



Connecting occupational safety awareness, legislation, implementation and enforcement within the Ghanaian industrial economy

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ABSTRACT

Aim: The high incidence of workplace injuries and fatalities in Ghana raises concerns about potential disconnection between occupational safety legislations and their efficient enforcement within the Ghanaian industrial economy. This paper therefore sought to examine the extent to which legitimate occupational legislations are implemented and enforced and monitored in Ghanaian Industrial economy. **Materials and Method:** The study respondents were 70 comprising 50 workers (10 from each of the five departments in Pioneer Food Cannery), 3 Top management members, 5 Departmental heads, 5 Supervisors from the Safety department, 5 members of the Plant Safety Team and 2 officials from the Department of Factories Inspectorate in the Tema Industrial Area selected by simple random and purposive sampling methods. In-depth Interviews, key informant interviews and direct field observations were used to collect primary data in 2014/2015 and thematically analysed in 2015. **Results:** Though management had put in place some policies, mechanisms and regulations including the provision of personal protective equipment, the institution of safety committees, the supervision and enforcement of the mechanisms and policies in place was ineffective and inefficient as the safety department had only five supervisors. Also the Department of Factories Inspectorate is woefully resourced in terms of personnel and logistics leading to poor inspection and enforcement of safety regulations. **Conclusions:** The paper posits that, there is a disconnection between occupational health and safety laws and their enforcement at the industrial level and calls for proper resourcing of the agencies responsible with enforcement.

KEY WORDS: Occupational Safety; Legislation; Implementation, Enforcement

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INTRODUCTION

In the pursuit of a livelihood, wage earners are subjected to varying risks and hazards, some of which are peculiar to their own occupation, while others arise as a result of their own or the carelessness of others or the result of the absence of OHS policies or laws and the lack of management's commitment to workplace safety. Against this background, it is imperative to devise some safety regulation and legislation to protect the lives of employee in industries or factories as the cost of industrial accidents and workplace injuries cannot be underestimated. The financial cost of workplace accidents and injuries includes compensation payment, reduced production due to damaged equipment, man-day loss, loss of wages, medical care and loss of properties among others. The non-financial/social cost of workplace accident are made up of loss of limb/life, loss of breadwinner, human suffering and widowed spouses and orphaned children and loss of skilled workers. The Department of Factories Inspectorate's annual report of 2001-2014 of inspected companies along the Spintex Road, Tema Industrial Area and North Industrial Area revealed that many of the companies do not have the appropriate safety facilities and legislations in place for protecting their employees [1].

Even though Ghana currently has no national policy on occupational health and safety services for its working population, three main employee safety legislations exist

for promoting OHS at the workplace. These includes the Factories, Offices and Shops Act of 1970 (Act 328), Workmen's Compensation Law, 1987 (PNDC Law 187) and the Labour Act of 2003 (Act 651). These three legislative Acts provide the standard policy requirement in ensuring the health and safety of workers at the workplace [2, 3].

NB (New Corrections) There are no comprehensive and reliable data available on Occupational Health and Safety (OHS) in Ghana at the moment. The dearth of credible OHS data detracts from planning, implementation, monitoring and evaluation of preventive interventions and effective utilization of scarce resources. The major problem is the under-reporting of accident cases by industry as a result of inadequate enforcement of statutory provisions or general ignorance of such provisions.

Nonetheless, some statistics available on the number of workplace deaths and injuries show that, the number of accidents and injuries made up of both fatal and non-fatal cases have been reported to the Department of Factories Inspectorate in Accra. The table below presents statistics on workplace accidents and fatalities in Ghanaian factories ranging from 2000 to 2012.

A review of the figures presented above cannot be said to be very accurate considering the problem of underreporting and the lack of enforcement of provisions in the existing legislation. The situation is compounded by the absence of

a central authority that would collate statistics for analysis and policy direction.

