

## ORIGINAL ARTICLE

# SAFETY AT WORK AND CURRENT LEGAL FRAMEWORK FOR THE TRANSPORT SECTOR IN ANGLOPHONE CAMEROON

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## ABSTRACT

Occupational Safety and Health is somewhat existing and on the rise issue in Cameroon. Like most developing countries, little or nothing is being done to stop the ever-increasing rate of accidents and injuries occurred at work. In the transport sector, the rate of occupational accidents and injuries in Cameroon is nothing to ride home about. Every day, thousands of people lost their lives. What is also more disturbing is the fact that when it comes to public transportation companies, the workers are not the only ones involved; the customers or passengers are too. The human cost of poor occupational safety and health is huge. This article discusses the adequacy of the current legal framework in the transport sector in Anglophone Cameroon and proposes a strategic driver towards achieving a safe place of work for this industry.

**Keywords:** OSH, legislation, policy, enforcement

## INTRODUCTION

When work environments are unsafe, they have consequences on both individuals and organizations. As a result of this, research is providing an understanding of the factors that affect workplace safety across all organizations. Even though this is the case, the literature on workplace safety lacks empirical and theoretical integration that has made it difficult for individuals and even organizational researchers to have comprehensive knowledge and to understand what is currently known about workplace safety and what is yet to be learned (Beus et al., 2016).

Globally, according to records from ILO 2003, an employee dies every 15 seconds from work-related accident or disease. Work related accidents affect 153 workers every 15 seconds. This means that the number of people who die every day because of occupational accidents and diseases and other accidents and diseases relating to work is 6,300. 2.3 million die every year while 317 accidents happen on jobs annually. Many of these accidents resulted to absence from work because when workers are injured or affected by one occupational disease or another, they become unfit to carry out any kind of employment. The cost this adversity has on human is huge. The economic impact of unsafe work practices has been estimated at 4% of the global Gross Domestic Product yearly.

Creating a safe place starts with a regulatory system. For any OSH legislation and regulatory enforcement system preventing workplace

accidents and diseases to be effective, it is contingent on a series of arrangements. The factors that may cause workplace accidents or injuries must be clearly reflected in the regulations and communicated properly to those in the workplace.

OSH is a fairly new area issue in Cameroon. This is reflected in the lack of legislation related to safety. This has made most companies not to consider it as important. Even the transport companies are not left out. This is evident in the frequent accidents resulting to thousands of fatalities every year. Unfortunately, Cameroon just like most underdeveloped countries still faces the problem of under-reporting in this sector making it difficult to get a concrete and precise statistics on these occupational accidents plaguing the transport sector in Anglophone, Cameroon.

Overcrowded buses and trains are also poorly maintained and driven in unsafe speeds. For example in 2009 a major train derailed leaving 5 dead and 300 injured. More recently in October 2016, another train derailment took place. The passengers just like the drivers are very negligent. This is so because most passengers get involved in communication with the driver while he is driving. Also, buses are always very noisy which could act as a distraction to driver.

In addition, long hours of work have had adverse effect on workplace safety in this sector. Killer roads and administrative negligence are not left out. Accidents happen on these roads on a daily basis. As discussed, the continuous accidents taking place in this sector could be blamed on the passengers, drivers or government but Heinrich et al. (1980) noted that every safe system of work starts with the legislation.

## **OSH IN THE TRANSPORT SECTOR**

There are several safety risks associated with the transport sector. Even with a good safety system, risks such as loading and unloading goods, prolonged sitting among others still affects workers health and safety.

The number of deaths and fatalities that take place on these roads everyday has defied all governmental initiatives to keep the roads safe even to some extent. Many people have placed the blame on the government. But to what extent is the government to be blamed? Does it mean the rules guiding transport companies are not enough or those that work in this service sector have decided to involve themselves in unsafe work ethics? Could it be the sole responsibility of the state to reduce the massive accidents caused on these roads or are the public transportation companies involved in this? Could it be that the laws governing safety at work in the transport sector is inadequate?

OSH is a fairly new area in Cameroon. This is reflected in the legislation related to safety. This has made most companies not to consider it as important. Even the transport companies are not left out. This is evident because of the frequent accidents resulting to thousands of fatalities every year. Overcrowded buses and trains are also poorly maintained and driven in unsafe speeds. For example in 2009 a major train derailed leaving 5 dead and 300 injured. More recently in October 2016, another train derailment took place at ESEKA leaving over 200 people dead and 600 seriously injured. The numbers of accidents from public road transport are unaccountable as it is no news that everyday buses collide, and accidents take place causing injuries, deaths to individuals and the public as a whole.

