Outline:

- Introduction
- Concept of compliance
- Case Studies
- Challenges
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- Summary & Conclusion

Objective:

- Complains Strategies
- Accident Cases/Practical approach
- Networking
- Monster in workplace
- Legal Framework
Introduction

A study was carried out across the industrial zones in the country within 200 manufacturing companies with the highest level of accident with determination by frequency of occurrence.

The study was limited with the following manufacturing industries:

Steel companies,
Foods and Pharmaceuticals,
cosmetics,
bottling companies and
Plastic Industries

The study could not cover oil and gas, aviation, construction site, maritime, road, railway and few others.

The findings reveal that:

Steel Company 30%
Bottling Company 25%
Food/Pharmaceuticals 15%
Plastics Industries 12%
Others 18%

► ⅓ of the researchers believe that technology and education contributed to the high rate of accidents in those organizations with high rate.

► 1/3 Blame the government

► ¼ Economy
**Workplace**

Where is really a workplace?

**Workhours**

80% of the walking hours is spent at work
CASE STUDY

Case of killing of Emeka Umeh on the 16th September, 2015 at Hong xing Steel Company and Mr. Obinna Eze who lost his three fingers at the factory to mention but a few

In the case of Emeka Umeh his entire body was scalded by a liquefied iron spills, he was rushed to the hospital after several hours waiting for an ambulance and pronounced dead the following day.

I visited the factory on the 25th September 2015 with the team of public Compliant Commission, we were shocked to still see the same unsafe conditions that led to the death of Emeka with an unimaginable over 200 unsafe conditions.

Case Study:

Loss of one leg of Mr. Ifeanyi Okoro a crane operator at African Steel Company

➢ The same causes of accidents in Hong Xing Steel Company is also applicable in African Steel Company Ikorodu.

Mortality rate in the African Steel is at least five deaths in every month, 20 serious disabling accidents per month. See the case Frequency of explosion is very high.

James Nuekwu. Barrel man in melting department during his duty on Feb. 2015 he sustained a third degree burn after an explosion while he was in the hospital his five-year-old son visited and after died. Among many others in the African steel company Ikorodu.

COSMETIC INDUSTRY

➢ Cutting of One finger of one Moruf Olatunji at Cybele Cosmetics LTD.

➢ Mr. Moruf Olatunji was not trained and exposed to a machine that has not been domesticated (no HSE manual)

➢ Mr. Olatunji’s case was never reported to the police.
Case of Nigerian Bottling Company LTD

- Where Emmanuel Sunday Onuche a Water Treatment Technician Susutained Caustic Soda Injury burns on both eyes rendering him blind till date

Cutting of one hand of Obinna Odidika Franklin 18-year-old factory worker at Sea Sand Industries LTD. Ajao Estate Isolo.

This is a sad case where an 18-year-old boy was put on a fabrication machine without induction. Since June 2015 that accident occurred the employer has not reported this matter to the Nigerian Police nor Inspectorate of Factories till date.

- This Company with over 200 workers operate with no signboard no factory registration.
Reasons for High Accident Rate

Most of the accidents in Hongxing have resulted to fatality because of lack of emergency response plan, no ambulance, non-existence of Health and Safety Manual, no qualified safety professionals above all the machine currently in use at Honxing steel is induction furnace technology as against electric arc furnace technology. Induction furnace was rejected in the developed world far back because the high resultant accident rates as against the Electric Arc Furnace that is operated from a control room far from furnace other contemporary furnaces for casting process cupolas, direct fuel fire furnaces, crucible furnaces, etc.

One major global challenge on the use of INDUCTION FURNACE is they lack refining capacity, change materials must be clean oxidation and some alloying element may be lost due to oxidation.
SOME SOCIAL SECURITY SCHEMES

- GABON’s National Social Security Fund (NSSF)
- GHANA’s Social Security and National Insurance Trust (SSNIT)
- ZIMBABWE’s National Social Security Authority (NSSA)
- NIGERIA’s National Social Insurance Trust Fund (NSITF)
FAQ: What did you do?

- I applied all government structures within my reach it was frustrated.
- I petitioned all Individual companies to 8th Senate of the Federal Republic of Nigeria, read on the floor of the senate on 18th Nov, 2015.
- See Senate proceeding.
- I was subsequently invited on the 1st Dec, 2015 and I addressed the senate on the 1st of Dec, 2015.
- I gave the senate the following platform to aid senate cross examinations and investigation realizable.
- Evidence of report of accidents to the following authorities as required by the laws.
  - Nigerian Police
  - Inspectorate of factories
  - National Social Insurance trust fund.
  - Evidence of certificate of competence of victims
  - Compensation agreements with victims, dependent’s and families.
  - Provision of accident profile in the last 17 years.
- invite all the relevant regulatory agencies concerned in the implementations to answer for non-compliance in to answer for non-compliance in accordance with the legislations.
- I requested the senate to shut down the named facilities until they comply to all the various provisions of the breaches in compliance with the law of federation and confirm to the senate before reopening operation.
In Presence of Senate

► All the companies admitted accordingly to have committed the offences.

