

PARLIAMENT OF THE KINGDOM OF LESOTHO

NATIONAL ASSEMBLY

NOTICE PAPER NO. 111

Saturday, 16th March, 2024

**NOTICE OF AMENDMENTS TO OCCUPATIONAL SAFETY AND
HEALTH BILL, 2024**

Notice given on Saturday, 16th March, 2024.

For Saturday 16th March, 2024.

Hon. Minister of Labour and Employment -

1. In Clause 4, “Interpretation” insert a new interpretation of “factory” in its rightful order as follows:

“factory”

(a) means any premises with machinery, on which, or within the precincts of which, persons are employed in the making, altering, repairing, cleaning, breaking up or adapting for sale of any article for the purpose of gain and over which the employer has the right of access or control; and

(b) includes the following premises where persons are employed:

(i) any laundry or kitchen carried on as ancillary to another business or as an incidental to the purposes of any public institution;

(ii) any premises in which the construction, reconstruction or repair of aircraft, vehicles, vessels or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or commercial undertaking;

(iii) any premises in which printing by any process or bookbinding is carried on by way of trade or for purpose of gain or incidental to another business so carried on;

(iv) any premises in which articles are made or prepared as an incidental to the carrying of construction works not being premises in which such works are being carried on;

(v) any premises in which persons are employed in or in connection with the generating of electrical energy for supply;

(vi) any cold-storage room;

(vii) any premises used in connection with slaughtering of cattle, sheep, swine, goats, horses, asses or mules;

(viii) any premises where tobacco leaf is cured or otherwise made ready for manufacture or is manufactured into tobacco in any form;

(ix) any premises where agricultural products are processed;

(x) any limekiln where limestone is burnt to make lime;

(xi) any premises where bread, biscuits or confectionery are baked by way of trade for purposes of gain; and

(xii) any premises used for the storage of petroleum products: two or more factories may, with the approval in writing of the Labour Commissioner, be considered a single factory where the circumstances reasonably justify such a course; premises shall not be excluded from the definition of a factory by reason only that they are open-air premises;

2. After Clause 4, insert a new Clause 5 as follows and re-number sequentially:

“Principles used in interpretation and administration of the Act

(5)The following principles shall be used in the interpretation and administration of the Code:

(a) the standards laid down in the Code are the minimum legally obligatory standards and are without prejudice to the right of workers individually and collectively through their trade unions to request, to bargain for and to contract for higher standards, which in turn then become the minimum standards legally applicable to those workers for the duration of the agreement;

(b) no provision of the Code or of rules and regulations made thereunder shall be interpreted or applied in such a way as to derogate from the provisions of any international Labour Convention which has entered into force for the Kingdom of Lesotho;

(c) in case of ambiguity, provisions of the Code and of any rules and regulations made thereunder shall be interpreted in such a way as more closely conforms with provisions of Conventions adopted by the Conference of the International Labour Organisation, and of Recommendations adopted by the Conference of the International Labour Organisation.”

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