

Occupational Health and Safety Policy for Road Infrastructure Development and Management, 2080”

(Departmental Policy)

1. Background

Road infrastructure has a significant contribution to the overall socio-economic development of the country. The development and management of road infrastructure have been getting rapid and widespread over the years calling for the need to assure the fundamental concern for the rights of all workers, contractors, employers, and service providers. The legislation related to Occupational Health and Safety (OHS) mandates to promote, regulate and maintain health and safety at work. The Department of Roads (DoR) is committed to develop “Occupational Health and Safety Policy for Road Infrastructure Development and Management, 2080” (Departmental Policy) to address applicable measures against adverse impact on OHS, ensures quality work and working environment, promote safe and healthy work, enhance accident-free work- environment and promote a safe culture at work.

2. Current status:

The Constitution of Nepal, part 3, ensures various fundamental rights and duties, under which the fundamental Right to Live with Dignity, Right to Freedom, Right to Equality, Right against Torture, Right against Exploitation, Right to Clean Environment, Right to Employment, Right to Labour, Right relating to Health, Right to Food, Right to Housing, Rights of Women, Rights of Child, Right to Social Security and Right to Social Justice. Furthermore, part 4, Directive Principles, Policies and obligation of the State have envisioned the Policies relating labour and employment and policies relating social justice and inclusion. National Civil (Code) Act, 2074 has insight on the wages, safety measures and working hours in regards to OHS. National Occupational Safety and Health Policy, 2076 has provisions for occupational health and safety requirements mainly focused on manufacturing industries. The Industry Policy, 2067, and the Industrial Enterprise Act, 2076, have categorized roads, bridges, and tunnels among others as infrastructure industry. National Transport Policy, 2058 has a provision to strengthen the road infrastructure network to entire remote villages and local authorities for effective operation and management. Labor Act, 2074 envisions the right to safe and healthy working environment.



3. Issues and Challenges:

The OHS management system ensures the meaningful participation of government, contractors, and workers, in protecting safer working environments, safeguarding the safety, health, and wellbeing of workers. Inadequate ownership and adoption of the stakeholders in terms of OHS implementation is a huge challenge. Likewise, other challenges are the forceable impact due to ignorance of legislative requirements, and delay decisions concerning to OHS. Currently, it is challenging task to promote, regulate and administer OHS standards in infrastructure construction projects. Inadequate OHS provisions inclusion in bidding and contract documents, quality of work and workplaces, work-related accidents and diseases has been some of the challenges in infrastructure development and management. By facilitating adequate institutional setup, capacity building, and efficient operation and coordination among the stakeholders, OHS can be integrated into the development of infrastructure processes; includes road, bridge, tunnel and flyover.

4. Need for Policy:

It is the responsibility of the state to ensure the fundamental rights provided by the Constitution. Establishing a clean and healthy work environment and guaranteeing social security, effective management of OHS through the participation of workers is essential. The adoption of appropriate safety standard and application of safe construction practices can reduce workplace risks, accidents, injuries, diseases and also contribute towards reducing the long term financial burden.

Support to effective infrastructure development and management, strengthening of prevailing law with appropriate OHS related provisions is of immediate need. Considering such need, DoR intends to look into the present gaps and then to address them through formulation and implementation of OHS Policy 2080 (Departmental Policy).

5. Foundation of Policy:

The Occupational Health and Safety Policy for Road Infrastructure Development and Management, 2080' (Departmental Policy) has been developed based on fundamental constitutional rights of dignity and good labor practices, Current status, previous efforts, and challenges, the best national and international practices in infrastructure development and management. The provisions made available on Industrial Policy-2067, Health Policy-2076, National OSH Policy-2076, Labour Act-2074, Labour Regulation-2075, Industrial Enterprise Act-2076, Environment Protection Act-2076. Furthermore, international legislation [ILO

Convention 155 (OHS), ILO167 (construction sector), ILO 187 (OHS), Sustainable Development Goal (SDG)- 8, World Bank Environmental and Social Standard (ESSs)-2018, Asian Development Bank Environmental and Social Safeguard Policy (ADB ESS)-2009 and Japan Bank for International Cooperation (JBIC) Environmental Guideline-2015] and related international law and standards have also been referred.

