



# **SIMPLIFIED LEGAL *And*** **REGULATORY GUIDE:**

**Nigerian Electricity Health and Safety Code, 2013**





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# OVERVIEW

Nigerian Electricity Health and Safety  
Code, 2013

# OVERVIEW

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The Health and Safety Code (“the Code”) was introduced in 2013 to provide guidelines and safety standards to employers and contractors in the electricity supply industry as it relates to the use of electrical supply system and associated equipment during the processes of installation, operation, and maintenance. It relates to electricity supply lines, utility facilities, street and area lights that are under the exclusive control of utilities, etc. It should be noted that the Code does not apply to installations in mines, ships, railway rolling equipment, aircraft, or automotive equipment, or utilization wiring. It is divided into a total of six (6) Parts.

The Glossary of Terms referenced in this guide can be found in the main Code<sup>1</sup> and in our [Glossary of Industry Terms](#).



NERC is empowered by the Electric Power Sector Reform Act, 2005 (EPSRA)<sup>2</sup>, as the major agency with the responsibility of formulating regulations to facilitate the implementation and enforcement of the provisions of the Act. NERC is vested with the authority to develop regulations relating to areas of administration, billing, licensing, health and safety procedures, pricing and tariffs, electric fencing, etc.<sup>3</sup> The Health and Safety Code is one of the many regulations formulated within the ambit of the NERC's powers. [Please refer to EL's guide on the Electricity Act.](#)



# OBJECTIVE

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# OBJECTIVE



The primary objectives of the Health and Safety Code are:

- To safeguard persons during the installation, operation or maintenance of electric supply and associated equipment.
- To detail rules that contain the basic provisions that are considered necessary for the safety of employees and the public under the specified conditions.
- The Code is not intended as a design specification or as an instruction manual.



# KEY PROVISIONS

Nigerian Electricity Health and Safety  
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# KEY PROVISIONS



## ***Roles and Responsibilities***

The Code provides that employers are expected to provide a safe working environment for their employees by having in place a written Health and Safety Policy. Also, an employer is required to provide full and clear information on the dangers that are associated with the job, the technical knowledge and management controls that are in place to eliminate unsafe working conditions. In addition, an employer must observe safety rules to prevent immediate or long-term risks to their health and well-being.<sup>4</sup>

A work culture must be defined, and a corporate culture that promotes workers safety must be prioritised in line with the Nigerian Health and Safety Standards Manual.<sup>5</sup>

An employer is also required to have an established occupational safety program, including a written safety policy and accident investigation program. A safe working environment to enable employees work effectively should be provided by employers. Also, there must be adequate training programs for employees on the health and safety programs and policy during their induction into the company. Furthermore, it is the duty of both employees and employers to ensure that the practices in the workspace are safe and does not endanger human health; the tools and equipment

are safe and are always kept safe and when storing or transporting the tools or substances used, the best safety practices are observed and the health of employees are not put at risk or endangered.

A supervisor must train and instruct new employees on the work safety matters, procedures, and ensure that all equipment are handled properly, stored, and maintained effectively. In addition, every employee must know and observe safety and health regulations that relate to the job. These employees can also request to be trained for beginning work in a new vicinity and where competence is lacking. In addition, a supervisor must correct or immediately report any unsafe working conditions and take the initiative to make suggestions for improved safety conditions in the workplace.<sup>6</sup>

## ***Instructions***

The Employer is mandated by the Code to ensure that all new employees have site orientation from their supervisors and are instructed on safety procedures that includes the layout of the section, safety orientation, fire exit locations/ procedures, emergency equipment and location of First Aid facilities or services. An employer must also have a Safety



Manager and Safety Committee that conducts staff training relating to classroom orientation/training and prepare all training materials. Every worker has the inalienable right to a safe workplace that is free of hazards and employers are to ensure that they strictly comply with the provisions of the Nigerian Health and Safety Standards Manual.<sup>7</sup>

Any person that violates this part of the Code, will be liable to a fine not exceeding three hundred thousand naira (₦300,000) or imprisonment of 2 years or both. A subsequent violation will attract a fine of not less than five hundred thousand naira (₦500,000.00) or imprisonment not less than 2 years or both. Any further violation will attract suspension or removal of management or suspension or even license cancellation.<sup>8</sup>

