OSH Guidelines for Rural Road Construction developed by the Department of Rural Road with support from ILO SNRTP project and endorsed by the Department of Rural Road in December 2017.	December 2018	ILO- Strengthening

Web Link: <a href="https://www.ilo.org/dyn/asist/docs/F1632301305/Occupational%20Safety.pdf">https://www.ilo.org/dyn/asist/docs/F1632301305/Occupational%20Safety.pdf</a>		National Rural Transport Programme
- Occupational diseases list [as per Section 82(1) under Labour Law] [under discussion]	August 2020	ILO Skills for Employment and Productivity (SEP)
<b>Labour Administration and Inspection</b>		
- Assessment on Labour Administration (ongoing with MoLESS) [Mahandra G Naidoo from DWT leading this]	July 2020 -	ILO SEP
- Training to Labour inspectors (based on labour administration assessment) [Mahandra G Naidoo from DWT leading this]	January - July 2020	ILO SEP
<b>Workplace and industry level initiatives/practices to promote safety &amp; health</b>		
- Support to FNCCI, CNI and their affiliates to operationalize OSH committees (under their IAs)	September 2020 – July 2021	
- Support to FHAN, FWEAN, GEFONT, ANTUF and NTUC to rollout the OSH trainings , develop brochures and posters on OSH for promoting OSH practices at their workplaces of small and micro homebased enterprises with their workers (from IAs)	July 2020 to March 2021 (More than 40 enterprises owners and 500 workers trained on it)	SGSC
<b>Data and knowledge generation</b>		
National OSH profile development – work in progress	October 2020	ILO (RBTC)
OSH training Manual for IPs /Handbooks development	June 2019	SGSC
<b>Institutional strengthening</b>		
Support to develop FHAN voluntary Code of Practice on Occupational Safety and Health for non-Ferrous Home Based Economic Units (from IAs)	January 2020	SGSC
<b>National level OSH networks</b>		
UN OSH Coordination committee –sharing of information		
Capacity building of National OSH Professionals		
Training Conducted		

Training of Trainers on Occupational Health and Safety for Home-Based Workers- ILO's Work Improvements for Safe Home (WISH) Training Programme (To government, EOs, TUs, Social partners)	March 2019	SGSC
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## 24 Financial and budgetary resources by the government, universities/technical institutions and private organizations with regard to OSH.

The available budgetary resources provided by the government of Nepal for Labour and OSH administration, inspection, regulation, and capacity building for FY 2077/78 (2020/21) to the following agencies have been listed below.

S. N.	Agency	Budget (Rs in thousands)
1	Department of Labour & Occupational Safety	32400
2	OSH center, Bhaisepati	20400
3	Labour and Employment Office, Bhadrapur, Jhapa	7745
4	Labour and Employment Office, Biratnagar	10774
5	Labour and Employment Office, Janakpur	11854
6	Labour and Employment Office, Birgunj	6804
7	Labour and Employment Office, Hetauda	7446
8	Labour and Employment Office, Teku, Kathmandu	9556
9	Labour and Employment Office, Pokhara	10711
10	Labour and Employment Office, Butawal	11196
11	Labour and Employment Office, Nepalgunj	26639
12	Labour and Employment Office, Surkhet	10634
13	Labour and Employment Office, Dhangadhi	11141

The above budget includes the cost for office infrastructure, operation and maintenance, salary, and OSH awareness program. The Occupational Safety and Health Center Bhaisepati conducts OSH-related activities throughout the country especially the industrial monitoring and capacity building of OSH professionals from industry, government, and employer associations. The data suggest that NPR 65,000,000 is allocated for the program budget on various OSH activities. Each Labour and Employment office is provided with an OSH awareness program budget of NPR 80,000 and NPR 100,000 as allowances for inspecting personnel.

No data on the financial and budgetary resources by universities/technical institutions and private organizations are available.

## **25 Data addressing demography, literacy, economy and employment, as available, as well as any other relevant information**

Nepal is a landlocked country situated in South Asia occupying 0.03 % and 0.3% land area of the World and Asia, respectively. Nepal has a diverse topography and climate and stretches from east to west with an average length of 885 kilometers and widens from north to south with an average breadth of 193 kilometers. Nepal has three ecological belts, the northern mountain belt includes the Himalayas, the middle belt with hills and valleys, and the plain area situated in the southern part of Nepal. Nepal is a federal nation with seven provinces which is further divided into 753 local levels including 460 Rural Municipalities, 276 Municipalities, 11 Sub Metropolitan Cities, and 6 Metropolitan Cities. There are 77 administrative districts in Nepal. According to the National Population Census estimates as of July 2020, the population of Nepal is 30,327, 877 with an annual growth rate of population of 0.98% with a median age of 25.3 years. Nepal has 123 ethnic groups and the 2011 census reports of Hindu 81.3%, Buddhist 9%, Muslim 4.4%, Kirant 3.1%, Christian 1.4%, other 0.5%, unspecified 0.2% religion of the population.

The Nepal Labour Force Survey<sup>7</sup> (NLFS III) conducted by the Central Bureau of Statistics in 2017/18 states that the working-age population (15 + years) has a share of 71.5 percent (20.7 million) of the total population of which 55.6 percent were females. One in every five people who had jobs in Nepal were employed in agriculture, the biggest employing industry. The trade industry had the second-largest share of employment (17.5 percent), followed by construction (13.8 percent). The informal sector had a bigger share of 62.2 percent. The unemployment rate was found highest among the young people, aged 15-24 years, and declines with increasing age. The labour market of Nepal also evident of gender inequality, it is reported that for every 100 males in the working-age population, there were 125 females. However, when it came to employment, for every 100 employed males there were only 59 employed females.

