



PERMANENT MISSION OF THE REPUBLIC OF ZAMBIA
GENEVA

NOTE: 100/ 18

The Permanent Mission of the Republic of Zambia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Office of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and waste, and has the honour to forward herewith Zambia's responses to the questionnaire that was sent through your letter dated 17th January, 2018.

The Permanent Mission of the Republic of Zambia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Office of the Special Rapporteur on the implications for human rights of the environment ally sound management and disposal of hazardous substances and waste, the assurances of its highest consideration.

Geneva, 30 May 2018

The Office of the High Commissioner for Human Rights
Office of the Special Rapporteur on the implications for
human rights of the environmentally sound management
and disposal of hazardous substances and waste

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REPUBLIC OF ZAMBIA

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MINISTRY OF FOREIGN AFFAIRS

MFA/104/22/82

23rd May , 2018

Charge D'Affaires a.i.

Permanent Representative of the Republic of Zambia to the UN

GENEVA

**RE: RESPONSES TO THE QUESTIONNAIRE FOR THE SPECIAL RAPPORTEUR
ON THE IMPLICATIONS FOR HUMAN RIGHTS OF THE ENVIRONMENTALLY
SOUND AND DISPOSAL OF HAZARDOUS SUBSTANCES AND WASTES**

Reference is made to the above captioned matter.

Please find enclosed herewith, responses to the questionnaire for the Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, for the thirty-ninth Session of the Human Rights Council scheduled for September, 2018.

Amb. Chalwe Lombe
Permanent Secretary (IR&C)
MINISTRY OF FOREIGN AFFAIRS

IMPLICATIONS FOR HUMAN RIGHTS OF THE ENVIRONMENTALLY SOUND MANAGEMENT AND DISPOSAL OF HAZARDOUS SUBSTANCES AND WASTE

S/N	QUESTION	IMPLICATIONS	COMMENT
1	Provide the existing National laws and regulations that protect workers from hazardous substances and establish the rights of workers to safe and health working conditions (i.e. as proposed by ILO and WHO).	Environmental Management Act No. 12 of 2011, Environmental Management (Licensing) Regulations SI No. 112 of 2013. Occupational Health and Safety, Worker's Compensation Act, Public Health Act, Mines and Minerals Development Act No. 11 of 2015	<ul style="list-style-type: none"> ▪ Provide for integrated environmental management and the protection and conservation of the environment and sustainable management and use of natural resources. ▪ Provide for the prevention and control of pollution and environmental degradation. ▪ Provide a place of employment free from recognized hazards to safety and health, such as exposure to toxic, chemicals, excessive noise levels, chemical dangers, heat or cold stress, or unsanitary conditions ▪ Provision for the establishment and administration of a fund for the compensation of workers disabled by accidents to, or diseases contracted by, such workers in the course of their employment. ▪ Provide for payment of compensation to dependents of workers who die as a result of such accidents or diseases. ▪ Provide for safety health and environmental protection in mining operations.
2	Indicate the main authorities tasked with overseeing the implementation of occupational health norms and description on their mandate.	Ministry of Labour and Social Security. Mines safety Department. (Mandate)	<ul style="list-style-type: none"> ▪ The Ministry of mandated to lead in the formulation and implementation of National employment, Labour, and social security policy. ▪ It's also responsible in monitoring National productivity, occupation safety and health, and relations between employees and their employers. ▪ Mines Safety Department is responsible for all matters pertaining to safety and health of person's employed in Exploration, Mining and Mineral processing operations throughout the Republic of Zambia.
3	Provide the National laws establishing the right to information and the instruments establishing the specific rights of workers to	Occupational Health and Safety Act,	<ul style="list-style-type: none"> ▪ The act Provides for an employer to facilitate such information, instruction, training and supervision as is

		<ol style="list-style-type: none"> 1. Makes a complaint about a workplace matter that the employee considers is not safe or is a risk to health. 2. Is or has been a member of a health and safety committee 3. or is or has been a health and safety representative
<p>5</p> <p>Provide information on the existing National laws ensuring workers can realize their right to justice and an effective remedy for occupational exposures to hazardous substances</p>	<p>Occupational Health and Safety Act, 2010. Part IV, Section 15. a), b) & c).</p> <p>The remedy Part IV, Section 16</p>	<ul style="list-style-type: none"> ▪ Occupation Health and Safety highlights, reasonably practicable in relation to ensuring health and safety at a workplace, regard is made to the following matters: <ol style="list-style-type: none"> 1. The likelihood of the hazard or risk concerned occurring; 2. The degree of harm that would result if the hazard or risk occurred; 3. What the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk. ▪ The Act further says that notwithstanding any other written law, an employer shall— <ol style="list-style-type: none"> 1. Ensure, so far as is reasonably practicable, the health, safety and welfare of the employees of the employer at a workplace; and 2. Place and maintain an employee in an occupational environment adapted to the employee's physical, physiological and psychological ability. ▪ There is a likelihood that no assessments are done for the unionized workers. ▪ For the non-unionized workers, most of them are in middle and senior management such that the work environment is not hazardous.
<p>6</p> <p>Indicate if public officials periodically analyze the situation of occupational safety and health and how these assessments are publicized.</p>	<p>For Unionized workers the situation of occupational safety and health at their work places receives less attention, more focus is on salaries and improved condition of services.</p> <p>For Non-unionized workers, there is little or no exposure.</p>	<ul style="list-style-type: none"> ▪ Government considers revising the norms because it requires a healthy public workforce, in addition injuries and sickness are a cost to government and private sector organization.
<p>7</p> <p>Indicate if your Government considers revising its existing norms for occupation health and safety and the reasons for this possible revision.</p>	<p>Yes the governmental considers revising the norms for occupation safety and health.</p>	<ul style="list-style-type: none"> ▪ Government considers revising the norms because it requires a healthy public workforce, in addition injuries and sickness are a cost to government and private sector organization.