

1. Nepal

Center for Public Health and Environmental Development (CEPHED) initiative of COVID 19 in Nepal

On 14th April 2020, Center for Public Health and Environmental Development (CEPHED), currently also serving as ANROEV Secretariat wrote a formal letter (see the box in 2nd page) to Rt. Honorable Prime Minister, Honorable Minister of Labour, Employment and Social Security (MoLESS) and Honorable Minister of Health and Population (MoHP), Government of Nepal requesting for recognizing COVID 19 as an Occupational Disease and enlist under the list of Occupational Diseases.

Responding to the letter, Spokes Person from the MoLESS, Government of Nepal assured us that they will take the initiative to publish the lists of Occupational Diseases and see the best possible ways to include the COVID 19 as an Occupational Disease and directed the concerned Official to address the concerned raised by CEPHED.

Further based on our personal communication with the concerned government officials assured us that they will initiate the process of hiring the expert consultant to recommend the list of occupational disease as per the provision of Labour Act 2017 and Labour Regulation 2018 of Nepal. He also discussed about the process of listing of COVID 19 as an occupational diseases based on the ILO criteria to include any diseases like COVID 19 under the list the of occupational diseases. Due to the lockdown as well as circulation from Ministry of finance not to process for the new programs at this time of pandemic, it seems the whole process of publishing lists of Occupational diseases and inclusion of COVID 19 under this list will take some time. CEPHED will follow the issues and do the necessary campaign for the same.

On the same day, CEPHED also made a press release on the same. The News were massively covered by three newspaper and one radio channel from Radio Thaha Sanchar on 14th and 15th April 2020.

“Demanded to include COVID 19 as Occupational disease” published in SETOGHAR newspaper on 15th April 2020, Can be seen from <https://www.setoghar.com/archives/59349/04/>

“CEPHED demanded to include COVID 19 as Occupational disease” published in SETOKHARI newspaper on 16th April 2020, Can be seen from: <https://www.setokhari.com/health/3123>

“Recognize COVID 19 as Occupation Disease” news article published in the Rising Nepal, National daily dated 18th April 2020 (see below)

‘Recognise COVID-19 as occupational disease’

By A Staff Reporter
Kathmandu, Apr. 17

The Centre for Public Health and Environment Development (CEPHED) Nepal has requested the government to recognise COVID-19 as an occupational disease.

Ram Charitra Sah, executive director of CEPHED and an

environment scientist, said that the countries like USA, Korea, the Philippines and Malaysia had already recognised COVID-19 as an occupational disease and had ensured availability of required security, Personal Protective Equipment (PPE) and relief packages to the health professionals.

Sah said that the Office of the Prime Minister

and Council of Ministers (OPMCM) and the Ministry of Labour, Employment, and Social Security were especially requested to enlist COVID-19 as an occupational disease.

He said that it was high time that occupational safety of the frontline workers was ensured.

“We lack the list of occupational diseases on the

whole, as the government has not published the list on Nepal Gazette as provisioned in Article 82 of Labour Act 2074 and Rule 2075,” said Sah.

“Thus, we have requested the government to publish the list of occupational diseases by including COVID-19.”

Sah, further, urged the government to adopt adequate security measures

for those working in the frontline.

The PPE sets and relief packages for the frontline health workers such as doctors, nurses, paramedics, cleaners and for those who have been ensuring availability of other essential services such as lab workers, ambulance services, cemetery services, distributors of food, medicines, water, fuel, media

persons and the security officials must be provided by the government, he said.

As the pandemic has claimed thousands of lives and has infected over 2 million people around the world, it is crucial for the government to ensure safety of the frontline workers as they are at higher risk of being infected with the virus, added Sah.

Published in Rising Nepal National Daily, dated 18th April 2020

Date: 14 April 2020

To

Rt. Honorable Prime Minister, OPMCM, Singhdurbar, Kathmandu
Honorable Minister, Ministry of Labour, Employment and Social Security, Singhdurbar, Kathmandu
Honorable Minister, Ministry of Health and Population, Ram Shah Path, Kathmandu

Subject: Request for recognizing COVID 19 as an Occupational Disease and enlist them under the list of Occupational disease.