## **OSH REGULATORY FRAMEWORK**

The workplace environment is regulated heavily. The regulations and legislations state requirements and impose duties on organizations with the aim at reducing diseases and injuries at work. These regulations and legislations also impose penalty for non-compliance. The penalties are either financial or criminal offences. Codes of Practice (COP) and Guidelines state how to legally meet OSH responsibilities. All supervisors as well as workers must know and be able to communicate to the entire workgroup the basic OSH requirements of OSH legislation and other COPs applicable to the workplace activities such as operations, product or services. Procedures to identify legal requirements must be put in place. The employer must keep this information up to date and makes sure that all workers are regularly in the know and have

access to it as it affects their roles. The OSH policies, programs and procedures of the organization should show that the organization is committed to implementing the legal obligations of OSH and other organizational requirements. An OSH regulatory framework and the ILO standards for such a framework give an overview of how an OSH system is supposed to be like.

## **INTERNATIONAL LABOUR ORGANIZATION (ILO) STANDARDS ON OSH**

One of the initiatives of ILO as found in ILO (2006) is that every ratifying member of the ILO conventions formulates, implements and reviews periodically a comprehensive national policy that prevents workplace accidents and injuries by minimizing workplace hazards. In the transport sector for example, it is not just the workers that are at risk during the course of employees' duty but the passengers who move from one place to another with the help of public transportation especially public buses like in Cameroon. ILO requires most government and enterprises to take action in order to overcome these issues. The government has a responsibility to take appropriate measures in guiding workers and employers by maintaining an adequate inspection system to ensure that different labor legislations especially those that are related to OSH are complied with. In this regard, there is no gain saying that the most effective way of improving OSH appears to be implementing top-down governmental regulation.

## **NATIONAL OSH REGULATORY FRAMEWORK IN SELECTED COUNTRIES**

Countries have fashioned OSH to meet their economic power and need. In Finland for instance, the Ministry of Social Affairs and Health has the responsibility of drafting and developing OSH legislations, OSH policy and creating international cooperation on OSH. In Finland there is a comprehensive legislation that promotes the safety and health of employees. Most of these legislations are based on the ILO conventions ratified by Finland and the legislation of the European Union. While the legislation on general labor is drafted by the Ministry of Employment and the Economy, statutes on OSH are drafted on a tripartite basis. Major OSH laws applicable in Finland are the Occupational Safety and Health Act (738/2002), Working Hours Act (605/1996), Employment Contracts Act (55/2001), Annual Holidays Act (162/2005), Occupational Health Care Act (1383/2001) and Occupational Safety and Health at Workplaces (44/2006).

With regards to developing countries, Nigeria for example, the 1999 Constitution of the Federal Republic of Nigeria in Section 17 subsection 3, states that policies shall be directed towards ensuring the health, safety and welfare of persons employed. Major legislations that have been

enacted to provide for the safety and health of employees include The Factories Act, CAP F1, Laws of the Federation of Nigeria (LFN), 2004, Employees Compensation Act, 2010, Nigerian Minerals and Mining Act, 2007, and the Nigerian Nuclear Safety and Radiation Act, 1995.

Just like Nigeria, the legislative structure of OSH in Malaysia is led by the Constitution. The major OSH laws include the Occupational Safety and Health Act 1994, the Factories and Machinery Act 1967, the Petroleum (Safety Measures) Act 1984. There are also other laws with a strand on OSH, such as the Employment Act 1955, and Labor Ordinances for Sabah and Sarawak. Besides, the Regulations (especially the regulations under the three major OSH laws), Orders and Director General Circulars complete the legislative framework of OSH in Malaysia.

Cameroon lacks a comprehensive OSH management system, enforced particularly under the national OSH regulatory framework. To secure a safe place of work, a national system for OSH is important as it sets the base for which OSH operates in the country. If there is no compressive national system to align itself with the recommendations and standards set by the ILO, it is obvious that occupational accidents will be on a rise. This is the present situation of Cameroon. OSH is typically governed by Title VI of the Labour Code entitled "Safety and Health at Work".