6. Vision:

To establish a safe working culture and healthy working environment in road infrastructure development and management.

7. Mission

To establish a safe and healthy working environment through the formulation and adoption of appropriate standards and indicators.

8. Goal:

To reduce work-related adverse impact, appropriate OHS standards and a 'Culture of Safety First' shall be adopted in all road infrastructure development and management activities.

9. Objective:

To ensure '**Safe, reliable, and healthy working environment and introduce cost-effective safety measures**', by avoiding, reducing, minimizing and mitigating workplace hazards to human health, environment, and community.

10. Strategies and Activities

To achieve the set objectives, the following strategies and activities shall be adopted.

Strategy 1. Formulate and implement the legal framework.

Activity:

- 1.1. To prepare, implement and internalize OHS related legal requirements through appropriate provisioning in act, regulation, guidelines, manual, standard, codes, memorandum of understanding, performance evaluation mechanism as well as bidding & contract documents, worksite specific OHS policy in all activities of Infrastructure development and management of road, bridge, tunnel and flyover.
- 1.2. To ensure inclusion of all technical, social, and environmental (OHS activities) in contract documents by implementing appropriate Gate Review Process.

- 1.3. To formulate operational and management procedures including appropriate institutional arrangements for effective implementation of OHS activities.
- 1.4 To prepare specific terms and conditions provisioning incentives in regard to safe employment, pollution control, use of technology, waste management and community development.
- 1.5 To develop a standard protocol for coordination and communication including information collection and disclosure.

Strategy 2. To mainstream OHS in Infrastructure development and management.

Activity:

- 2.1. To strengthen OHS related institutional capacity through the establishment of a dedicated OHS unit (GESU shall act as OHS unit unless OHS unit is established) equipped with adequate backstop support for coordination and monitoring.
- 2.2. To institutionalize and mainstream OHS related activities in all Infrastructure related works and their management.
- 2.3. To establish a safe and healthy working environment, introduce cost-effective construction measures, promotion of new and innovative technology and equipment, and quality materials shall be applied for sustainable OHS practices development and implementation.
- 2.4. To ensure social security through introducing comprehensive accident insurance.
- 2.5. To adopt the appropriate measures on the use of Personal protective equipment (PPE).
- 2.6. To establish and strengthen an onsite primary health care center for the management of occupational or work-related accidents, injuries, diseases and illnesses at the worksite.
- 2.7. To establish an integrated OHS information database (Integrated Occupational Health and Safety Management System-IOHSMS) including Workplace Accident Management System (WAMS).



Strategy 3. To strengthen the institutional capacity of DoR, contractors and consultants .

Activity:

- 3.1 To establish OHS unit as a learning center. For the effectiveness of OHS, institutional development, cooperation and monitoring through capacity building programs shall be conducted.
- 3.2 To encourage contractors, subcontractors, supervision and monitoring consultants including service providers for appropriate arrangement of OHS unit at field offices.
- 3.3 To support applicable measures related to OHS improvement; availability, use and maintenance of PPE and toolbox meeting at worksites.
- 3.4 To facilitate capacity building activities on OHS (based on the need assessment) for contractors, subcontractor, supervision, monitoring consultants, service providers and outsourcing jobs to enhance their capacity.
- 3.5 To encourage stakeholders including contractors, subcontractors, supervision/ monitoring consultants, and service providers or OHS surveillance, application of safety equipment; prepare information, education and communication (IEC) materials, and encourage good practices.
- 3.6 To build capacity in application of an integrated OHS information database ((Integrated Occupational Health and Safety Management System-IOHSMS) including workplace accident management. (Workplace Accident Management System-WAMS).

Strategy 4. To build robust coordination and collaboration mechanism among stakeholders.

Activity:

- 4.1. To strengthen coordination and communication network among all concerned stakeholders including federal, provincial and local authorities for effective OHS performance and emergency management.
- 4.2. To establish OHS unit as a focal point for handling OHS grievances and emergency management.
- 4.3. To identify related stakeholders and develop appropriate procedure for their engagement,
- 4.4. To establish coordination and collaboration among related stakeholders for strengthening OHS.

