

LAO PDR NATIONAL UXO/MINE ACTION STANDARDS (NS)



Chapter Fifteen Occupational Safety and Health (OSH)

National Regulatory Authority for
the UXO/Mine Action Sector in Lao PDR

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Amendment Record

Management of Lao PDR National UXO/Mine Action Standards(NS) Amendments

The Lao PDR NS series is subject to formal review on a three-yearly basis; however this does not preclude amendments being made within these three-year periods for reasons of operational safety and efficiency or for editorial purposes. As amendments are made to this NS they will be given a number, and the date and general details of the amendment shown in the table below.

As formal reviews of each NS are completed new editions may be issued. Amendments up to the date of the new edition will be incorporated into the new edition and the amendment record table cleared. Recording of amendments will then start again until a further review is carried out.

Number	Date	Amendment Details
1	30 Jun 12	Section 3.1, changed section heading and text. Section 6, new section added. Section 8, whole section changed. New section 8.1. Section 9, whole section changed. Section 12, whole section changed.

Occupational Safety and Health (OSH)

1. Introduction

The need to provide a safe working environment is fundamental to the management of UXO/mine action. Managers of UXO/mine action are to achieve a safe working environment by providing effective management, supervision and control; by developing and applying safe work practices and operating procedures; by selecting and using equipment with inherently safe design; by providing appropriate education and training; and by the provision of effective Personal Protective Equipment (PPE) and protective clothing.

The Lao PDR National Regulatory Authority (NRA), as the authority for the control and regulation of UXO/mine action in Lao PDR, has the responsibility to set the minimum requirements for Occupational Safety and Health (OSH), and for ensuring UXO/mine action organisations comply with these requirements.

2. Scope

This chapter describes the minimum requirements for the OSH within UXO/mine action in Lao PDR.

3. Statutory Requirements

UXO/mine action organisations are, where applicable, to comply with the OSH provisions included in the Laws of Lao PDR.

Note: It is the responsibility of UXO/mine action organisations to ensure that the most up-to-date versions of the relevant laws are referred to.

3.1. Labour Law (Amended), 27 December 2006

Certain provisions concerning OSH are laid down in the **Labour Law(Amended), 27 December 2006**. This law applies to all workers and employers who carry on activities in any social and economic sector of the Lao PDR.

3.2. Decree on Social Security System for Enterprise Employees 23 December 1999

Prime Ministers decree 207/PM, 23 Dec 99 is a Decree on Social Security System for Enterprise Employees.

This decree is “effective upon employees of state-owned enterprises, private enterprises, joint enterprises in the sectors of industry, agriculture, services and other businesses.”

This decree does not apply to “international organisations in Lao PDR”.

4. OSH Responsibilities of UXO/Mine Action Organisations

As part of the accreditation process described in **Chapter 2 of NS,Accreditation of UXO/Mine Action Organisations**, all UXO/mine action organisations are to provide documented detail of their OSH policy. This may be either a stand-alone document or part of the organisations SOPs.

The OSH policy should include the organisations responsibilities to:

- a. Provide and maintain safe work places, machinery and equipment, and adopt safe work practices and procedures with a view to eliminating hazards or minimising them as much as practicable.
- b. Provide adequate supervision and training, including development and refresher training where appropriate.
- c. Provide, at no cost to the individual, adequate Personal Protective Equipment (PPE) and protective clothing. The requirements for PPE are included in **Chapter 18 of NS, Personal Protective Equipment**.
- d. Provide, at no cost to the individual, adequate health care and emergency medical support in case of accidents.
- e. Set out the OSH policy in writing and ensure this information is delivered to all staff in a language or medium each individual readily understands.
- f. Appoint a designated OSH officer and ensure that all staff have access to this person.
- g. Appoint delegates representing all occupational groups to an OSH committee to represent the staff's views on OSH matters and provide these delegates with the access to appropriate information and advice necessary for them to fulfil their function.
- h. Hold meetings, at intervals no greater than quarterly, of the OSH committee and ensure that minutes of the committee meeting are promulgated to all staff.
- i. Ensure that all accidents and incidents concerning OSH are reported, recorded and investigated by the OSH officer, and that the findings of such investigations are promulgated to all staff and acted upon.
- j. Notify the NRA of all UXO clearance incidents in accordance with **Chapter 23 of NS, Reporting and Investigation of Incidents**.

Each UXO/mine action organisation should conduct annual reviews of its OSH policy to ensure it remains valid for their particular operating environment. Additionally, the organisation must review, and amend as necessary, its OSH policy each time it introduces new methodologies or technologies.

Note: Many of the requirements above are included in the **Labour Law**.

