



Government of Malawi

NATIONAL OCCUPATIONAL SAFETY AND HEALTH PROFILE

2020



**International
Labour
Organization**



TABLE OF CONTENTS

TABLE OF CONTENTS	ii
LIST OF TABLES AND FIGURES	v
ACRONYMS AND ABBREVIATIONS	vi
PREFACE	viii
INTRODUCTION	1
CHAPTER 1: NATIONAL REGULATORY FRAMEWORK	2
1.1 Laws and Regulations	2
1.1.1 OSH in the Constitution of the Republic of Malawi	2
1.1.2 Acts and Collective Bargaining Agreements	3
1.1.3 OSH Related Laws and Regulations enforced by Other MDAs	4
1.2 ILO Conventions Ratified by Malawi	6
1.3 Gaps in the National OSH Related Legislation and Regulations Compared to ILO Conventions 155 and 187,	7
1.4 Application of International Standards during Labour Inspection and OSH Related Court Cases	7
1.5 Recommendations by Committee of Expert on Application of Conventions and Recommendations (CEACR) on Labour Inspection and OSH.....	7
1.6 OSH Management Systems, Technical Standards and Guidelines.....	8
1.7 OSH Legislation and Gender.....	9
1.8 Psychosocial Risk Assessments	9
1.9 Use of ILO Codes of Practice and Guidelines	9
CHAPTER 2: NATIONAL COMPETENT AUTHORITIES	12
2.1 The Overall Structure of the National Competent Authority	12
2.2 List of Other National Competent Authorities.....	12
2.3 Financial Resources for OSH Directorate.....	13
CHAPTER 3: INSPECTORATE AND ENFORCEMENT SYSTEMS	14
3.1 Inspection Systems	14
3.2 Other Inspectorates Involved in the Application of OSH Related Laws	14
CHAPTER 4: REGULAR ACTIVITIES RELATED TO OSH	16
4.1 Regular Activities and Programmes at the National Level	16
4.2 Industry Initiatives.....	16
CHAPTER 5: HUMAN RESOURCES ACTIVE IN THE AREA OF OSH	17
5.1 Summary of OSH Professional Experts in Malawi	17
CHAPTER 6: CONSULTATION AND COLLABORATION MECHANISM	19
6.1 At National Level	19
6.1.1 Social Dialogue.....	19
6.1.2 Tripartite Labour Advisory Council (TLAC).....	19
6.1.3 Industrial Relations Court (IRC)	19

6.2 At Enterprise Level	20
6.2.1 Safety Committees	20
6.2.2 Industrial Council	20
6.3 Informal Economy.....	20
CHAPTER 7: NATIONAL REVIEW MECHANISMS	21
7.1 National OSH Council.....	21
7.2 Review Mechanism of OSH Related Documents in Other MDAs	21
7.3 Employers' and Workers' Organisations Involvement	21
CHAPTER 8: TRAINING, INFORMATION AND ADVISORY SERVICES	22
8.1 OSH Related Trainings.....	22
8.2. OSH Information Centres	22
8.3. OSH Advisory Services and Mechanisms	22
CHAPTER 9: TRAINING AND AWARENESS RAISING STRUCTURES	23
9.1 University and College Courses Related to OSH	23
9.2 Training Structures Offered by Employers' and Workers' Organisation and Informal Economy.....	24
9.3 Other Institutions Conducting Legal Training for OSH Specialists.....	24
9.4 Awareness Raising.....	24
9.5 Trade Union Awareness Initiatives	25
CHAPTER 10: OCCUPATIONAL HEALTH SERVICES	26
10.1 National System and Regulatory Responsibility.....	26
10.2 Environmental Exposure Monitoring	26
10.3 Medical Examination and Surveillance	27
10.4. Advisory Services	27
10.5 Integration and Linkages with Primary Health Care (PHC)	27
CHAPTER 11: OSH LABORATORIES	28
11.1 Institutional Laboratories.....	28
CHAPTER 12: SPECIALISED INSTITUTIONS RESPONSIBLE FOR OSH.....	29
12.1 Poison Control Centres.....	29
12.2 Institutions Specialised in Occupational Hazards and Risk Assessments..	29
12.3 Standardising or Certifying Bodies.....	30
12.4 Emergency Preparedness and Response Services.....	30
12.5 Non-Governmental Bodies Involved in OSH Related Activities.....	30
CHAPTER 13: SOCIAL SECURITY, INSURANCE AND COMPENSATION	31
13.1 National Compensation System.....	31
13.1.1 Extent of Coverage	31
13.1.2 Eligibility and Ineligibility	31
13.1.3 Informal Economy.....	31

13.2	Responsible Administrative Body.....	31
13.3	Data Collection and Processing	33
13.4	Preventive Measures Being Implemented.....	33
CHAPTER 14: STATISTICS OF OCCUPATIONAL ACCIDENTS AND DISEASES		34
14.1	Recording Mechanisms.....	34
14.2	Mechanisms for Notification of Occupational Accidents and Diseases	34
14.3	Data on Occupational Diseases.....	34
14.4	Data on Occupational Accidents per Year for the Last Five Years	35
CHAPTER 15: POLICIES AND PROGRAMS OF EMPLOYERS AND WORKERS ORGANISATION		37
15.1	Employers' Organisation - ECAM	37
15.2	Workers' Organisations - MCTU	37
15.3	Association of Informal Economy	37
CHAPTER 16: INTERNATIONAL COOPERATION		38
16.1	International Partners and Projects Funded.....	38
CHAPTER 17: PROMOTION AND ELIMINATION PROGRAMMES		39
17.1	Programmes and their Implementation Strategies	39
CHAPTER 18: GENERAL COUNTRY INFORMATION		42
18.1	Geographical and Historical Information	42
18.2	Demographic Data	43
18.3	Labour Force in the Informal Economy	44
18.4	Literacy Levels in Malawi	45
18.5	Economic Data.....	45
CHAPTER 19: RELATED AND RELEVANT POLICIES AND DOCUMENTS		47
19.1	Related Documents and Policies	47
19.2	Other Relevant Information	48
19.2.1	Occupational Safety and Health in Relation to International Trade.....	48
19.2.2	Initiatives in the Light of OSH Integration and Harmonisation.....	48
CHAPTER 20: THE SITUATION ANALYSIS		49
20.1	Elements for Situation Analysis	49
20.1.1	Legal Instruments	49
20.1.2	Planning Capabilities	50
20.1.3	Implementation	50
20.1.4	Monitoring, Feedback and Evaluation	52
20.1.5	Reviewing and Continuous Improvement.....	52
20.2	Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis	52
CONCLUSION AND RECOMMENDATIONS		54
REFERENCES.....		55
ACKNOWLEDGEMENT.....		57

LIST OF TABLES AND FIGURES

Table 1.1: The Constitution of the Republic of Malawi in relation to OSH	2
Table 1.2: ILO Conventions ratified by Malawi	6
Table 1.3: OSHMS and Standards developed by MBS and type of enforcement	8
Table 2.1: Current list of designated competent authorities and number of inspectors	13
Table 2.2: Amount of OSH budget/funding against annual Ministry of Labour budget	13
Table 5.1: Number of OSH professional experts and their educational requirements	17
Table 9.1: Education institutions offering OSH related courses	23
Table 12.1: Institutions with potential to conduct risk assessment	29
Table 12.2: Emergency preparedness institutions	30
Table 13.1: Annual workers compensation claims for 2019	32
Table 14.1: Statistics of reported occupational accidents	35
Table 15.1: Policies and programs for employers' organisation	37
Table 15.2: Policies and programs for Workers' Organisation	37
Table 16.1: List of international partners and institutions/projects involved	38
Table 17.1: List of elimination and promotional programmes	39
Table 18.1: Productive and economically active population	43
Table 18.2: Employed and unemployed population	43
Table 18.3: Employment by economic sector	44
Table 18.4: Literacy levels in Malawi	45
Table 18.5: Distribution of labour force by education levels and residence	45
Table 18.6: Economic sectoral contribution to GDP	46
Table 20.1: Analysis of legal instrument enforced by Ministry of Labour	49
Table 20.2: Analysis of planning capability	50
Table 20.3: Analysis of implementation strategies	50
Table 20.4: Analysis of monitoring and evaluation strategies	52
Table 20.5: Analysis of review and improvement processes	52
Figure 18.1: The Map of Malawi	42

ACRONYMS AND ABBREVIATIONS

ABC	African Bible College
AERA	Atomic Energy Regulatory Authority
AIDS	Acquired Immunodeficiency Syndrome
CBA's	Collective Bargaining Agreements
CEACR	Committee of Experts on Application of Conventions and Recommendations
COM	College of Medicine
DLO	District Labour Officer
DoM	Department of Mines
DOSH	Director of Occupational Safety and Health
DWCP	Decent Work Country Programme
EAD	Environmental Affairs Department
ECAM	Employers Consultative Association of Malawi
ELS	Employment and Labour Services
ENT	Ear Nose and Throat
GDP	Gross Domestic Product
GNI	Gross National Income
HIV	Human Immunodeficiency Virus
IAEA	International Atomic Energy Agency
IDO	Information Documentation Officer
IEC	Information Education and Communication
IH	Industrial Hygienist
ILO	International Labour Organization
IPCS	International Programme on Chemical Safety
IRC	Industrial Relations Court
ISO	International Organisation of Standardisation
ITC	International Trade Centre
KCN	Kamuzu College of Nursing
LMIS	Labour Management and Information System
LUANAR	Lilongwe University of Agriculture and Natural Resources
MBS	Malawi Bureau of Standards
MCTU	Malawi Congress of Trade Union
MDAs	Ministries, Departments and Agencies
MDF	Malawi Defence Force
MERA	Malawi Energy Regulatory Authority
MLFS	Malawi Labour Force Survey
MoH	Ministry of Health
MoL	Ministry of Labour
MPHC	Malawi Population and Housing Survey
MSCE	Malawi Secondary Certificate of Education
MUFIS	Malawi Union for Informal Sector
MUST	Malawi University of Science and Technology
MZUNI	Mzuzu University
NCIC	National Construction Industry Council
NELP	National Employment and Labour Policy
NEPAD	New Partnership for Africa's Development
NGO	Non-Government Organisation

OSH	Occupational Safety and Health
OSHEAM	Occupational Safety Health and Environmental Association of Malawi
OSHMS	Occupational Safety and Health Management System
OSHWA	Occupational Safety Health and Welfare Act
PCB	Pesticides Control Board
SATBHSS	Southern Africa Tuberculosis Health Systems Support
SMEs	Small and Medium Enterprises
SWOT	Strengths, Weaknesses, Opportunities, and Threats
TB	Tuberculosis
TEVETA	Technical Entrepreneurial and Vocational Educational and Training Authority
TLAC	Tripartite Labour Advisory Council
WCA	Workers Compensation Act
WCD	Workers Compensation Department
WCF	Workers Compensation Fund

PREFACE

Malawi has updated its first OSH Profile which was compiled in 2009. The National OSH Profile is an inventory of all the tools and resources available in the country that are used for implementing and managing OSH services; This Profile has identified gaps and needs for further development of existing legal framework, standards, capacity and financial resources, administrative and technical infrastructures related to the management of OSH in Malawi.

The 2009 OSH Profile achievements include the following areas:

- Review of OSHWA which is in progress and development of its regulations;
- Training of OSH Inspectors in specialized fields including Masters Degrees;
- Ratified three (3) ILO OSH Conventions 155, 184 and 187; and
- Procurement of workplace monitoring equipment.

The updating of this Profile followed extensive consultations among numerous partners in the private and public sectors particularly Government Ministries, Departments and Agencies (MDAs) that are responsible for administration of OSH related activities as well as our Social Partners. The contents of the updated Profile were actively discussed and collectively adopted by representatives of the government MDAs, Employers' and Workers' Organisations at a validation meeting held in Lilongwe on 10th August 2020.

I wish to express my sincere appreciation to the Directorate of Occupational Safety and Health, Social Partners and other stakeholders for their support and cooperation in preparation of this Profile. My special thanks to the consultant, Dr Yotam Mgonjetsi Moyo, for assisting with the compilation of the Profile. I also wish to express my sincere gratitude to the International Labour Organisation (ILO) for financial and special technical support provided in developing this Profile.

This Profile will serve as a national occupational safety and health data baseline. It is my expectation that it shall be updated every five years or after addressing concerned issues; and shall remain relevant and useful for all those concerned and dealing with workers' safety and health in Malawi.

