

**REGULATIONS ON OCCUPATIONAL SAFETY AND HEALTH RISK ASSESSMENT**

**MINISTRY OF PUBLIC SERVICE AND LABOUR**

**REGULATIONS ON OCCUPATIONAL SAFETY AND HEALTH RISK ASSESSMENT**

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# OCCUPATIONAL SAFETY AND HEALTH RISK ASSESSMENT REGULATIONS

## **The Minister of Public Service and Labour;**

Pursuant to Law N0. 66/2018 of 30/08/2018 regulating Labour in Rwanda, especially in its Article 78;

Pursuant to Law N0.86/2013 of 11/09/2013 establishing the General Statute for Public Service, especially in its Article 68;

Having realized that there is a need to have specific sectorial Regulations to ensure Occupational Safety and Health;

## **Regulates the following:**

### **CHAPTER ONE: GENERAL PROVISIONS**

#### **Article One: Definitions**

For the purposes of these Regulations, the following terms mean:

1. **Hazard:** the inherent potential to cause injury or damage to people's health.
2. **Hazard identification:** process of recognizing that a hazard exists and defining its characteristics.
3. **Risk:** a combination of the likelihood of an occurrence of a hazardous event and the severity of injury or damage to the health of people caused by this event.
4. **Risk Assessment:** The process of evaluating the risks to safety and health arising from hazards at work.
5. **Authority** means the Ministry of Public Service and Labour, MIFOTRA in abbreviation.
6. **Experts** refers to Occupational Safety and Health Assessor or any physical or moral person that is technically competent, fulfills the requirements of the these regulations and is recognized by the Authority to conduct an Occupational Safety and Health Risk Assessment or studies in accordance to these regulations.

#### **Article 2: Scope**

The present Regulations aim at determining the requirements and procedure for conducting an Occupational Safety and Health Risk Assessment.

## **CHAPTER II: PROCEDURE FOR REQUIRED OCCUPATIONAL SAFETY AND HEALTH RISK ASSESSMENT BEFORE BEING GRANTED PERMISSION TO COMMENCE**

### **Article 3: Application for authorization**

The developer submits an official application which includes a project brief of the proposed project to the authority. The details of the required information are provided in these regulations.

### **Article 4: Terms of reference of the Occupational Safety and Health Risk Assessment**

Within thirty (30) calendar days after receipt of the project brief and after its analysis, the Authority shall submit the Terms of reference to the developer for the Occupational Safety and Health Risk Assessment.

The Developer may also prepare the Terms of Reference provided they are approved by the authority before conducting the risk assessment.

### **Article 5: Selection of experts to conduct Occupational Safety and Health Risk Assessment study**

Upon reception of the Terms of Reference by the developer, he/she shall select experts from the list of experts published by the Ministry in charge of Labour to carry out the risk assessment.

The selected experts should have no direct or indirect interests in the project.

The developer may propose to the Authority, for approval any other(s) competent Occupational Safety and Health Expert(s) whose name is not on the published list.

Within a period of five (5) working days after reception of the proposed experts, the Authority will notify the developer of its acceptance or refusal of the proposal. In case of refusal the Authority shall provide justification.

### **Article 6: The Occupational Safety and Health Risk Assessment**

The Occupational Safety and Health Risk Assessment shall be based on the Terms of Reference mentioned in article 4 of these regulations.

### **Article 7: Submission of the Occupational Safety and Health Risk Assessment Report**

Upon completion of the Occupational Safety and Health Risk Assessment, the developer shall deposit with the Authority three (3) hard copies and a soft copy of the report.

Where the developer deems it necessary he may provide an addendum to the report for the facts that are not provided for under the Terms of Reference.

**Article 8: Analysis of Occupational Safety and Health Risk Assessment Report**

Upon receipt of the Occupational Safety and Health Risk Assessment report, the Authority shall analyze the report to verify its conformity to the Terms of Reference. The Authority shall, within twenty (20) working days, accept or request for additional information from the developer.

Depending on the nature of the project, the days mentioned in paragraph one may be increased after informing, in writing, the developer and the Minister in charge of Labour before the elapse of the days mentioned in paragraph one.

**Article 9: Decision Making and Authorization**

The Authority shall communicate its decision to the developer in writing.

**Article 10: Appeal of the developer**

In case a project is not approved, a developer may appeal against the decision of the Authority to the Ministry in charge of labour within thirty (30) working days from the date of the decision notification.

The appeal file shall contain the following:

- a) A duly signed petition;
- b) Copy of the record of decision;
- c) Any other document deemed relevant.

Where necessary, the Ministry may use an independent expert to analyze the developer's appeal, however the costs involved are incurred by the developer.

The Ministry shall communicate its decision in writing to the developer after analyzing his/her appeal.

**Article 11: The list of works, activities and projects that have to be subject to an Occupational Safety and Health Risk assessment before being granted permission to commence**

These works, projects and activities are construction and or establishment of:

1. hospitals and clinics;
2. schools and universities;
3. sports facilities and stadiums;
4. airports;
5. large shopping centers and retail chain stores;
6. manufacturing plants and warehouses;

7. skyscrapers for offices and hotels;
9. factories;
10. Works in parks and in its buffer zone;
11. power generation;
12. petroleum;
13. chemical processing plants,
14. steel mills;
15. oil refineries;
16. highway construction involving the construction, alteration, or repair of roads, highways, streets, alleys, runways, paths, parking areas;
17. water and sewer line;
18. dams;
19. sewage treatment plants and facilities;
20. flood control;
21. dredging projects;
22. water treatment plants and facilities;
23. works of extraction of mines;
24. agriculture involving hazardous and equipment and pesticides.