Moreover, the high incidence of workplace injuries and fatalities in Ghanaian factories raises serious questions about the disconnection between the existence of safety legislations and laws and their enforcement. It also raises concerns about how work is engineered for safety, in terms of the role of management in promoting workplace safety. There is the need to examine why in spite of the existence of safety legislations, laws and policies (such as Factories Act, Labour Act on OHS, Workmen's Compensation Acts and Ghana's Industrial Policy), accidents and injuries are still on the rise in factories

MATERIALS AND METHODS

The field work on which this paper is based was conducted at the Pioneer Food Cannery (PFC) in the Tema Industrial Area. The Tema Industrial Area was chosen because of the fact that it is considered an industrial hub in Ghana with factories operating. PFC was established in 1975 as a wholly-owned subsidiary of Mankoadze Fisheries Limited (MFL) and operated as a herring cannery. It exports branded and private label products (retail and food services) mainly to the UK and mainland Europe. The products are also sold in the local market and other parts of Africa. As at the time of this study (2014/2015), the company had a total workforce of 742 employees.

The paper used simple random and purposive sampling methods to select 70 respondents made up of 50 workers (10 from each of the five departments in PFC), 3 Top management members, 5 Departmental heads, 5 Supervisors from the Safety department, 5 members of the Plant Safety Team and 2 officials from the Department of Factories Inspectorate in the Tema Industrial area.

Primary data were collected between September 2014 and February, 2015 through in-depth interview with 50 selected workers of the Pioneer Food Cannery, key informant interviews with some management of the company and direct field observation of the workers. Key informant interview was conducted with top management officials namely the Chief Executive Officer, Production Manager, Factory Manager. Middle-level managers namely five departmental heads were also selected and interviewed on the policies and standards in place for promoting workplace safety. In addition lower-level managers, including five safety supervisors in the Employee Health and Safety (EHS) Department together with one supervisor each from the five production sections constituting the Plant Safety Team and the Safety Committee were interviewed and involved in the focus group discussions. In addition, two officials of the Department of Factories Inspectorate (DFI) in the Tema Industrial area were also interviewed to seek their views on the role of the DFI in the enforcement of safety legislations. A two-day study tour of the factory (from the beginning of production to the end) was undertaken to observe how workers complied with safety mechanisms. The data were

analysed thematically in January 2015 by identifying the various themes that came out of the study.

RESULTS

Current Legislations and Situations in Ghana

Ghana's current OHS legislations and policies (the Factories and Shops Act, Labour Act, Articles 23(1), 24(1) and 36(10) of the 1992 Constitution of Ghana, Workmen's Compensation Act and the Industrial Policy of 2013) remain fragmented and uncoordinated leading to poor regulation. The independent evolution of these different statutes has resulted in fragmentation, overlapping areas of jurisdiction and inconsistencies in the various laws on OHS operating in the country. These have in most cases led to a misunderstanding between the various enforcement agencies, which have to deal with various inspectors from the different enforcement agencies that may call within a short time span [4].

The responses from the respondents indicate that, the majority of them (69%) were unaware of the provisions of the Factories and Labour Acts for employee safety. The few, (31%) who were aware of the Acts understood that, it is about following the rules and regulations regarding safety and health. For others, the acts were about providing good working conditions by employers.

In a separate interview with the leader of the local union of the company, it came to light that, the level of education of the workers on these safety acts was low. When the local union leader was asked whether, the union have ever organized education and workshops on these acts for the workers, he answered in the negative. From the data, it is clear to state that the level of awareness about the labour and factory acts by workers was very low because the majority of them (69%) did not know what these Act are about. This perhaps may be one of the reasons responsible for the low level of compliance with safety legislations and regulations.

Under the current legislations on OHS at workplaces in Ghana, the employer is mandated to provide the necessary conditions for safeguarding the health and safety of people employed. Also facilities such as washing, lighting, and drainage of floors, sanitary convenience, drinking water, and accommodation for clothing, sitting facilities, removal of dust or fumes must be adequately provided. The Act further states that, other facilities should be provided such as protective clothing and appliance, reduction of noise and vibration, prohibition of lifting excessive weights, first aid facilities. However, the current situation is that many of these legal requirements are absent. Findings from study indicates that many of these facilities are either absent or where provide are not up to standard in the Pioneer Food Cannery.