A safe and healthy workforce is key to the development of the Malawi nation.



Kenny Edward Kandodo (MP)
MINISTER OF LABOUR

INTRODUCTION

This study was conducted to update the Malawi Country Occupational Safety and Health Profile compiled in 2009. This exercise broadly targeted occupational safety and health issues including basic data on parameters that may affect the sound management of occupational safety and health both at the national and enterprise levels. Data collection was done through consultative engagements with the competent authorities and other designated authorities through a participatory approach with all consistent partners concerned with the different aspects of OSH administration, including relevant stakeholders from government MDAs and members of the Tripartite Labour Advisory Council (TLAC). This data was compiled and presented based on a combination of qualitative descriptions and quantitative data that may influence the sound management of OSH.

The ILO guiding principles for the preparation of national OSH profiles is outlined in 21 parts. The presentation of this Profile has combined Part 19 and 20 into Part 16 which describes the related policies, documents and other relevant information. The presentation has also rearranged the Parts in such a way that they follow each other according to information relationship.

Part 1 discusses the legal framework that supports occupational safety and health activities including their relation to the Constitution of the Republic of Malawi followed by Parts 2 to 5 that outline the national competent authorities; inspections or inspectorates and enforcement systems; regular and ongoing activities related to OSH; and levels of human resources active in areas of OSH. Parts 6 to 9 describe mechanisms on consultation, coordination and collaboration; national review; training, information and social advisory services; and education, training and awareness raising structures. Parts 10 to 12 focus on occupational health services, OSH laboratories and specialized technical, medical and scientific institutions. Parts 13 and 14 describe the social security, insurance schemes and compensation services; and statistics of occupational accidents and diseases.

Parts 15 and 16 describe policies and programmes developed and implemented by employers' and workers' organisation including association of the informal economy; and outline related policies, documents and relevant information that may impact OSH development and delivery system. Parts 17 and 18 focus on listing of promotion and elimination programmes and international partners and the associated projects involved. Part 19 outlines the general country statistical data related to demographics and economics. Part 20 is the situation analysis with a special emphasis on the strength and weaknesses of OSH services while conclusion and recommendation for this study has been presented under Part 21.

CHAPTER 1: NATIONAL REGULATORY FRAMEWORK

This chapter identifies and describes the different enforceable instruments that make up the national regulatory framework and voluntary technical standards and guidelines that are recognized as reliable references at the national level.

1.1 Laws and Regulations

1.1.1 OSH in the Constitution of the Republic of Malawi

As a sovereign state, Malawi is governed by the Constitution of the Republic which is the supreme law of the land and makes a legal base for all subordinate statutes including Occupational Safety, Health and Welfare Act (OSHWA) of 1997. The Constitution of the Republic of Malawi considers the safety and health of employed persons in its sections as highlighted in the table below.

Table 1.1: The Constitution of the Republic of Malawi in Relation to OSH

Section	What it says	Relation to OSH
Chapter III Section 13 (c)	Provide adequate health care, commensurate with the health needs of Malawian society and international standards of health care.	Health care provision is a key component of occupational safety and health.
Chapter III Section 13 (d)	Manage the environment responsibly in order to i. Prevent the degradation of the environment; ii. Provide a healthy living and working environment for the people of Malawi.	Safe work practices promote environmental sustainability in general. A safe and healthy working environment promotes the health wellbeing of employees.
Chapter III Section 13 (l)	Peaceful settlement of disputes by adopting mechanisms for settling differences such as negotiation, mediation, conciliation and arbitration.	Peaceful settlement of disputes that may include OSH issues.
Chapter IV Section 24 .2	To eliminate customs and practices that discriminate against women, particularly practices such as: a. sexual abuse, harassment and violence; b. discrimination at work, business and public affairs.	Protects women against different forms of discrimination, abuse and harassment. All these practices have a great impact on the victim's mental health which is a component of OSH.
Chapter IV Section 27.3 Section 27.4	No person shall be subject to forced labour. No person shall be subject to tied labour that amounts to servitude.	Forced labour has impact on physical and mental health of the employee.

Chapter IV Section 31.1	Every person shall have the right to fair and safe labour practices and to fair remuneration.	Decent work is key to occupational safety and health.
Section 31.2	All persons shall have the right to form and join trade unions or not to form or join trade unions.	Trade unions offer a platform for collective bargaining regarding working conditions.

1.1.2 Acts and Collective Bargaining Agreements

This part discusses the Acts enforced by the Ministry of Labour (MoL) and the collective bargaining agreement procedures and these are as discussed below:

Occupational Safety, Health and Welfare Act, 1997

This Act originates from Section 13(d) of the Constitution which provides for a healthy living and working environment for the people of Malawi. This Act makes provisions for the regulation of the conditions of employment in workplaces as regards the safety, health and welfare of persons employed therein; for the inspection of certain plants and machinery, and the prevention and regulation of accidents occurring to persons employed or authorized to go into the workplaces.

Labour Relations Act, 1996

This Act derives its powers from Section 32 of the Constitution that promotes the freedom of association, sound labour relations and effective collective bargaining and the promotion of orderly and expeditious dispute settlement and conducive social justice and economic development.

Employment Act, 2000

The Act originates from Sections 27 and 31 of the Constitution and focuses on issues of forced labour, right to fair and safe labour practices and remuneration. This Act enforces and regulates minimum standards of employment with the purpose of censuring equity necessary for enhancing industrial peace, accelerate economic growth and social justice.

Workers Compensation Act, 2000

The Workers Compensation Act (WCA) promotes social and economic development of injured workers as provided on Section 13 (n) of the Constitution; and provides procedures for compensating injuries suffered or diseases contracted by workers in the course of their employment or for the death resulting from injuries or diseases; and to provide for the establishment and administration of Workers Compensation Fund (WCF).

Collective Bargaining Agreements, (CBA)

Collective bargaining agreement procedures are provided in Sections 25 to 33 of the Labour Relation Act of 1996. This Act prescribes thresholds for establishment of enterprise and sectoral level bargaining including the establishment of an Industrial Council where the aforementioned levels of bargaining are referred, once failed in a normal or usual collective bargaining procedures. These CBAs are considered binding by both parties, hence, adequate to protect workers on issues in question including OSH issues.

1.1.3 OSH Related Laws and Regulations enforced by Other MDAs

Public Health Act, 1948 - provides measures of health protection, infection prevention in hospitals and sanitation in workplaces, public places and communities. Section 88 of the Act stipulates the requirement for separate toilets for male and female persons in public buildings or buildings which would be used by both male and female employees. The Act also encourages reporting of notifiable diseases.

Mines and Minerals Act, 2019 - addresses the safety and health of mine workers and environmental protection from the mining processes and pollution.

Explosives Act, 1968 - regulates and controls the acquisition, manufacture, sale, conveyance, use and management of explosives at the quarry site to ensure minimum safety, noise and ground vibration due to blasting; and provides for proper and safe storage and handling of blasting explosive in designated explosives magazines.

Liquid Fuel and Gas Act, 2004 - provides for promotion and monitoring of occupational safety, health and welfare of workers, public health and protection of environment.

Energy Regulation Act, 2004 and Electricity Act, 2004 - regulate energy and electricity production, transmission and usage; and monitor compliance to safety standards.

Environmental Management Act (EMA), 2017 - provides for the protection and management of the environment, conservation and sustainable utilization of natural resources, regulates and guides environmental protection in order to reduce hazardous exposures in air, water and land.

Malawi Bureau of Standard (MBS) Act, 2012 - empowers the MBS to develop standards for different industries and certifies the safety and quality of different products; and develops environmental standards which include tolerance limits for industrial effluents into the surface water, tolerance limits for sewage effluents, solid waste handling, transportation and disposal.

Biosafety Act, 2002 - provides for the safe management of biotechnological activities and promotes matters connected therewith and incidental thereto.

Atomic Energy Act, 2011 - provides for adequate protection of the people and the environment against the harmful effects of ionizing radiation by controlling and regulating the import, export, production, processing, handling, use, holding, storage, transportation and disposal of radiation sources, nuclear and radioactive materials.

Pesticides Act, 2018 - provides for the control, management of import, export, manufacture, distribution, storage, disposal, and use of pesticides.

National Construction Industry Act, 1996 - promotes safety and health in construction industries through enforcement of its safety provisions.

Tourism Act, 1968 - promotes safety at the tourism and hospitality premises by monitoring the risk management and disaster prevention including firefighting equipment and availability of first aid.

Control of Goods Act, 1968 - addresses safety issues in trade of goods including import and export, food safety, radioactive substances, pollution control and hazardous waste.

Local Government Act, 1998 - empowers Local Assemblies to develop by-laws that provide guidance to the assemblies' established Committees such as Health and Environmental Committee that monitors safety and health of assembly workers and protect environment.

Road Traffic Act, 1998 - promotes the road safety and road traffic regulation by devising measures and methods for reducing the risks of the persons using the road network from being injured.

Inland Waters Shipping Act, 1996 - provides for survey, registration, licensing and safety of all vessels used on inland waters of Malawi, for the safety of passengers and cargo and for the competency of masters and crew.

Railways Act, 1970 - promotes for safety of locomotives, passengers and crew.

Environmental Management (Chemical and Toxic Substances) Regulations, 2008 - regulates the management of chemicals and toxic substances. Section 26 stipulates that no industry shall discharge any chemical waste in any state into the environment unless it has been treated in accordance with acceptable international methods that are approved by the Director of Environment Affairs in consultation with the relevant local authority.

Environmental Management (Waste Management and Sanitation) Regulations, 2008 - regulates management and disposal of general and municipal waste and prohibits industries from discharging hazardous waste in any state into the environment unless it has been treated in accordance with acceptable international methods that are approved by the Director of Environment Affairs in consultation with the relevant local authority.

The regulation further prohibits industries from discharging hazardous wastes whether treated or not into disposal sites or plant unless such a disposal site or plant is approved and licenced for that purpose.

1.2 ILO Conventions Ratified by Malawi

On 7th November 2019, Malawi ratified three major ILO-OSH Conventions 155, 184 and 187 in addition to previously ratified OSH related Conventions 45, 81 and 129. The table below lists all ILO Conventions that Malawi has ratified.

Table 1.2: ILO Conventions Ratified by Malawi

Convention	Ratification date	Status
C11 Right of Association(Agriculture) Convention, 1921	22:03:1965	R
C12 Workmen's Compensation (Agriculture) Convention, 1921	22:03:1965	R
C19 Equality of Treatment (Accident Compensation) Convention, 1925	22:03:1965	R
C26 Minimum Wage-Fixing Machinery Convention, 1928	22:03:1965	R
C29 Forced Labour Convention, 1930	19:11:1999	R
C45 Underground Work (Women) Convention, 1935	22:03:1965	R
C50 Recruiting of Indigenous Workers Convention, 1936	07:06:1966	A
C64 Contracts of Employment (Indigenous Workers) Convention, 1939	07:06:1966	A
C65 Penal Sanctions (Indigenous Workers) Convention 1939	22:03:1965	A
C81 Labour Inspection Convention, 1947	22:03:1965	R
C86 Contracts of Employment (Indigenous Workers) Convention, 1947	22:03:1965	A
C87.Freedom of Association and Protection of the Right to Organise Convention, 1948	19:11:1999	R
C89 Night Work (Women) Convention (Revised), 1948	22:03:1965	R
C97 Migration for Employment Convention (Revised), 1949	22:03:1965	R
C98 Right to Organise and Collective Bargaining Convention, 1949	22:03:1965	R
C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	22:03:1965	R
C100 Equal Remuneration Convention, 1951	22:03:1965	R
C104 Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955	22:03:1965	A
C105 Abolition of Forced Labour Convention, 1957	19:11:1999	R
C107 Indigenous and Tribal Populations Convention 1957	22:03:1965	R
C111 Discrimination (Employment and Occupation) Convention, 1958	22:03:1965	R
C129 Labour Inspection (Agriculture) Convention, 1969	20:07:1971	R
C138 Minimum Age Convention, 1973	19:11:1999	R
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	01:10:1986	R
C149 Nursing Personnel Convention, 1977	01:10:1986	R
C150 Labour Administration Convention, 1978	19:11:1999	R
C155 Occupational Safety and Health Convention, 1981	07:11:2020	R
C158 Termination of Employment Convention, 1982	01:10:1986	R
C159.Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	01:10:1986	R
C182 Worst Forms of Child Labour Convention, 1999	19:11:1999	R
C184 Safety and Health in Agriculture 2001	07:11:2020	R
C187.Promotional Framework for Occupational Safety and Health Convention, 2006	07:11:2020	R

R= Ratified A= Abrogated Source: Ratification of ILO Conventions

1.3 Gaps in the National OSH Related Legislation and Regulations Compared to ILO Conventions 155 and 187,

The development of OSH legislation and regulations considered some aspects of ILO Conventions 155 and 187 despite their non-ratification. A number of legal and administrative gaps in the national OSH related legislation and regulations are noted as compared to ILO-OSH Conventions 155 and 187 and these include:

- Discriminating definition of a Workplace in the OSHWA that leaves out other branches of economy when implementing it;
- Lack of national OSH policy;
- Lack of operational regulations, guidelines and code of practice to support the Act;
- Lack of national tripartite advisory body with direct responsibility to OSH issues;

1.4 Application of International Standards during Labour Inspection and OSH Related Court Cases

All labour inspections are based on local legislations which were developed in accordance of international labour standards and guidelines. The OSH related court cases are referred to the industrial court of Malawi where they are decided upon based on the relevant local legislations as well as ratified ILO Conventions.