### ***Safety and Industry Best practices***

All employers must ensure that air quality testing is strictly carried out when the employees are exposed to nitrogen dioxide and sulphur dioxide; landfill gases; noxious odors; radon gas; factory emissions; odor complaints and other gases. Also, air monitoring must also be carried out by employers.<sup>9</sup>

Noise testing and monitoring must also be carried out by the employers through noise survey and Hearing Protection

gadgets and devices must be provided for employees by the employers, which must be used appropriately.<sup>10</sup>

In addition, the Employers must also maintain that there is effective protection against the effect of noise exposure. The permissible noise exposure is as follows:

Duration per day, hours	Sound level, dBA slow response
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25 or less	115

It should be noted that trainings on noise cancellation must be conducted by the employers for the employees, as well as effective and safe chemical handling requirements.<sup>11</sup>

Furthermore, every employer must educate their employees on Major References that are contained in the Material Safety Data Sheet (MSDS) and are guided by chemical exposure limits. A Job Hazards Analysis must accompany every project plan as this will enable the employers to determine the appropriate control measures for identified hazards for the work to be performed.<sup>12</sup>



First Aid facilities must also be provided in the workspace, sites and projects with a competent First Aider and training must be provided for these workers.<sup>13</sup>

There should also be preventive measures for fire outbreak and electric shock and lookouts/takeouts.<sup>14</sup> In addition, employers must ensure that employees are trained on the appropriate ways to use tools, and information and training on various causes of electrical shock must be provided to the employees.<sup>15</sup>

The employer must provide information and training on flash hazard analysis and ensure compliance in accordance with the Health and Safety Standards Manual.<sup>16</sup> Information and training on blast hazard analysis, procedures must also be provided.<sup>17</sup> Furthermore, an employer must assess the workspace to determine if hazards are present or are likely to be present and require the use of Personal Protective Equipment (PPE). The type of Personal Protective Equipment to be used must also be prescribed by the employee and workers must be trained in such area(s).<sup>18</sup> An employer is also expected to provide training and information on the use of protective gears such as Ropes, Body Belts and Safety Straps, Rubber Protective Gloves, Gaffs, Climbers, Live-Line Tools, Vehicles, etc.<sup>19</sup>

An employer must ensure that individuals are protected from accidental or unexpected activation of electrical and/or mechanical equipment during the maintenance, repairing, cleansing, servicing, and/or adjusting of machinery or equipment.<sup>20</sup> There are also ladder safety requirements that employers must observe, and they include:

- Provide a ladder at all work points of access if there is a break in elevation of 0.48m or more and no ramp, runway, embankment, or personnel hoist is available.
- Keep the access point clear of obstacles to permit free passage by workers if there is only one point of access between levels.
- Provide a second point of access if free passage becomes restricted.
- Ensure that at least one point of access remains clear when there are more than two points of access between levels.
- Install all ladder fall protection systems required by these rules and ensure that their worksite meets all requirements of the ladder rules before employees use ladders.<sup>21</sup>

Also, every employer must ensure forklifts, crane, and scaffold operation safety for employees' use.<sup>22</sup> The following safe work practices must be carried out:





- Only competent individuals shall trim trees around energized power lines.
- Ladders and aerial equipment shall not encounter electrical equipment.
- The employee shall maintain the 3.00-meter minimum clearance from power lines. If the line exceeds 11,000 volts, clearance requirements increase; in accordance with table 28 of the Nigerian Electricity Health and Safety Standards Manual.
- These working clearances are minimum safety clearances. Whenever possible, even greater clearances shall be maintained.
- For work closer than the above clearances, the electric utility shall be promptly notified.
- No work shall be performed near energized conductors until danger of contact with those conductors has been effectively guarded against. Work site shall be carefully inspected prior to climbing or working on a tree to determine whether electrical lines pass through the tree or within the reach of workers and the immediate public. All lines on utility poles shall be viewed as possibly being energized.
- Branches hanging on energized power lines shall be removed only by competent tree trimmers in the

employ of the electric utility and using approved insulated equipment.<sup>23</sup>

For the functional safety of electric power transmission, employers must provide security to protect facilities and employees from terrorism, kidnapping, cyber-attacks etc. All employers must ensure that employees follow the procedures explained on excavation and trenching.<sup>24</sup> Confined spaces must also be identified, and drum handling equipment must be handled effectively.<sup>25</sup> Welding practices are also expected to be safe.<sup>26</sup> There are penalties that are applicable to the violations of this part of the Code.<sup>27</sup>

