

Assessment of the Implementation of Workers' Occupational Safety and Health Standards in Building Construction: The Case of West Shoa Zone

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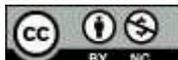
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Abstract: Occupational Safety and Health (OSH) laws in construction should be an essential part of any successful construction project, in much the same way as the designs, equipment and materials for the construction. However, there is lack of enforcement of laws by stakeholders in practice. Disregarding OSH in the construction sector entails adverse consequences on the workers, the employers and the society in general. This paper has analyzed qualitative data collected mainly through a review of relevant government policies, legislations, secondary materials, personal observations, and interviews with key informants. The objective of the study was to examine what OSH standards are incorporated in the different laws and policies of Ethiopia, how effectively the laws and policies are implemented in West Shoa Zone, and why the OSH standards are neglected/violated? The finding of the research reveals that the relevant laws on OSH in Ethiopia are less developed, less comprehensive and scattered in different pieces of legislations. In practice, the implementation of OSH in (building) construction in the study area is low. Hence, the research suggests that the stakeholders in the study area should act to effectively implement OSH laws in the building construction sector. Besides, Ethiopia should develop the system of recording and analyzing occupational injuries at work places that helps it to identify risky occupations and give an appropriate policy and legal solutions accordingly.

Keywords: Construction; Labour law; OSH; West Shoa

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1. Introduction

Annually, throughout the world, approximately 271 million people suffer with work-related injuries, and 2 million die of these injuries. The estimated financial loss caused by work-related injuries and disease has been equal to 4% of the world's gross national product (Feleke, Emer, Quezon and Macarubbo, 2016). Hence, the human, economic and social costs of occupational diseases and accidents have been the subject of great concern both at global and national levels. Various national laws, international conventions, guidelines, recommendations and code of conducts have been made to control, prevent and eliminate occupational hazards. Occupational safety is a core element of International Labour Organization (ILO) activity since its establishment in 1919. Nearly 80% of all ILO standards and instruments are either wholly or partly concerned with issues related to OSH (Alli, 2008).

The nature and degree of occupational hazards vary depending on the type of economic ventures involved. This has necessitated sector specific regulations of the occupational risks notably mining, manufacturing, construction etc. Construction by its nature is a risky activity. The existing statistical data shows that the construction industry, employing the largest labour force, has accounted for about 11% of all occupational injuries and 20% deaths resulting from occupational accidents. ILO estimates that at least 60,000 fatalities occur at construction sites around the world every year. Potential risks for construction workers are: scaffold collapse, falls (from heights), trench collapse, electric shock and arc flash/arc blast, failure to use proper personal protective equipment and, repetitive motion injuries (Feleke *et al.*, 2016). Cognizant of this, OSH standards in construction sector have been developed both at the national and global levels. ILO, at the global level, has promulgated various conventions and guidelines applicable to the construction sector. It requires the member states to implement its conventions and guidelines in their domestic policies and laws.

Ethiopia has been a member state to ILO since 1923 and ratified 22 ILO conventions including 8 fundamental conventions and 12 technical conventions. One of the technical conventions is the Convention on Occupational Safety and Health¹ that sets forth principles for action at the national level (Tigiste, 2015). ILO's Safety and Health in Construction Convention 155/1981 is one of those conventions to which Ethiopia is a party. However, Ethiopia is not a signatory to the ILO convention that specifically deals with the safety and health in construction (Safety and Health in Construction Convention, 1988 (No. 167) with its accompanying recommendation (No. 175). An interview conducted with an expert at Occupational Safety and Health Department of MoLSA² revealed that a study is underway to secure Ethiopia's adoption of the convention. It is true that the working conditions, occupational safety and health of workers in most developing countries including Ethiopia is low. Yet, Ethiopia has not hesitated to incorporate some international OSH standards in several economic sectors including the construction sector into its national laws. It has also set its own national OSH standards, legislations on OSH, national OSH policy since 2014 and has also established institutional frameworks to ensure their proper implementation. However, quick personal visits to the building construction sites in the study area revealed that workers do their job in risky environments. Unfortunately, what is observed in the study area is also true for workers in similar projects in Ethiopia. Depending on the above background discussion, this article has examined what OSH standards in construction are incorporated in different OSH laws and policies of Ethiopia and whether these laws and policies are being effectively implemented or neglected in the study area. It further inquires reasons for their ineffective implementation and addresses what should be done to ensure a stronger implementation of OSH laws in building construction in the study area. For a better understanding of the concept of OSH in construction in general, it is imperative to discuss the relevant legislative frameworks in Ethiopia and the key stakeholders involved in the implementation of OSH

¹ It provides definitions, establishes requirements for national policy and specifies the responsibilities of governments, employers and workers. It also provides guidance for developing a well-functioning labour inspectorate.