The Minister in charge of labour may grant permission for a project to commence without carrying out an Occupational Safety and Health Risk Assessment.

**Article 12: Updating of the list**

The list mentioned in article 12 of the present regulations shall be updated whenever deemed necessary.

**Article 13: Projects that are not included on the list**

When it is necessary and evident that the project might have a negative impact on the safety and health of workers, the Ministry of Public Service and Labour shall have the power to request the project's owner to conduct an Occupational Safety and Health even if it is not list.

**CHAPTER III: GENERAL DUTIES FOR OCCUPATIONAL SAFETY AND HEALTH RISK ASSESSMENT REQUIRED FOR EVERY EMPLOYER**

**Article 14: Employers duties**

1. Every employer shall make a suitable and sufficient assessment of:

(a) Any risk to the safety and health to which any employee may be or is exposed to whilst he is at work; and

(b) any risk to the safety and health of any person not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the measures he needs to implement in order to comply with the requirements imposed upon him by these regulations, and any other enactment.

2. Any assessment made under paragraph (1) shall be reviewed by the employer:

(a) not later than one year after any assessment; or

(b) earlier:

- (i) where the employer is informed by the competent authority that it is no longer valid; or
- (ii) where there has been a significant change in the matters to which it relates.

**Article 15: Record of risk assessments**

Where an employer employs more than 3 persons, he shall record in a register:

1. The significant findings of any assessment carried out; and
2. Any group of employees identified as being especially at risk.

**CHAPTER IV: PROCESS FOR OCCUPATIONAL SAFETY AND HEALTH RISK ASSESSMENT REQUIRED FOR EVERY EMPLOYER**

**Article 16: Planning**

Before the Risk Assessment is carried out, it is very important to take into consideration the following elements:

1. It is recommended that a team carries out the assessment. So far as is reasonably practicable, the team should consist of both employees' and employer's representatives. It should normally include safety and health personnel where possible, safety and health representatives,

representative of the maintenance team where possible and where necessary specialists in specific fields.

2. The following information shall be gathered beforehand, as they are crucial in the assessment process:

- (i) Legislative requirements (Laws and Regulations) Accident statistics;
- (ii) Layout plans of the establishment;
- (iii) Work organization in the establishment;
- (iv) Inspection and audit reports (including reports of any previous Risk Assessment);
- (v) Material Safety Data Sheets of products used;
- (vi) Safe working procedures;
- (vii) The company's risk criteria.

3. At the very outset, the team should set up an acceptable level of risk in accordance with existing standards. The following factors shall be taken into consideration to determine this acceptable level of risk:

- (i) Legal requirements (OEL's);
- (ii) Technical factors;
- (iii) Consequently, this would allow the team to determine the required actions.

**Article 17: Hazard identification**

The team shall then review all relevant data and incidents in its possession and carry out visits in all the places of work. Hazards are usually identified during inspections, discussion with employees and measurements.

Accidents and occupational health statistics shall also be taken into consideration as well as non-routine operations. Those exposed to the hazards, employees, visitors shall be identified during this process. Special consideration should be given to workers with incapacity, young/old workers and pregnant workers.



**Article 18: Evaluation**

The likelihood of a hazard and its consequences are then compared to determine the severity of the risk as shown below:

**RISK MATRIX**

		<b>LIKELIHOOD OF HAZARDOUS EVENTS</b>			
		<b>VERY LIKELY (4)</b>	<b>LIKELY (3)</b>	<b>POSSIBLE (2)</b>	<b>UNLIKELY (1)</b>
<b>SEVERITY OF HARM</b>	<b>FATAL INJURY (4)</b>	<b>High (16)</b>	<b>High (12)</b>	<b>High (8)</b>	<b>Medium (4)</b>
	<b>SERIOUS INJURY (3)</b>	<b>High (12)</b>	<b>High (9)</b>	<b>Medium (6)</b>	<b>Medium (3)</b>
	<b>SIGNIFICANT INJURY (2)</b>	<b>High (8)</b>	<b>Medium (6)</b>	<b>Medium (4)</b>	<b>Low (2)</b>
	<b>MINOR INJURY</b>	<b>Medium (4)</b>	<b>Medium (3)</b>	<b>Low (2)</b>	<b>Low (1)</b>

**Article 19: Control**

1. Depending on the level of risk, the risks are then assessed, controlled or reduced based on urgency for action which would depend on the risk rating given below:

<b>Risk rating</b>	<b>Urgency of action</b>
High (8 - 16)	Immediate
Medium (3 - 6)	Within 3 months
Low (1 - 2)	Keep monitoring to keep risk at low level

2. The basic principles of control of risk are:

- (i) Elimination (most effective);

- (ii) Substitution;
- (iii) Engineering controls;
- (iv) Administrative controls and procedural measures;
- (v) Personal protective equipment (least effective).

**Article 20: Monitoring and review**

After the implementation of the control measures, its effectiveness shall be monitored by inspections, testing or consultation with employees. Additionally, a review of every one year or earlier shall be conducted when the employer is informed by the competent authority that the Risk Assessment is no longer valid or when there has been a significant change in matters to which it relates.

**CHAPTER V: FINAL PROVISIONS**

**Article 21: Authorities responsible for the implementation of these Regulations**

The Minister of Public Service and Labour, the Minister of Health and the Minister of Infrastructure are entrusted with the implementation of these Regulations.

**Article 22: Specific guidelines**

The Minister having occupational safety and health in his/her responsibilities may issue further specific guidelines on specific occupational safety and health matters.

**Article 23: Commencement**

These Regulations shall come into force on the date of its signature.

Kigali, on.../.../...2019

  
**RWANYINDO KAYIRANGWA Fanfan**  
Minister of Public Service and Labour

