

REGULATORY FRAMEWORK

Using Heavy Machinery

Jordan

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Contents

Introduction.....	3
Additional recommendations for required resources, technical procedures, and related activities.....	5
Conclusion:	6
References	7



Introduction

The Progress in diverse fields, especially the industrial ones, is considered a major cause of increasing the risks at different workplaces, which should be identified, analyzed, prevented and minimized wherever possible. Safety is a collective responsibility and is not limited to a particular individual or position. Every individual in his or her work place is concerned with his / her relationship with the machinery, staff, working methods etc.

As employers are required to provide health, safe and risk-free work environments, the responsibility of worker is to comply with the workplace safety procedures. In this regard, the competent authorities are periodically required to develop, implement and review consistent national provisions on workplace safety, taking into account the national circumstances and practices, and in consultation with the most representative organizations of concerned employers and workers. In addition, these provisions should be in conformity with relevant international regulations and standards.

Industrial machinery and associated risks are the most important factors facing health and safety of the workers at different workplaces, as they are likely to cause several risks, whether mechanical, electrical, physical or other, which would endanger the health and safety of the worker and increase the risk of accidents and injuries at workplaces.

Hence, there is a pressing need for the competent authorities to state mechanisms which ensure compliance with the national laws and regulations aiming to protect workers in this field, so that these measures include appropriate inspection actions, and the enforcement actions shall provide remedial measures and appropriate penalties for the violations of national laws and regulations. Among these actions, aiming to ensure the safety of workers, the competent authorities may, for example, prohibit or restrict the use of hazardous machinery, determine the qualifications of workers who are allowed to use machinery for safety and health reasons on terms which are determined according to the national laws and regulations, and to impose severe penalties on the employers who do not meet the necessary requirements and precautions to protect workers according to national laws.

In this context, the country, with all its relevant institutions, must endeavor to achieve the highest possible levels of compliance with the international standards, through the development of comprehensive occupational safety and health programs and systems, seeking further guidance from the relevant instruments of the International Labor Organization (ILO), in particular the Occupational Safety and Health Convention No. 155, and the Promotional Framework for Occupational Safety and Health Convention, No. 187, in addition to the instruments of ILO and other relevant codes of practice.



Therefore, a question arises: is the national legislation, in its current form, sufficient to protect workers from heavy industrial machinery and its associated risks that could affect workers' health and safety in different work sites whether it be mechanical, electrical, physical or others?

This study attempts to answer the above question by addressing the best mechanisms to ensure compliance with the laws in order to protect the workers in this field. It also deals with the legal mechanisms that must be followed in order to address the legislative imbalance which is the result of the lack of legislation dealing with this subject, as well as the legal recommendations that must be followed to address this shortcoming.

This study is the first to deal with the regulatory framework for the use of heavy machinery in Jordan. Thorough research and investigation of the legal sources, researches and studies which handle this matter in Jordan was done and we are almost certain that no other research or study has dealt in depth with:

- ♦ the regulatory framework of heavy machinery
- ♦ ways to protect against the associated risks
- ♦ addressing the qualifications of workers allowed to use heavy machinery for health and safety reasons in accordance with national laws and regulations
- ♦ taking severe penalties against employers who do not provide the necessary conditions and precautions to protect employees according to national laws and comparing them with international labour standards and other countries' laws and legislations

This study followed a comparative analytical approach, where the legal texts dealing with the study were analyzed and stating the shortcomings. In addition, the legal texts were compared with those of other countries that previously handled the matter.



Additional recommendations for required resources, technical procedures, and related activities

- 1.** Ministry of labor shall obtain the sufficient human and financial resources to meet its responsibilities, and it shall initiate systems to guarantee that its employees are qualified enough in dealing with occupational safety and health especially with the hazards of those machinery and equipment.
- 2.** Ministry of labor shall develop electronic system for the targeted institution registration in these legislations (institutions that have heavy machinery and equipment) and the accredited persons for dealing with those machines, in addition to the accredited bodies as a third party to examine and inspect those machinery and equipment.
- 3.** Ministry of labor shall initiate a recording system for the occupational accidents, work injuries and occupational diseases, and discuss it regularly with employers to guarantee their knowledge for hazard sources at workplaces and working on avoiding.
- 4.** Ministry of labor shall take over the following duties in prevention and inspection field:
 - ♦ The specialized inspection on institutions, heavy machinery and equipment in earlier stage before factory operation (licensing stage), in cooperation with the related bodies.
 - ♦ Regular inspection and monitoring of the compliance with related laws and regulations.
 - ♦ Inspection on the required conditions in those machinery and equipment through the competent authority directly or through accredited third party, starting from purchase those machines and manufacturing them to the regular inspection, maintenance and calibration when necessary.
 - ♦ Inform the employers, workers and their representative of inspection results to do the required remedial actions.



