

SPECIAL ISSUE

Kenya Gazette Supplement No. 104

1175

15th May, 2024

(Legislative Supplement No. 39)

LEGAL NOTICE No. 79

THE OCCUPATIONAL SAFETY AND HEALTH ACT, 2007

(Cap. 236A)

THE OCCUPATIONAL SAFETY AND HEALTH (FIRST AID IN
THE WORKPLACE) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

Regulation.

- 1—Citation.
- 2—Interpretation.
- 3—Application.
- 4—Duties of an occupier.
- 5—Duties of a person administering first aid.
- 6—Training of persons administering first aid.
- 7—Required number of persons administering first aid.
- 8—Marking of the first aid box.
- 9—Minimum contents of a first aid box.
- 10—First aid room.
- 11—Minimum requirements for a first aid room.
- 12—First aid audit.
- 13—Approval of auditors.
- 14—Duties of first aid auditors.
- 15—General penalty.
- 16—Revocation.

SCHEDULES

THE OCCUPATIONAL SAFETY AND HEALTH ACT, 2007

(Cap. 236A)

IN EXERCISE of the powers conferred by section 127(2) of the Occupational Safety and Health Act, 2007 the Cabinet Secretary for Labour and Social Protection, in consultation with the National Council of Occupational Safety and Health, hereby makes the following Regulations—

THE OCCUPATIONAL SAFETY AND HEALTH (FIRST AID IN THE WORKPLACE) REGULATIONS, 2024

1. These Regulations may be cited as the Occupational Safety and Health (First Aid in the Workplace) Regulations, 2024. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.

“first aid” means treatment for the purpose of preserving life and minimising the consequences of injury until assistance is sought from a medical practitioner and treatment of minor injuries which would otherwise require no medical treatment;

“first aid audit” means the systematic examination of the workplace to confirm compliance with these Regulations;

“person administering first aid” means a person who has been trained by an approved first aid training institution and has a valid certificate of competence; and

“working hours” means any time that work is on-going in a workplace.
3. The provisions of these Regulations shall apply in all workplaces during all working hours Application.
4. (1) For purposes of ensuring the provision of adequate first aid arrangements in a workplace, the occupier shall— Duties of an occupier.
 - (a) ensure that a first aid audit is carried out annually by a competent person;
 - (b) provide information to all workers on procedures of first aid at the workplace, location of first aid kits and information on every person trained on first aid at the workplace;
 - (c) provide and maintain such appliances and services for rendering first aid to his employees in case of any accidents and emergencies;
 - (d) ensure effective emergency procedures are in place to manage and facilitate the transfer of a casualty to an appropriate health facility;
 - (e) appoint in writing, adequate number of persons who shall administer first aid and be in charge of the first aid box or cupboard;

- (f) ensure training for persons in charge of the first aid box or cupboard by first-aid training institutions approved by the Director;
- (g) ensure that the names and telephone numbers of persons in appointed under paragraph (e) are displayed conspicuously in the workplace at all the times; and
- (h) ensure all persons administering first aid services are vaccinated against highly infectious diseases including Hepatitis B.

(2) An occupier who fails to comply with this provision commits an offence.

5. A person appointed under regulation 4(e) to administer first aid shall—

Duties of a person administering first aid.

- (a) ensure prompt response in all medical emergencies;
- (b) provide appropriate first aid management and transfer of a casualty when necessary;
- (c) notify the occupier and any emergency service provider of a medical emergency;
- (d) provide psychological care and support during an emergency and may accompany the casualty to the health care facility;
- (e) ensure infection prevention and control measures are taken to protect himself or herself, any casualties and other people present in the workplace;
- (f) keep records of all injuries, sudden illnesses and medical emergencies including first aid treatment given at the workplace, in the manner set out in the First Schedule;
- (g) ensure proper medical waste disposal; and
- (h) in consultation with the occupier, ensure that the pre-requisites of the first aid box or cupboard are maintained.

6. (1) A person shall not be allowed to administer first aid or to be in charge of a first aid box or cupboard unless that person has received adequate training in the application of first aid.

Training of persons administering first aid.

(2) A person appointed to administer first aid and to be in-charge of a first aid box or cupboard shall hold a valid certificate of competence issued by a training institution approved by the Director.

(3) The certificate of competence issued in accordance with this regulation shall be valid for a period of one year and shall be renewed annually.

(4) The Director shall approve first aid training institutions.

7. (1) For every work place with fewer than ten workers, at least one person shall be appointed to administer first aid and be available in the work place at all times during working hours.

Required number of persons administering first aid.

(2) For every work place with at least ten and not more than twenty workers, at least two persons shall be appointed to administer

first aid and be available in the work place at all times during working hours.

(3) For every work place with at least twenty-one and not more than fifty workers, at least three persons shall be appointed to administer first aid and be available in the work place at all times during working hours.

(4) For every workplace with at least fifty-one and not more than one hundred workers, at least five persons shall be appointed to administer first aid and be available in the workplace at all times during working hours.

(5) For every workplace where there are more than one hundred workers, at least five persons shall be appointed to administer first aid and two additional persons shall be appointed to administer first aid for each extra one hundred workers (or part thereof) and who shall be available in the workplace at all times during working hours.

8. Each first aid box, cupboard or room in a workplace shall be clearly marked on the outside with the words "FIRST AID".

Marking of the first aid box.

9. (1) The occupier of every workplace shall provide and maintain a readily accessible first aid box or cupboard as required under section 95 of the Act, containing the minimum number of items based on the number of workers in the workplace, as set out in the Second Schedule.

Minimum contents of first aid box.

(2) Despite paragraph (1), the contents of the first aid box or cupboard shall be based on the occupiers' risk assessment of the workplace.

(3) Medicine shall not be included in the first aid box or cupboard.