² Conducted on Feb.22, 2018 (Name withheld)

alongside their respective rights and obligations.

1.1. OSH in Ethiopia: Overview of the Legislative Framework

Ethiopia has adopted different policies and legislations with the aim of preventing work place injuries and diseases. The general legal regimes governing the matters of OSH are rooted in the constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995 (21 August 1995). Art-42(2) of the Constitution states that “workers shall have the right to appropriately defined working hours, breaks, leisure, periodic leave with pay, paid public holidays, and a safe and healthy working environment”. The Constitution protects freedom of association and collective bargaining for workers (Arts-42(1) (a) and (3)) and all citizens (Article 31) and the right of women to equal pay (Article 42(1) (d)). It further prohibits forced and compulsory labour. Moreover, Art-51(3) empowers the federal government to establish and implement national standards and basic policy criteria for public health, education, as well as science and technology. Art-9 declares the supremacy of FDRE Constitution in the hierarchy of laws, and states that “all international agreements ratified by Ethiopia are an integral part of the law of the land”. Consequently, ILO’s agreements regulating OSH matters ratified by Ethiopia are considered as part of Ethiopia’s laws.

A more comprehensive and technical details of OSH in Ethiopia are embodied in different subsidiary legislations.³ The labour law establishes general OSH standards and their means of enforcement and renders the implementation of OSH the duty of both employers and workers.⁴ The right of employees to full safety right brings with it a corresponding obligation on part of an employer to provide employees with safety ensuring tools. Consequently, Art-92 of the Labour Proclamation imposes the minimum duty of employers to give safety training for newly employed workers before sending them out for work. Further, an employer is obliged to provide the necessary safety equipments based upon the nature of the job. The Safety, Health and Working Environment Protection Directive 2008 (OSH Directive) that implements ILO Convention 155; is also issued by the Ministry of Labour and Social Affairs (MoLSA).⁵ Although the directive covers all economic sectors, it has separate provisions for manufacturing and construction sectors. Compared to the Labour Proclamation, the directive contains a relatively detailed guidance on OSH matters. More specifically, the directive defines and describes the general requirements for maintaining safe and healthy workplaces. The Ministry of Urban Development and Construction has also prepared a draft code (EBCS 14) regarding health and safety in building construction but its adoption has remained unrealized (Tigiste, 2015).

The actual implementation of those statutory OSH standards scattered in different legislations involves various governmental (institutional) and private stakeholders. Art- 29 (1) of Proclamation No. 1097/2018 authorizes the Ministry of Labour and Social Affairs (MoLSA) to issue and follow up the implementation of OSH standards. MoLSA also executes powers entrusted to it under the Labour

³ Public Health Proclamation No. 200/2000, the Pollution Control Proclamation No. 295/2005, the Environmental Impact Assessment Proclamation No. 299/2002, the Labour Proclamation No 1156/2019 and etc.

⁴ In principle, employment relationship between a worker and an employer emanates from contract. However, individual contracts are not the only sources of employment law. The statutory rights and obligations, collective agreements and ILO laws are also sources of employment relationships. With the aim of rectifying the market failure that results from the disparity of the bargaining power between the workers and employers, the law restricts the freedom of contract in employment relationships. Injustice and instability of industrial peace could be avoided through the legally stipulated minimum working conditions below which the terms of contract may not stipulate. This is recognized in many jurisdictions and international legal instruments of ILO. The same is reflected in Ethiopian labour proclamation 1156/2019. The minimum wage, employment security (legal provisions aimed at protecting employees from unjustly dismissed), provisions fixing the working hours, safety and health working conditions are amongst the legally stipulated minimum working conditions.

⁵ The Directive establishes the duties of employers, rights and duties of workers, responsibilities of the labour inspectorate, and mandatory conditions on overcrowding, sanitation, fire safety, and preparedness. Part II provides guidance on mandatory employer responsibilities; Part III details provisions for ambient working conditions and certain hazards; and Part IV describes specific and general hazards by work practices or types of manufacturing processes, machinery operation or job performance procedures. Part V covers OSH in construction and Part VII covers the agricultural sector and the duties of authorities

Proclamation in relation to OSH. MoLSA has a broad mandate and as per the OSH Directive and Labour Proclamation, it strongly focuses on OSH. The Labour Proclamation provides labour inspection roles and responsibilities, the labour inspection process, penalties and remedies and court and labour board adjudications. Powers in relation to implementation of OSH have also been allocated to the regional states Bureaus of Labour and Social Affairs under different legislations.

The general legal frameworks discussed above are applicable to the building constructions as well. Hence, unless modified by regulations specific to the construction sector, OSH regulations applicable to other economic sectors are similarly applicable to the construction sector. The laws governing building constructions also indirectly touch upon OSH standards. Thus, Ethiopian Building Proclamation No. 624/2009 incorporates different OSH standards for building constructions. OSH standards in construction are further incorporated in the 2011 Regulation enacted by Council of Ministers in its Building Regulation No. 243/2011.