Another primary OSH legislation apart from Title VI of the Labour Code is the "*arrêté n°039 /MTPS /IMT du 26 novembre 1984 fixant les mesures générales d'hygiène et de sécurité sur les lieux de travail*" which contains: the regulations of the respective obligations of employers and workers, the composition of the hygiene and safety committees, the setting of general conditions of hygiene relating to, among other things, construction, ventilation, temperature and lighting, the determination of safety measures and transportation, the definition of hazardous substances and rules of prevention and firefighting, the establishment of the means of control and sanctions. Technical appendices are joined to the order. Cameroon has no specific OSH law.

## OSH POLICY

Due to the complex nature and degree of OSH problems and the diverse origins of OSH hazards and workplace injuries, no particular intervention strategy could be adequate to deal with such problems and constitute an effective OSH program. To have a positive impact, actions are required at all levels. The practical measures vary for each country depending on the degree of technology, economic conditions and available resources. It is however important to follow these guidelines for the essential components of a national policy laid down by Benjamin O. ALLI (2008). An OSH national policy should provide a

detailed strategy in the national laws, labor codes and regulations; it should also have the duties of the authorities in charge; policy coordination; and training and education.

Through the minimization of the roots of hazards at the workplace, the policy will automatically minimize injury and disease related cost, improve working conditions and the environment and increase productivity. Armstrong (2009) had stated that OSH policy indicates that the top management of an organization is worried about employees' protection from work hazards and means of protection. So the policy should show the intention of the top management, how they want to actualize the intention, and guidelines to be followed by all during the policy implementation. Armstrong (2009) observed that the significance of policy and practices related to OSH is often miscalculated by those concerned with business management and individual managers themselves. According to Armstrong, there are three components of a policy statement. They are the general policy statement, description of OSH organization and detailed arrangements on how the policy will be implemented.

## LEGISLATION AND ENFORCEMENT

The scope of OSH invariably touches issues linked to science such as medicine including physiology and toxicology, physics, ergonomics and chemistry, and also law, technology, economics and other areas that are particular to different industries and activities. Even with its broadened nature, Benjamin O. ALLI (2008) discussed certain basic principles in OSH, which are consistent with the ILO Publications (ILO 1998a).

Firstly, that all workers have rights. All industry players including the employees, employers, stakeholders and government must ensure the protection of these rights. They must also ensure a decent and safe working environment where the conditions of work are in line with the well-being of the workers and human dignity. The work environment should make possible personal achievements, self-fulfillment and service to society (ILO, 1984).

Secondly, there must be the establishment of OSH policies. These policies are to be effectively communicated to all levels. That is the national level and the organizational level. Cameroon as at now does not have a national policy on OSH.

Thirdly, there must be an establishment of a national system for OSH. The system need to incorporate all the structures and essential features needed to establish a preventive, safe and healthy work culture. This national system needs to be maintained, reviewed periodically and progressively be developed.

Fourthly, a developed national program on OSH needs to be implemented, monitored, evaluated and to be periodically reviewed.

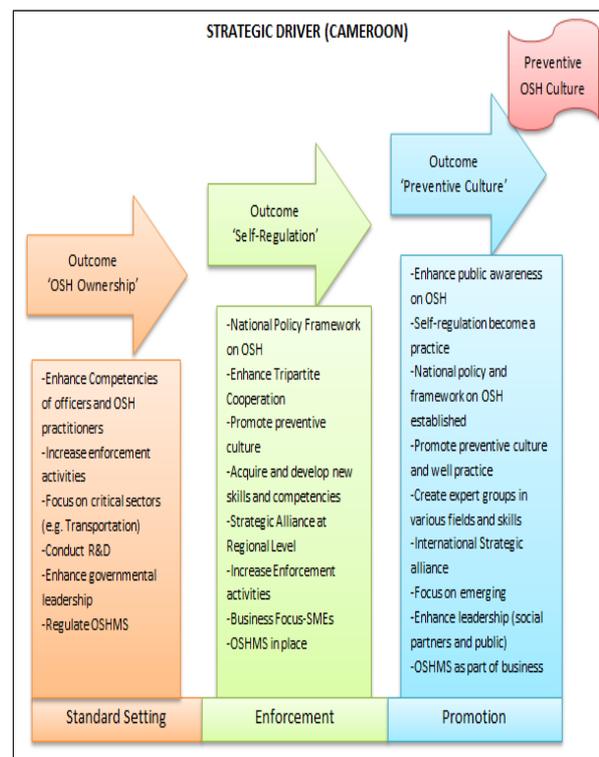
In addition, there is the need to consult social partners. That is the employees and the

employers. The consultation can be carried out when the policies, programs and systems are being formulated, implemented and reviewed. Furthermore, the OSH programs, laws and regulations must both aim at preventing workplace accidents and hazards and also protecting the workers.

