

JAMAICA

GUIDING QUESTIONS

Theme 1- Promotion of safety and health in the workplace and worker protection: guaranteeing decent work

- **Is there a national policy on OHS in your country in line with ILO Conventions 155 and 187? Is there a national strategy/plan of action on OHS in your country? What are the strengths, challenges and lessons learned of their design, implementation, and enforcement?**

Answer

The Ministry of Labour and Social Security is in the initial process of drafting a National OSH Policy.

Unfortunately Jamaica is not a signatory to ILO Convention 155 or 187.

The Principal Law dealing with safety and health in Jamaica is the Factories Act of 1943. This Act has three (3) accompanying regulations:

The Factories Regulations, 1961

The Building Operations and Works of Engineering Construction (Safety, Health and Welfare) Regulations, 1968

The Docks (Safety, Health and Welfare) Regulations, 1968.

The Factories Act and the Regulations:

- provide only minimum requirements for safety and health standards
- leave out entire sectors such as agriculture, telecommunications, schools, universities, hospitals, shops, offices, contract workers, and other forms of economic activities
- leave out entire areas such as noise control, hazardous chemicals, and the field of occupational health is partially covered
- do not embrace all the necessary requirements for addressing occupational safety and health problems.

Jamaica recognizing the shortcomings of the above Act and Regulations requested the assistance of the ILO. The ILO in 1990 and 1994 sent two consultants to assist the Government in the development of a new occupational safety and health legislation.

A draft Occupational Safety and Health Legislation was submitted to the Government in 1995. This new OSH Act will cover all places of work unlike the Factories Act which was limited in the areas it covered.

- **Have actions on OHS at the national level (e.g. legislation, policies and programs, technical and promotional activities and training) used existing international guidelines from the ILO, PAHO/WHO or other, as a reference? Please provide examples.**

Answer

The ILO consultants considered the following references in preparing the Draft Occupational Safety and Health Act; the following list is not exhaustive:

- ILO Convention 105 and ILO Recommendation 164 concerning occupational safety and health and the working environment
 - ILO Convention 170 and recommendation 177 concerning safety in the use of chemical at work
 - ILO Convention 135 and ILO Recommendation 143 concerning protection and facilities to be afforded to workers' representatives in the undertakings
 - Occupational Safety and Health Act, Revised Statutes of Ontario, 1990, Chapter O.1 as amended
 - Ontario Ministry of Labour, "A Guide to the Occupational Health and safety Act," May 1992.
 - Workers' Compensation Act, Revised Statutes of Ontario, 1990, Chapter W.11 as amended.
 - National Insurance and Social Security Act, The Laws of Guyana, Revised Edition, Chapter 36:01, 1975.
- **Within your country, is there coordination among various Ministries to implement OHS interventions and policies? Is there an institutional mechanism for inter-Ministerial coordination to take place? What are the strengths and challenges of coordination?**

Answer

Jamaica at present does not have a written protocol to coordinate the dissemination of information among the Ministries with responsibilities for aspects of Safety and Health. However the Occupational Safety and Health Act made two (2) very important recommendations that will allow for formal coordination:

- 1. An Occupational Safety and Health Authority or Division under a director should be established in the Ministry of Labour and Social Security to administer and enforce the new Occupational Safety and Health Act. The new Authority or Division should be comprised of existing departments in the Ministry of Labour, Health and Mining and Energy.
- 2. If the Government chooses not to re-organize the various government departments into a single Occupational Safety and Health Authority or Division, the Government should still adopt the new Occupational Safety and Health Act as soon as is practical. The application of the new Act to various sectors should be achieved by appointing personnel of several government departments as inspectors to enforce and administer the new Act in their respective sector of responsibility. The Minister of Labour and Social Security and the other Ministers whose departments will participate in the administration and enforcement of the Act should jointly sign a declaration of commitment to occupational safety and health, and work towards establishing a national policy on occupational safety and health.

The above recommendations among others were submitted to Cabinet and the decision was taken to accept the latter recommendation. Arising from this decision a number of meetings was held and from these meetings a Memorandum of Understanding was drafted and is now with all the stake holders for comments before finalization. This MOU will guide the reporting procedures.

When the OSH Act is passed into Law the perceived strengths of coordination will be:

- Information regarding occupational safety and health in Jamaica will be captured and correlated in a manner that will allow the timely implementation of corrective measures.
- Safety and health information given will be uniform across the various sectors.
- The reporting ministry to the ILO will be in a position to provide all the information requested by the organization in a timely manner.
- Additional workplaces will be subjected to regular inspections for occupational safety and health matters.
- A skills bank comprising of all the experts at the relevant ministries will be created.

The challenges of coordination;

- To ensure that suitable mechanisms are in place to allow the information from various stakeholders to flow in a timely manner to all the Ministries concerned.
 - To ensure that all inspectors in the various Ministries are properly trained in the application of the provisions of the new Act so that advice given will be uniform across the board.
- **How have employers, workers and their representatives participated in the definition, implementation and/or evaluation of OHS policies?**

Answer

The ILO Consultants held meetings with various stakeholders including employers, workers and their representatives before the draft Occupational Safety and Health Act was prepared. In attendance at the meetings were representatives from the following:

- The Ministry of Labour and Social Security
- Ministry of Health - Environmental Control Division
- Ministry Health - Government Chemist
- Pharmaceutical Services Division
- Pesticides Control Authority
- Attorney General Department
- Ministry of Public Utilities, Mining and Energy
- Bureau of Standards
- Joint Trade Unions Research Center
- Jamaica Employers' Federation
- The Incorporated Master Builders Association of Jamaica
- Jamaica Association of Safety Professionals
- Jamaica Public Service Company Safety Unit
- Jamaica Fire Service.