The Safety situation at Pioneer Food Cannery

The findings of the study indicate that, in the particular case of Pioneer Food Cannery, the management have some

safety and health policy in place. It is also worth noting that, Pioneer Food Cannery has developed a Safety Management System (SMS) comprising of top management, middle and lower management. Based on the safety management system, the company had developed a health and safety policy. The policy statement of the company states as follow:

As an ethical progressive food company, we care for the well-being of our employees and all those who are involved in our operations and supply chain together with those who contribute and consume our products. We strive to provide and continuously improve on safe and healthy working environment where this is within our influence. Our policy is to achieve this through legal compliance and development and adoption of strong management practices and processes designed to culminate the risk exposures of all those affected by our activity (Human Resource Department, PFC).

The Health and Safety policy statement of the company is based on four values namely;

Nothing we do is worth getting hurt for

Health and safety can and will be effectively managed

Every work-related injury or illness could and should have been prevented

Health and safety is everyone's responsibility

On the issue of whether, state regulatory agencies inspect and check the implementation of these policy statements, it became clear that was not the case. It means these policies in most cases exist because the law requires it but no efforts are made to implement them. It is clear that the company has a well-define policy statement on OHS spelling out policy statement and core values on promoting the health and safety of workers, but specific implementation was problematic. This can be said to be the situation in some industrial settings in Ghana, where the policy statements on OHS are well stated, but lacks proper implementation and enforcement.

Internal Mechanisms and Personal Protective Equipment for Workers

As a requirement by the legal regimes for promoting workplace safety and health, employers are expected to provide facilities such as protective clothing and appliance, reduction of noise and vibration, prohibition of lifting excessive weights, first aid facilities.

Data from the study shows that the majority (90%) of the workers confirmed that most of the basic safety facilities were provided. There were also about 30 emergency exits, 50 fire extinguishers and 60 fire alarms in the company. However, considering the fact that the company occupies a total land area of 24,583 square meters, the numbers of such facilities were inadequate. This is because in the case of any emergencies, it will be difficult for all workers to get out quickly using emergency exists.

Examples of some of Personal Protective Equipment (PPEs) provided included ear plugs, eye goggles or glasses,

helmets, face shields, nose mask, protective dresses, aprons (rubber, metal), hand gloves, (metal/rubber), safety shoes and boots, reflective vest (for folk life drivers), cold room jackets, respirators and eye washers, among others. As earlier noted, the kind of safety mechanisms and facilities identified by respondents depends on the departments they worked in. For instance, those working in the freezing and boxing section are provided with cold room jackets, while the forklift drivers are given reflectors. Also those working in the retort department are provided with safety valve on the retort vessels.

In accordance with this, the company had instituted departments and policies to enhance accident reduction and protection of workers. These included a Safety Department (made up of a full-time safety manager with five safety supervisors assisting, responsible for recording and investigating workplace accidents), Safety Committees (composed of the various supervisors from the various department who were supposed to meet every two weeks to co-ordinate and review safety issues within the factory), Plant Safety Team (made up of representatives drawn from each department who met daily on safety issues in the factory), Safety Roundtable (this is where an accident victim after treatment met the Plant Safety Team to discuss the cause of the accident) and First Parading Services (whereby all machines and equipment were inspected to ensure their good condition and orderliness before any production begun and this was done on daily basis by the Engineering and Safety departments) among others. Personal Protection Equipment (PPEs) provided by the company included: ear protectors, helmets, dresses, hard hats, goggles, face shield, nose mask, respirators, protective clothing's, aprons (rubber, metal) gloves (metal/rubber), safety shoes, boots, reflective vest for folk lift drivers among others. It was the responsibility of the Safety together with the Quality Control Department to provide workers with the appropriate PPEs.

However, when the safety supervisor was asked about the level of compliance with safety mechanisms by the workers, she admitted a low level of compliance. She explained that most of the workers find it difficult to wear their PPEs in spite of the constant reminder. She further explained that most of the workers complain that wearing some of the personal protective equipment was uncomfortable while working. Another supervisor in charge of production also confirmed the low levels of compliance with safety mechanisms by workers. He also explained that most of the workers under his supervision needed to be regularly reminded to put on their PPEs and follow established procedures. According to the supervisor, it is not surprising that most of the work-related accidents and near misses were due to unsafe personal acts and failure to follow established work procedures.