### ***Dealing with Critical Incidents***

Employers are required to employ competent persons to effectively respond to crisis within their facilities, in such a manner as to ensure the safety of personnel and property. Pursuant to this, every employer must ensure training on toxic chemical handling and stress management is provided to its employees.<sup>28</sup>

Furthermore, all electrical protective devices must comply with the design requirements, standards markings, AC/DC proof test requirements, and ASTM standards stated in the Nigerian Electricity Health and Safety Standards



Manual. Employers must ensure that hazard assessments are conducted, and Personal Protective Equipment are provided in compliance with standards test and maintenance programs provided in the Nigerian Electricity Health and Safety Standards Manual. Also, adequate sanitation of the workplace must be undertaken.<sup>29</sup>

Requirements for Color Codes, Signs and Tags for marking physical hazards must also be complied with by employers;<sup>30</sup> and employers must ensure that training is provided to employees towards ensuring that the purpose and function of the energy control program are clearly understood by employees and the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees.<sup>31</sup>

Medical services must also be made available at facilities, with competent personnel always available for advising, treating wounds and injuries, and acting as consultant to employees.

If a hospital or clinic is not available within proximity to the facility of the employer, adequate first aid supplies should be made available.<sup>32</sup>

Regarding accidents and significant incidents, it must be noted that the Company shall send a preliminary report to the Commission (NERC) of all accidents in its area of operation which result in substantial damage to equipment, loss of life, injury to human beings and or animals within 72 hours of its occurrence followed by a detailed report within four weeks. Also, for every accident, the Commission shall order an in-depth inquiry of the event within 20 days.<sup>33</sup>

### ***Recordkeeping Practices***

Employers are required to keep record of all occupational injuries and illnesses in the “Injuries and Illnesses Incident Report Form” and “Log of Work-Related Injuries and Illnesses Form” as contained in the Nigerian Electricity Health and Safety Standards Manual.<sup>34</sup> A “Summary of Work-Related Injuries and Illnesses Form” is to be completed, filed and posted by the employer every 31st of January, following the year covered by the Form and such records will be kept for a minimum of 10 years.<sup>35</sup>

Also, employers are to document all work-related illnesses and injuries; and employ the services of competent medical personnel to diagnose employees and treat them, whilst also recording such events.<sup>36</sup>



The deaths of any employee or former employee that occurs because of a work-related illness or injury is also to be recorded.<sup>37</sup>

### ***Divulging Records of Injury or Illness***

Records of injuries or illnesses are to be provided to authorized persons or bodies on demand by the employer, for the purpose of examination or analysis.<sup>38</sup> In recording accidents, employers are expected to comply with the use of the prescribed accident record keeping forms provided in the Nigerian Electricity Health and Safety Standards Manual.<sup>39</sup>

Also, in the investigation of accidents, employers are expected to comply with the provisions of the Nigerian Electricity Health and Safety Standards Manual to that effect.<sup>40</sup>

### ***Safety Training***

Apart from the previous training programs stated beforehand, employers must also develop and implement safety training programs in accordance with the Nigerian Electricity Health & Safety Manual.<sup>41</sup> Training records of all employees from

the date of first employment and up to five years after retirement or termination must be kept by the employer.<sup>42</sup>

### ***Risk Management***

Employers are required to have functional risk management processes in place<sup>43</sup> and, a Health and Safety Management Committee which will provide valuable services to the organization for risk and other safety management planning and will have the overall responsibility of implementing the Company's Health and Safety Policy and the Health and Safety Code.<sup>44</sup>

Furthermore, employers must take out comprehensive insurance policies to properly cover facilities, employees, and third parties as appropriate and without prejudice to other national laws on insurance.<sup>45</sup>

### ***Dispute Resolution***

The Health and Safety Code provides that if any disputes occur between licensees or licensees and other parties arising out of or in relation to the Code, the parties involved are to use their best endeavors to resolve the dispute amicably between themselves or follow the dispute resolution mechanism established by the Commission.<sup>46</sup>