(4) Each item kept in the first aid box or cupboard shall conform to the standards and specifications provided under the Standards Act.

Cap 496.

(5) For purposes of these Regulations, a first aid box or cupboard includes any container that can be used to safely and adequately hold or contain all the first aid items required under these Regulations.

10. (1) In addition to the requirements set out in regulation 7, each large workplace with more than five hundred workers shall have a first aid room which shall be managed by a registered nurse, clinical officer or medical practitioner.

First Aid room.

(2) The first aid room shall —

- (a) be accessible during all working hours; and
- (b) be easily accessible to stretchers or any other equipment used or needed for the purposes of transporting patients into and out of the room.

11. Each first aid room shall contain—

Register.

- (a) a sink with running water and soap;

- (b) wholesome drinking water;
- (c) a telephone;
- (d) electrical power points;
- (e) a table and chair;
- (f) an examination couch;
- (g) a record book;
- (h) a blood pressure machine;
- (i) a stethoscope;
- (j) a thermometer; and
- (k) any other first aid materials as set out in these Regulations.

12. (1) Each occupier shall cause a first aid audit of the workplace to be undertaken at least once every twelve months by a first aid auditor. First aid audit.

(2) The occupier shall pay the costs incurred in relation to the first aid audit undertaken pursuant to these Regulations.

(3) The first aid auditor shall prepare and submit an audit report of the workplace to the occupier and the Director within fourteen days of the date of the audit.

(4) The occupier shall maintain a record of each first aid audit undertaken pursuant to these Regulations.

(5) An occupier who fails to comply with this provision commits an offence.

13. (1) The Director may invite competent persons desirous of being first aid auditors for purposes of these Regulations to submit applications for consideration. Approval of auditors.

(2) A competent person seeking to serve as a first aid auditor shall apply to the Director for approval.

(3) The Director shall, upon receipt of an application under this regulation, consider the application and—

- (a) upon confirming that the applicant meets the requirements necessary for first aid audit, approve the application and notify the applicant in writing of the decision; or
- (b) reject the application and notify the applicant in writing of the decision and reasons thereof.

(4) The Director shall, upon approval of an application under paragraph (3)(a), issue the applicant with a Certificate of First Aid Audit and upon payment of the fee provided under the Act.

(5) The Certificate issued under paragraph (4) shall be valid for a period of one year and renewable annually.

(6) The Cabinet Secretary may, on the advice of the Director and by notice in the Gazette, publish the list of persons approved under these Regulations.

(7) The Director shall maintain a Register of first aid auditors approved under these Regulations.

14. A first aid auditor approved under these Regulations shall —

Duties of first aid auditors.

- (a) carry out a first aid audit of a workplace, upon the request of an occupier;
- (b) advise the occupier and the members of the safety and health committee of the workplace on the first aid matters arising out of a first aid audit report; and
- (c) prepare and submit an audit report of a workplace to the occupier and the Director within fourteen days of the date of the audit.

15. A person who commits an offence under these Regulations, for which no penalty is provided, shall be liable upon conviction, to a penalty provided under section 109 of the Act and the proceedings set out in Part XIII of the Act shall apply.

General penalty.

16. The Occupational Safety and Health (First Aid in the Workplace) Regulations 2024 are revoked.

Revocation.
L.N. 53 of 2024.

SCHEDULES

FIRST SCHEDULE

(r.5(f))

FIRST AID RECORDS FORM (DOSH 33)

NAME OF WORKPLACE								
DATE	TIME	NAME OF INJURED	DEPARTMENT/SECTION	TYPE OF INJURY	FIRST AID ADMINISTERED	REMARKS	NAME OF PERSON ADMINISTERING FIRST AID	SIGNATURE

SECOND SCHEDULE

(r.9(1))

MINIMUM NUMBER OF ITEMS IN THE FIRST AID BOX

	First Aid Item Description	Number of items for			
		1-9 workers	10-50 workers	51-100 workers	101-500 workers
1.	A copy of First Aid Leaflet from the Directorate of Occupational Safety and Health Services.	1	1	1	1
2.	Gauze squares.	5	20	20	50
3.	Sterilised cotton wool in 14 grams packets	10	20	50	100
4.	Antiseptic solution.	1 ltr	3 ltr	5 ltr	5 ltr
5.	Eye pads.	2	4	8	16
6.	Adhesive sizes strips.	12	24	36	72
7.	Triangular bandages.	2	4	8	16
8.	Crepe bandages.	3	8	15	15
9.	Small sterile and un-medicated dressing.	3	6	12	20
10.	Medium sterile and un-medicated dressings.	3	3	6	24
11.	Large sterile and un-medicated dressings.	2	3	6	24

	First Aid Item Description	Number of items for			
		1-9 workers	10-50 workers	51-100 workers	101-500 workers
12.	Ankaferd haemostatic topical gauzes.	5	5	10	15
13.	safety pins or clips.	50	50	100	100
14.	A pair of scissors	1	1	2	4
15.	A receptacle.	1	3	5	5
16.	Small dressing bowls.	3	3	6	6
17.	Sterile gloves.	50 pieces	50 pieces	50 pieces	50 pieces
18.	Non-sterile gloves.	100 pieces	100 pieces	100 pieces	100 pieces
19.	Lubricating eye drop solutions.	250mls	250mls	250mls	500 mls
20.	Resuscitation masks.	2	2	4	4
21.	Waste disposal container.	1	1	2	4
22.	Thermal blanket.	1	1	2	4
23.	Whistle.	1	1	2	3
24.	Torch/source of light.	1	1	2	3
25.	Small mirror.	1	1	2	4

Made on the 30th April, 2024.

FLORENCE BORE,
Cabinet Secretary for
Labour and Social Protection.