1.5 Recommendations by Committee of Expert on Application of Conventions and Recommendations (CEACR) on Labour Inspection and OSH

The CEACR gave its recommendations to the Government of Malawi on the Conventions that are related to labour inspection and OSH as follows:

Direct Requests of 2016 – Convention 012

The government is in the process of establishing and operationalising the Workers Compensational Fund that will include procedures for compensation in agriculture.

Direct Request of 2018 – Convention 081

Malawi is taking necessary measures to improve inspection quality and quantity by recruiting adequate human resources and equipping them with skills and knowledge for meaningful inspections. OSH inspectors are trained by ILO's International Training Centre (ITC) in Turin, Italy. Specialised technical training are conducted by New Partnership for African Development (NEPAD) and sponsored by the World Bank project on Southern Africa Tuberculosis Health Systems Support (SATBHSS).

Observations of 2018 – Convention 129

The Committee encourages the Government of Malawi to pursue its efforts to publish an annual labour inspection report on the work of the inspection services in agriculture and to take the necessary measures to ensure that the report contains the elements set out in Article 27, such as agricultural undertakings liable to inspection, number of inspections therein, violations detected and the legal provisions to which they relate.

Also, to provide information on the measures taken within the framework of the Decent Work Country Programme (DWCP) 2011-16; and to improve implementation of the Convention in practice.

1.6 OSH Management Systems, Technical Standards and Guidelines

There is inadequate enforcement in implementation of OSH management systems. The MBS have been developing OSHMS and standards since 2005 and most of them remain voluntary standards and not even referred to in OSH legislations. Despite inadequate enforcement, some multinational organizations operating in the country such as Illovo Sugar Company, Limbe Leaf Tobacco, among others do use these management systems basing on recommendations from their international affiliates. A table below outlines a number of OSHMS and standards developed by MBS and enforced by OSH related legislations under other MDAs.

Table 1.3: OSHMS and Standards Developed by MBS and Type of Enforcement

OSHMS and Standards	Code	Name	Enforcement
Management System	MS ISO 45001:2019	Occupational Safety and Health	Voluntary
	MS ISO 14001:2004	Environmental Management System	Mandatory
Standards	MS 125:1987	Chemical Laboratories - Code of Safety	Voluntary
	MS 172 (1-3):2011	Petroleum Products	Mandatory
	MS 173:2005	Noise Pollution	Mandatory
	MS 173 :2005	Acoustics - Noise Pollution Tolerance Limits	
	MS 236 (1-10):2011	Liquefied Petroleum Gas	Mandatory
	MS 552:2005	Safety of Welding - Code of Practice	Voluntary
	MS 598:2002	Wood Preservation	Voluntary
	MS 615:2005	Health Care Waste Disposal	Mandatory
	MS 626:2002	Safety Helmets for Industrial Use and for Firemen – Specification	Voluntary
	MS 657-1:2004 (1-4)	Portable Rechargeable Fire Extinguishers – Specification	Voluntary
	MS 675:2005	Pesticide Disposal (includes spillage or leakage)	Mandatory
	MS 700:2002	Social Responsibility Requirements for Combating Child Labour	Voluntary
	MS 719:2005	Hazardous Waste Management	Mandatory
	MS 736:2005	Dangerous Goods	Mandatory
	MS 737:2011	Industrial Emissions - Emissions from Mobile and Stationery Sources – Specification	Mandatory
	MS 738:2005	Workplace Air - Carbon Monoxide	Mandatory
	MS 742:2005	Workplace Air - Particulate Lead	Mandatory
MS 844:2011	Coal Mining - Health, Safety, Environment	Voluntary	

1.7 OSH Legislation and Gender

OSHWA does not adequately provide equal protection for men and women at work, however, some consideration of the biological difference of men and women is expressed in Sections 27 and 28 of the Act. Specific requirements for the provision of separate sanitary conveniences and washing facilities is emphasised in these sections. The reviewed OSHWA draft has addressed issues of gender-based violence and sexual harassment at Workplaces. Section 47 of Employment Act states that employer should grant female employees eight weeks of maternity leave in every three years.

1.8 Psychosocial Risk Assessments

There is no direct mention of requirements of psychosocial risk assessment in all OSH related legislations during occupational risk assessment. However, Section 13(e) of OSHWA describes duties and responsibilities of employers to provide and maintain a working environment that is safe, without risks to health and with adequate welfare facilities.

The reviewed OSHWA draft has extended the duties of employers and included a requirement for risk assessment of their activities including psychosocial risks in addition to biological, physical and many other risks.

1.9 Use of ILO Codes of Practice and Guidelines

Despite insufficient domestication of the ILO Codes of Practice and Guidelines, most of their requirements have been incorporated in some legislations, policies and guidelines as discussed below:

Safety and Health in the Use of Machinery, 2013

This Code sets out principles concerning safety and health in the use of machinery. It provides safety and health requirements and precautions applicable to government, workers, employers, manufacturers, suppliers and designers of machinery.

Part V of OSHWA describes machinery safety such as fencing and guarding of dangerous machinery, despite the code came into effect after the OSHWA has been enacted. Section 17 also covers some code's requirements that include general duties of manufacturers, designers, importers or suppliers as regards articles and substances used at workplaces.

HIV and AIDS in the World of Work, 2001

The Code provides practical guidance to policy makers and social partners for formulating and implementing appropriate workplace policy, prevention and caring programmes.

The National HIV and AIDS Workplace Policy was formulated in 2004 with guidance from the Code. This national policy has remained a draft up to date. However, all other sectors' HIV and AIDS Workplace Policies were derived from this drafted national policy.

The directorate has also formulated HIV and AIDS (Prevention and Management) Regulation for Workplaces to operationalise the HIV and AIDS (Prevention and Management Act, 2018). The regulation has incorporated most principles of the ILO's Recommendation (200) concerning HIV and AIDS and the World of Work, 2010.

Recording and Notification of Occupational Accidents and Diseases, 1996

The Code requires that each government should in consultation with the most representatives of employers' and workers' organisation, formulate, implement, and periodically review a coherent national policy and principles on the recording, notification and investigation of occupational diseases and accidents, dangerous occurrences and incidents; and compilation, analysis and publication of statistics on such accident, disease and occurrences.

Part VII of OSHWA stipulates how notification and investigation of occupational accidents, dangerous occurrences and industrial diseases should be done. In 2012, the directorate with assistance from ILO conducted a study to determine the extent of occupational injuries and diseases with the aim of improving the processes of recording and notification of occupational accidents and diseases.

Safety in the Use of Chemicals at Work, 1993

This Code protects workers from hazardous chemicals, to prevent or reduce the incidence of chemically induced illnesses and injuries resulting from the use of chemicals at work and to enhance the protection of the general public and the environment.

Part VI of the OSHWA, Sections 51 to 54 stipulate safety and health measures to be taken by manufacturers, importers and suppliers of hazardous substances. The sections also provide measures that include proper labelling, storage and disposal of hazardous substances with consideration to the safety and health of workers and general public; and safeguarding the environment.

Safety and Health in Construction, 1992

The Code provides practical guidance on a legal, technical administrative and educational framework for safety and health in the construction sector.

National Construction Industry Act, 1996 contains safety provisions that promotes safety and health in construction industry. The Act has included most important parts of the code such as responsibilities of engineers, designers and architects to consider safety and health in designing of buildings and structures. The Act empowers the NCIC to educate and train its members and affiliates on OSH matters.

Radiation Protection of Workers (Ionisation Radiation), 1987

The Code requires competent authority to formulate necessary standards and regulations for radiation protection in consultation with the employers' and workers' organisations.

The authority should establish a system for notification, registration, licensing, inspection and to ensure that measures are taken in compliance with relevant requirements, including checking the dose level to be kept as low as reasonably achievable.

Section 61 of OSHWA stipulates regular monitoring of ionisation radiation including the use of radioactive substances and equipment in workplaces and checking of workers' health. The directorate drafted ionisation radiation regulation that incorporated most requirements of this Code. Atomic Energy Act, 2011 provides for adequate protection of people and the environment against the harmful effects of ionising radiation by controlling and regulating the import, export, production, processing, handling, use, holding, storage, transportation and disposal of radiation sources, nuclear and radioactive materials.

CHAPTER 2: NATIONAL COMPETENT AUTHORITIES

This chapter provides information on the designated authorities or bodies responsible for occupational safety and health including human and economic resources data for each system, agency, competent authority or bodies.

2.1 The Overall Structure of the National Competent Authority

The directorate of OSH has an overall authority to oversee safety and health issues in the workplaces. According to the OSHWA, the Director of Occupational Safety and Health (DOSH) has authority to control the activities of the directorate. However, the administrative arrangement has been made in 2007 whereby the authority of monitoring the activities and decision of the directorate has been vested in the office of the Labour Commissioner.

The directorate operates in four (4) offices. At headquarters and three (3) regional offices in Blantyre, Lilongwe and Mzuzu. Currently, the directorate has 10 officers out of twenty-six (26) established posts with the distribution of two (2) officers in each regional office and four (4) at headquarters including the Acting DOSH. The educational background of these inspectors/officers are degrees as follows: four with engineering, three with environmental health, two environmental sciences and one with pure sciences.

According to the current structure, the directorate is supposed to have 18 Occupational Safety and Health Officers (OSHO) with degree in engineering and 8 Industrial Hygienists (IH) with degree in either environmental health or science or pure sciences. The directorate has proposed a new structure with additional positions which are as follows: 29 - OSHO, 29 - IH and 11 - Information and Documentation Officers (IDO) who shall be responsible for data capturing, management and dissemination. These officers shall be distributed according to the economic activities of the region including the Eastern Region and some shall be located in districts with high economic activities such as Mulanje, Thyolo and Kasungu with more tea and tobacco estates.

2.2 List of Other National Competent Authorities

A table below illustrates designated competent authorities and available number of human resource responsible for promotion and monitoring occupational safety and health matters. Table 2.1 shows that most of the listed competent authorities have at least adequate number of human resource according to their mandate than the directorate of OSH despite being the main designated competent authority. The available human resource in the directorate is below ILO requirements and this raises concern as OSH directorate is an overall authority in monitoring and promoting occupational safety and health in workplaces in Malawi.

Table 2.1: List of Designated Competent Authorities and Number of Inspectors

Competent Authority	Number of Inspectors
Employment and Labour Services (ELS)	69
Department of Mines (DOM)	18
Ministry of Health (MoH)	1420
Environmental Affairs Department (EAD)	43
Malawi Energy Regulatory Authority (MERA)	16
Atomic Energy Regulatory Authority (AERA)	4
Pesticide Board	5
National Construction Industry Council (NCIC)	5
4 City Assemblies (minimum of 4 inspectors in each)	16

2.3 Financial Resources for OSH Directorate

The directorate of OSH gets its budget funding from the Malawi Government. However, this funding is very low as compared to other technical departments in the Ministry. The Table below shows the total budget for the Ministry, budget allocation to the OSH directorate and total amount funded to the directorate for the past five (5) years.