1.2. The Key Stakeholders in the Implementation of OSH in Building Construction

1.2.1. Employers (contractors, clients and consultants)

The actual implementation of OSH standards takes place at construction sites and a commitment of private stakeholders is indispensable. These stakeholders can effectively achieve the implementation by fully committing themselves to discharge their legal duties in relation to OSH laws and regulations dictated in various state legislations. Besides, construction employers need to have a written safety policy for their company that sets out the safety and health standards (Feleke *et al*, 2016).

Labour legislations often prescribe the minimum working conditions below which the parties to employment relationships are prohibited to negotiate. Thus, in theory, better conditions of work can be provided by employers to their employees via work rules.⁶ This is palpable from the expression of Art-12 of the Labour Proclamation No.1156/2019 that reads ‘an employer shall, in addition to special stipulations in the contract of employment, have the following obligations.’ That means, employers can possibly provide better working conditions and implement better OSH standards via work rules.

As highlighted above, different national laws including the FDRE Constitution and other proclamations such as the Labour Proclamation provide the general legal basis for OSH in Ethiopia. It is the Labour Proclamation that defines the respective rights and duties of workers and employers, powers and duties of the organ charged with the responsibility of inspecting labour administration, particularly labour conditions, occupational safety, health and environment (Part Seven of the Proclamation (Art-92-Art-112)). An employer is obliged to ‘take all the necessary occupational safety and health measures and to abide by the standards and directives to be given by the appropriate authorities’ in accordance with Art 12 (5) of the Labour Proclamation.⁷

Article 92 of the Labour Proclamation lays down a basic obligation of an employer in a more detailed way in addition to the general obligation of an employer to take the necessary measure to adequately safeguard the health and safety of the workers and comply with the occupational health and safety requirements provided for in the Labour Proclamation. An employer should take appropriate steps to ensure that workers are properly instructed and notified concerning the hazards of their respective occupations and the precautions necessary to avoid accident and injury to health (Art-92 of the Labour Proclamation). An employer should also ensure that directives are given to workers,

⁶ ‘Work rules’ (የሥራ ደንብ) means an internal rules which govern working hours, rest period, payment of wages and the methods of measuring work done, maintenance of safety and the prevention of accidents, disciplinary measures and its implementation as well as other conditions of work (Art-2(6) of the Labour Proclamation).

⁷The necessary OSH measures comprise both the preventive and corrective measures. Corrective measures help to rectify or mitigate the consequences of occupational injury or sickness after they materialize. Should the risks materialize the laws also provide the remedial measures such as an obligation of an employer to cover the medical costs for occupational accident and occupational disease (Art 97 and art 98 of the Labour Proclamation respectively). Prevention as a preferable and less costly method helps to avoid risks by installing appropriate equipment and giving the necessary instructions for workers on how to operate them. Hence, OSH measures require the cooperation of both employees and employers.

assign safety officer and establish an occupational, safety and health committee (Art- 92 of the Labour Proclamation). An employer should also provide workers with protective equipment, clothing and other materials and instruct them of its use; register employment accident and occupational diseases and notify the labour inspection of the same. It is the legal duty of an employer to arrange, according to the nature of the work, at his own expenses for the medical examination of newly employed workers and for those workers engaged in hazardous work, as may be necessary. An employer should, in general, ensure that the work place and premises do not cause danger to the health and safety of the workers; take appropriate measures to insure that all the processes of work shall not be a source or cause of physical, chemical, biological, ergonomical and psychological hazards to the health and safety of the workers.

Besides, the Labour Proclamation requires employers to provide workers with temporary facilities of store, lavatory, dressing room, office and dining rooms or temporary sheds as may be necessary (Art-30 (2) of Regulation No. 243/2011). Other private stakeholders are also involved in the implementation of OSH in construction in addition to contractors (employers). The client companies, for instance, are authorized to oversee the implementation of OSH on-sites mostly by ensuring that the consultant has the required health and safety knowledge and experience to undertake the planned project (Feleke *et al*, 2016).

1.2.2. Workers

An effective implementation of OSH standards in construction cannot be achieved without an active involvement of workers. Workers, as direct beneficiaries of the implementation and primary victims of work place injuries and diseases, are under a moral and legal duty to take a maximum care of their own safety and that of fellow workers. As stated earlier, it is the duty of employers to provide a safe and healthy working environment and implement OSH standards. This obligation of an employer by its nature is not a unilateral obligation. The protective pieces of safety equipment are provided and installed by employers (contractors).