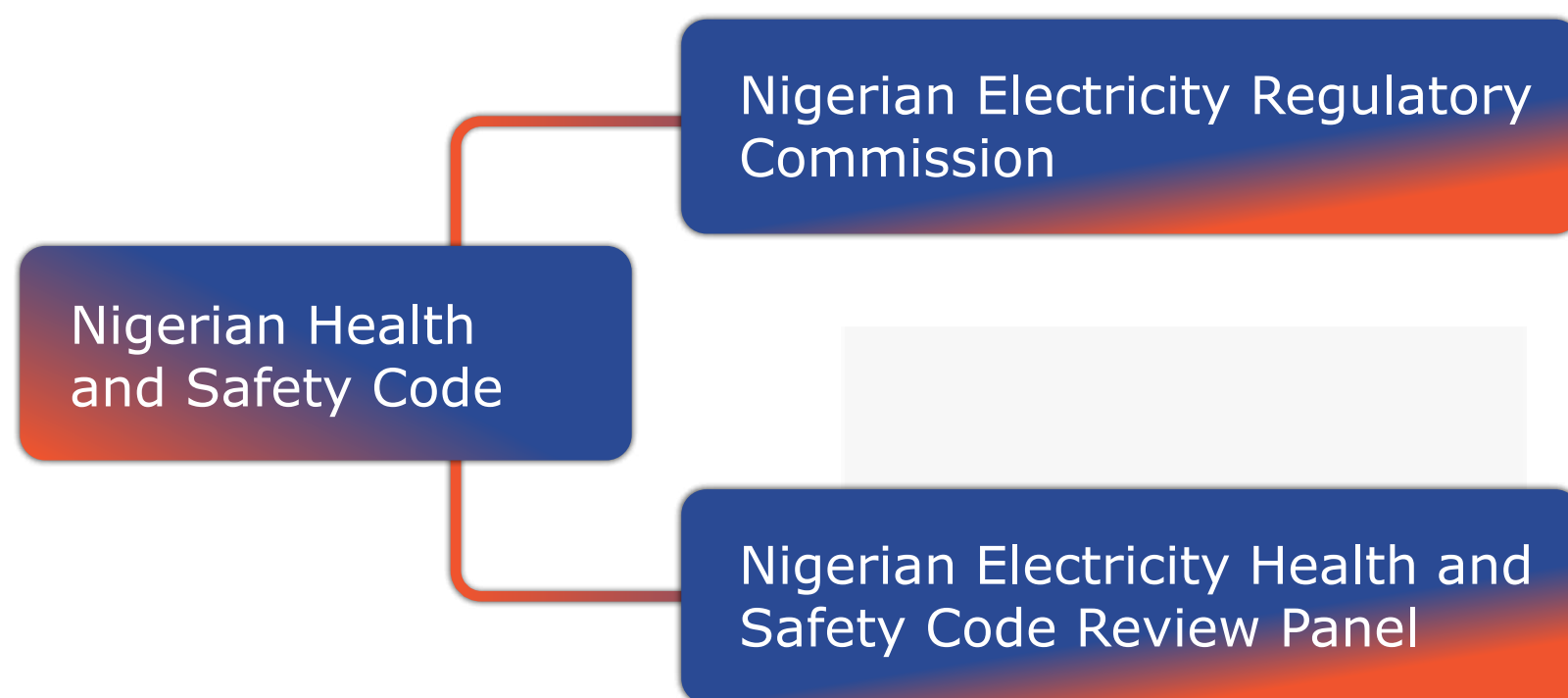


# KEY STAKEHOLDERS

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# KEY STAKEHOLDERS



## ***Nigerian Electricity Regulatory Commission (NERC)***

NERC is responsible for the promulgation of the Health and Safety Code, and thus, its enforcement and/or implementation. The Commission supervises the health and safety of employees in the electricity industry through accounting records kept by employers, and possesses the power to amend or repeal parts of the Health and Safety Code, etc.