Table 2.2: Amount of OSH Budget Against Annual Ministry of Labour Budget

Financial Year	Total Ministry Budget	Total OSH Budget	Percentage of OSH Budget	Actual OSH Funding	Percentage of OSH Funding
2015-2016	978,102,240	65,165,166	6.7	19,866,086.42	30.5
2016-2017	1,115,402,128	74,256,325	6.7	22,314,428.80	30.1
2017-2018	1,785,240,812	82,770,584	4.6	25,009,469.61	30.2
2018-2019	1,984,502,835	78,774,789	4.0	23,592,401.32	29.9
2019-2020	2,286,162,738	101,430,417	4.4	29,142,109.40	28.7

Source: Ministry of Labour

From the table above, only less than 6.7 percent of the total Ministry of Labour budget was allocated to OSH directorate from 2015 to 2017 financial year. From 2017 to 2020 financial years the total OSH budget was reduced to less than 4.6 percent, while the Ministry's budget was increased after merging with Ministry of Youth and Sports. At the same time, the main Ministry's focus shifted from Labour issues to Youth and Sports issues. This low budget allocation is impacted further by actual funding of less than 30 percent of the total OSH budget.

This budget makes it difficult for the department to implement its work plans resulting in creating a backlog of work. It is also difficult to retain suitable and experienced officers/inspectors as low funding affects their performance resulting in brain draining.

CHAPTER 3: INSPECTORATE AND ENFORCEMENT SYSTEMS

This chapter lists and describes inspectorates or inspection systems and other service providers that have a significant role in the application of national OSH laws and regulations.

3.1 Inspection Systems

The directorate of OSH is mandated to conduct inspection in all workplaces that fall under the definition of 'workplace' in the OSHWA. Administratively, workplaces are supposed to be inspected twice a year. These inspections are classified as: routine or regular, follow up and special inspections. Special inspections consist of investigation of accidents, pollutions and dangerous occurrences, examinations and commissioning of plants and machinery and industrial hygiene surveys.

Under the current situation of lack of OSH officer in all districts across the country, the integrated labour inspections have been introduced whereby the Labour Officers' inspection checklist contains a section on Occupational Safety, Health and Welfare. The section empowers the Labour Officers to check the safety, health and welfare issues during their routine/regular inspections; and once they come across any complicated OSH issue, they bring it to the attention of OSH officers for thorough inspection.

Joint inspection is also being promoted with other MDAs that enforce OSH related laws such as Department of Mines, MERA, EAD and Local Assemblies among others.

3.2 Other Inspectorates Involved in the Application of OSH Related Laws

Apart from the OSH directorate, other inspectorates involved in the enforcement of their sector specific OSH related laws and regulations are as described below:

Employment and Labour Services (ELS)

Labour Officers enforce Employment Act and Labour Relations Act and are distributed in all districts and regional labour offices in Malawi. These officers use checklist that has a special section dedicated to OSH when conducting inspections in all workplaces in order to monitor the working conditions, employment standards, minimum wages, child labour and settling industrial disputes.

Ministry of Health (MoH)

The Ministry's department of Environmental Health has a well-structured inspection and reporting system. The department derives its authority from the Public Health Act, 1948. The Environmental Health Officers are allocated in all government hospitals including district and rural hospitals across the country and has a wider distribution and coverage of their inspection than OSH directorate. The department has a total of 300 Assistant Environmental Health Officers with each allocated to every health centre of a catchment area of about 10,000 people; 45 Environmental Health Officers and 40 Senior Environmental Health Officers are allocated in all district hospitals throughout the country.

The Ministry has also a department of Quality Assurance that provides occupational health services in the context of infection prevention to clinicians such as doctors, nurses, clinical officers among others in government hospitals. Most of the services being provided are related to infectious disease control through vaccinations, screening for TB and hepatitis and many other diseases. This service is limited to health care facilities as they are not covered under OSHWA.

Department of Mines (DoM)

Safety and Explosive Inspectors located in the three regional offices of Blantyre, Lilongwe and Mzuzu and their head office in Lilongwe are involved in inspection and monitoring of the mine safety, health and environment. Inspectors also monitors the storage and management of explosives magazines.

Environmental Affairs Department (EAD)

Environmental Inspectors located in all districts in Malawi and at their head office are responsible for monitoring and protecting the environment and pollution control throughout Malawi.

Malawi Energy Regulatory Authority (MERA)

Responsible for monitoring safety and health in industries or facilities that are involved in production and supply of electricity; transportation, handling, storage and supply of liquid fuels and gas.

Pesticides Control Board

The Board Inspectors are involved in inspection of pesticides in agro-dealers and pesticides manufacturing companies in order to monitor their compliance to safety standards.

National Construction Industry Council (NCIC)

Responsible for awareness and education of its members and its affiliates on OSH matters and enforcement of safety standards in construction industry.

Atomic Energy Regulatory Authority (AERA)

AERA regulates and controls radiation safety by monitoring the radiation risks and radiological impact to the general public, workers and the environment.

Local Assemblies

Every Local Assembly has Health and Environmental Committee responsible for inspection of food handling and processing industries, waste management, pollution control, safety of buildings and public health issues within their localities.

CHAPTER 4: REGULAR ACTIVITIES RELATED TO OSH

This chapter describes all regular and ongoing activities and programs related to OSH especially in incident and accident prevention and protection of workers that are conducted at both national and industry level.

4.1 Regular Activities and Programmes at the National Level

The OSH directorate do conduct a number of regular and ongoing activities that include:

- Registration of workplaces and issuing Workplace Registration Certificate that is renewable after each calendar year. This registration attracts an appropriate fee depending on the number of employees and capital investment. Registered workplaces are easily inspected and followed than those not registered.
- Inspection of workplaces to monitor the working environment and every workplace is supposed to be inspected twice every year;
- Conducting industrial hygiene surveys where environmental parameters such as dust, light, noise are measured using appropriate instruments and depending on the nature of a workplace, samples are collected for further laboratory tests;
- Investigation of occupational accidents (workers' physical injuries), occupational diseases, industrial pollution in case of effluent spillages from industrial operations to environment and investigation of dangerous occurrences such as fire outbreaks, collapsing of the building or vessels. These investigations are carried out to find the root causes and provide remedial measures;
- Registration, commissioning and examination of pressure vessels. The frequency of examinations varies from twice every year to once in every two years depending on the type of pressure vessels;
- Supervising examination of plants, machinery and lifting machines such as elevators, lifts, and cranes in order to monitor that the examination is done according to occupational safety and health standards. This examination is done by competent authorities;
- Training of employers and employees on safety, health and welfare standards;
- Recommending for prosecution where the law has been violated.

Due to limitations in human, financial and other resources, the directorate fails to sustain its mandate especially inspections on a regular basis. However, with the coming of the World Bank Southern Africa Tuberculosis Health Support Services (SATBHSS) Project, the Ministries of Labour, Health and Mines do conduct regular joint inspections although most of them are in the mining industries.

4.2 Industry Initiatives

Some big industries especially multinational ones take initiatives to promote OSH standards through implementation of management systems such as ISO 9000, ISO 14000 and other relevant certification schemes. The MBS provides certification for product safety in order to safeguard the consumers. Other local companies display a safety product emblem from MBS as part of awareness campaign.

CHAPTER 5: HUMAN RESOURCES ACTIVE IN THE AREA OF OSH

This chapter lists a number of OSH professional experts and their education qualifications.

5.1 Summary of OSH Professional Experts in Malawi

Despite having no specialized OSH training institutions in Malawi, a number of personnel are working in the field of OSH after undergoing on the job training. However, it is difficult to establish accurate national data on human resources involved in OSH with the reason being lack of organisations or associations to which OSH professionals belong.

Table 5.1: Number and educational requirements for OSH professional experts

Profession	No. of Experts	Minimum Educational requirements	Comments
Occupational Health Physicians	3	Medical Degree with Postgraduate training in Occupational Medicine	Working in private sectors as the public sector does not have a staff establishment for Occupational Physicians
Physician Assistants	80	Diploma in Clinical Medicine	Working in organisational or industry clinics
Occupational Health Nurses	100 plus	Degree or Diploma in Nursing	Most of these nurses are working in private companies after undergoing short trainings
Occupational Hygienists	7	Degree in Environmental Health, Environmental Science and Technology and General Sciences	4 working at OSH directorate
Safety Engineers	22	Degree in Engineering	4 working at the OSH directorate 18 working at MERA
Labour Officers	69	Malawi School Certificate of Education (MSCE) or O-Levels Degree in Human Resources, Social Sciences, Public and Business Administration	Working under the Labour and Employment department and involved in inspection in all branches of economy
Safety and Health Officers	11	Degree in Engineering, Sciences and Environment	These are spread across the public and private sectors. A number of them work at the OSH directorate

Environmental Health Officers	1420	Diploma or Degree in Environmental Health	422 working with Ministry of Health About 1000 working in different Health institutions across the country
Environmental Protection Specialists	43	Degree in Environment Sciences, Natural Resources Management, Environmental Science and Technology	Working with environmental protection MDAs such as EAD and in all 28 district councils
Mining Safety Engineers and Officers	18	Degree in Engineering, Sciences and Environment	Mines Department
Construction Safety Officers	5	Degree in Structural or Civil Engineering	Construction Industries

There is a serious shortage of human resources due to lack of specialized OSH training institutions in the country. The introduction of OSH courses by education institutions is likely to boost the numbers since foreign training has proven to be a challenge.

CHAPTER 6: CONSULTATION AND COLLABORATION MECHANISM

This chapter provides information on established and existing mechanisms that ensure coordination, cooperation and collaboration among all social partners with responsibilities in the implementation and management of OSH systems at the national and enterprise levels. These may include national tripartite advisory bodies, boards, committees, employers' and workers' organisation including association of workers in the informal economy.

6.1 At National Level

The mechanism for consultation, coordination and collaboration among the social partners are set up in the laws of Malawi. Below are some mechanisms that may assist the social partners in resolving labour, employment and OSH issues.

6.1.1 Social Dialogue

This is the main mechanism for consultation, coordination and collaboration among social partners and it assists them to resolve their differences in labour, employment and OSH issues. The mechanism is supported by ILO Convention 144 and Labour Relations Act.

6.1.2 Tripartite Labour Advisory Council (TLAC)

TLAC is the main body responsible for consultation, coordination and collaboration under the social dialogue mechanism. According to the Labour Relations Act of 1996, the Minister of Labour appoints TLAC members consisting of four persons appointed by the Minister, four persons nominated by the most represented trade union and four nominated by the most representative organisation of employers. The duties of TLAC include: advising the Minister on all issues relating to labour and employment including promotion of collective bargaining, labour market, human resource development and review of the operation and enforcement of the Act and other Acts relating to employment. OSHWA is among the other Acts, hence, TLAC advises the Minister on occupational safety and health issues.

Apart from the above mechanisms, there is a proposal in a draft reviewed OSHWA to set up a national advisory committee on OSH which would specifically look into coordination and operationalisation of OSH matters.

6.1.3 Industrial Relations Court (IRC)

The Industrial Relations Court have original jurisdiction to hear and determine all labour disputes assigned to it under the Labour Relations Act or any other written law including OSHWA. The Court include members from all social partners. The composition of the Court includes the Chairperson and Deputy Chairperson both appointed by the Chief Justice on recommendation of the Judicial Service Commission, five persons nominated by employees' representative and other five members nominated by employers' representatives but all appointed by the Minister.

6.2 At Enterprise Level

Described below are mechanisms that are promoted at enterprise level

6.2.1 Safety Committees

According to Section 21 of OSHWA, every employer with more than fifty employees should establish a safety committee or depending on the nature of the undertaking at a workplace, the Director may recommend the establishment of a safety committee. The key functions of the safety committees are to monitor the safety, health and welfare issues within the enterprise. The OSH inspectorate plays an advisory role to the safety committees.

6.2.2 Industrial Council

The Industrial Council is set up under the authority of the Labour Relations Act. Based on the act, employees' or employers' organizations may ask the Minister of Labour to set up a council if their written request for collective bargaining has been denied or has not been responded to within sixty days of the request. The functions of the industrial council may include any matters agreed by the parties, including negotiating wages, conditions of employment and working environment; establishment of dispute resolution machinery and development of an industrial policy for the concerned industry.

6.3 Informal Economy

The informal economy contributes 89% of the labour force in Malawi. There is a union of informal sector known as Malawi Union for Informal Sector (MUFIS) that operates under the umbrella of the Malawi Congress of Trade Unions (MCTU) and derives its functions and guidance from this trade union. The main difference is the implementation of its activities since the informal employment may not warrant many employees at a workplace and their structure is simple. Some structures of informal economy especially well organised small and medium enterprises (SMEs) are affiliated to the Employers Consultative Association of Malawi (ECAM).