Conclusion:

Safety is a collective responsibility and is not limited to an individual or a specific job. Every individual in their workplace is concerned, in a way or another, with the surrounding machinery. Therefore, employers must provide safe, healthy and risk-free environments. Risks associated with industrial machineries are considered the most dangerous, when it comes to the health and safety of workers at different worksites, as they may result in many hazards whether it be mechanical, electrical, physical or other. This endangers the workers' safety and increases the likelihood of accidents and injuries at the workplace.

The competent authorities should therefore establish mechanisms to ensure compliance with national laws and regulations for the protection of workers in this area. Such measures shall include appropriate inspection procedures, corrective actions and suitable penalties for violations of national laws and regulations, such as banning or restricting the use of dangerous machinery. Other measures include; determining the qualifications of workers who are allowed to use the machinery and applying severe sanctions against employers who do not abide by the law.



References

1. Arab Labor Convention No. 7 of 1977 on Occupational Safety and Health
2. Boiler Inspection System in Vietnam Report
3. Crafts and Industries Law of 1953 -Jordan
4. Decision No. 211 for the year 2003 regarding the limits of safety, requires and precautions necessary to prevent physical, chemical, biological, mechanical, electrical and negative hazards and secure work environment-Egypt
5. Decision No. 211 of 2003- Egypt
6. Equipment and products Safety law - Germany
7. <http://www.caqatvet.gov.jo/>
8. <http://www.manpower.gov.eg/index.html>
9. <http://www.mom.gov.sg/workplace-safety-and-health>
10. <http://www.mom.gov.sg/workplace-safety-and-health/workplace-safety-and-health-act>
11. <https://osha.europa.eu/en/safety-and-health-legislation>
12. Industrial occupational Safety and Health Decree- Germany
13. Instructions for elevators and emergency drawers at Aqaba Special Economic Zone Authority No. 147 of 2009 - Jordan
14. Instructions of Hazardous Waste Management and Handling of 2003 issued under Environmental Protection Act - Jordan
15. Instructions on protecting workers and institutions from the hazards of work environment of 1998, issued under Article No.79 of Labor Law and Amendments thereof No.8 of 1996 -Jordan
16. International Labor Convention No. 119 of 1963 concerning the maintenance of machinery
17. International Labor Convention No. 155 concerning occupational safety and health
18. International Labor Recommendation No. 118 concerning protection from machinery
19. Principles and Instructions for Occupational Safety and Health issued on the bases of the provisions stated in Paragraph (b) of Article (16) and Clause (2) of Paragraph (b) of Article



(17) in the Insurance Benefits Regulation of the Social Security Corporation No.15 of 2015, and are applicable to all institutions subject to Social Security Act,

20. Labor Law No. 12 of 2007- Egypt
21. Labor Law No. 8 of 1996 - Jordan
22. law No. 55 of 1977 -Egypt
23. law No. 78 of 1974-Egypt
24. Occupational Safety and Health Act -Germany
25. Public Health Temporary Law and amendments thereof No. 47 of 2008 - Jordan
26. Radiation Protection, Nuclear Safety and Security Law No. 43 of 2007- Jordan
27. Safety and Health at Workplace Act - Singapore
28. Singapore Statutes Online - 354A - Workplace Safety and Health Act
29. Social Security Act No. 1 of 2014- Jordan
30. Standards and Metrology Act No.22 of 2000 and Amendments thereof - Jordan
31. The Jordanian Constitution of 1952 and Amendments thereof
32. The National Profile of the Occupational Safety and Health System in Germany (http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/policy/wcms_186995.pdf)
33. The Regulations of Protection and Safety of Industrial Machines, Equipment and Workplaces No. 43 of 1998, issued under Article 85, Clause (c) and Article (85) of Labor Law No. 8 of 1996 - Jordan