## ***The Nigerian Electricity Health and Safety Code Review Panel***

The Panel is to be established, funded, and maintained by licensees under the administration of Nigerian Electricity Regulatory Commission (NERC). The Panel is responsible for improving and developing the Code through regular review, consultation, research, and other methodologies considered appropriate from time to time.<sup>47</sup>

Other roles of the Panel include:<sup>48</sup>

- Maintaining the Nigerian Electricity Health and Safety Code and its implementation under review.
- Ensuring the publication of the current version of the Nigerian Electricity Health and Safety Code.
- Examining all suggestions for amendments to the Nigerian Electricity Health and Safety Code which the Commission or any User or Operating Companies may wish to submit for consideration by the Panel from time to time.
- Publishing recommendations as to amendments to the Nigerian Electricity Health and Safety Code.
- Submitting to the Commission, recommendations to each proposal for amendment to the Nigerian Electricity Health and Safety Code and the reasons for the recommendations.





- Providing guidance in relation to the Nigerian Electricity Health and Safety Code and its implementation when asked to do so by any User.
- Considering what changes are necessary to the Nigerian Electricity Health and Safety Code arising out of any unforeseen circumstances referred to it by Users of the Generation, Transmission, Distribution Networks, Generation, Transmission, Distribution Companies or NERC.
- Considering and identifying changes to the Nigerian Electricity Health and Safety Code to remove unnecessary sections or clauses that are irrelevant to the effective operation of the Nigeria Electricity Supply Networks; and
- Establishing and maintaining joint coordination arrangements with the Grid Code and Distribution Code Review Panels to coordinate changes for consistency.

The background of the slide features a faint, dark silhouette of a high-voltage power transmission tower, also known as a pylon, which is a lattice structure. It is positioned centrally and extends from the bottom towards the top of the frame, with its lines receding into the distance.

# **PRICING** **AND TARIFFS**

**Nigerian Electricity Health and Safety  
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# PRICING AND TARIFFS



The Health and Safety Code does not provide on Pricing and Tariffs.

# INCENTIVES AND INVESTMENT OPPORTUNITIES

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# INCENTIVES AND INVESTMENT OPPORTUNITIES



The Health and Safety Code does not provide specific investment opportunities.



# **SANCTIONS AND PENALTIES**

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Code, 2013**

# SANCTIONS AND PENALTIES



The following are the sanctions and penalties provided within the Health and Safety Code:

Offences	Penalties
<ul style="list-style-type: none"><li>Any person who operates or manages an electrical based premises without provision of a First Aid resuscitation program with all essential components of the First Aid Training Plan and First Aid Suppliers Plan in accordance with the Nigerian Electricity Health &amp; Safety Code.<sup>59</sup></li><li>Any person who operates or manages any electrical based premises without provision of hot work program and elements of safe welding practices especially covering training and work performed by authorized personnel.<sup>60</sup></li><li>Any person who operates and/or manages any electrical based premises and fails to provide the following information –<sup>61</sup><ol style="list-style-type: none"><li>List of chemicals on the premises</li><li>Properties of the chemicals</li><li>Materials Safety Data Sheet (MSDS) of each Chemical</li><li>Evidence of Hazard communication to users</li><li>Evidence of adequate Personal Protective</li><li>Equipment for use in the area</li><li>Evidence of good storage area and containment</li></ol></li><li>Any person who operates and/or manages any electrical based premises but fails to put in place adequate emergency response and contingency plans.<sup>62</sup></li><li>Any person who operates and/or manages any electrical based premises and fails to provide adequate safety records of occupational injuries, illnesses as well as deaths.<sup>63</sup></li><li>Any person who manages and/or operates electrical-based premises but fails to comply with all reporting compliance obligation.<sup>64</sup></li></ul>	<ul style="list-style-type: none"><li>A fine of N100,000 and or an imprisonment term of six months; and</li><li>A fine of not less than N1,000 daily if the violation continues for up to 30 days</li></ul>