Dear Sirs,

With reference to above mention subject, COVID 19 disease spread all over the world from the Corona Virus has been already declared as pandemic disease. As of now about 2 Million people have got infected out of it and about 1.2 million have even losses their lives. Most of the front line workers like Doctors, Nurses, paramedical, waste workers including officials and associated millions of workers working in meeting other essential services like laboratory testing, ambulance services, mortuary, crematoria, production sales and distribution of medicine, food supply, drinking water supply, fuel, transport, security and media during such pandemic situation are well known to all of us.

There are many examples in the countries worldwide like USA, Korea, Philippines, and Malaysia etc. that had already recognized COVID 19 disease as an Occupational diseases and have been ensuring the accessing and availability of required security, personal protective equipment (PPE) and compensation.

Therefore it is being requested to settle and to be settled the following matters of concerned associated with COVID 19 diseases in Nepal.

- A. Legally recognize the COVID 19 diseases as an Occupational diseases.
- B. In the absence of the list of Occupational diseases which has not yet been published through gazette notice by Government of Nepal, Ministry of Labour, Employment and Social Security (MoLESS) as per the required provisions of Labour Act 2074 BS (2017) Article 82, Labour Regulation 2075BS (2018) Rule 52, it is requested to published and COVID 19 disease should also be enlisted under such occupational diseases list.
- C. Ensure adequate security, personal protective equipment (PPE) and compensation to all front line workers like Doctors, Nurses, paramedical, waste workers including officials and associated millions of workers working in meeting other essential services like laboratory testing, ambulance services, mortuary, crematoria, production sales and distribution of medicine, food supply, drinking water supply, fuel, transport, security and media during such pandemic and emergency situation are well known to all of us.
- D. Swiftly ratify and effectively implement the UN ILO Convention 155 on Occupational Safety and Health (OSH).

Thanking you all in anticipations,

Ram Charitra Sah
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CEPHED
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2. INDIA

OCCUPATIONAL & ENVIRONMENTAL HEALTH NETWORK OF INDIA 12 April 2020

To,
Honorable Minister
Labor and Employment
Government of India
Shram Shakti Bhuvan
Rafi Marg,
New Delhi-110001

Dear Sri Gangwarji

Namaskar.

We all are under lockdown due to CORONO crisis that has given us an opportunity to think of the progress we are making.

You must be aware that today Bhabha hospital workers in Mumbai have gone on strike for their demand of PPE. News paper pages and news rooms of TV channels are busy discussing the problem of supply of PPE to the health care workers all over in India. Never before in the long history of labor movement in India have we heard of strike for PPE by health care workers. COVID-19 has drawn our attention to the very important aspect of protection of safety and health of health care workers.

As we all know, it is only on humanitarian, moral and ethical grounds that the employers in India are required to supply PPEs to the health care workers. It is yet not a legal binding. We have The Clinical Establishment Act (Registration & Regulation) Act, 2010 and Hospital standards have been developed. In this Act or the standards there is no clear provision to provide PPEs to the health care workers for their protection of safety & health at work. Under the HIV AIDS Act of 2017 Universal Precautions (which includes PPE by definition) have been mandated but there is no method of implementation or monitoring and very little information about this to the neither currently employed health staff nor training to those now being hired. In fact all persons handling body fluids are exposed to HIV. Now, after 73 years of independence health care workers should be given clear legal right for their protection.