After the submission of the draft Act to the Minister by the consultant, copies were made and sent to all the stakeholders for comments. These comments were tabulated and all the stakeholders were invited to numerous meetings where discussions were held in regard to their comments. Several of the comments were taken onboard and the revised document was submitted to the Chief Parliamentary Council (CPC). The draft Act is now a Bill and in the near future will be tabled in Parliament by the Minister after which the process of enactment will continue.

- **What successful experiences demonstrate the commitment of employers, workers and their representatives to enhance OHS in the workplace? This may include their participation in national tripartite bodies dealing with this issue, such as OHS National Councils, as well as committees in the workplace and initiatives that promote healthy workplaces.**

Answer

Jamaica is presently working on a new Act to be called The Occupational Safety and Health Act which is presently a bill and is yet to complete the legal process. The Government assistance from the ILO started in 2001; a working document was subsequently prepared and presented after consultation with a number of entities including the government, the private sector and the workers representatives (Unions).

Employers, employee's representatives and the various ministries with responsibilities for some aspects of safety and health were sent the document for comments. These comments were correlated and number of stake holders meetings was held to critically look at the comments made by the entities and for inclusion in the document.

The employer representatives were concern about the refusal to work provision which gives a worker the right to refuse work if he considers the job to be a threat to his safety and health. Many workplaces now have functioning safety and health committees which have workers and management working together to ensure the safety and health of all. One workplace in particular had a safety logo competition in which workers were asked to design a safety logo for use in the workplace. The winner was rewarded and the logo is now in use at the company.

Theme 2 - Expansion and strengthening of schemes to prevent and control occupational hazards

- **Which institution(s) have OHS information systems in your country? Do they share or coordinate the exchange of information? What are the characteristics of OHS information systems in your country? Do they focus on work-related injuries, diseases or both? What are the strengths and challenges of the systems?**

Answer

All the relevant Ministries have limited OHS information systems but the information is not shared or coordinated. However if a request is made for information then this would be given. Statistics for work related injuries is part of this system. No formal system is in place among the ministries but hopefully the MOU under the pending new Occupational Health and Safety Act will be a catalyst in the implementation of such a system.

- **How is labor inspection helping strengthen a culture of prevention and control of occupational hazards in your country?**

Answer

Additional meetings are being held with management and developers about their safety and health responsibilities and this have led to an increase in safety and health training of workers. This training has increased the workers knowledge out of which a number of safety and health committees have been formed.

Theme 3- HIV/AIDS in the workplace

- **Is there a specific legislation, policy or strategy in your country that addresses the issue of HIV/AIDS in the workplace?**

Answer

Yes, National Workplace Policy (NWP) on HIV/AIDS.

- If so,
 - **How was it designed? Was it based on a diagnostic of the labor, social and economic conditions of people living with HIV/AIDS? Is it a national or a sectoral response? Has it been agreed upon by various sectors, public and private institutions?**

Answer

It was developed by the Ministry of Labour & Social Security with inputs from the employers' representative (The Jamaica Employers Federation), the worker representative and the Jamaica Confederation of Trade Union. An HIV/AIDS Committee was established within the Labour Advisory Committee at the Ministry of Labour & Social Security. The committee also held consultations with the National HIV/AIDS Programme and the Cabinet Office to gain consensus on the National Workplace Policy.

Yes there is general consensus on the document.

- **how is it being implemented? Are there any programs directly implemented by employers, workers and their representatives, or are they just participating through the national policy or strategy?**

Answer

The programme is being implemented directly by all employers, worker representatives contribute to its implementation through dialogue with employers and through inclusion in the collective bargaining agreement.

- **Are there any mechanisms in place to measure the cost effectiveness of interventions in the workplace that respond to HIV/AIDS?**

Answer

There are no formal mechanisms in place locally. This could however be included.

- **How are the *ILO Code of Practice on HIV/ AIDS and the World of Work* and the *ILO/WHO Guidelines on HIV/AIDS* currently implemented in your country?**

Answer

The ILO Code of Practice is included in the National Workplace Policy on HIV/AIDS and therefore is implemented through the implementation of the National Workplace Policy on HIV/AIDS

- **What are some of the challenges that your organization/country have faced in implementing the aforementioned Code and Guidelines? What are potential solutions to address these challenges?**

Answer

NON-DISCRIMINATION

Some of the challenges include an inability by some organizations to consider strict systems for non discriminations due to the difficulties in identifying the practice and having evidence for this action. Solution includes raising awareness of what constitutes discrimination and its potential effect and alerting persons of steps to reporting instances of discrimination

SCREENING

Other challenges include the testing/screening done in some organizations. Solutions involve increasing awareness of this ineffective practice as a way of screening HIV positive persons for employment. This is ineffective as the possibility of contracting the virus cannot be predetermined and the process of identification of the virus through antibodies constitutes a long window period.

- **In your experience, what are some effective preventative interventions to protect workers at elevated risk of contracting HIV/AIDS due to the nature of their work?**

Answer

Increase knowledge and practice of post exposure prophylaxis
Increase awareness of possible risk exposure situations
Regular audits and inspection of the systems implemented to reduce risk.

Post Exposure Prophylaxis - The procedure to be adopted once someone is exposed to possible infection to prevent the infection by the virus.

- **In your experience, what are some effective interventions to prevent HIV/AIDS in the workplace and to promote healthy workplaces in relation to HIV/AIDS?**

Answer

Effective interventions to prevent HIV/AIDS in the workplace include:
Increase knowledge of transmission methods
Increase knowledge of the medical facts
Introduction of measures to reduce discrimination
Creating a culture of openness, discussion and knowledge of the various aspects of the disease