<ul style="list-style-type: none"><li>• Any person who operates or manages an electrical based premises without provision for adequate sling safety program and inspection records to slings as used in conjunction with other handling equipment for movement of materials for hoisting.<sup>49</sup></li><li>• Any person who operates and /or manages any electrical based premises but fails to provide adequate safety color code marking for physical hazards and meet specifications for accident prevention signs and tags.<sup>50</sup></li><li>• Any person who operates and/or manages any electrical based premises but fails to meet sanitation requirements.<sup>51</sup></li><li>• Any person who operates and/or manages any electrical based premises but fails to provide adequate electrical protective devices.<sup>52</sup></li><li>• Any person who operates and/or manages any electrical based premises but fails to provide adequate evidence of risk, crisis and vulnerability assessment programs and management.<sup>53</sup></li></ul>	<ul style="list-style-type: none"><li>• A fine of N50,000 and or an imprisonment term of not less than three months; and</li><li>• A fine of not less than N500 daily where the violation continues for up to 30 days</li></ul>
<ul style="list-style-type: none"><li>• Any person who operates and or manages any electric based premises but fails to meet the requirements of the Lock Out / Tag Out program and its implementation.<sup>54</sup></li><li>• Any person who manages and/or operates electrical based premises but fails to provide adequate training for its employees.<sup>55</sup></li><li>• Any person who operates and/or manages any electrical based premises and found involved in falsification of any record in respect to health and safety matters.<sup>56</sup></li><li>• Any person who manages and/or operates electrical based premises but fails to provide adequate training for its employees.<sup>57</sup></li></ul>	<ul style="list-style-type: none"><li>• A fine of N250,000 and or an imprisonment term of 18 months; and</li><li>• A fine of not less than N2,500 daily where the violation continues for up to 30 days.</li></ul>





<ul style="list-style-type: none"><li>Any person who operates and/or manages any electrical based premises but fails to provide adequate protective grounding program which include the temporary and permanent groundings with evidence of implementation.<sup>58</sup></li></ul>	<ul style="list-style-type: none"><li>A fine of N200,000 and or an imprisonment term of 12 months; and</li><li>A fine of not less than N2,000 daily where the violation continues for up to 30 days.</li></ul>
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# Referenced Statutory Instruments

- Electric Power Sector Reform Act (EPSRA) No.6 LFN 2005
- The Nigerian Health and Safety Standards Manuals (NHSSM)

Endnotes

1 NERC Official website available at <https://nerc.gov.ng/doclib/draft-documents/50-draft-health-and-safety-code-2013/file>

2 NERC, Official website available at [https://nerc.gov.ng/index.php/component/remository/Regulations/Electric-Power-Sector-Reform-Act-\(EPSR\)-2005/?Itemid=591](https://nerc.gov.ng/index.php/component/remository/Regulations/Electric-Power-Sector-Reform-Act-(EPSR)-2005/?Itemid=591)

3 See Section 96(1), 96 (2)f of the EPSRA, No 6 LFN 2005

4 Article 1, 1

5 Article 1, 1.3, Manual is available at <https://nerc.gov.ng/doclib/codes-standards-and-manuals/27-nigerian-electricity-health-and-safety-standards-manual-08-06-08-part1/file>

6 Article 1, 1.4

7 Article 1, 1.5

8 Article 1, 1.6

9 Article 2, 2.1

10 Article 2, 2.2

11 Article 2, 2.3

12 Article 2, 2.4

13 Article 2, 2.5

14 Article 2, 2.6 and 2.7

15 Article 2, 2.8-2.9

16 Article 2, 2.10

17 Article 2, 2.11

18 Article 2, 2.12

19 Article 2, 2.13

20 Article 2, 2.15

21 Article 2, 2.16

22 Article 2, 2.17, 2.18, 2.19

23 Article 2, 2.20

24 Article 2, 2.21-2.22

25 Article 2, 2.23-2.25

26 Article 2, 2.26

27 Article 2, 2.28

28 Section 3.1.1

29 Section 3.1.2

30 Section 3.1.3

31 Section 3.1.4

32 Section 3.1.5

33 Section 5.3.1

34 Part IV, Section 4(c)

35 Section 4.1

36 Section 4.1.1

37 Section 4.1.3

38 Section 4.2

39 Part IV, Section 4(c)

40 Annex A

41 Part IV, Section 4(d)

42 Section 4.3.2

43 Section 5.1.1

44 Section 5.1.2

45 Section 5.2

46 Section 6.3.1

47 Section 6.1.1

48 Section 6.1.3

49 Section 3.3(c)

50 Section 3.3(e)

51 Section 3.3(f)

52 Section 3.3(l)

53 Section 5.4(a)

54 Section 3.3(d)

55 Section 3.3(k)

56 Section 4.5(b)

57 Section 4.5(c)

58 Section 3.3(J)

59 Section 3.3(a)

60 Section 3.3(b)

61 Section 3.3(g)

62 Section 3.3(h)

63 Section 4.5(a)

64 Section 5.4(c)

65 Section 16(3)

# DISCLAIMER

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ELECTRICITY  
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