In any big hospital you have several departments and each has their own specific hazards. The doctors and nurses get needle stick injuries. Among healthcare workers and laboratory personnel worldwide, more than 25 blood-borne virus infections have been reported to have been caused by needle stick injuries. You need to have laundry in the hospital where the workers handle the soiled clothes, bed sheets and other material to be washed. In each hospital you find at least one canteen where they cook and serve food and the workers there need to be protected from accidents. In each hospital you find maintenance department which includes electricians who need to be protected from electrical hazards. In each hospital you find radiology department where workers are exposed to radiations and they need to be protected. Each hospital has a laboratory to test various samples. Samples are tested using different chemicals and the workers and technicians need to be protected from the exposure to these chemicals. There are post-mortem and morgue workers and they are exposed to bio and other

hazards. We have received complaint from anesthesiologist from Mumbai, working in a children's hospital that he was exposed to anesthetic gases for a long time and the gases adversely affected his health and had to be on treatment and leaves and then left the job. It was case of faulty ventilation in operation theater. And this is not a comprehensive list.

Apart from infections, we hear of fires in hospitals but we do not have any official data available on fires in the hospitals. Data help us frame policy and design strategies for prevention. Again accidents other than fires also take place and that may leave the victim injured and injury may be temporary

or permanent and total or partial. We again do not know the incidence or proportion because there is no legal provision to notify the accidents and there is no authority appointed to monitor accidents in the health care facilities. I believe that such a provision in Factory Act and Mines Act has helped to reduce accidents in factories as well as mines respectively.

In 2009 Government of India declared National Policy for safety, health and Environment at work. This policy gave lots of hopes that workers in all economic sectors shall be protected now but nothing has happened. ILO is encouraging its member states to ratify C.155 and this policy is first step in that direction. We now need to take second bold step in this direction and ratify ILO C.155 of 1981.

The Second labor commission appointed by NDA Government under Sri A.B.Vajpayeeji recommended enacting separate OHS Act to give legal protection to the workers in all economic sectors. Now your Government has put up OHS code in the Parliament which is pending. Unfortunately, even after this bill is passed, the health care workers shall not get a right to be protected at work. How long they will have to wait?

This is right opportunity and social environment is conducive for passage of such law in larger interest of workers. It will be real *Shradhdhanjali* to Sri Bajpayeeji.

Thank you



Jagdish Patel
National Coordinator

3. Bangladesh

OSHE called up Government to declare Covid-19 as Occupational Disease in Bangladesh immediately

Bangladesh Occupational Health, Safety and Environment foundation (OSHE) in a press statement urges the government to declare the Covid-19 as an occupational disease under the labour law of the country.

OSHE said, at present more than a million of workers and employees in health service, waste recycling, food and medicine supply chain, readymade garments, tea plantation, mass media, bank and financial services etc. in Bangladesh continuing to serve at workplaces due to urgent national and commercial needs with potential health hazard and inadequate health and safety protection; and many of them potentially get infected with coronavirus at work and on the way to work or get back home during this pandemic period require necessary legal protection.

Repon Chowdhury, Executive Director of OSHE foundation said “this is very much a genuine and timely demand under the context of present reality in Bangladesh. COVID-19 needs to be declared as an occupational disease under the present national Labour law immediately through an official executive order by the government towards ensuring health and safety rights of the working population at workplaces passing time with the vulnerability and risk of Covid-19 infection”.

Urgent efforts are needed to ensure that vulnerable group of workers and employees with Covid-19 should have appropriate access to proper housing, with space for quarantine and social distancing while sleeping and eating, potable water and proper sanitation facilities on and off the job, free health care, safe transport, safe work practices and income protection.

4. Malaysia

Make Covid-19 an occupational disease under law for social protection — 51 groups

<https://www.malaymail.com/news/what-you-think/2020/04/02/make-covid-19-an-occupational-disease-under-law-for-social-protection-51-gr/1852799>

Thursday, 02 Apr 2020 02:45 PM MYT

APRIL 2 — We, the 51 undersigned groups, organisations and trade unions, in response to the advent of Covid-19, an infectious disease that can easily be transmitted to other human persons, including workers, urge that the Malaysian government immediately recognise and make Covid-19 an occupational disease.