Once provided with the necessary trainings on how to use those safety instruments, it shall be unlawful for a worker 'to refuse to observe safety and accident prevention rules and to take the necessary safety precautions (Art-14 (2) (f)) of the Labour Proclamation). Employees are also prohibited from 'interfering with, remove, displace damage or destroy any safety devices or other appliances furnished for their protection or the protection of others; or obstruct any method or process adopted with a view to minimizing occupational hazard (Art 94 of the Labour Proclamation). A worker shall in general 'co-operate in the formulation of work rules to safeguard the workers' health and safety, and implement same' (Art 93 of the Labour Proclamation).

A worker should also 'inform forthwith to the employer any defect related to the appliances used and injury to health and safety of the workers that he discovers in the undertaking (Art 93 of the Labour Proclamation). An employee should also report to the employer any accident or injury to health that arises in the course of or in connection with work (Art 93 of the Labour Proclamation). Besides, a worker is duty bound to 'make proper use of all safeguards, safety devices and other appliance furnished for the protection of his health or safety and for the protection of the health and safety of others; obey all health and safety instructions issued by the employer or by the competent authority' (Art -93 of the Labour Proclamation).

It is common for legislations to provide the legal consequences of the failure and/or refusal by the implementing stakeholders. The consequences may take a form of criminal sanction, civil remedies or administrative penalties on either employees or employers. In fact, the consequences of non-compliance with OSH regulations are found scattered in different Ethiopian legislations. As noted above, the implementation of OSH is made via the cooperation of both employees and employers each with their respective duties. The violation by an employer of regulations and directives issued in accordance with the labour Proclamation relating to the safety of workers and commit any act that exposes the life and health of a worker to a serious danger is a criminal offence (Art 186 (1) (a) of the

Labour Proclamation⁷. Similar punishment is prescribed for an employer who does not comply with the order given by labour inspectors in accordance with the Labour Proclamation or other relevant laws (Art 186 (1) (d) of the Labour Proclamation). Administrative measures taken by relevant institutions might go to the extent of cancellation of a business license.⁸ Breaching health and safety duties can also be a reason for an employee to terminate his employment contract without notice (Art-32 of the Labour Proclamation) Consequently, a worker who terminates his contract without notice due to the violation of OSH by an employer is entitled to severance payment and compensation (Art-39(1) (f) of the Labour Proclamation). For a worker, the intentional disregard for the OSH might cost him/her his legal rights. The cost may range from being fired from his/her job⁹ to graver consequences in relation to the potential lack of cover for the medical expenses and denial of the disablement benefits.

1.2.3. Governmental stakeholders

The existence of an appropriate legislation does not guarantee its enforcement, unless it is backed by institutions to supervise and/or ensure its effective implementation. One of the prominent executive organs dealing with the OSH in general is MoLSA. This ministry is vested with a power to implement the Labour Proclamation and issue directives necessary for the implementation of the Proclamation. MoLSA is authorized to issue directives on occupational safety, health and the protection of working environment as per Art- 171 (1) (a) of the Labour Proclamation. Accordingly, MoLSA issued the Safety, Health and Working Environment Protection Directive in 2008. This Directive addresses OSH matters in detail alongside defining and describing the requirements of maintaining safe and health working conditions. It is Part V of the regulation that is specifically applicable to OSH in construction.

One of the mechanisms that help to improve the working conditions, health and safety of workers is labour inspection. Although Ethiopia has not yet ratified the two ILO conventions on labour inspection (Labour Inspection Convention 1947 (No. 81) and the Labour Inspection (Agriculture) Convention 1969 (No. 129), it has the necessary legal framework and infrastructure for it (ILO, 2009). The Labour Proclamation mandates MoLSA to organize, co-ordinate, follow up and execute the labour administration system (Art-171 (2) of the Labour Proclamation). It establishes an Employment Service¹⁰, a Labour Inspection Service¹¹ and a permanent Advisory Board consisting member from the government, employers' associations and trade unions (Art-170 (2) of the Labour Proclamation). The Advisory Board is mandated to study and examine matters concerning employment service, working conditions, the safety and health of workers, the labour laws in general and give advisory opinion to the Ministry. The duties and responsibilities of Advisory Board were left to be determined in the directives to be issued by the Ministry (Art-171 of the Labour Proclamation). However, an interview with a member of the Occupational Safety, Health and Working Environment Department

⁸ Art-29(1) (a) of the Commercial Registration and Business Licensing Proclamation No. 980/2016 states that ' a relevant authority may suspend a business license where a business person fails to meet occupational, health and sanitation, environmental protection, accident prevention standards and qualities of goods and services.

⁹ Art-14(2) (e) of the labour proclamation states that it is unlawful for a worker to refuse to observe safety and accident prevention rules and to take the necessary safety precautions, while Art- 27 (1) (i) of the same states that this conduct is a ground for an employer to terminate the concerned employees employment without a notice.