It is recommended to consider having oversight of informal economy under the employers' organizations and enhance the bargaining platforms for informal economy employees' welfare including OSH.

CHAPTER 7: NATIONAL REVIEW MECHANISMS

This chapter discusses existing national OSH councils, commissions, boards, committees or other bodies responsible for reviewing national legislation, policies and actions in the area of OSH and extent to which national employers' and workers' organisation are involved or consulted.

7.1 National OSH Council

Due to absence of national OSH Council, the responsibility for the periodic review of national legislations, policies and actions in the area of occupational safety and health are handled by the TLAC as stipulated in Labour Relations Act that 'review of the operation and enforcement of the Act and other Acts relating to employment'. OSHWA is among other Acts. Apart from the TLAC, there is a proposal under the reviewed draft OSHWA, to set up a national advisory committee on OSH that shall specifically be responsible for monitoring and advising on operationalisation of OSH.

7.2 Review Mechanism of OSH Related Documents in Other MDAs

Review of legislations, policies and actions related to OSH in other MDAs are done by the respective MDAs themselves. The review process involves stakeholders' consultations and technical drafting. Once the draft document is in place, it is taken to the Ministry of Justice for vetting. After the final vetting in case of Acts, they are taken to Parliament as a Bill whilst for regulations, they are signed by the responsible Minister followed by gazetting. In case of policy, it goes through cabinet committee responsible for the concerned MDA and after approval, its enforcement follows.

7.3 Employers' and Workers' Organisations Involvement

Representatives of employers' and workers' organisations are fully consulted and involved throughout all stages of drafting, developing and reviewing the legislations, policies and actions.

CHAPTER 8: TRAINING, INFORMATION AND ADVISORY SERVICES

This chapter discusses all OSH related trainings, information centres and advisory services and mechanisms.

8.1 OSH Related Trainings

The directorate of OSH conducts safety and health in-house trainings upon requests from organisations and these trainings depend on the nature and type of industry or organisation.

8.2. OSH Information Centres

Despite having a proper designated physical structure as information and documentation centre under the directorate of OSH, recording and documentation of various OSH information and other related data is still carried out. The directorate is planning to use the upcoming organisational structure review process to restore a proper designated information and documentation centre whose functions were deleted during the 2007 Ministry's organisational structure review process.

The directorate has direct linkage with the ILO offices from where they access information, education and communication (IEC) materials on OSH. These publications are distributed to those who come to register their workplaces or those who visit the directorate offices and also during workplace inspections. This system of distribution is discriminatory as it benefits only those workplaces that fall under the OSHWA's definition of a workplace.

Despite having an internet connection, the directorate has no reliable media in a form of website to be used as a means of enhancing its engagement with other stakeholders including industries and the general public. The Ministry is in the process of developing Labour Market Information System (LMIS) that will assist all stakeholders to access labour, employment and OSH information.

8.3. OSH Advisory Services and Mechanisms

The OSH advisory services are provided through routine, periodic and special inspections; investigations of accidents, industrial pollution and dangerous occurrences; examination of pressure vessels and supervising inspection and testing of plants, machinery and lifting machines as well as conducting industrial hygiene surveys and training seminars. Periodic awareness campaign through print (press releases) and digital media is also conducted.

Other sector specific institutions especially those with inspection mandates of certain localities do provide advisory services to both employers and employees and these include MERA, AERA, NCIC, Pesticides Board and Mines department.

CHAPTER 9: TRAINING AND AWARENESS RAISING STRUCTURES

The chapter covers institutions responsible for various trainings including formal universities and colleges, professional trainings as well as informal trainings by stakeholders.

9.1 University and College Courses Related to OSH

A table below lists educational institutions offering OSH related courses in Malawi, aligned with institution and types of courses being offered.

Table 9.1: Education Institutions offering OSH Related Courses

Institution	Program	Comments
The Polytechnic	MSc in Occupational Safety and Health MSc Environmental Health BSc in Environmental Health has a module in OSH Diploma in Occupational Safety and Health Short Courses in Environmental Health	These are main courses currently available in Malawi fully dedicated to OSH.
College of Medicine (COM)	Occupational Health module in MBBS degree and Master of Public Health curriculum Ergonomics module in Physiotherapy Degree Short courses on Occupational Safety and Health	A short module that provides a general understanding of health and safety in the workplace from a public health perspective rather than clinical aspect.
Malawi University of Science and Technology (MUST)	Module on Safety, Health and Environment in all Engineering and other related programs	Studied as a short module under Engineering Sciences.
Mzuzu University (MZUNI)	Occupational Health module in Bachelor of Science Nursing degree	Studied as a short module under Community Health Nursing.
Kamuzu College of Nursing (KCN)	Occupational health module in Nursing degree curriculum	Studied as a short module under Community Health Nursing.
Technical Education and Vocational Entrepreneurship Training Authority (TEVETA)	Provision of tailor-made short courses including on OSH training for industries	Offered on a Need-basis as requested by organisations.
National Construction Industry Council (NCIC)	Provide short courses in OSH for its members and affiliates in construction industry	Certificate courses for construction industry employers and workers.

9.2 Training Structures offered by Employers' and Workers' Organisation and Informal Economy

These institutions conduct trainings that are not certificate based but sufficient for trainees to attain knowledge that is sector specific. These trainings take the form of awareness to the participants on the minimum OSH requirements.

ECAM: Has a trainer of trainers who is one of its executive members and is responsible for organising and conducting trainings on need basis and includes OSH aspects.

MCTU: Has a trainer of trainers who is one of its executive members and is responsible for education and training that include OSH, HIV and AIDS and gender issues. These trainings are done regularly and to their union members.

MUFIS: The informal sector unions carry out trainings on social dialogue, leadership, business management among others but not primarily addressing OSH. If well guided, the existing training platforms can be used to strengthen OSH initiatives among the informal sector.

9.3 Other Institutions Conducting Legal Training for OSH Specialists

Fire and Rescue Services under the department of Civil Aviation in the Ministry of Transport conduct training in fire safety and rescue services;

St Johns Ambulance and Red Cross Society is responsible for training of First Aiders and other employees on first aid procedures and techniques;

National Road Safety Council is responsible for general road safety issues and offers training to road users that include defensive driving lessons and other awareness programmes through media;

MBS offers various training to industries on management systems such as ISO 45001 and other safety, health and environmental related standards;

NCIC is one of the Councils that monitors safety and health in construction industries. The council has a well-structured training programmes that are offered to its stakeholders in order to promote safety and health standards in the construction industry. Upon completion of these short courses, certificates of attendance are issued.

9.4 Awareness Raising

World Day of Safety and Labour Day

Malawi commemorates two important international days that were set aside by the ILO and these are: The World Day of Safety and the Labour Day which are observed once every year on 28th April and 1st May respectively. The commemorations are based on ILO selected themes for that year.

The locations of these celebrations keep on changing every year and this is done to make sure that all regions are fully participating and benefiting. These days' commemorations are widely participated by all relevant stakeholders which include government, employers' and employees' organizations. Various activities and educational materials are exhibited with messages aiming at improving occupational safety and health and labour standards.

Labour Day is generally organised by Workers' organisation while World Day of Safety is organised by either government or any of social partners who has a capacity to organise it.

Media Campaigns

Print media campaigns are observed twice a year by using press releases on the most circulated newspapers. Digital media is used to raise awareness on occupational safety and health issues in mines through the SATBHSS project.

9.5 Trade Union Awareness Initiatives

Trade Unions take World Day of Safety and Labour Day commemorations as opportunities to sensitize their members on OSH issues and the general public on importance of unionisation. Trade Union executive members assist in preparation and organization of these events as well as mobilization of their members.

MCTU uses media to sensitise the general public on importance of unionisation and participating in its activities.

CHAPTER 10: OCCUPATIONAL HEALTH SERVICES

This chapter discusses designated national system, agency or body having regulatory responsibility for or involved in environmental exposure monitoring, medical examination and surveillance of workers' health and advisory services; and existing integration or linkages of such services with national primary health care systems and general environmental concerns.

10.1 National System and Regulatory Responsibility

The directorate is responsible for prevention, recording, investigating and reporting of occupational injuries and diseases; and is supposed to regulate environmental exposure and medical examination of the employees with guidance from the Ministry of Health. The clinical services that include occupational health services is the responsibility of Medical Council of Malawi, a body that registers and regulates the responsibilities of clinicians and clinical facilities in Malawi.

Due to lack of designated occupational health facilities or laboratories in Malawi, occupational health services are lumped in primary health care services in public or private facilities. Work related injuries and illnesses are treated at public facilities where healthcare is free of charge or at private facilities where the employer pays for the services.

10.2 Environmental Exposure Monitoring

Assessment and monitoring of exposures such as light, noise, dust in workplaces is done by the OSH directorate. Due to inadequate and lack of special equipment and expertise, the directorate fails to conduct sophisticated analytical workplace exposure measurements.

Described below are some MDAs that are involved in monitoring of environmental exposures as according to their jurisdictions.

AERA protects persons from ionisation radiation by monitoring, controlling and regulating its importation, production, handling, use, storage, transportation and disposal among others.

EAD protects the environment from harmful pollutants and monitors workplace discharges such as liquid (effluents) and solid wastes to the environment. Due to limited exposure monitoring equipment, the department fails to conduct full analytical assessment instead relies on other MDAs such as central water laboratories.

DoM monitors dust concentration and accumulation within the mining area including surrounding communities, light inside the mine pit, noise levels of mining machines and concentration of discharged water from the mining pit.

MERA monitors environmental contaminants or pollutants from the petroleum products including fuel spillages within the petroleum facilities.

10.3 Medical Examination and Surveillance

Section 34 of OSHWA empowers the DOSH that according to the nature of any process, activity or occupation in a workplace or on structural work that can affect the health or safety for any employed person may request for examination of that person by a medical practitioner or may direct that such person be examined before he is engaged in the process, activity or occupation. Malawi has no facilities dedicated to examination and surveillance of workers, as a result, all employees requiring medical examination are referred to public primary health care facilities or private primary care providers where employers pay.

Despite having a medical examination section in the Act, the section lacks supporting regulations for proper guidance of medical examinations for practitioners. However, the directorate has drafted regulation on medical examination which is waiting for vetting by Ministry of Justice.

10.4. Advisory Services

The directorate offers advice on medical surveillance needs as stipulated in the OSHWA. Other MDAs that are mandated to conduct inspections on their localities are also expected to provide advisory services to both employers and employees.

10.5 Integration and Linkages with Primary Health Care (PHC)

The current practice of medical assessments uses the public health system which is free. Most injured employees get free treatment from these public primary health facilities. Sometimes, employers may pay for health care services in private health care facilities. It was noted that the current medical assessment and treatment of occupational diseases and injuries face more challenges in such a way that most of the primary health care service providers in both public and private facilities have no training or knowledge in occupational safety and health issues, as a result most occupational related problems are not recorded as the major emphasis is towards treatment of injuries/diseases than preventative interventions.

When there are disputes regarding workers' medical conditions, the DOSH or Workers Compensation Commissioner uses the Central Hospital Medical Boards for advice.

CHAPTER 11: OSH LABORATORIES

The chapter discusses national designated bodies responsible for carrying out analytical or assessment work related to the determination of workers' exposure to various occupational hazards including analysis of air, biological samples, audiometric testing and many others.

11.1 Institutional Laboratories

Despite not having a designated OSH laboratory for testing or monitoring exposures, some institutions have laboratories with potential to analyse, test and assess workers' exposure to various occupational exposures as discussed below.

MBS Laboratory

Capable of testing some workplace exposures such as carbon monoxide, dust, noise, and other chemicals using their laboratory facility.

Malawi Polytechnic Laboratory

Capable of testing environmental exposures such as chemicals and microbiology.

College of Medicine Laboratory

Capable of analysing chemical and biological samples in their biochemistry and microbiology laboratories.

Chancellor College Laboratory

Capable of analytical chemistry and biology tests for samples collected in workplaces.

Central Water Laboratory

Mostly used by government institutions for assessment of water quality through analytical chemistry and biological testing.

Central Hospital Testing Centres

The Ear Nose and Throat (ENT) department at Queen Elizabeth and Kamuzu Central Hospitals have audiology units which conduct hearing assessments.

African Bible College (ABC) Audiology Clinic

A private hospital involved in assessment of employees on hearing problems.

Primary Health Care Facilities

Both public and private facilities do conduct tests such as X-rays, spirometry among others.