5. OSH Responsibilities of the Individual

Along with the UXO/mine action organisation, each individual staff member has a responsibility for their own safety and health. Each individual is to:

- a. Take all reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work.
- b. Comply with instructions given for their own conduct and safety.
- c. Use safety devices and PPE consistently, correctly and as directed and take all due care of these items.
- d. Immediately report to their supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct.

6. Drugs, Alcohol and Medication

Individuals working on UXO clearance operations under the influence of drugs, alcohol or certain medications may pose a safety risk to themselves and others on a work site.

UXO clearance organisations are to have systems in place that prevent any individual suspected of being under the influence of drugs and alcohol from working on UXO clearance operations.

Trauma Medics that administer medications that could potentially impair a UXO clearance or support persons' ability to work safely are to advise the individual and their supervisor of the situation.

Individual UXO clearance or support staff that feel that their ability to work safely has been affected by medication they have taken for genuine medical conditions but away from the work place, are to notify their supervisors of the situation.

Supervisors should stand down from work individuals that may be impaired by medications until the affects of the medication wears off.

7. Work Routines

In some cases the urgency of UXO clearance places strong pressures on clearance organisations and individuals to achieve results quickly. Such pressures are understandable; however they must not be allowed to override the necessity for UXO clearance to be conducted as safely as possible.

In recognition of this need, all clearance organisations are to conform to the requirements described below.

7.1. Hours of Work

Except as provided in section 6.1.1 below, personnel employed on physical UXO clearance (searching for and excavating UXO) are not to work more than a total of 10 hours in any work day of which no more than 8 hours, excluding breaks, is to be physical clearance. For the purposes of this standard, work includes travel to and from the clearance worksite, testing and maintenance of equipment and includes lunch and rest breaks.

Personnel employed on UXO clearance, including supervisors, are to be given a minimum break of 10 minutes for every 50 minutes of clearance work.

When clearance organisations employ a two-person drill for their UXO clearance operations and the second person is not working during work breaks, these breaks may constitute rest and lunch breaks.

7.1.1. Exceptions to Hours of Work

Exceptions to hours of work are acceptable in situations where safety would be compromised if work was to stop, or in extreme cases where it would be grossly inefficient to stop work and have to return to complete work on another day.

7.2. Rest Days

Personnel employed on UXO clearance operations are to be given as a minimum 1 day break for every 6 days worked.

8. Employment of Women

UXO/mine action organisations are to comply with the requirements of Article 38 to 40 of the **Labour Law**, with respect to the employment of women. The National Assembly endorsed translation of Article 38 states:

“It is prohibited to employ a woman during pregnancy or during the period she is caring for her newborn child to perform the following work:

- Lifting or carrying heavy loads;
- Work which entails standing continuously for long periods;
- Other work specified in Article 16 of this law.¹

In such circumstances the employer shall assign the worker to other temporary work.

While performing other temporary work, the worker shall continue to receive her normal salary or wages for not more than three months; if the three-month period is exceeded, she shall receive salary or wages according to her new assignment.

It is prohibited to employ a pregnant woman or a woman with a newborn child under twelve months of age to work overtime, or during a holiday.”

8.1. Maternity Leave and Support

Articles 39 and 40 of the **Labour Law** cover the requirements for leave before and after giving birth and financial support to pregnant employees.

9. Employment of Child Labour

Article 41 of the **Labour Law** states that an employer may employ children who are at least fourteen years of age and less than eighteen years of age under certain conditions.

Chapter 16 of NS, Medical Support to UXO Clearance Operations states that the minimum age for clearance personnel and support staff to be employed on clearance worksites in Lao PDR is 18 years of age.

The only time that child labour can be used on clearance worksites is during the cutting of vegetation. This is covered in **Chapter 5 of NS, Worksite Preparation** which states:

“The age of casual staff employed by clearance organisations for the cutting of vegetation should not be less than 14 years in accordance with the requirements of Article 41 of the **Labour Law**.”

10. Routine Health Care

UXO/mine action organisations are to make provisions for routine health care for their staff both in the field and at base and HQ locations, in accordance with the requirements of Article 43 of the **Labour Law**.

1. Other work includes direct exposure to radiation or to dangerous communicable diseases; direct exposure to vapour [or] smoke which is dangerous to health; direct exposure to dangerous chemicals, such as explosives; working in pits, or in underground tunnels, under water or in the air; working in an abnormally hot or cold place; and working directly with constantly vibrating equipment.

Routine health care should include the provision of treatment for illness, diseases and injuries.

11. Medical Support

Details of the requirement for emergency medical support, as required by the **Labour Law**, are included in **Chapter 16 of NS, Medical Support to UXO Clearance Operations**.

12. Assistance and Compensation to Victims of Occupational Injuries or Diseases

UXO/mine action organisations are as a minimum, to comply with the requirements laid down in Articles 55 and 56 of the **Labour Law** in respect to the provision of care and allowances to victims of labour accidents and occupational diseases.