Enforcement of OHS Legislations and Policies: The Role of Department of Factories Inspectorate

The responsibility of the state in ensuring the safety of the citizens in industry is two-fold. Firstly, the state is expected to enact laws that could protect the lives of

workers in industry/factory. Such laws include the Factory and the Labour Acts. Secondly, the state is to ensure the enforcement of the provisions of the laws. In Ghana, the Department of Factories Inspectorate was established to enforce the laws on factories to ensure the safety of workers in factory.

When asked about the frequency of inspection and enforcement by statutory agencies especially the DFI, the majority of the respondents (76%) noted that, inspections were infrequent.

When the respondents were asked about the frequency of the inspection by officials of the Department of Factories Inspectorate, the majority stated that the inspections were infrequent and that the inspectors at times do not show up for the whole year. A confirmation from the safety officer showed that the officials of the Factories Inspectorate were supposed to conduct routine inspections once every six months, followed by check inspection three months after the routine inspection. However, they did not show up for the past one year.

To confirm the claims of the workers and the safety supervisor, an interview was conducted with the Municipal Chief Inspector of the Department of Factories Inspectorate in Tema. According to the Municipal Chief Inspector (MCI), inspectors are supposed to conduct routine inspection at least once every six months followed by a check inspection three months after. He, however, stated that because of their poor staff strength and the large number factories in Tema, the inspectors were unable to inspect the factories frequently. He, therefore, confirmed the assertion of the workers that the inspectors inspect the factories once a year. He further revealed that at times, even for a whole year, they were unable to visit a factory, since the attention of inspection seems to focus on the new emerging companies. From the views of the workers, supervisors and the MCI, it is clear that the Factories Inspectorate was unable to frequently conduct regular inspections at Pioneer Food Cannery, Tema. According to the Municipal Chief Inspector in charge of Tema, the Department of Factories inspectorate has four inspectors in addition to the Municipal Chief Inspector. Considering the number of manufacturing companies in Tema that falls within the jurisdiction of the Department of Factories Inspectorate the number of inspectors is woefully inadequate. This has accounted for the infrequent inspection by the department. He further stated that comparing most companies in Tema with those in the North Industrial Area of Accra, the Tema companies have better employee safety policies and regulations. The reason is that, the companies in Tema are owned by British, American and other European nationals who are concerned with employee safety. In North Industrial Area the companies are owned by Arabs or Lebanese, who are not so much concerned with safety of employee.

DISCUSSION

Currently, Ghana has no national policy on occupational health and safety services for its working population. In spite of the numerous investments that the country attracts with its accompanying OHS related issues, governments of Ghana, past and present, have not shown much political will, commitment and support for bold occupational health and safety policies. This is evident in the fact that out of over 70 conventions/recommendations of the ILO that are OHS related, only ten have been ratified by the Government of Ghana (i.e., Conventions 45, 81, 89, 90, 103, 115, 119, 120, 147 & 148). The four core conventions on occupational health and safety (i.e., Conventions 155, 161, 170 and 174) have all not been ratified [3].

One of the most consistent findings in the literature on employee safety is that in factories having successful safety program, there was a strong management commitment to safety [5]. In practice, this commitment manifests itself in top management being personally involved in safety activities on routine basis, in top management giving safety matters high priority in company meeting and production scheduling. Others have also stressed the importance of management commitment in the effectiveness of employee safety programmes and accident reduction [6, 7, and 8]. Even though the company has shown some commitment, the enforcement of such commitment is weak and poor.

Management also has a responsibility in the enforcement of safety legislations and regulations. Apart from devising and developing effective and achievable employee safety policies, employers or management are also expected to train safety officers and institute a safety department [9]. The top management must provide the initial push for a safety programme, the supervisor must maintain the programme momentum daily and middle management must participate to create a chain of communication and command. Furthermore, that the major role of the safety programme belongs to the first-line supervisors (foremen); everything that everybody else does is worthless if the supervisor does not do his job of supervising employees. The role of the foreman includes investigating all accidents to determine their underlying causes, inspecting his area routinely and regularly to uncover hazards, coaching (training) and motivating his workers to know how to do the work safely [10].