Private Testing Facilities in Industries

Some industries such as Illovo Sugar Companies have clinics and laboratories that test audiometry and other occupational tests.

CHAPTER 12: SPECIALISED INSTITUTIONS RESPONSIBLE FOR OSH

This chapter focuses on the details of available specialised institutions responsible for OSH including poison control centres, standardizing bodies and emergence response among others.

12.1 Poison Control Centres

National institutions that regulate the use of chemicals and poisons in Malawi can be described as follows:

Pharmacy and Medicine Regulatory Authority was initially dealing with poisonous substances until it delegated the poison functions to the Pesticide Control Board and now deals with medicine.

Pesticides Control Board is mandated to regulate all pesticides in Malawi and provides guidance on the safe use and handling of pesticides. Employees at this Board do participate in the INTOX program of the IPCS.

MBS does not have a direct oversight on poisons and chemical safety but produces guidelines such as MS 675:2005 - Safety Procedures for the Disposal of Surplus Pesticides and Associated Toxic Waste Code of Practice.

12.2 Institutions Specialised in Occupational Hazards and Risk Assessments

The table below shows institutions with laboratories specialised in occupational hazards and risk assessments related to chemical safety, toxicology, epidemiology and product safety amongst others.

Table 12.1: Institutions with Potential to Conduct Risk Assessment

Institution	Specialized activity	Comments
Malawi Polytechnic	Toxicology Environmental monitoring Exposure monitoring	Performs on request from institutions
LUANAR Bunda Campus	Biosafety Biotechnology Exposure monitoring	Conducts for its own operations but can be extended on request
COM	Toxicology Epidemiology	Has potential to conduct these tests for the public and institutions as well
MUST	Toxicology Environmental monitoring Epidemiology	Has the equipment and abilities to do these tests at large scale
MBS	Toxicology Environmental monitoring	Conduct these tests basing on individual companies' requests

12.3 Standardising or Certifying Bodies

Despite not having proper designated standardising or certifying bodies that examine and certify standards for machines, tools and equipment, some competent authorities as stipulated in the OSHWA, do examine and certify lifting machines and equipment. Some OSH inspectors with special expertise also evaluate, commission and certify pressure vessels.

The MBS is mandated to develop specific standards for particular industries and has been producing voluntary OSH standards since 2005 and these include ISO 14001.

12.4 Emergency Preparedness and Response Services

The Department of Disaster Management Affairs (DoDMA) is responsible for coordinating the emergency preparedness and response services in Malawi. Currently, there is no special emergency preparedness and response services for those dealing with chemicals. A table below, outlines institutions that are involved in emergency preparedness, response and trainings.

Table 12.2: Emergency Preparedness Institutions

Institution	Response Service
St Johns Ambulance	General First Aid
The Red Cross Society	General First Aid
Fire and Rescue Services under Department of Civil Aviation	Fight fighting and rescue services
City Assembly Fire Brigades	Fire fighting

12.5 Non-Governmental Bodies Involved in OSH Related Activities

There is no professional non-governmental organization (NGO) with activities that focus on OSH. However, an organization called Occupational Safety, Health and Environment Association of Malawi (OSHEAM) is on its development stage.

CHAPTER 13: SOCIAL SECURITY, INSURANCE AND COMPENSATION

This chapter describes the existing compensation, social security or insurance schemes for both formal and informal covering occupational injuries and diseases including those covering informal economy workers.

13.1 National Compensation System

Workers compensation system processes and provides compensation to workers injured while in the course of work as regulated by the WCA and guided by ILO Conventions 012. The system follows individual employer liability based on voluntary reporting by the employer.

13.1.1 Extent of Coverage

The coverage of the workers' compensation is extended to all workers as according to the definition of the worker in the Act. Some workers are not covered by the Act such as a person whose employment is of a casual in nature, an outworker, a tributer, a member of the employer's family living in the employer's house and a member of the armed forces of Malawi. It is worth noting that the Malawi Defence Force (MDF) have their own unique provisions for OSH programs which also include social security under their legislation.

13.1.2 Eligibility and Ineligibility

According to Section 4(1) of the WCA, a worker is eligible for compensation if an injury arises out of and in the course of his employment. An employer shall not be liable to pay compensation if an injury incapacitates the worker for a period of less than seven days; an incapacity or death resulting from deliberate self-injury; and it is proved that the injury is attributable to the serious and wilful misconduct of that worker,

13.1.3 Informal Economy

According to the definition of the worker in the WCA, workers in the informal economy are also covered by the law, however, the challenge remains with the enforcement and awareness of existence of the worker's compensation system.

13.2 Responsible Administrative Body

Sections 27 to 34 of the WCA stipulate the procedures for establishment of a board that will oversee the administration of workers' compensation system. Sections 57 to 61 stipulate the establishment of the Workers Compensation Fund that should be a source of funds to be paid to beneficiaries. However, no Board or Fund do exist.

Table 13.1: Annual Compensation Claims for 2019

Month	Total cases received	Public sector Cases	Private sector cases	Undefined sector	Males	Females	Fatal cases	Settlements	Total sum
January	89	37	51	1	78	11	4	105	MK35,811,465.83
February	187	36	151		171	16	3	25	MK23,007,343.04
March	303	43	260		246	57	4	90	MK131,983,966.26
April	218	33	148	37	193	25	7	63	MK64,097,886.84
May	88	30	58		81	7	4	5	MK227,943.14
June	176	30	146		150	26	2	72	MK142,140,821.87
July	326	10	318		296	30	3	32	MK32,132,168.27
August	243	34	210		210	33	3	88	MK254,502,232.62
September	165	19	146		142	23	1	13	MK6,616,930.58
October	261	30	231		225	36	3	45	MK30,363,736.54
November	152	38	113	1	126	26	2	55	MK40,172,337.28
December	209	28	181		182	27	3	63	MK86,985,916.88
TOTAL	2417	368	2013	39	2100	317	39	656	MK848,042,749.15

Source: Workers Compensation Department

Table 13.1 above shows that:

- The WCD received 2417 cases and made 656 settlements.
- Majority (85%) of the claims were from the private sector.
- A total sum of MK848,042,749.15 was paid for the 656 claims.
- Most claims emanate from the private sector which include informal economy with 89% of labour force. Most of the informal economy employees work under high risk environments owing to inadequate protection by employers, thereby, exposing them to accidents and injuries.
- Most semiskilled labour force in the private sector work in more hazardous conditions which are prone to accidents and injuries.
- 87% of injuries are male employees and this can be that males are more likely to be involved in risky working environments than females.
- There is a disproportionate speed at which claims are filed compared to those settled under the current system leading to an equivalent of only 27% of the total cases received being settled.

13.3 Data Collection and Processing

The WCD collects claim forms from the DLOs after the injury cases are reported by employers or injured workers themselves. Injuries are reported on special claim forms. After processing and determining the amount to be paid, the employers are communicated on how much to pay.

13.4 Preventive Measures Being Implemented

The WCD does not implement any preventative or inspection programmes and depends on inspection and preventative programmes conducted by OSH inspectors and Labour Officers. The department mentioned that they are currently overwhelmed by the present workload as demonstrated by the delays in processing compensation and inadequate funding also affects its performance.

To promote efficiency of the department, there is need to fast-track the establishment of the board as well as the fund which are key to the smooth running of the department and fast processing of compensations. Despite these challenges, the existing compensation mechanism has a well-established manual recording system which can be improved with active inspections and enforcement of preventative measures.

CHAPTER 14: STATISTICS OF OCCUPATIONAL ACCIDENTS AND DISEASES

This chapter covers the available data on occupational accidents and diseases and the mechanisms for recording and notification of occupational accidents and diseases.

14.1 Recording Mechanisms

According to OSHWA, employers are expected to record all work-related injuries and illnesses at a workplace in a general register which can be obtained from OSH directorate office or in any other suitable book which can be used as a register. This register is not open to the public to protect the privacy of the employees as stipulated in the ILO code of practice on records.

14.2 Mechanisms for Notification of Occupational Accidents and Diseases

According to the Act, when any accident occurs in a workplace which either causes loss of life, or disables or is capable of disabling any employed person from carrying out normal duties, written notice of the accident is sent to the Director, in the prescribed form with the prescribed particulars. In the case of death or serious injury, the written notice is preceded by a telephone notification or any fastest means of communication that is available and within twenty-four hours to facilitate immediate investigation.

When an employer believes or suspects or has reasonable ground for believing or suspecting any case of occupational disease as outlined in the Second Schedule, a written notice of such case is sent to the Director in the prescribed form.

A study conducted in 2012 with assistance from ILO determined the extent of occupational injuries and diseases with the aim of improving the processes of recording and notification of occupational accidents and diseases. Key observations made included:

- Improve OSH information system through establishment of documentation centre;
- Capacity building for data capturing and analysis;
- Advocacy and awareness on OSH requirements among stake holders; and
- Improve coordination of different sectors involved in recording and notification of injuries and diseases.

Among the above observations, OSH information system remains a challenge up to date and the WCD remains the most reliable source of data as most injuries are reported to the department for compensation purposes and not preventative. Also, the sector coverage of WCA is wider than OSHWA.

14.3 Data on Occupational Diseases

Despite having a list of occupational diseases under the Second Schedules of the both OSHWA and WCA, only two cases of occupational diseases were reported to the directorate in 2019/2020 financial year from a quarry mine. The workers suffered from TB, unfortunately, TB is not among the listed diseases in both Acts' Second Schedules. This made it difficult to process the workers' compensation despite the employer's willingness to compensate the workers.

The Second Schedule list has left out most common communicable diseases and contain certain diseases that have been eradicated. Hence, the urgent need to review and update the list of these diseases.

14.4 Data on Occupational Accidents per Year for the Last Five Years

Below is the data showing the five-year picture of accidents and injuries reported to the directorate of OSH, distributed according to sector of economic activity and degree of injury/fatality and type of occurrence.

Table 14.1: Statistics of Reported Occupational Accidents

Industry	Injury Accidents	Fatal Accidents	Dangerous Occurrences	Total Accidents
	2015/2016 FINANCIAL YEAR			
Manufacturing	32	1	5	38
Construction	17	1	0	18
Agriculture	15	2	0	17
Mining and Quarry	3	0	0	3
Electricity, Gas and Water	4	2	0	6
Petroleum Service	0	0	2	2
Total	71	6	7	84

	2016/2017 FINANCIAL YEAR			
Manufacturing	43	2	2	47
Construction	23	0	0	23
Agriculture	19	2	0	21
Mining and Quarry	9	0	0	9
Electricity, Gas and Water	5	1	0	6
Petroleum Services	0	0	1	1
Total	99	5	3	107

	2017/2018 FINANCIAL YEAR			
Manufacturing	51	3	3	57
Construction	27	0	0	27
Agriculture	17	1	0	18
Mining and Quarry	12	1	0	13
Electricity, Gas and Water	7	1	0	8
Petroleum Service	5	0	0	5
Total	119	6	3	128

	2018/2019 FINANCIAL YEAR			
Manufacturing	40	1	2	43
Construction	23	0	0	23
Agriculture	18	1	0	19
Mining and Quarry	11	0	0	11
Electricity, Gas and Water	8	1	0	9
Petroleum Services	8	0	3	11
Total	108	3	5	116

	2019/2020 FINANCIAL YEAR			
Manufacturing	32	1	5	38
Construction	17	1	0	18
Agriculture	16	0	0	16
Mining and Quarry	3	0	0	3
Electricity, Gas and Water	4	2	0	6
Petroleum Services	0	0	2	2
Total	72	4	7	83

Source: OSH Directorate

The tables above show that:

- Most accidents occurred in the manufacturing industry followed by the construction industry. This may be due to the number of workers employed in these types of industries and low literacy levels especially in the construction industry.
- Petroleum services registered few injuries due to the fact that the industry employees few and educated persons. However, the industry registered more dangerous occurrences such as fire outbreaks due to inadequate promotion and adherence to fire safety standards as well as building and construction standards.
- Mining industry registered few accidents because the industry is still in infancy stage and most of them fall under informal economy which is not covered by OSHWA.
- Despite having a largest labour force, agriculture industry reported few accidents as most of agricultural activities are done under informal economy. Tobacco, tea and sugar multinational companies report their accidents and they also follow international safety and health standards, hence few accidents.
- Most Electricity, Water and Gas industries belong to government and employ persons with moderate to high literacy levels. As a result, they are able to follow safety and health standards. Also, due to the nature of these industries, safety and health standards remain their main priority.