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<sup>7</sup>[https://cbs.gov.np/wp-content/uploads/2019/04/NLFS-III\\_Final-Report.pdf](https://cbs.gov.np/wp-content/uploads/2019/04/NLFS-III_Final-Report.pdf)

## **26 Analysis of gaps in existing national OSH system and recommendations of action areas to be included in National OSH Programme (national action plans in OSH)**

### **Gaps**

- The Labour act 2017 encompasses OSH legal provisions (Section 12) mostly related to manufacturing industries and only a few special provisions exist for the construction sector. The Act does not speak on the agriculture-based industries except for few directives on the specialized tea plantation sector.
- The existing labour act does not cover all the aspects of OSH. For example, the design of the workplace according to the nature of work.
- Lack of Province-level OSH legislations.
- The existing OSH standards do not include all major OSH aspects.
- Ratification of ILO conventions (155, 187) and approval of recommendations on Occupational Health Services Convention (161, 171).
- Designation of multiple roles at the National Authority body. For example, the department of labour and Occupational Safety looks after the labour relations, work permits for foreign nationals, trade union registration while similar responsibilities are mandated to the LEOs.
- A lack of coordinated effort of the related ministries and concerned stakeholders.
- The LEO face several constraints resulting in weaker inspection systems. The offices utilize most of their time for the settlement of labor disputes, child labour, trade labour registration, foreign employment, etc.
- Weaker enforcement of existing legal mechanisms related to OSH.
- Lack of robust data on occupational diseases, injury, and accidents due to poor recording/reporting systems and mechanisms.
- The existing National Tripartite Labour Advisory Council has not been able to prioritize and address OSH issues.
- The OSH focal position is mostly vacant at the MoLESS.
- Lack of awareness at all levels of government staff on OSH.
- OSH seems to be a low-priority sector for the Government of Nepal.
- Lack of adequately trained human resources in the area of OSH.
- Lack of or no allocation of budget for the OSH activities in the major ministries.
- The categorization of most health-hazardous industries is missing.
- Lack of Construction-related work standards, its effective compliance mechanisms and the performance appraisals.
- The Labour Act does not mandatory require the assessment and reviews of any project in terms of labour and working conditions including OSH requirements before its approval.

- The Labour Act does not require development projects to prepare a Labor Management Plans/Procedure or OSH Plan.
- All of the enterprises do not OSH Committee and nor OSH Policy are formulated attributed to the lack of enforcement and low level of awareness.
- The workers are primarily engaged on collective bargaining on issues relating to remuneration. overshadowing OSH issues.
- Poor coordination mechanism at all levels
- No legal obligation for the development of OSH Management system.
- Weak inspection and enforcement mechanism.
- Lack of a list of occupational diseases and conditions.
- Very limited OSH R&D

### **Recommendations**

- Develop a comprehensive framework of OSH laws covering workers from all economic sectors.
- Implement National Policy on Safety Health by both central and state governments.
- Develop and implement a strategic National OSH Programme in line with ILO Promotional Framework for OSH Convention (No 187).
- Develop and categorize sectoral guidelines/directives on OSH related to the most health-hazardous industries.
- Categorized the hazard industries based on the use of hazardous substances and chemicals as well as manufacturing process-wise.
- Encourage Provincial Government to formulate and implement OSH legislation.
- Develop further generic and sector-specific OHS standards for most hazardous industries.
- Develop a comprehensive national enforcement policy employing inspectors with core competencies.
- Strengthen occupational injury and disease reporting systems.
- Implement national forums on safety and health including government, employer, and worker representatives to develop national safety and health policies and legislation.
- Identify a broad range of safety and health training needs assessing current OSH capacity. Recommendations include establishing autonomous public OSH institutions and encouraging more academic engagement by offering OSH-related courses at universities, academic institutions, and industry-specific training centers.
- Implement worker's compensation as an integral part of a safety and health program.
- Provide financial incentives through the tax deduction for employers with best OSH practice and penalties for the defaulters.
- Ratification of ILO Convention No. 155.
- Establish and maintain Occupational incident, injuries and disease data management center at both central and provincial level.

- Encourage employers to formulate enterprise-level OSH Policy and establishment of the safety committee.
- MoLESS needs to lead and play actively enabling effective coordination with other ministries and agencies in the area of OSH.

**Action required to strengthen the OSH government structure.**

There is an immediate need to formulate legislation covering all major sectors of economic activities relating to OSH.

- Adequate resources including budgetary and human resources need to be allocated for the effective functioning of OSH planning and enforcements.
- For implementation, a separate budget needs to be allotted by all the ministries /departments of the central government and the state governments.
- Strengthening the Department of Labour and OSHC has to be the highest priority of the government.
- Need for integrating policies, plans and coordinated effort of different related Ministries.
- Diversified technical guidelines and OSH standards have to be developed incorporating all major OSH sectors and concerns.
- Ratify ILO Convention No.155.
- There is an immediate need to establish and maintain Occupational incidents, injuries and disease data management centers at the central and province level.
- There is an immediate need to encourage employers to formulate enterprise-level OSH Policies and establishment a safety committee.