For any regulation to be effective, it must be enforced. Researchers including Anderson (2007) and Idubor & Osiamoje (2013) stated that regulations are regarded as no laws if they are not enforced. Idubor & Osiamoje (2013) stated that for any law to be complied with, there must be strict enforcement. Diugwu et al. (2012) stated that the poor conditions of OSH were the result of non-compliance. However, other researchers have argued that the poor system of OSH management is the result of the fact that the OSH regulations are not functional. Even though enforcement and compliance have been argued not to be the only basis through which OSH can be improved, it is worth mentioning that evidence of proper enforcement of regulations of OSH are glaring in countries with impressive records of safety and health like the United Kingdom, United States of America, Germany and many other developed countries, which in turn supports the view of Anderson (2007), Diugwu et al. (2012), and Idubor & Osiamoje (2013) substantially. Enforcement ensures that the law is complied with. It also ensures that serious risks are dealt with immediately, and that defaulters are held responsible for their actions. When enforcement fails to boost compliance, it is by reason of the fact that it does not deter adequately.

## RECOMMENDATION

Further research to be undertaken is all about setting a standard for OSH in the transport sector in Anglophone, Cameroon and increasing enforcement activities and promotion through legislation. It is crucial for Cameroon to adopt a comprehensive OSH system; develop industry specific laws on OSH; engage employers, employees and all industry partners in the development of an OSH policy; undertake enforcement strategies that will positive influence compliance to OSH laws; and evaluate existing policies to meet up with technological advancements. These will increase OSH ownership, self-regulation and promote a preventive culture as proposed in the illustration below (Diagram 1: Strategic Driver for Cameroon).



**Diagram 1: Strategic Driver for Cameroon (Adapted from the OSH MASTER PLAN (OSHMP 2015 (Malaysia), Source: [www.dosh.gov.my](http://www.dosh.gov.my)).**

## REFERENCES

- Alli, B. O. (2008). Fundamental principles of occupational health and safety / Benjamin O. Alli; International Labour Office - Geneva: ILO.
- Armstrong, M. (2009), Handbook of Human Resources Management Practices, 11th edition. London: Kogan page.
- Beus, Jeremy & Mccord, Mallory & Zohar, Dov. (2016). Workplace safety: A review and research synthesis. Organizational Psychology Review.
- Diugwu, I. A., Baba, D. L., and Egila, A. E. (2012). Effective Regulation and Level of Awareness: An Expose of the Nigeria's Construction Industry. Open Journal of Safety Science and Technology, Vol. 2, pp 140-146.
- Heinrich, H.W., Peterson D. & Roos, N. (1980) Industrial Accident Prevention, McGraw-Hill: New York.
- Idubor, E. E., and Oisamoje, M. D. (2013). An Exploration of Health and Safety Management Issues in Nigeria's Efforts to industrialize. European Scientific Journal, Vol. 9, (12), pp 154-169.

ILO. (1984). Conclusions concerning future action in the field of working conditions and environment, adopted by the 70th Session of the International Labour Conference, 26 June, section I, para. 2.

ILO. (1998a). Encyclopaedia of occupational health and safety, Vol. 4 (4th ed.)(Geneva).

ILO. (2003). ILO standards-related activities in the area of occupational safety and health, Report VI, International Labour Conference, 91<sup>st</sup> Session. Available at: <http://www.ilo.org/public/english/protection/safework/integrap/survindex.html>.

ILO. (2006). HIV/AIDS and work: Global estimates, impact on child labour and youth and response (Geneva).

Keith B. Anderson. (2007). The Costs and Benefits of Do-Not-Call Regulations: A Comment on Beard and Abernethy's "Consumer Prices and the Federal Trade Commission's 'Do-Not-Call' Program". *Journal of Public Policy & Marketing*: Spring 2007, Vol. 26, No. 1, pp. 144-148.

Occupational Safety and Health Master Plan 2000-2015 (OSHMP15). Retrieved from [www.dosh.gov.my](http://www.dosh.gov.my) on 1 November 2017.