14.5 Data from Informal Economy

There is no data on both occupational accidents, injuries and diseases from the informal economy because the OSHWA's definition of workplace does not cover them.

CHAPTER 15: POLICIES AND PROGRAMMES OF EMPLOYERS' AND WORKERS' ORGANISATIONS

This chapter describes policies and programs of employers and employees' organisations.

A table below are some of the policies and programmes that exist in employers' and workers' organisations.

15.1 Employers' Organisation - ECAM

Table 15.1: Policies and Programs for Employers' Organisation

Element	Existence	Description
OSH Policy Statement	No	Encourages members to develop OSH policies despite not having one itself
OSH Unit/Committee	No	No unit within the organisation but encourages its members to have safety committees
OSH Programmes	No	Do conduct regular OSH trainings among members
Collective bargaining	Yes	During collective bargain discussions, OSH issues are incorporated in the discussions if any
National social dialogue	Yes	Executive Director and his members participate in national social dialogue

15.2 Workers' Organisations - MCTU

Table 15.2: Policies and Programs for Workers' Organisation

Element	Existence	Description
OSH Policy Statement	No	Recommend its members to have OSH policy. MCTU does not have OSH policy
OSH Unit/Committee	Yes	Have a training and education unit that also handles OSH issues
OSH Programmes	Yes	Have programmes with a training coordinator who organises all training programmes
Collective bargaining	Yes	MCTU board handles collective bargaining that includes OSH issues
National social dialogue	Yes	MCTU board do participate in national social dialogue

Despite lack of OSH policies within these employers' and workers' umbrella bodies, most of their members have institutional OSH policies.

15.3 Association of Informal Economy

Most of the programs and activities in this sector is derived from those initiated by the MCTU. The sector does not have any OSH unit of their own. Some SMEs belong to the ECAM, the main employers' organisation and follow its activities.

CHAPTER 16: INTERNATIONAL COOPERATION

This chapter describes capacity building assistance from the international organisation, technical cooperation or other internationally based or motivated activities directly related to OSH in areas such as environment, chemical safety management, public health, introduction of cleaner/safer technologies. All activities and areas supported by the international governmental organisation such as ILO, WHO, UNEP, FAO, UNIDO, UNITAR, OECD, UNDP and many others and those supported by international non-governmental organisation such as WIEGO, STREETNET and many others.

16.1 International Partners and Projects Funded

Listed below are the key international organizations currently working actively on OSH projects in the country. Most of the commendable improvements observed in previous chapters have been achieved through international partnerships.

Table 16.1: List of International Partners and Institutions/Projects Involved

Institution	International Organization	Project /Activities
Ministry of Labour	ILO	Elimination of Child Labour; Review of Decent Work Country Programme; Development of HIV and AIDS Prevention and Management Regulation at Workplaces; Review of OSH Profile; Training of Labour and OSH Officers.
	World Bank	Review of OSHWA; Review of Workers' Compensation Act; Development of OSHWA subsidiary regulations; Development of Workers Compensation Regulation; Procurement of monitoring equipment.
	NEPAD	Training of OSH inspectors on specialised courses.
Ministry of Health	World Bank	Review of Public Health Act; Establishment of One Stop Centre for Occupational Health.
	NEPAD	Training in specialised fields.
Department of Mines	World Bank	Development of Mine Safety Regulation; Procurement of monitoring equipment.
	NEPAD	Trainings in specialised fields.
AERA	International Atomic Energy Agency (IAEA)	Establishment of radiation exposure monitoring laboratory.
EAD	Stockholm Convention Secretariat	Review of Chemical Safety and Toxic Waste and Waste Management and Sanitation Regulations.
MCTU	ILO	Trainings of executive members.

CHAPTER 17: PROMOTION AND ELIMINATION PROGRAMMES

This chapter describes the existing elimination programs of unacceptable practices based on national and international instruments and promotional programs for good practices in the world of work.

17.1 Programmes and their Implementation Strategies

The table below describes the elimination and promotional programmes and their implementation strategies by various MDAs.

Table 17.1: List of elimination and promotion programmes

Programme	MoL	DoM	Pesticide Board	EAD	Gender	MoH	Implementation strategies
Elimination of hazardous child labour	Yes				Yes		Child Labour National Action Plan. Child Labour Policy (draft)
Elimination of silicosis and tuberculosis diseases	Yes	Yes				Yes	National TB Programme. SATBHSS Project. TB in Mines Project
Elimination of violence and sexual harassment at work	Yes				Yes		Gender Policy. Gender Act. OSHA (Reviewed draft)
Elimination of Persistent Organic Pollutants (POPs)	Yes			Yes			Persistent Organic Pollutants Action Plan
Elimination of drug and alcohol abuse						Yes	Drug and Alcohol Policy
Elimination of the use of thin plastics	Yes			Yes			Environmental Management (Plastics) Regulation

Promotion of work-related welfare facilities	Yes	Yes		Yes		Yes	OSHA. National Employment and Labour Policy. Mine Safety Regulation (draft)
Promotion of well-being programmes including healthy lifestyles and stress prevention	Yes					Yes	Public Health Act Employment Act OSHA (Reviewed draft)
Application of programmes to combat HIV and AIDS at the workplace	Yes					Yes	National HIV and AIDS Policy. HIV and AIDS (Prevention and Management) Act. HIV and AIDS (Prevention and Management) Regulation for Workplaces (draft)
Promotion of programmes on gender equality and maternity protection	Yes				Yes		Gender Policy. Gender Act. Employment Act.
Promotion of Globally Harmonised System (GHS) for classification and labelling of chemicals and Chemical Safety Data Sheet (CSDS)	Yes	Yes		Yes			Pesticide Act and Regulation. Environmental Management Act. OSHA.

Supporting mechanisms for a progressive improvement of occupational safety and health on hazardous sectors such as: i. Agriculture ii. Construction iii. Chemicals iv. Mining v. SMEs vi. Informal Economy	Yes	Yes	Yes	Yes	Yes	Yes	Pesticide Act and Regulation. National Construction Industry Act. Environmental Management Act and its Chemical and Toxic Substances Regulation. OSHA. Mine and Minerals Act. Mining Safety Regulation (draft).
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These elimination and promotional programmes are promoted further through:

- Inspection of workplaces;
- Monitoring the general management of the environment and disposal of waste;
- Information sharing and conducting joint inspections among concerned MDAs;
- Awareness campaign through print and digital media.

However, there is need to expand the coverage of OSH in SMEs as well as in informal economy.

CHAPTER 18: GENERAL COUNTRY INFORMATION

This chapter explains the general country statistical data related to demographics and economics.



Figure 18.1: The Map of Malawi

18.1 Geographical and Historical Information

Malawi is a land locked country in the south-eastern part of Africa surrounded by Mozambique to the south-eastern and south-western borders, Tanzania to the north and Zambia on the west. The size of Malawi is 118,485 square kilometres with Lake Malawi taking up 25% of the area.

Malawi is 56 years of independence and 26 years in multiparty democracy. Multiparty democracy has brought a free market system which affects implementation of labour, safety and health standards.

18.2 Demographic Data

According to the 2018 Malawi Population and Housing Census (MPHC), the population of Malawi is 17,563,749 with growth rate of 2.9% per annum from 2008. The average population density for the country increased from 138 persons in 2008 to 186 persons per square kilometre in 2018. The Southern Region has more persons per square kilometre (244) followed by Central Region (211) then Northern Region (84). The 2018 MPHC data shows that 16% of the population lives in urban areas of the country with 12% of the total living in the four major cities and 4% living in the district and towns centres. The population of Malawi is slightly dominated by females (51.48 %) with a ratio of 94.2 males per 100 females. More than half of the population (51%) is under 18 years of age which is not very active age group economically.

The MPHC also shows that 52.31% of the whole population is a productive population and 37.7% of the whole population is economically active with 81% of them being employed. 73% of the productive Malawians are employed in agriculture industry than in any other sector, with women dominating men at a proportion of 82% whilst men dominate all other sectors with a proportion of 64%. Among the economically active group 49.02% were men, with 83.4% employed. Among the economically active women, 79.7% were employed. The total number of economically active young men aged 15 to 19 was 362,617 of which 200,059 were employed representing 55% of them.

Table 18.1: Productive and Economically Active Population

	Total	Percentage of the Total	Male	Percentage of Male	Female	Percentage of Female
Total Population	17,563,749		8,521,460	48.52	9,042,289	51.48
Productive population	9,188,275	52.31	4,431,102	48.23	4,757,173	51.77
Economically active	6,614,065	37.66	3,242,280	49.02	3,371,785	50.98
Economically inactive	2,574,210	14.66	1,188,822	46.18	1,385,388	53.82

Table 18.2: Employed and Unemployed Population

Economically Active Population	6,614,065	37.66	3,242,280	49.02	3,371,785	50.98
Employed	5,389,463	81.48	2,702,506	50.14	2,686,957	49.86
Unemployed	1,224,602	18.52	539,774	44.08	684,828	55.92

Source: MPHC, 2018

Table 18.3: Employment by Economic Sector

Economic Sector	Employed Persons	Percentage
Agriculture, forestry and fishing	3,921,887	72.77
Mining and quarrying	11,631	0.22
Manufacturing	80,849	1.50
Electricity, gas, steam and air conditioning supply	12,260	0.23
Water supply; sewerage waste management and remediation activities	6,869	0.13
Construction	143,016	2.65
Wholesale and retail trade; repair of motor vehicles and motorcycles	93,798	1.74
Transportation and storage	69,116	1.28
Accommodation and food service activities	82,982	1.54
Information and communication	26,159	0.49
Financial and insurance activities	16,479	0.31
Real estate activities	20,232	0.38
Professional scientific and technical activities	21,012	0.39
Administrative and support service activities	14,977	0.28
Public administration and defence; compulsory social security	34,842	0.65
Education	93,199	1.73
Human health and social work activities	49,197	0.91
Arts entertainment and recreation	19,970	0.37
Other service activities	573,368	10.64
Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	81,866	1.52
Activities of extraterritorial organizations and bodies	15,754	0.29
Total	5,389,463	100.00

Source: MPHIC, 2018

18.3 Labour Force in the Informal Economy

According to the 2013 Malawi Labour Force Survey (MLFS), 89% of the labour force were employed in the informal economy. This percentage is similar to the findings of the previous OSH profile of 2009. The informal employment is highest in the rural areas where it reaches 91% and low in the cities where it is around 69%.

This high percentage shows that the majority of the labour force is not or marginally covered with OSH standards, social protection and security schemes

18.4 Literacy Levels in Malawi

The table below shows the total population of eligible elementary school attendants, those with at least elementary school level of education with ability to read and write in national language and those who are illiterate expressed in percentage.

Table 18.4: Literacy Levels in Malawi

Region	Total Population	Literate	Percentage of Total	Illiterate	Percentage of Total
	15,011,343	10,301,467	68.62	4,709,876	31.38
Northern Region	1,970,696	1,562,493	79.29	408,203	20.71
Central Region	6,434,150	4,310,059	66.99	2,124,091	33.01
Southern Region	6,606,497	4,428,915	67.04	2,177,582	32.96

Source: MPHC, 2018

The 2013 MLFS revealed that majority of the labour force (64%) has never attended school. The number is higher in rural areas than in urban. About 24% of the labour force has attended the primary school education and can be considered able to read and write.

Table 18.5: Distribution of Labour Force by Education Levels and Residence

Education Level	Total percentage of Labour Force			Urban			Rural		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
None	64.0	57.0	70.2	39.4	32.3	46.9	67.6	61.0	73.4
Primary	23.7	26.3	21.5	28.5	29.2	27.8	23.0	25.8	20.7
Secondary	9.4	12.5	6.7	21.7	25.3	18.0	7.6	10.4	5.1
Tertiary	2.9	4.2	1.6	10.4	13.2	7.3	1.8	2.8	0.8

Source: MLFS, 2013

18.5 Economic Data

In 2018, the World Bank rated Malawi as one of the poorest countries in the world with per capita income of \$360. Malawi's poverty rate moved from 50.7% in 2010 to 51.5% in 2016. According to the World Bank data on the economic indicators in 2018, Malawi index were as follows:

- Gross Domestic Product (GDP) at 7.06
- Gross National Income (GNI) at 360
- Amount devoted to OSH in percentage is at less than 1%

Agriculture sector which used to be the biggest contributor to the national economy has been steadily declining over the years such that as of 2018, the import of goods and services claimed a larger share (36%) of the GDP followed by exports (29%) as shown below.