¹⁰ Employment Service speculated under the proclamation has no direct role to play in the promulgation and implementation of OSH.

¹¹ As per Art-177 of the Labour Proclamation, the Labour Inspection Service (of MoLSA) among other things: Supervise, executive, educate, study, make research and prepare a standard of work to ensure the implementation of the provisions issued in accordance with this Proclamation and other laws regarding working conditions, occupational safety, health and working environment; prepare the list of occupational diseases and schedules of degrees of disablement; classify dangerous trades or undertakings, prepare training programmes concerning the prevention of employment injuries and supervise and ensure that where undertakings are constructed, expanded, renovated or their appliances installed, they are not dangerous to the safety and health of workers.

of MoLSA, conducted on Feb.22, 2018, revealed that the advisory board has not been established and the directive determining its duties and responsibilities has not been promulgated to date.

Concerning the labour inspection, it is the Occupational Safety, Health and Working Environment Department (OSHWED) of the Ministry of Labour and Social Affairs (MoLSA) that is responsible for labour inspection (both technical and non-technical) at the federal level. The department has Occupational Safety Team, Occupational Health Team and the Minimum Labour Conditions Team. It has policy-making functions and provides advisory services to workers, employers and the public at large on OSH and terms and conditions of employment. Besides, it keeps the national record of occupational injuries based on reports from the regional states labour inspection services (Tigiste, 2015).

In addition to exercising its powers and duties at regional levels, OSHWED also runs labour inspection of publicly owned enterprises in Addis Ababa and Dire Dawa, the two city administrations. The Addis Ababa and Dire Dawa city municipalities Bureaus of Labour and Social Affairs cover only private enterprises in their respective cities. At the regional level, the regional Bureaus of Labour and Social Affairs and the city municipalities are responsible for labour inspection in their respective administrative units. The regional Bureaus of Labour and Social Affairs report to both the heads of the regions and MoLSA (ILO, 2009).

The labour inspectors have the power to enter, during any working hours without prior notice, any work place where they may think necessary to inspect in order to examine, test or enquire to ascertain observation of the OSH standards (Art- 178 (3) of the Labour Proclamation). If an inspector observes that there is a threatening condition on or in the premises, plant, installations, machinery, equipment or material of any undertaking or in the working methods being followed, he/she shall instruct the employer to correct such condition within a given period of time (Art. 179 of Labour Proclamation). Ethiopia's Labour Proclamation is partly modeled on the ILO's Convention on Labour Inspections of 1947 (No. 81) (Wheeler and Goddard, 2013). According to ILO (2009), the Oromia Bureau of Labour and Social Affairs conducts labour administration. It is also responsible for labour inspection, a task which is often delegated to Zonal and district offices. Therefore, the regional inspectors inspect employers of various sizes. Employers with 800 or more employees are inspected at the regional level, while those with 500-800 employees are inspected at the zone level, and those with fewer than 500 employees are inspected at the local level (Wheeler and Goddard, 2013). But, in practice, there are no adequate inspection services due to lack of trained inspectors and absence of technical OSH standards for specialized inspections (Tigiste, 2015).

2. Research Methods

This work is a socio-legal research (an interdisciplinary approach) to analyze law, legal phenomenon and relationships between these and the wider society. It seeks to find out to what extent OSH laws in building construction in Ethiopia are observed by the stakeholders in the study area.¹² From the construction sector, only the building construction sector was targeted as other types of construction were fewer than the number of building construction sites in the study area. The research has utilized qualitative data collected mainly through a review of relevant government policies, legislations, secondary materials, personal observations, and interviews with key informants. Both primary and secondary data were consulted.

Two building construction sites from each of the selected major towns in West Shoa Zone¹³ (Ejere, Ginchi, Ambo, Guder, Gedo and Bako) were purposefully selected. A total of twelve (12) building

¹² This work does not simply seek to try to explain and comment on Ethiopian laws on OSH in building construction sector and hence not a purely doctrinal research. It rather acknowledges the existing laws as they stand, but questions their implementations in practice.

¹³ West Shoa Zone is one of the 20 zonal administrations under Oromia Regional State of Ethiopia. It shares boundary with Finfinne Special Zone from the East, Abay River with the North, South West Shoa Zone from the South, East Wollega Zone from West. Although this zonal administration is not as such crowded with construction sites as the lion's share of the

construction sites were covered.¹⁴ The buildings from each town were selected on the basis of their size and the number of employees they had on sites. All the sites had ten workers, on average, at the sites during the time of visit. Informants were selected through non-probability sampling on the basis of their accessibility from workers at building construction sites, construction companies, and relevant governmental offices. Interviews with twelve (12) employers (contractors) or their representatives on sites and three (3) workers from each selected building construction sites (12 construction sites and a total of 36 workers mostly employed on temporary basis) were conducted. Interviews with relevant personnel at the Ministry of Labour and Social Affairs (MoLSA) and its regional (Oromia) counterparts were also conducted.