The foreman, or first-line supervisor, is the key man in accident prevention, particularly with regards to unsafe acts. Accident prevention is one aspect of production, comparable to attaining required precision or elimination of waste. The foreman or supervisor is charged with getting production out and seeing to it that the day's schedule of work is accomplished. Thus, he inevitably is the man directly responsible for seeing that the work is done safely [11, 12].

Trade unions are expected to play a number of roles in influencing the number of workplace injuries. Some of these roles include educating their members on safety acts and legislations. Unions according to them could also increase

workers' awareness about their rights to injury compensation and also influence improvements in standards of safety at work [10].

The inability of the local trade union to organize seminars to educate their members on these legal instruments is also accountable for the low level of awareness on the part of workers. One important observation was that while most of the employees are aware of the safety mechanisms, facilities and regulations put in place by their employer (the company), most of them were unaware of the legal regimes (Acts) in the Industry.

According to the safety officer from the Safety and Health Department of Pioneer Food Cannery, the Department is supposed to inspect or check the safety facilities of the workers daily, but due to their small number in the department, they were not able to do this frequently. She however stated that they inspect in at least, once in a week. The workers, however, stated that the supervisors normally came for inspection when there was an emergency and when they (supervisors) felt that accident cases were increasing. This is in conformity with Gouldner's explanation of the leeway function of bureaucratic rules [13]. The leader of the local union also confirmed that the inspections by the supervisors were not all that frequent since the supervisors did not inspect regularly. The reason for the infrequent inspection could be explained by the busy work schedule of the supervisors. Also considering the fact that there were only five supervisors in the safety department (as at the time of the study), in relation to the large labour force of the company, they would be unable to frequently organize inspections.

The paper has established that, there exist numerous occupational health and safety legislations, laws and policies. However, the current OHS laws are outmoded, fragmented in operation, limited in scope and coverage, has not kept pace with international development, has areas of inconsistency and its definitions do not address occupational diseases. The implementing bodies have limited capacity to execute national safety and health policy and no single institution has full capacity to assume oversight responsibility over OHS. In addition, there are overlapping areas of responsibility, absence of coordination and differences in approach. Currently, no ministry or institution has either the responsibility or capacity to develop and implement national health and safety policy.

It is important to state that, due to the low level of compliance with safety mechanisms and processes, it was not surprising that most of the accidents experienced by the workers were due to unsafe personal act, failure to follow established safe-working procedures and inadequate or improper personal protection. In some cases workers were not using their personal protective equipment until they saw the supervisor approaching. Some others entered the plant without their safety boots on, and had to be reminded by their supervisors if they were around. These shows employees' negligence for their own safety and this is mainly due to the fact that supervisors cannot be at everywhere at the same time.

The paper also observes that, despite the existence of OHS legislations and laws in Ghana, the enforcement and implementation of such legislations were poor or low. In some cases, state agencies such as the Department of Factories Inspectorate lack the logistical, financial and human resource to enforce the legislations. There is therefore a disconnection between existing OHS legislations on one hand and their implementation and enforcement on the other hand. This is because like many other sectors of the Ghanaian society, the laws exist in the statutory book, but the implementation and enforcement are poor if not completely absent.

CONCLUSION

The paper also concludes that, in the specific case of Pioneer Food Cannery, management of the company had in place some policies, mechanisms and regulations on employee safety and accident reduction. However, from the findings enforcement of these internal mechanisms and policies were infrequent and poor in terms of the poor supervision of workers on the use of PPEs and following safety procedures. There is also low education on the part of supervisors and trade unions for workers on the need to use protective equipment and follow proper safety procedures.

It is important to explain that, if workers were well educated about this safety legislation, the rate of compliance would be high. It is also clear that the extent to which workers are aware of the existence of the above legal regimes depend on how well they are educated. Hence the low levels of awareness of safety legislations coupled with poor supervision and enforcement are the main cause of workplace accident and injuries. There is therefore a disconnection between existing OHS legislations on one hand and their awareness by workers as well as implementation and enforcement by supervisors and state on the other hand.

There is therefore the need for resourcing the Department of Factories Inspectorate to effectively educate workers on importance of safety and enforce workplace safety legislations and regulations in Ghana. Also management and trade unions must play an active role in educating and ensuring their workers keep safe working habits and use protective equipment and follow proper procedures.

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