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- Website, Ministry of Labour, Employment and Social Security
- Website, Ministry of Health and Population
- Website, Ministry of Agriculture and Livestock Development
- Website, Ministry of Federal Affairs and Local Development

### List of Respondents

Mr. Sant K. C, DoLOS  
Er. Mani Nath Gope, DoLOS/OSHC  
Er. SujanJojiju, MoLESS  
Mr. Hansa Ram Pandey, FNCCI  
Mr. Narayan Karki, FNCSI  
Mr. Deepak Khadka, AAN  
Mr. Thakur Neupane, AAN  
Mr. Bikash Khadka, AAN  
Ms. Sakunta Shrestha, FNCCI  
Mr. Rishi Raj Subesi, FHAN  
Ms. Mohan Katuwal, Grill association  
Mr. Prem Ayer, FCAN  
Mr. Ms. Rejina Shakya, FHAN  
Mr. Deepak Poudel, GEFONT  
Mr. Rajesh Palikhe, NTUC,  
Mr. Ganesh Regmi, ANFTU,  
Mr. Janak Chaudhari, GEFONT,  
Mr. Bidur Karki, GEFONT  
Mr. Sanjaya Dahal, NUTC  
Mr. Indra Dev Yadav, CEO, Office of NTUC  
Mr. Devi Lamsal, NTUC  
Mr. Pradip Acharya, NTUC  
Mr. Rajedh Palikhe, NTUC  
Mr. Rajesh DC, national dairy development board  
Mr. Umesh Uppadhya, National Labour Academy  
Mr. Gopal Ghimire, GEFONT  
Mr. Krishna Rimal, GEFONT  
Mr. Tek Mahat, Hotel Association of Nepal  
Er. Suresh Shresth, Director of Department of Industry  
Mr Surendra Thapa, Director, Department of Tourism  
Er. Arjun Chaudhari, FI, LEO Biratnagar  
Er. Kamal Paudyal, FI, LEO Butawal  
Er.Hari Chaulaghai, FI , LEO Nepalgunj  
Er Durga Acharya, FI, LEO Jhapa  
Er. Jitendra Sharma, FI, LEO Janakpur  
Er. Prashant Shah, FI , LEO Hetauda & Birgunj  
Er. Chanda Narayan Shrestha, FI, LEO, Pokhara

## **Labour and Employment Office Details**

### **Labour and Employment Office, Bhadrapur, Jhapa**

The inspection staff and infrastructure of this office is as.

Factory Inspector: Er. Durga Prasad Acharya

Inspection vehicles: Bolero jeep and motorcycles

Inspection budget: 1 lakh for TADA

The following is the staff members of this office.

- i. Factory Inspector -1
- ii. Labour Inspector -1
- iii. Administrative Assistant -2
- iv. Accountant -1
- v. Office Assistant -2
- vi. Driver -1

### **Labour and Employment Office, Biratnagar**

The staff composition of this labour and employment office is as follows;

- i. Senior Labour Officer -1
- ii. Factory Inspector -1
- iii. Labour Officer -2
- iv. Mechanical Supervisor -2 (Vacant)
- v. Administrative Assistant -2
- vi. Accountant -1
- vii. computer operator-1
- viii. Office Assistant -3
- ix. Driver -1

This office has vehicle for inspection and factory inspector Mr Arjun Chaudhari working for OSH inspection.

### **Labour and Employment Office, Janakpur**

Factory Inspector: Er. Jitendra Sharma

Vehicle for inspection: Scorpio

Budget for inspection: provided but not sufficient

The following are the staff composition of the LEO Janakpur;

- i. Senior Labour Officer (Vacant)
- ii. Factory Inspector -1
- iii. Labour Officer – 2 ( 1-Vacant)
- iv. Mechanical Supervisor -1 ( acant)
- v. Administrative Assistant -2
- vi. Accountant -1
- vii. Office Assistant -3
- viii. Driver -1

### **Labour and Employment Office, Parsa, Birgunj**

The Office is assigned with the following number of staffs and infrastructures.

- i. Factory Inspector: Mr Prashant Shah
- ii. Labour Inspector -1
- iii. Mechanical supervisor -1
- iv. Administrative Assistant -2
- v. Accountant -1
- vi. Office Assistant -2
- vii. Driver -1

### **Labour and Employment Office, Hetauda**

The LEO Heatuada consists of the following human resources

- i. Factory Inspector -1
- ii. Administrative Assistant -2
- iii. Accountant -1
- iv. Office Assistant -2
- v. Driver -1

The inspection work is carried out with the Maruti -800 vehicle and motorcycle provided and the budget for this fiscal year for inspection is around 1 lakh.

### **Labour and Employment Office, Teku, Kathmandu**

The composition of staffs for this LEO is as following;

- i. Senior Factory Inspector -1
- ii. Factory Inspector -1
- iii. Labour Officer -1 (Vacant)
- iv. Mechanical supervisor -2 ( Vacant)
- v. Administrative Assistant -2
- vi. Accountant -1
- vii. Computer Assistant-1
- viii. Office Assistant -2
- ix. Driver -1

This is the only office with senior factory inspector and provided with 4WD vehicle for the inspection.

Senior Factory Inspector: Er Khagendra Bahadur Basnet

Factory Inspector : MrMachakajiTandulkar

There is around 1 lakhs budget for OSH activities and each year

### **Labour and Employment Office, Pokhara**

This staff composition of this labour office is as follow.

- i. Senior Labour Officer -1
- ii. Factory Inspector -1
- iii. Labour Officer -2
- iv. Mechanical supervisor -2
- v. Administrative Assistant -2
- vi. Accountant -1
- vii. Computer Operator-1

- viii. Office Assistant -3
- ix. Driver -1

**Labour and Employment Office, Butwal**

with the strength of following staffs;

- i. Senior Labour Inspector -1
- ii. Factory Inspector -1
- iii. Labour Inspector -1
- iv. Mechanical supervisor -2
- v. Administrative Assistant -2
- vi. Accountant -1
- vii. Office Assistant -2
- viii. Driver -1

**Labour and Employment Office, Nepalgunj**

The composition of office staffs is as following;

- i. Factory Inspector -1
- ii. Administrative Assistant -2
- iii. Accountant -1
- iv. Office Assistant -2
- v. Driver -1

**Labour and Employment Office, Surkhet**

The office staff of this LEO is as following;

- i. Senior Labour Officer -1 (Vacant)
- ii. Factory Inspector -1
- iii. Labour Officer - 2
- iv. Administrative Assistant - 2
- v. Accountant -1
- vi. Computer Operator -1
- vii. Office Assistant - 3
- viii. Driver -1

**Labour and Employment Office, Dhangadi**

This labour office have following staffs positions.