Concerning secondary data; relevant literatures, research findings, international and domestic laws regulating construction worker's OSH were consulted and analyzed. Finally, the collected data were analyzed in light of OSH under the relevant Ethiopian laws and international legal instruments.

3. Results and Discussion

This assessment of the enforcement of OSH in building construction normally examines whether the stakeholders implement the statutory duties pertaining to OSH properly and effectively. The prescription of certain legal regimes by a legislature or executive having a jurisdiction does not achieve its intended objective unless it is effectively implemented. Effective implementation of the prescribed legal norms requires well-functioning institutional regimes and committed and well-informed private stakeholders.

The writer's personal visits to the representative twelve building construction sites in the study area revealed that almost all the sites were operating in unsafe conditions. In general, the study revealed that employers had low concern for OSH and limited awareness (especially on part of the workers). On site workers in all of the visited building construction sites lacked basic safety tools (such as hard hats, gloves, safety goggles and various other protective equipments required to be worn by workers on their legs, skulls and hands while on duty. The workers were rather wearing their own casual dresses and shoes with no additional protections. When asked why they were not wearing the required personal protective equipment, most of the workers responded that they were not provided with the protective clothing while few workers responded they found these clothing not to be comfortable.

Provisions of first-aid services, toilets and sanitation services on the sites were either lacking or poor.¹⁵ In all of the sites, the building structures developed were not covered by proper protective materials to prevent the falling objects. Thus, objects falling from heights can easily strike workers and the passersby. In principle, construction sites in built-up areas and/or alongside roads should be barricaded and notice boards informing the public about the activities, the possible danger and expected completion time should be posted at suitable locations. It was only in one construction site (located in Ambo University Main Campus) that an on-site cautionary sign (a notice warning the passersby of dangerous objects falling from the building) was posted.

The scaffolds¹⁶ and the ladders in all representative sites were not made of strong materials -almost all were shaky woods that can be broken when exposed to rain and sun for a longer time. Using wooden ladders and scaffolds increases the risk of workers falling down from heights when the wooden ladders and scaffolds accidentally break. Interviews conducted with the employers revealed that utilizing metal ladders and scaffolds have a huge cost implication and are not within their short-

territory are rural areas, there are notable number of construction sites confined mostly to Addis Ababa-Nekemte main road that crosses it. The building construction sites that were subjects of the study were selected mainly from those towns alongside the main road notably Ejere, Ginchi, Ambo, Guder, Gedo and Bako.

¹⁴ Amongst the twelve building construction sites only two of them (one from Ambo Town and one from Guder town) were state funded, one site in Ambo Town was funded by Farmers Cooperative Union, one site in Bako Town was funded by certain NGO and the remaining eight (8) sites were funded by private investors.

¹⁵ Of course one can dismiss the unaffordability of this service by claiming the possibility of taking the workers to the nearby clinics as the sites are located in towns-which perhaps does not work for sites located outside areas of settlement.

¹⁶ "Scaffold" means any temporary structure, fixed, suspended or mobile, and its supporting components which are used for supporting workers and materials or gain access to any such structure, and which is not a lifting appliance

term plan. Workers on duty on the roofs and heights in general were not wearing belts attached to fixed objects to lessen the workers' injury if they accidentally fall off the heights. They were neither wearing overhead protections though they were exposed to the overhead hazards.

The interviews with the contractors-their representatives on each of the selected building construction sites- showed that the health and safety of workers does not appear to be an issue of greater concern. Only two contractors (one in Ambo town and one in Bako town) responded that they have OSH policy of their own. The rest admitted that they do not have their own OSH policy.¹⁷ Only one employer responded that he had a recent case of workers' injury and the cause of the injury was a worker's falling from a ladder. The employer responded that the injured was taken to a nearby clinic for medical attention. As the injury was minor, the worker returned to job after two days or so. In relation to the duty of employers to keep the record of occupational injuries and report to their company, only two employers (out of the twelve interviewed) responded to have the practice of keeping records of the occupational injuries.

On the provision of personal protective clothing to workers on duty, all the interviewed employers' representatives admitted the significance of providing them, but complain the financial implications of doing so. One contractor stated that their company had a firm policy for the safety and health of workers and on the provision of safety tools, but complained workers tended to resist putting on the safety tools while they were on duty.¹⁸ In addition to resistance, he also doubted the comfort of those personal protective tools for the workers. In principle, a contractor should appoint an on-site safety officer who is in charge of overseeing the implementation of OSH. People in charge of supervising the visited building construction sites were people with backgrounds in business or engineering with little knowledge of OSH. The responsible personnel at two of the sites admitted that they had some sort of blood relationship with the contractors and they got the job only based on the relationship. As a result, they did not have awareness of OSH and did not consider OSH as an issue of a big concern. None of the visited sites has reported to have safety managers and safety committees as required under the regulations.