By so doing, workers who are infected by Covid-19 at their workplace, even during this period, will become entitled to social protection accorded by social security schemes and laws.

For those who die, by reason of getting infected by Covid-19 at the workplace, will also be easily entitled to compensations, and their spouses/children/elderly parents will also become entitled to survivor benefits including pensions.

Employers have a duty in law to ensure a safe working environment, and will also now be required to ensure that the workplace is safe from Covid-19 and/or any other dangerous communicable diseases, especially those can result in death or other permanent disabilities.

With the movement control order in place, which still requires workplaces that provide for essential services to operate, workers traveling to and from work, and at these workplace are everyday at risk of being infected by the Covid-19 virus, which to date has also resulted in many deaths worldwide, and as such workers need protection, and this can be done by specifically classifying Covid-19 as an occupational disease.

Now, recently even workers in charge of human resources, are required to travel and return to their workplaces for the purposes of arranging the monthly payment of salaries to workers.

Workers who are also needed (or forced) to stay in particular accommodation by employers, should also be covered. This also ought to be considered an “occupational disease,” and be accorded all the needed social protection.

While the Covid-19 pandemic highlights the inadequacies in occupational safety and health laws, and also social security laws for workers, it is time to remedy these failings.

One must note, that in the past, there has also been allegations of some workers forced to house together or work together has ended up contracting life threatening ailments like tuberculosis from other workers they are made to stay and/or work with.

All such ailments, not just Covid-19, which can cause death or other disabilities that may impact these workers future employment and income, ought to be specifically classified as occupational diseases, and workers should be accorded all benefits under social protection laws.

These laws should apply to all workers, including migrant workers and domestic workers.

In Malaysia, local workers are generally covered by the Employees' Social Security Act 1969, which provides better protection to workers and/or their families compared to the Workmen's Compensation Act 1952 that generally covered migrant workers. There must be equal protection for all workers, even domestic workers.

For now, The Human Resource Minister, can use the powers conferred by subsection 32(2) of the Occupational Safety and Health Act 1994 [Act 514], and declares that Covid-19 be recognised as an occupational diseases. Other changes and/or amendments to law to ensure equal protection to all workers may require Parliament.

Therefore, we

- Call on Malaysia to immediately make Covid-19 an occupational disease, especially if it is contracted at the workplace, on journey to and from work, and in worker accommodations provided by the employer;
- Call on Malaysia to amend all relevant worker social security law, to ensure appropriate just remedy to workers, their families and/or dependents especially in the event of death, or disability impacting future capacity to work and/or earn an income;
- Call on Malaysia to ensure that employers are legally bound to provide a safe working environment, including safety from infection from human to human contact at the workplace for diseases like Covid-19;
- Call on Malaysia and all employers to ensure that occupational safety and health of all workers are always prioritised and protected.

** Charles Hector and Apolinar Tolentino for and on behalf of the following 51 groups:*

AS A RESULTS, MALAYSIA GOVERNMENT HAS RECOGNIZE THE COVID19 AS OCCUPATIONAL DISEASE.

Malaysia designates COVID-19 as occupational disease

Employees who are infected with COVID-19 due to direct exposure to the disease from their nature of work can now claim for compensation.

By: [Shawn Liew](#) | April 8, 2020



Malaysia’s Social Security Organisation (SOCSO) has moved to clarify that COVID-19 is recognised as an occupational disease under the country’s Employment Social Security Act 1969.

“The Social Security Organisation recognises the impact of pandemics such as COVID-19 not only to the health of workers, but also to the financial, social and wellbeing of individuals and the nation,” said SOCSO in a Facebook post. “Workers may be affected due to their nature of work, which increased their risk to infection, such as frontline workers, or it may affect workers in relation to their employment, such as from exposure to infected persons while doing their work.”