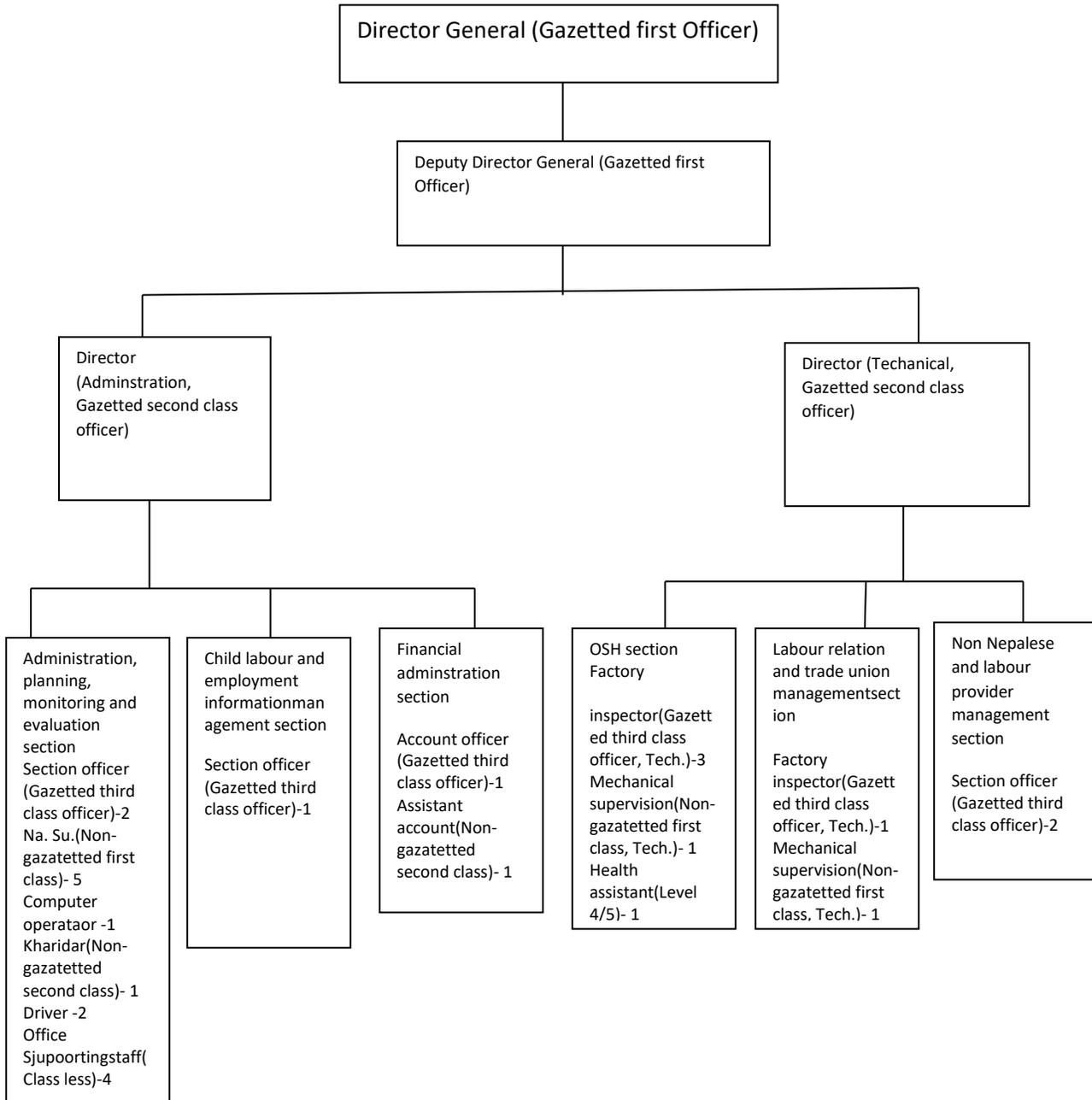
- i. Senior Labour Officer -1 (Vacant)
- ii. Factory Inspector -1 ( Vacant)
- iii. Labour Officer - 2
- iv. Mechanical supervisor -1 (Vacant)
- v. Administrative Assistant -3
- vi. Accountant -1
- vii. Computer Operator-1
- viii. Office Assistant -2
- ix. Driver -1

# Organization Chart

(Unofficial translation)