- 4.5. To adopt best national and international practices related to OHS for ensuring an effective OHS system at work.

Strategy 5. To develop system, standard and code of practice for OHS implementation

Activity:

- 5.1. To develop a comprehensive working procedure and Management Plan (includes detail of the activities and their process of operation and the resource required) to ensure OHS implementation, compliance monitoring and evaluation, (A detailed Working Procedure and Management Plan) shall be formulated and implemented.
- 5.2. To introduce and strengthen OHS related standard practice in an integrated management system for certification, validation, and performance labeling of construction projects, occupational health and safety standards shall be established in the workplace as part of the integrated management system, to verify the requirements. A grading mechanism shall also be developed, and be used to assess the occupational health and safety level.
- 5.3. To develop a sector-specific standard model for demonstrating best practices and intervention of applicable standards in road infrastructure construction projects. An example project shall be established and run as a learning site to control workplace risk by implementing occupational health and safety standards and indicators into practice.
- 5.4. To introduce reward and punishment provisions for OHS promotion at workplaces.
- 5.5. To introduce a system of safe work permit for the operation and management of hazardous work, technology and machinery shall be introduced.
- 5.6. To introduce OHS audits through registered OHS auditors.



11. Institutional Arrangement/Set up:

To promote, manage and regulate OHS in road infrastructure activities, the following institutional arrangements shall be made.

11.1: Directive and Advisory Committee

Chairperson: Director General, Department of Roads

Member: Deputy Director General, Bridge Branch

Member: Deputy Director General, Development Cooperation Implementation Division

Member: Deputy Director General, Planning and Monitoring Branch,

Member: Deputy Director General, Maintenance Branch,

Member: Deputy Director General, Mechanical Branch,

Member: Chief, Legal and Dispute Management Section, DoR

Member: Representative, Federation of Contractor's Associations of Nepal

Member: Representative, Joint Trade Union Coordination Centre

Member Secretary: Chief, OHS Unit, Department of Roads.

Note: As per the need the chairperson shall invite additional members to the meeting.

11.2: Monitoring and Evaluation Committee

Coordinator: Chief, Federal Road Supervision and Monitoring Offices (related office)/Project directorate, Department of Roads

Member: SDE of project-specific related Branch/Division/ Project directorate

Member: Chief, Road Division /Project Implementation Office (related project or division)

Member: OHS Experts nominated by coordinator

Member: Environment Inspector /OHS Focal Person, OHS Unit

11.3: Project Cooperation and Implementation Committee

Coordinator: Chief, Division Road Offices/Project Implementation Office

Member: Representative, Contractor

Member: Supervision Consultant (if available)

Member: Site Engineer, Project

Note: As per the need the coordinator shall invite additional members to the meeting



12. Legal Provision:

The legal provisions shall be formulated as proposed in strategy 1, and shall also be reviewed by its applicability to the current federal structure.

13. Monitoring and Evaluation:

The monitoring and evaluation work will be carried out through the Directive and Advisory Committee (11.1), Monitoring and Evaluation Committee (11.2), and Project Cooperation and Implementation Committee (11.3). The frequency of committee meetings shall be biannually for the directive committee, quarterly for the Monitoring and Evaluation committee, and monthly for the project cooperation and implementation committee.

14. Scope and Applicability:

The 'Occupational Health and Safety Policy for Road Infrastructure Development and Management, 2080' (Departmental Policy) shall be applicable to the development and management of road infrastructure executed under DoR.

15. Financial arrangement:

The Budgetary provisions shall be made available in BoQ as a separate item. Budgetary provisions shall be made for all contracts depending on their nature, size, complexity and risk associated. .

16. Risk:

All project stakeholders shall be responsible for the inclusion, institutionalization and mainstreaming of OHS in all phases of project cycle (design, operation and maintenance). The potential risks for the effective implementation of this policy are resource availability, a surveillance mechanism, application of new technologies, worksite emergencies and coordination and cooperation among stakeholders.

17. Review and Amendment:

Based on the recommendation and feedback of directive, monitoring and evaluation committee review and amendment of this policy shall be made in every three years. The periodic performance evaluation of policy shall be carried out every year and in crucial circumstances appropriate amendment shall be made.