Highlighting that it has already addressed infections such as SARS and COVID-19 in the Fifth Schedule of the Employment Social Security Act 1969 as an occupational disease, SOCSO confirmed that employees who contract COVID-19 due to direct exposure as a result of the nature of their work can claim for compensation. Similarly, employees who are infected due to their exposure arising out of, and in the course of their employment, will be covered under the Employment Injury Scheme. This applies for both the Employees’ Social Security Act 1969 and the Self Employment Social Security Act 2017 (Act 789).

Additionally, patients who are infected from any other source and sustain permanent disablement, causing invalidity or death, may also be compensated through the Invalidity Pension Scheme of the Employees’ Social Security Act 1969.

SOCSO’s move comes after a group representing 51 different work unions and societies called for the Malaysian government to recognise COVID-19 as an occupational disease to allow public assistance in the event of infection or worse. Prominent among the group of 51 signatories are the Malaysian Trade Union Congress (MTUC), Workers Hub For Change (WH4C), MTUC Sarawak, the PKNS Union, and the National Union of Flight Attendants (NUFAM).

The group also pushed for laws compelling employers to provide safe working environments for their staff. Employers should, said the group, be legally bound to provide a safe environment, including safety from infection via human to human contact at the workplace from diseases like COVID-19.

https://hrmasia.com/malaysia-designates-covid-19-as-occupational-disease/?fbclid=IwAR1NmWY1C18ZTcB6I7XOgiE4fQatYHOu5Fx9TX5s11uGauEhAtHfLvmT_fo

5. Philippines:

Workers covered by COVID-19 compensation'

<https://www.philstar.com/headlines/2020/03/06/1998546/workers-covered-covid-19-compensation>



ECC executive director Stella Banawis said an employee may apply for employees' compensation benefits in case he or she acquires COVID-19 at work.

AFP/Anthony Wallace

‘

Workers covered by COVID-19 compensation'

Mayen Jaymalin (The Philippine Star) - March 6, 2020 - 12:00am

MANILA, Philippines — The Employees Compensation Commission (ECC) said the coronavirus disease 2019 (COVID-19) can be considered work-related illness and thus compensable.

ECC executive director Stella Banawis said an employee may apply for employees' compensation (EC) benefits in case he or she acquires COVID-19 at work.

An attached agency of the Department of Labor and Employment (DOLE), EEC was established to provide workers with income in case of work-connected sickness, injury or death.

“In the event an employee acquires the virus, it can be compensable under the EC Program through Increased Risk Theory provided that it was obtained by the employee in the performance of his or her employment,” Banawis explained.

Banawis cited as example the health workers involved in the treatment of COVID-19 patients and the crew of a luxury liner that tested positive for the coronavirus.

“They can file an EC claim since they acquired the virus in the course of their employment,” Banawis noted.

She, however, urged employees nationwide to be cautious so they could avoid getting infected with the virus.

The DOLE previously ordered all companies to provide relevant information about COVID-19 to their employees.

Establishments were also encouraged to determine needed adjustment in work schemes and take immediate precautionary measures for the protection of their employees.

“There are simple actions that we can do to prevent the spread of the virus such as avoiding close contact with people who are sick and touching our eyes, nose and mouth with unwashed hands,” Banawis said.

DOLE officials had reported that the government is preparing for the spread of COVID-19 and assisting citizens who might get infected with the deadly virus.

6. Hong Kong

Our members from Hong Kong **Association for the Rights of Industrial Accident Victims (ARIAV)**, has petitioned the Hong Kong Labour Department to include COVID-19 to the list of compensable diseases. This means that PPE, like masks etc., have to be provided by employers. The letter ARIAV contains three set of demands

Letter was sent by ARIAV and received by the Hong Kong Labour Department last 21 February 2020.

Urging the Government to include coronavirus disease 2019 (COVID-19) into the scope of Occupational disease under the Employees' Compensation Ordinance (ECO);

The coronavirus disease 2019 (COVID-19) is spreading rampantly throughout the society and the world, yet the HK government only encourages employers to arrange employees to work at home, rather than enforcing them. Citizens are panicking as there is no borders closed together with the serious shortage of surgical masks and hand sanitizers. Until now, there are no strong and powerful measures from the Hong Kong Government to prevent the spread of the virus.