## Ministry of Labour, Employment and Social Security

### Organisation Chart of the Department of Labour and Occupational Safety



## **Provisions Relating to Labour Inspection (Chapter 15 of Labour Act, 2017)**

### **Powers, functions and duties of the Office**

- 1) The powers, functions and duties of the Office shall be as follows:
  - a) to carry out inspection and find out whether minimum wage fixed according to this Act, allowances and benefits entitled to receive according to collective agreement or rights given to the employers and trade unions by the prevailing laws are enforced or not;
  - b) to conduct regular inspection to find out whether this Act or rules made under this Act are being effectively enforced or not and give necessary direction to the concerned party for their enforcement;
  - c) to conduct training on standards or codes of conduct as formulated according to this Act or any other prevailing laws and carry out a regular inspection to find out whether they are enforced or not;
  - d) to provide necessary technical support to the employers and trade unions if they seek such support for conducting necessary training;
  - e) to give direction to employers to produce OSH standards or employee rules or other related documents;
  - f) to enforce collective bargaining agreement entered into between employers and workers or decision of the arbitrator;
  - g) to inspect and find out whether children are employed or not and immediately rescue the children if found employed and take action against such employer accordingly;
  - h) to carry out inspection to find out whether the employer has implemented the provisions relating to OSH prescribed in Chapter 12 of this Act for any enterprise or workplace or not;
  - i) observe and inspect the equipment installed in the workplace, tools, apparatus or objects or material and examine whether such equipment, tools, apparatus or objects or material is of prescribed standard or not and if the test is required, collect samples of the same;
  - j) to conduct or cause to conduct a periodic or immediate inspection in the enterprise or workplace;

- k) to give an order to the concerned enterprise or the officers of such enterprise to produce electronic record including register or written documents and if they are not provided, take control of the original register or written documents by entering into such enterprise;
  - l) to collect the required information from the employer, managers and other workers of the enterprise;
  - m) if necessary, seek an explanation from the employer, managers or other workers by summoning them to the office;
  - n) to give the necessary direction for rectification in case any information is received during the inspection of the workplace or enterprise or from any other source concerning any activity performed in violation of the Act or the rules made under this Act by the employer or worker or trade union;
  - o) to keep the record of application or documents or any notice received from any other source in the Office or give evidence of the registration of such application or documents or keep the record of the decision, order or compromise or give a certified copy of any document if requested;
  - p) to carry any other functions specified by this Act or other existing laws to be executed by the Office;
  - q) to carry out any other functions as may be prescribed.
- 2) The Office may request the local administration, the police or any other concerned body to provide assistance in case it is necessary for using powers given under this section by the Office.
  - 3) It shall be the duty of the local administration, police or any other concerned body to assist the office if requested according to subsection (2)

## OSH related service providing organizations

S.N.	Organization	Scope	Remark
1.	OSHC	All OSH related services	Govt.
2.	NBSM	Product Quality control and Management System certification	Govt
3.	DFTQC	Food Quality control	Govt
4.	DDA	Pharmaceutical product quality control	Govt
5.	Central Lab, Teku	Human health parameter check up	Govt
6.	National Botanical Lab, Thapathali	Natural product and instrumentation	Govt
7.	Department of Environment	Ambient environment assessment and control	Govt
8.	Vehicle fitness test centre	Vehicular emission test and air pollution	Govt.
9.	NAST	Research and development and quality control	Government/Autonomous
10.	Forensic Science Laboratory (Nepal Police)	Analytical	Govt
11.	Road Test and Quality control	Analytical	Govt
12.	OSH Professional Nepal	Professional Group organization (Advisory)	Private
13.	NESS	Analytical and quality control	Private
14.	ENPHO	Analytical and quality control	Private
15.	Water Engineering and Training Center	Analytical, quality control and training	Private
16.	Cemat Consultancy	Analytical and quality control	Private
17.	SMS Environment and Engineering	Analytical and quality control, consultancy	Private
18.	AASTHA Scientific Research Service	Analytical and quality control	Private
19.	SEED Nepal	Consultancy (Multidisciplinary)	Private
20.	PACE Nepal	Consultancy (Multidisciplinary)	Private
21.	SHERD Nepal Pvt. Ltd.	Consultancy (Multidisciplinary)	Private
22.	CEMSOL Pvt. Ltd.	Consultancy (Multidisciplinary)	Private
23.	Malikarjun Consult Pvt. Ltd.	Consultancy (Multidisciplinary)	Private
24.	Himalayan Safety Solution	Consultancy (Multidisciplinary)	Private
25.	QUEST Forum Pvt. Ltd	Consultancy (Multidisciplinary)	Private
26.	CEPRED	Consultancy (Multidisciplinary)	Private

## OSH professionals in Nepal.

S.N.	Organization	Address/email	OSH Experience	Area of Interest
1.	Prof, Dr. Sunil Kumar Joshi	Kathmandu Medical College, Sinamangal, Kathmandu 9851056859 drsunikj@gmail.com	22 years	Masters in Occupational Medicine/ Occupational Hygiene
2.	Mr. Youb Raj Bhatta	KMC-3, Maharajgunj, Kathmandu, 9841339685, <a href="mailto:bhattayoub@gmail.com">bhattayoub@gmail.com</a>	24 Years	OSH, Road safety, Waste Management, Policy development, Community Health and Safety, Labour Management Procedure, Research and Development, Institutional Capacity Building
3.	Mr. Khagendra Basnet			
4.	Mr. Barun Kumar Jha	KMC-16, Machhapokhari, Balaju, Kathmandu Cell No. 9851157677 Email:- barunkumarjha18@gmail.com	29 years	<ul style="list-style-type: none"> <li>• OSH related research, teaching, conduction of capacity building training and awareness raising program.</li> <li>• Industrial Relations related subjects.</li> </ul>
5.	Mr. Madhab Raj Bist			
6.	Mr. Prajjwal Raut			
7.	Dr. Pranab Dahal	pranabdahal@gmail.com	17 years	Capacity development, research
8.	Mr. Dinesh Prasad Sah			
9.	Mr. Uday Kr. Gupta			
10.	Mr. Prem Singh	DOL		
11.	Mr. Sujun Jojiju	MOLESS		
12.	Mr. Mani Nath Gope	DOL/OSHC		