The employers covered by this research seem to be aware of the fact that it is illegal for an employer to deploy workers in hazardous conditions without providing the necessary safety measures. However, as regular visits/inspections from labour and social affairs bureau by labour inspectors were lacking, the employers seem to be reluctant to effectively implement OSH. These were some of the factors worsening the implementation of OSH in the building construction sector in the area of study.

The interviews conducted with the selected workers concerning condition of OSH in their respective sites revealed that almost all of them had no visits by any personnel (such as a labour inspector) from a relevant government organ. None of them reported getting training on how to use the safety tools provided by their respective employers. The provisions of protective personal equipment were also reported to be ranging from occasional to none. From the interview, the researcher discovered that workers are little aware of their rights and duties in relation to OSH. Most of the building construction workers were unskilled workers hired temporarily with low wages and high job insecurity. Thus, this fact has aggravated the problem of low enforcement and concern for OSH.

The researcher has also approached MoLSA and its counterparts in Oromia Regional State to enquire their position and experiences in dealing with OSH in the building construction sector. They seem to be aware of the low level of implementation of OSH in Ethiopia in general and in the construction sector in particular and they acknowledge that the problem of occupational injuries in the country is very worrisome. Concerning whether the requisite legislations and guidelines have been in

¹⁷ The larger attention seems to be paid to the supply of the essential construction materials and the completion of the projects and of potential profits collectable at the last. There was also the tendency on part of the employers to consider payments related to OSH as unnecessary expenses.

¹⁸ Interview with a human Resource Personnel of Flintstone Engineering that was constructing two sites in Ambo University (Main campus and Guder campuses), conducted on January 30, 2018.

place, MoLSA responded that there are adequate legislative frameworks but the problem lies with their effective implementation.

As an interview with the principal labour inspector at West Shoa Zone revealed the shortage of labour inspectors has hampered the work of labour inspection in general.¹⁹ In line with the current Civil Service structures, each district in principle is supposed to have its own labour inspector. The same interviewee stated that although the positions of labour inspectors were available at all Woredas, only few of them had their own labour inspectors.²⁰ Besides, he reported a huge turnover of labour inspectors due to unattractive salary.²¹

The interview also revealed that as per the Balanced Scorecard (BSC) implemented in Oromia Region, establishments with 500-800 workers are subject to the jurisdiction of the Zonal Labour Inspection; whereas those establishments hiring less than 500 workers are under the jurisdiction of districts.²² Nevertheless, the principal labour inspector reported that most districts in the West Shoa Zone did not have labour inspectors and they often asked for support from the Zone.²³ Moreover, very often, the Zone has not been capable of lending them labour inspectors as there was a shortage of personnel.²⁴ That means, the labour inspections in most district were not conducted. Even in large establishments under the jurisdiction of the Zonal Labour Inspectors, it was reported that there was shortage of necessary equipment to conduct labour inspections. It is true that the inspectors need inspection training, vibration equipment, noise and ergonomic skills and testing equipment, and improved skills to diagnose occupational diseases. Although the inspectors have a work plan of conducting labour inspections twice a year at the zonal level at each construction sites, it has been reported to be hard for West Shoa Zone to meet the plan for the reasons stated above.

4. Conclusions and Recommendations

Despite the adoption of the requisite OSH legal and policy frameworks in Ethiopia, the level of its implementation is considerably low. The low enforcement is attributable to factors such as the low level of awareness of OSH by workers and their respective employers, lack of sufficient health and safety training, lack of adequate inspection services, inadequate provision of safety equipment and lack of proper enforcement of minimum standards by the concerned governmental authorities. There has been a tendency of considering the issue of OSH as a less important matter on part of the employers. Construction companies consider the implementation of OSH as unnecessary as it incurs expenses not worth spending. Moreover, the understaffing of the institutions established to follow up the implementation of OSH aggravates the problem. Based on the above findings and conclusion, the following are recommended.

The institutions authorized to foresee the implementation of OSH in general and OSH in building construction in particular should increase visits into constructions sites to see the proper implementation of the standards and take necessary measures.

Employers should hire workforce with relevant and adequate expertise and experience in the subject matters of importance (including OSH) to manage the daily operation at the construction sites. Appointments should not be done merely because of employees' relationship with owners of construction companies and the relevant labour inspection office should be authorized to control this as well.

The state at both federal and regional levels should consider maintaining the records of companies' labour practices and implementation of OSH in the course of issuing and/or renewing the investment permits and business licenses. This should be applicable to both foreign and domestic construction

¹⁹ Conducted on January 30, 2018 (Name withheld)

²⁰ Ibid.