Table 18.6: Economic Sectoral Contribution to GDP

Economic Sector	2010	2018
Imports of goods & services (% of GDP)	35	36
Agriculture, value added (% of GDP)	30	26
Exports of goods & services (% of GDP)	23	29
Industry, value added (% of GDP)	15	14

Source: World Bank Index

This chapter shows that:

- Employment rate is not so different between men and women in Malawi and most women are employed in agriculture.
- Agricultural sector is the largest employer in Malawi.
- Men dominate more in top management positions.
- Majority of labour force is illiterate and in informal sector.
- Malawi's per capita income is decreasing along with income generated from agriculture.

CHAPTER 19: RELATED AND RELEVANT POLICIES AND DOCUMENTS

This chapter discusses related and relevant documents, policies that may impact on OSH development and delivery system; and other reports, information and initiatives relevant to OSH produced by national institutions responsible for the implementation of the various aspects of OSH.

19.1 Related Documents and Policies

The policies and documents outlined below are relevant as they contain some components of OSH related information that may impact on OSH development and delivery system.

National Employment and Labour Policy (NELP), 2018 - Has 11 policy areas with specific goals for each policy area. Policy Area 6 addresses labour administration and labour standards and its goal is to improve working conditions that include occupational safety and health.

National Occupational Safety and Health Program 2011-2016 - Outlined a number of activities and programme which the directorate was supposed to implement.

Recording and Notification Occupational Accidents and Diseases Report, 2012 The study was done to assess how recording and reporting of occupational accidents and diseases was done in the directorate and workers compensation department and how it can be improved.

Child Labour National Action Plan, 2010 - This was developed to facilitate the elimination of child labour in Malawi and identified some strategic gaps and priorities for actions. Two of these priorities directly address occupational safety and health and these are 4.1.5 - *Poor working conditions* and 4.1.9 - *Effects of HIV and AIDS*.

Decent Work Country Programme (DWCP), 2011-2016 - Provides a policy and operational framework to guide the government, social partners and other stakeholders as well as development partners with regard to priority action towards the realisation of the Decent Work Agenda in Malawi. The DWCP has three main priority areas that include the need for strengthening the capacity of the occupational safety and health services and putting in place national OSH systems and policy framework; improvement of the current workers' compensation system through establishment of a fund and national social security system; and strengthening of the workplace response to HIV and AIDS.

National Sanitation Policy, 2008 - Provides a framework and policy guidelines for enhancing and supporting sanitation coverage including mechanisms for safe disposal of solid and liquid waste and the policy also demands for provision of personal protective equipment for the workers involved in waste disposal.

Infection Prevention Control Programme - Under the department of Quality Assurance in the Ministry of Health, provides occupational health services in the context of infection prevention to clinicians (doctors, nurses, clinical officers etc.) in government hospitals. Most of the services being provided are related to infectious disease control (vaccinations, screening for TB and hepatitis). However, this service is limited to health care facilities as they are not covered under OSHWA.

19.2 Other Relevant Information

Other relevant information from national institutions responsible for the implementation of the various aspect of OSH is as discussed below.

19.2.1 Occupational Safety and Health in Relation to International Trade

The Ministry of Trade and Industry monitors the safety of imported products through inspections. This is done to protect consumers and ensures their safety and health. Some local companies that are granted export processing zone status are mandated to follow and adhere to occupational safety and health standards on their process.

19.2.2 Initiatives in the Light of OSH Integration and Harmonisation

Initiatives that are relevant to OSH in the light of integration and harmonisation include the proposed establishment of National OSH Advisory Councils in the reviewed OSHWA which will serve as a national platform to review Occupational Safety and Health matters. This Council shall be appointed under the tripartite arrangements.

CHAPTER 20: THE SITUATION ANALYSIS

This chapter analyses the situation of OSH services in Malawi with a special emphasis on the strengths and weaknesses.

20.1 Elements for Situation Analysis of OSH Services

The following elements have been considered when analysing the strengths and weaknesses of OSH services in Malawi.

- Legal instruments enforced by the Ministry of Labour;
- Planning capabilities;
- Implementation strategies;
- Monitoring, feedback and evaluation, and
- Review and continuous assessment.

20.1.1 Legal Instruments

A table below analyses enforced legal instruments including acts, policies, regulations, standards, ILO codes and management systems.

Table 20.1: Analysis of Legal Instrument Enforced by Ministry of Labour

Instrument	Strength	Weakness
Occupational Safety, Health and Welfare Act	Regulates most crucial aspects of working conditions as regards to safety health and welfare of workers, inspection of certain plants and machinery and prevents workplace accidents.	Limited scope of workplaces covered due the definition of a workplace. Gender issues not adequately addressed. Second schedule listed very few occupational diseases.
Labour Relations Act	Promotes freedom of association, sound labour relation, effective collective bargaining, formation of advisory groups and dispute resolutions among others.	
Employment Act	Regulates minimum standard of employment, promotes right to fair and safe labour practices and remuneration and controls forced labour.	
Workers Compensation Act	Provides procedures for compensating injuries suffered or diseases contracted by workers or death resulting from injuries or disease at a workplace.	A limited list of occupational diseases under the Second Schedule.

Policies	National Employment and Labour Policy	Not directly covering OSH issues.
Standards	MS-ISO 45001 and other sector specific standards	Not adopted by the directorate.
ILO Conventions	Ratified C12, C45, C81, C89, C129, C155, C184, C187	Some OSH core Conventions not ratified such as C161 and C176.
Management System		None in place.

20.1.2 Planning Capabilities

Table 20.2: Analysis of Planning Capability

Document	Strength	Weakness
National OSH Program 2011-2016	Outlined key SMART objectives and covers most important aspects of OSH and social protection	Lack of commitment and support. Inadequate resources to fully implement all objectives.
Ministry of Labour Strategic Plan	Outlined specific OSH outcomes and outputs	Outdated Strategic Plan. Inadequate resources for its implementation.
Decent Work Country Programme (DWCP) for 2011-2016	Outlined specific OSH outcomes and outputs	Inadequate resources for its implementation.

20.1.3 Implementation

Table 20.3: Analysis of Implementation Strategies

Tool	Elements	Strength	Weakness
National support	Government	Existing government structures such as offices, pieces of legislation OSH structures in other MDAs	Lack of administrative structures such as workers' compensation board & fund. Inadequate enforcement of legislation. Inadequate collaboration among stakeholders. Lack of coordination and oversight by the overall OSH authority.
	Social Partners	Existing of vibrant employers' and workers' organization	Lack of OSH tripartite advisory council. Inadequate coverage of OSH in informal sector.

Infrastructure	<p>Laboratories</p> <p>Data management</p> <p>Internet and Website</p>	<p>Existing of laboratories in other MDAs</p> <p>Availability of testing and monitoring equipment</p> <p>Existence of internet facilities within the directorate</p>	<p>Lack of institutional laboratory.</p> <p>Lack of data management centre.</p> <p>Lack of Ministry or directorate website.</p>
Training institutions	Designated OSH training institutions	Availability of training in selected institutions in Malawi.	Lack of designated OSH training centre.
Human resource	Skilled officers in OSH	Availability of some specialized and skilled personnel	Inadequate numbers of skilled personnel. Inadequate gender mainstreaming.
Financing	Funding	<p>Government funding allocations on OSH</p> <p>Availability of international partners funding projects</p>	<p>Inadequate funding from government budget.</p> <p>Little flexibility with donor funds.</p>
Activities	<p>Inspections</p> <p>Investigation of accidents, pollutions, violence and harassment</p> <p>Examination of plants and machinery</p> <p>Trainings</p> <p>Research</p> <p>Work plans</p>	<p>Routine or regular inspections conducted</p> <p>Conducting accident, pollution, violence and harassment investigations</p> <p>Examinations done in time</p>	<p>Inspections not frequently done.</p> <p>Not all reported issues are investigated. Some investigations not done in time and others not done at all.</p> <p>Trainings done upon request from employers.</p> <p>Lack of research initiatives.</p> <p>Most planned activities not implemented.</p>

20.1.4 Monitoring, Feedback and Evaluation

Table 20.4: Analysis of Monitoring and Evaluation Strategies

Tools	Elements	Strength	Weakness
Data capturing and usage	Analysis & decision making	Some data used to make decisions & programs	Data not properly managed. Difficult to extract the needed data.
Reporting and accountability system	Production of regular reports	Reports produced at regional office are shared at headquarters	Lack of consolidated annual reports. Lack of data from other MDAs.
Information sharing	Media programmes	Existing media engagement forums	Not fully utilised due to finances.

20.1.5 Reviewing and Continuous Improvement

Table 20.5: Analysis of Review and Improvement Processes

Review forums	Elements	Strength	Weakness
National review council	Legislation & policies		Non-existence of designated review bodies.
Other review forums	Program reviews	Done by enforcing MDAs	No proper legal mandate in MDAs.

20.2 Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis

Outlined below is SWOT analysis of OSH services in Malawi.

Strength

1. Existence of legislation that are backed by Constitution of the Republic of Malawi.
2. Availability of well designated state infrastructures in all three regions.
3. Political will.
4. Government commitment.
5. Availability of Decent Work Country Programme.
6. Well-structured tripartite structures such as TLAC.
7. Improved collaboration and coordination with other MDAs.
8. Ratified ILO Conventions on OSH such as C155, C184 and C187.

Weaknesses

1. Inadequate enforcement of legal instruments.
2. Lack of OSH Policy.

3. Lack of OSH subsidiary regulations and guidelines.
4. Non-establishment of Workers Compensation Fund and Board.
5. Non-existence of OSH Arbitration Board.
6. Inadequate OSH infrastructure for testing, diagnostic treatment and rehabilitation.
7. Inadequate data/information management and sharing.
8. Lack of information and documentation centre.
9. Lack of OSH management systems and standards.
10. Inadequate OSH specialised human resources in all concerned MDAs.
11. Inadequate funding of OSH directorate.
12. Inadequate number of OSH inspectors to conduct meaningful inspections.
13. Time taken to review legislations.
14. Inability to retain OSH skilled personnel especially those with engineering qualifications.

Opportunities

1. Coverage and implementation of some aspects of OSH provisions by other MDA.
2. Availability of active social partners.
3. Availability of education institutions offering OSH trainings within the country.
4. Availability of development partners funding OSH projects.
5. Availability of SATBHSS project that is supporting a number of OSH activities.
6. Presence of research institutions and laboratories.

Threats

1. Too much reliance on donor funding.
2. Non-reporting of occupational accidents and diseases to OSH directorate by the employers.
3. Declining economic environment basing on the World Bank indices may not promise much internal support to OSH activities.
4. Majority of the labour force work in informal economy making it difficult for most OSH programs to have an impact on this population.
5. New investors with poor working conditions and no interest in OSH.
6. Emerging natural disasters or pandemics such as Covid-19 may force reallocation of resources meant for OSH activities to prioritize the fight against this pandemic.

CONCLUSION AND RECOMMENDATIONS

The exercise of compiling this Profile broadly targeted OSH issues including basic data on all parameters that may affect the sound management of occupational safety and health at both the national and enterprise levels. The situation analysis identified a number of gaps and challenges that need to be addressed in order to improve the occupational safety and health systems in Malawi. The identified gaps and needs for further development, include: review of existing legal framework, standards, capacity and financial resources, administrative and technical infrastructures related to the management of OSH in Malawi.

Therefore, it can be concluded that this national OSH Profile will assist in setting national priorities for action, aimed at progressive and continuous improvement of the national OSH systems. However, for the promotion and improvement of the occupational safety and health systems in Malawi to be effective, the following recommendations should be implemented:

1. Enhance the legal framework by finalising the review of OSHWA and all related legislation.
2. Develop regulations and guidelines to support the OSHWA and other OSH related legislation.
3. Develop OSH policy with clear objective and strategies to address the identified challenges.
4. Increase the number of OSH specialists in all related MDAs by recruiting more inspectors and train/equip them with relevant skills and knowledge.
5. Establish a National Advisory Council for OSH matters.
6. Enhance coordination and collaboration among OSH stakeholders.
7. Develop OSHMS with guidance from the ILO and adopt OSHMS and relevant standards developed by MBS.
8. Lobby for more funding from government or retention of a certain percentage from registration and examination fees.
9. Establish OSH information and documentation centre for recording of reported occupational accidents and diseases managing relevant data.
10. Operationalise the Workers Compensation Fund and establish Workers Compensation Board.

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