13.	Mr. Ram Chandra Paudel	DOTM		
14.	Mr. SaradhaNand Vaidya			
15.	Mr. SharadAdhikary	KMC 9851081781		
16.	Mr. Nabin Kr. Pokharel			
17.	Mr. Amit Aacharya			
18.	Mr. Suresh Shrestha			
19.	Mr, Shankar Singh Dhami			
20.	Mr, Tulsi Narayan Maharajan			
21.	Mr. Sanjaya Thing			
22.	Mr. Yog Bahadur Pal	Nepal Police Lab		
23.	Mr, Hari Chaulagain			
24.	Mr. Ramesh Sthapit			
25.	Mr. Deepak Lekhak.			
26.	Mr. MontasirAlam			
27.	Mr. Karna Dhoj Chand			
28.	Mr. YageshoworGharti			
29.	Mr. Hansa Ram Pandey	FNCCI		
30.	Mr. Janak Chaudhary	GEFONT		
31.	Mr. Deepak Paudel	GEFONT		
32.	Mr. Rajesh Palikhe	NTUC		
33.	Mr. Kamal Kr. Bist	NTUC		
34.	Mr. Rishab Ghimire	NTUC		
35.	Mr. Vijaya Kumar Vaidya			
36.	Mr. Netra Baniya			



37.	Mr. Padam Acharya	Bottlers Nepal		
38.	Mr. Dipak Lamichhne			
39.	Mr. Janar Khadka			
40.	Mr. Chitra Baral	Bottlers Nepal		
41.	Mr. Santi Ram Dhimal			

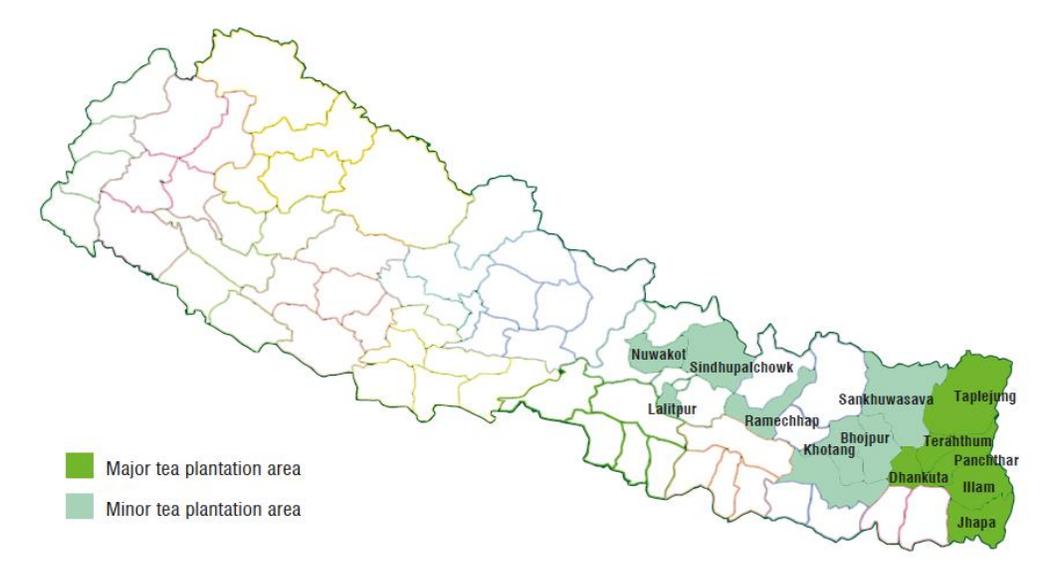
# Safety + Health for All Plantation Workers in South Asia

## India, Nepal, Sri Lanka

LABADMIN/OSH Branch, DWT for South Asia and Country Office for India, Country Office for Nepal, Country Office for Sri Lanka and the Maldives

### Occupational Safety and Health in the Nepalese Tea and cardamom sectors

#### Overview of the tea sector in Nepal



Source: NTCDB.

A recent study showed that production of tea is in increasing trend with an average annual growth rate of 9.55%. Nepali tea and Darjeeling tea resemble each other in its appearance, aroma, and fruity taste (ITC, 2017). However, Nepali tea has some unique features as compared to Darjeeling tea. The abundance of fine hairy growth (pubescence) on the underside of the leaf, on the bud and sometimes even on the stalk gives Nepali orthodox tea its fine “tippy” quality and precious flavors. Nepali orthodox tea is mostly produced in country’s hilly region and is especially known for its aroma, bright color, and fruity flavor. Similarly, CTC tea of Nepal is mostly grown in lower region (terai) and is

famous for its strong, bright, and full-bodied taste.<sup>8</sup> Nepal is one of the main exporters for Orthodox tea however 90% of the total produced orthodox tea is exported primarily to India which has been one of the factors for not being able to receive optimum premium as compared to other tea exporting countries like China and India.

Small farmers sell their green tea leaves mainly to locally established tea processing industries. Tea processing industries have strong role in fixing the price of green tea leaves so that small farmers gain a regular commercial income and also ensure local employment. Production is therefore increasing both at the small farmer's level as well as at the level of the organized tea estate.

The tea sector employs approximately 100,000 workers and smallholders accounted for 60 percent of the production in 2016. Women make around 60% of the total labour involved, mainly in low skilled work. Landless labourers employed by smallholder farms are often dalits or lower caste and do not have any benefits or social security.