²¹ Ibid.

²² Ibid

²³ Ibid.

²⁴ Ibid.

firms. Besides, employers should be trained by the relevant organs of the state on why OSH should be a matter of greater concern equivalent to the design and provisions of construction materials.

The relevant organs of the state should also consider keeping the records of construction companies (both local and foreign) in matters of implementation of OSH and good labour practices. The records should be made known to the public via different channels such as electronic and broadcast media. This will eventually create a spirit of competition between construction companies to have good-will concerning their working environment. The government should consider awarding construction bids to companies with better records in the enforcement of OSH standards in building construction alongside their financial and material considerations.

Ethiopia should develop the experience of recording and analyzing occupational injuries at a work place. This will help the country to identify risky occupations and give an appropriate policy and/or legal solutions accordingly.

Employees (temporary or permanent) working in constructions should be better educated about their respective rights and duties in relation to OSH under Ethiopian laws to enable them better invoke their rights and discharge their respective responsibilities. This can be done by both government and interested civil societies or trade unions or professional associations.

The concerned organ of government (both federal and regional), especially MoLSA and other stakeholders dealing with the construction sector in general, should consider enacting a manual on the standard and mandatory equipment and services that should be provided to workers on construction sites.

5. References

- Alli, B. O. 2008. *Fundamental Principles of Occupational Health And Safety*. International Labour Office, Geneva. (http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_093550.pdf). (Accessed on February 01, 2018).
- Federal Democratic Republic of Ethiopia. 1995. Proclamation No. 1/1995: Proclamation of the Constitution of the FDRE, Addis Ababa, Ethiopia.
- Federal Democratic Republic of Ethiopia. 2009. Proclamation No. 624/2009: Building Proclamation. Federal Negarit Gazeta, 15th year No. 31, Addis Ababa, Ethiopia.
- Federal Democratic Republic of Ethiopia. 2011. Regulation No. 243/2011: Council of Ministers Building Regulation. Federal Negarit Gazeta, Addis Ababa, Ethiopia.
- Federal Democratic Republic of Ethiopia. 2018. Proclamation No. 1097/2018: Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia. Federal Negarit Gazeta, Addis Ababa, Ethiopia.
- Federal Democratic Republic of Ethiopia. 2018. Proclamation No. 980/2016: Commercial Registration and Business Licensing Proclamation. Federal Negarit Gazeta, Addis Ababa, Ethiopia.
- Federal Democratic Republic of Ethiopia. 2019. Proclamation No. 1156/2019: Labour Proclamation. Federal Negarit Gazeta, Addis Ababa, Ethiopia.
- Feleke, L., Quezon. E, Macarubbo.Y. 2016. Evaluation of Health And Safety Practice in Building Construction: A Case Study in Addis Ababa. *International Journal of Scientific & Engineering Research*, https://www.researchgate.net/publication/317644501_Evaluation_of_Health_and_Safety_Practice_in_Building_Construction_A_Case_Study_in_Addis_Ababa). (Accessed on February 02,2018).
- ILO. 1947. Convention No. 81, Labour Inspection Convention, 1947 (No. 81). Convention Concerning Labour Inspection in Industry and Commerce (Entry into force: 07 April 1950).
- ILO. 1988. Safety and Health in Construction Convention No. 167, Geneva, Switzerland.

- ILO. 2009. General survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, (1st ed.), Geneva, Switzerland.
- ILO. 2009. Technical Memorandum: Ethiopia Labour Inspection Audit, the Labour Administration and Inspection Programme (LAB/ADMIN) of the ILO, Geneva, Switzerland.
- ILO. 2006. Occupational Safety and Health Profile for Ethiopia, (<https://www.ilo.org/safework/countries/africa/ethiopia/lang--en/index.htm>) (Accessed on February 07, 2018).
- Ministry of Labour and Social Affairs. 2008. The Safety, Health and Working Environment Protection Directive. Addis Ababa, Ethiopia.
- Ministry of Urban Development and Construction. 2013. Ethiopian Building Code Standards (EBCS 14): Health and safety in Building Construction, Addis Ababa, Ethiopia.
- Tigiste, Biniam. 2015. Occupational safety and health in the construction industry: Law and practice. (<https://higenegari.wordpress.com/2015/06/08/occupational-safety-and-health-in-the-construction-industry-law-and-practice-by-biniam-tigiste-2/>). (Accessed on February 01, 2018).
- Wheeler, J. and Goddard, K. 2013. Assessment of Ethiopia's labour inspection system, U. S. Department of Labour (USDOL), Bureau of International Labour Affairs U. S. Department of Labour. (http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2743&context=key_workplace). (Accessed on February 07, 2018).