The growing numbers of infected cases in the community remain the overwhelming concern for the employees. ARIAV demands the Commissioner for Labour to incorporate COVID-19 into the occupational disease list under

the Second Schedule of Cap. 282 Employees' Compensation Ordinance, and other measures to provide frontline employees with legal protection. These demands are the final resorts to protect the employees when there is insufficient protection from this life-threatening disease.

In the outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003, the Commissioner for Labour only invoked Article 35 under the ECO to issue the order to prescribe SARS to the occupational disease list in December 2014. The measure was not being considered as effective as the article does not have any retrospective effect. If the situation dragged on for too long, it would not be able in providing adequate protection to potential occupational hazards caused by the virus. Therefore we have the following demands in order to better protect employees from the disease;

Demand (1): The Commissioner for Labour should invoke Article 35 under the Employees' Compensation Ordinance to give out the order to prescribe COVID-19 as an occupational disease under Second Schedule of ECO and Schedule 2 of Occupational Safety and Health Ordinance

During the outbreak of SARS, although the insurance companies has adopted a more humanitarian way to handle the cases, which made the employees of the Hospital Authority and other infected non-civil servant being compensated without much controversies, it is still time consuming to send the case to the insurance companies or the court, wasting the court resources and putting great pressure on the employees and their families. This time, if the government can directly include the COVID-19 into EOC, it can surely help reducing disputes and enable the employees and their families to receive the compensation as soon as possible.

Earlier in February, Dr. HO Pak-leung, President of Carol Yu Centre for Infection of Hong Kong University, and other labour groups also call for an emergent legislation amendments to include the COVID-19 in the scope of occupational disease under the ECO, and reflected a wish from the group to protect the rights of the employees. ARIAV is urging the government to proceed to the related measures immediately.

Demand (2): The protection to infected employees should be applicable to all industries without setting limits to designated occupation.

When SARS was included as a listed occupational disease to be compensated, industries included are: employees of the medical and nursing sector, medical researcher and laboratory officer, pathologists, post-mortem workers or funeral service workers, etc. We believed the above scope is insufficient in covering all frontline workers, such as cleaning workers, security guards, restaurants and hotels employees, etc. Their works involve the practical operation at the frontline of the epidemic, including handling garbage disposal, disinfecting of the neighborhoods, cordoning the areas and taking care of the quarantine personnel, etc.

Demand (3): To set the “prescribed period” to two months to better protect the employees

When SARS was included as an occupational disease to be compensated, the Bureau advised the incubation period of SARS not to exceed 14 days and the prescribed period was set to twice of the incubation period, which is a month. However from the information provided by the team led by Doctor Zhong Nanshan, the incubation period of the novel coronavirus can be up to 24 days. Therefor the government should set the prescribed period to at least two months.

ARIAV reiterates that compensation is the last resort which protections should come first. Employers must provide employees adequate protective equipment and all feasible measures to reduce the risk of infection. The Government is duty-bounded to supply and distribute employees and citizens with preventive supplies such as medical masks, and to prosecute and punish unscrupulous businessmen who sell masks and other preventive supplies at high prices.

7. USA

Dr. Thomas H. Gassert, Consultant in Occupational and Environmental Medicine and Hygiene shared that in the US shared that OSHA has made COVID-19 compensable under worker compensation law if it can be demonstrated that the cause (source of infection) was work-related (to a reasonable degree of medical certainty, or better than 50% chance if not clearly so). Please see for details

<https://www.osha.gov/Publications/OSHA3990.pdf>

See also: <https://www.osha.gov/SLTC/covid-19/standards.html>

8. Korea

Similar initiative and recognition of COVID 19 has been provided in the South Korea.

Can be seen from <https://www.kcomwel.or.kr/kcomwel/noti/pres.jsp>

but not have information in English language.