The climatic conditions of hilly regions of Nepal is favourable for tea production. Being neighbour of Darjeeling, India, Nepal has the advantage of relatively easy access to improved inputs, technology and experts from its neighbour. Three quarters of Nepali tea production is grown in Logical framework

**Overall Objective – Improve the Safety & Health of plantation workers in South Asia**

**Immediate objective 1 – Knowledge is generated and shared to improve the safety & health of workers in plantations across South Asia**

***Output 1.1. Constraints and opportunities for the improvement of occupational safety and health of tea workers in the three target countries are identified and recommendations for interventions are integrated in the project strategy***

The project will conduct sectoral diagnostic analyses in the three target countries to build knowledge on OSH in plantations, to raise awareness and to mobilize stakeholders, including tripartite constituents and other public administrations and civil society organizations, around the issues relating to OSH promotion. Conclusions and recommendations will be included in each country project strategy.

To do so, the project will adapt the Research Handbook for *Producing sectoral diagnostics on the implementation of Fundamental Principles and Rights at Work and Occupational Safety and Health* developed by the ILO and already pilot tested in West Africa. In addition to OSH, the tool is also applicable to support compliance with the four fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation. Depending on the country and sector of operations, the project will include one or several of these components to the study to gain a more holistic view of the labour rights situation in the sector.

These reports will also assess the specific and emerging factors affecting the safety and health of workers such as COVID-19, climate change, estate vs. smallholder production processes, role of collective bargaining and other social dialogue processes and workplace cooperation trends and practices.

The recommendations will then be validated by the tripartite constituents and other key partners at national, provincial and municipality levels and will inform the design of tailored intervention models that will be integrated in the project strategy/logical framework.

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<sup>8</sup> Food Science & Technology Research Article, Production, marketing, and future prospects of Nepali orthodox tea Authors (3), Dharmendra Kaluani, Arati Joshi and

## Nepal

In Nepal, the project will conduct the assessment for each of the two target sectors: tea and cardamom, using relevant modules of the methodology. It is also expected that the methodology will also look into discrimination issues, with a focus on gender, ethnicity and caste segregation and make recommendations to address them.

*Activity 1.1.1. Refine research tools and conduct sectoral diagnostics in the tea sector*

*Activity 1.1.2. Refine research tools and conduct sectoral diagnostics in the cardamom sector*

*Activity 1.1.3. Validate diagnostics results and recommendations through a tripartite meeting with tea stakeholders*

*Activity 1.1.4. Validate diagnostics results and recommendations through a tripartite meeting with cardamom stakeholders*

### ***Output 1.2. Regional peer learning and sharing of good practices is fostered***

The project will facilitate tripartite + dialogue at regional level through meetings to promote the sharing of knowledge and good practices collected in target countries and at regional level by the ILO or other partners.

Dialogue shall take place through the establishment of an ad-hoc sub-regional network, the South Asian Association for Regional Cooperation (SAARC) based in Kathmandu or any other relevant dialogue structure agreed upon in consultation with the constituents. Consultations with SAARC will take place during the project inception period to assess if it is the right platform to conduct regional level activities. The project could also reach out to the Intergovernmental Group on Tea and the Confederation of International Tea Small holders (CITS) to share lessons learned and good practices from the region.

*Activity 1.2.1. Conduct advocacy meetings to promote OSH issues in plantations at sub-regional level*

*Activity 1.2.2. Hold a sub-regional meeting with project stakeholders from India, Nepal and Sri Lanka to share knowledge and good practices on OSH promotion in plantations in South Asia*

*Activity 1.2.3. Document and disseminate good practices report on OSH in plantations*

## **Immediate objective 2 – National and local institutions are strengthened to promote and protect the safety & health of plantation workers in India, Nepal and Sri Lanka**

***Output 2.1. National and/or provincial OSH systems are enhanced in order to extend access for tea workers and enterprises to systems and services that support prevention and protection against OSH hazards and risks***

## Nepal

Following the adoption of the 2017 Labour Law, the government of Nepal launched a national OSH policy in January 2019. The government of Nepal requested support from the ILO to implement this policy. Therefore, the project will support tripartite constituents, in particular MOLESS in the setup and implementation of a National OSH programme with a specific focus on OSH in agriculture. Programme actions specific to tea and cardamom will be informed by the findings of the diagnostics

conducted under output 1.1 and shall involve other ministries such as the Ministry of Agriculture and the Ministry of Health.

In addition, the Government of Nepal is considering the adoption of the Occupational Safety and Health Convention, 1981 (no. 155). The project will support this process through the conduct of a gap analysis if relevant, as well as technical advice on necessary law reform to align the national legislation with the International Labour Standards on OSH.

Under the Department of Labour and Occupational Safety and Health, the National OSH centre provides, among other services, OSH trainings for employers and is established as an information centre for constituents. Following further consultations with the centre and in line with the project strategy, the project will support the Centre's capacity to deliver efficiently on the prevention aspect of its mandate.

OSH data collection is weak in Nepal and the project will support the enhancement of the system and the capacity in reporting occupational accidents, injuries and diseases.

Last but not least, the project will support the government in the development/ review of prohibited pesticides lists in line with international recommendations and promote green agricultural practices.