► I charged senate to request the companies to provide various license of authority of their safety responsible person.

► To provide company registration as stipulated by ECA 2010 with registration of victims

► To provide Domesticated/Customized HSE manual for their organization as required by ILO R197 promotional framework on occupational safety and health recommendation 2006 Section 5a to f.

► To provide emergency response plan.
LEGAL FRAMEWORK

- Workmen Compensation Act 1990.
- Employee Compensation Act ECA 2010
- Labour Act 2004

An Act to amend the Factories and make comprehensive Provisions for Occupational Safety, Health and Welfare of all Workers including Professionals for whom no other provisions have been made for their Safety, Health and Welfare in all workplaces and for Matters connected therewith


- It is a well Known Fact that for order to prevail in a society there must be rule of law.
- Role of Factories Inspectors of Federal Ministry of Labour and Employment:
  - Ensure Workplace Safety and Health and to reduce workplace fatalities, injuries and illnesses.

What is a factory?

The Factories Act 2004 in section 87 gives the meaning of “factory” as any premises in which or within which, or within the close of which

- One Person or more persons are employed in the making of any article or altering, repairing, ornamenting, Finishing, cleaning or casting or the breaking up or demolition of any article; or adapting for sale of an article.
- Were ten or more persons are employed example washing or filling bottles/containers, printing press
- Engineering workshops
- Waterworks
- Electrical generation stations, etc.

The application of the definitions is also extended to other premises such as:

- Premises where part of the building is a separate factory (Section 54)
- Docks, wharves and quays (Section 55)
- Premises in which steam boilers are used (Section 56)

Functions of Factory Inspectorate

a. Conducting general and special inspections of factories and other industrial establishments to ensure compliance with standards of safety, health and welfare as laid down in the factories Act of 2004

b. Registration of new factory premises, amendment and revocation of existing certificate of registration. Revenue is collected for each of these services

c. Investigation of all serious cases of industrial accidents, dangerous occurrences and cases of occupational diseases

d. Prosecution of recalcitrant factory occupiers in magistrate courts after noncompliance with improvement notices and warnings

e. Preparation of draft safety and health legislation codes of practice guidelines and standards for various processes and physical/chemical/biological agents and amendment of old ones, when necessary.

f. Conducting safety and health surveys of various hazardous industries.

g. Conducting research on occupational safety, health and welfare problems identified during inspection.

h. Collection and dissemination of occupational health and safety information

i. Provision of safety and health education and training to workers, employer’s professional organizations and the general public through lectures, courses, seminars, symposia etc.
j. Monitoring of work environment in order to determine work process, substances and agents, the exposure to which could be hazardous to workers

k. Provision of advisory services to factory occupiers and workers including seeking information from international bodies on their behalf

l. Generating interest in safety and health activities in workers and employers by encouraging them on measures that could be taken to improve working conditions and environment.

m. Making safety functions visible e.g. through the display of well-designed posters.

n. Certification of Authorized Boiler inspectors and approved persons and other lifting equipment

o. Setting targets for programme of activities aimed at achieving a safe and healthy working environment.

p. Co-operating at various levels with other national (e.g. Federal Environmental Protection Agency) and international organizations (e.g. International Labour Organization) towards the promotion of safety and health in the workplace in Nigeria. And

q. Servicing of the national industrial safety council of Nigeria, (a tripartite council established by C187 International Labour Organization)
WAY FORWARD/NEW STRATEGIES ON COMPLIANCE

- HSE MANUAL / HANDBOOK (Domesticated)
- Personal passion/confrontation to breaches
- Name person, organizations involved in breaches
- Publicize
- Legal Approaches
- Media
- CONSULTATION
- INSPECTION CHECKLIST
- Shawn Corruption amongst others
- Synagize/collaborate IOSH/ASSE/ISPON/NISCN/INSPECTORATE/NSITF/PCC & others

Conclusion

As Captured by former UN Secretary General Kofi Annan, “As we look to the future, we should always remember that human beings are not servants of economics, rather the economic development and production must serve men and women. Occupational Safety and health is a crucial means towards that end.

Bernadino Ramazini 1633-1714 (Father of Occupational medicine)

Robert Owen established the pioneer commune of New Lanark in Scotland to prove that the squalor and depravity of industrial life were not the only and inevitable social arrangement. New Lanark was indeed a workers paradise with neat rows of flowered houses, children playground and educational facilities. The door of the factory manager remained open and every complaint attended to, including objections to the rules of the community. It Was a community of harmony and brotherly love.
References


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Factories Act 2004 LFN

Order Paper Senate Proceeding of 19/11/2014


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