*Activity 2.1.1. Provide technical advice and logistical support to design and implement a national OSH Programme with a focus on agriculture*

*Activity 2.1.2. Provide technical advice (and conduct gap analysis if relevant) in support to the ratification of Convention N. 155*

*Activity 2.1.3. Provide capacity-building activities to the staff of the national OSH centre to deliver efficiently its mandate notably regarding OSH awareness*

*Activity 2.1.4. Support the development and proper use of OSH data collection and reporting tools*

*Activity 2.1.5. Support the development/review of prohibited pesticides lists in line with international recommendations and promote green agricultural practices*

## Nepal

In collaboration with MOLESS, the project will assess the labour inspection system using the ILO methodology. This assessment will support the government to identify gaps in the capacity of the labour inspectorate and debate possible ways of addressing them. This assessment will result in a series of recommendations and subsequent implementation plan. The project will support the implementation of recommendations related to occupational safety and health and compliance with a focus on the agriculture sector.<sup>9</sup>

The project will also support strategic planning of the inspectorate work in the tea and cardamom sectors (including adaptation of internal work processes in the context of COVID-19), with a focus on the prevention role of the inspectorate in the informal economy. To do so, the project could tailor and use the recent ILO tool A Guide on Labour Inspection Intervention in the Informal Economy - A participatory method.<sup>10</sup>

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<sup>9</sup> Recommendations might suggest changes in the following fields - organizational reform of the labour inspectorate, review of specific labour inspection regulations, standard operating procedures, job descriptions, initial/and continuous training and/or foster collaboration among institutions in charge of compliance, etc.

<sup>10</sup> Guide available at - [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_626573.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_626573.pdf)

The project will also build the capacity of the labour inspectorate on OSH issues and support the enhancement of inspectors' tools and skills necessary to conduct inspection visits and draft reports in the target provinces/districts.

*Activity 2.2.1. Conduct a labour inspection needs assessment and share results*

*Activity 2.2.2. Support implementation of OSH specific recommendations from the assessment*

*Activity 2.2.3. Support planning of the inspectorate work on OSH in agriculture including tea and cardamom sub-sectors*

*Activity 2.2.4. Provide capacity-building activities on OSH and inspection techniques for the labour inspectorate*

them in extending their services to the informal sector. Inspectors must therefore maximize the use of resources to promote OSH compliance in both the formal and informal sectors. As in India and Nepal, the project will support more strategic planning of the inspectorate on OSH in

### **Immediate objective 3 – Workplace and sector level initiatives/practices to promote safety & health are developed or strengthened in India, Nepal and Sri Lanka**

***Output 3.1. Sector level initiatives to promote the safety and health of plantation workers are supported***

#### **Nepal**

The project will support industry level social dialogue platforms to discuss OSH issues and share good practices, and therefore intends to reactivate the “Tea Task Force” that was created under the UNNATI project. The project will also foster social dialogue on OSH among cardamom stakeholders. The project will pay attention to involve provincial and municipally level actors in these discussions.

Overall, the project will work in close collaboration with tea and cardamom stakeholders such as the tea board and the cardamom entrepreneurs association as well as other employers' and workers' organizations in the development and implementation of awareness raising and capacity building on OSH to their members (including prevention of COVID-19).

For employers this could be done adapting and using the tool “Supporting Companies' Occupational Safety and Health Performance: A guide for Employers and Business Membership Organizations on OSH advocacy and services”, highlighting the fact that managing health and safety at work is not only a question of legal compliance or avoiding losses linked to accidents at work. Good OSH performance can improve workers motivation and productivity, reduce absenteeism, help businesses attract talent, and secure public and private sector contracts.

For trade unions, the project could tailor and use the ILO manual - Health, Safety and Environment: A Series of Trade Union Education - Manuals for Agricultural Workers, which is aimed at helping union educators to: address the key OSH concerns of workers and their representatives; provide essential information on OSH to workers and their representatives; help workers and their representatives to tackle OSH issues; plan and run educational activities with trade unions and help trade unions build their organisational capacity on HS&E. This package notably includes a manual on pesticides and health, safety and the environment. Interventions will also be guided by the recommendations of the diagnostic (output 1.1.).

*Activity 3.1.1. Promote cardamom and tea sector social dialogue platforms on OSH and sharing of good practices notably through study visits between workplaces*

*Activity 3.1.2. Support the inclusion of OSH issues in the work of the Tea Board and cardamom association of entrepreneurs*

*Activity 3.1.3. Build the capacity of trade unions to promote OSH issues in tea and cardamom*

*Activity 3.1.4. Build the capacity of employers' organizations to promote OSH issues in tea and cardamom*

***Output 3.2. Workplace actions are supported to improve the safety and health of tea workers***

The project will conduct direct interventions and support estate owners, smallholder farmers and other workplace actors such as unions/ local cooperatives, women groups, or extension workers to promote OSH in their plantations with a particular emphasis on empowering women workers.

**Nepal**

The project will assist local employers/farmers in the conduct of risk assessments and business continuity plans to mitigate the impact of disease outbreaks such as COVID-19. To do so, the project will use the tool "Prevention and mitigation of COVID-19 at work for small and medium-sized enterprises - Action Checklist and follow-up". The project will also assist social partners in the use of the "Practical guide for the prevention and mitigation of COVID-19 in agriculture".

In addition, in order to build demand for safety and health, the project will support the development and implementation of an awareness raising campaigns with local actors, support the development and functioning of bipartite OSH committees and apply participatory action-oriented training methodologies to assist workers and employers in promoting practical preventive actions at workplace level, including in the context of a disease outbreak.

Last but not least, the project will work with rural extensions centre, cooperatives and other relevant institutions to conduct research and/or capacity building activities on OSH in the plantation sector.

*Activity 3.2.1. Conduct WIND and WISE training with tea and cardamom stakeholders*

*Activity 3.2.2. Support trainees in the conduct of risk assessments and business continuity plans to mitigate the impact of disease outbreaks such as COVID-19*

*Activity 3.2.3. Support the formation and functioning of workplace level OSH committees*

*Activity 3.2.4. Support grassroots awareness raising initiatives to promote OSH and combat discrimination in both estates and smallholdings*

*Activity 3.2.5. Support OSH promotion initiatives by rural extensions centres and cooperatives in tea and cardamom*