

Labour pushes for improved occupational safety regulations

The Department of Labour says it will direct more energy in the efforts to improve enforcement of the occupational safety and health regulations.



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The department is pinning its hope on the Occupational Health and Safety Amendment Bill of 2018, which seeks to amend the current legislation, namely the Occupational Health and Safety Act, 85 of 1993.

The bill, which was approved by Cabinet in May, aims to provide greater protection for workers regarding injuries and diseases at the workplace.

However, the Bill has not yet been released for public comment, but this is imminent, Department of Labour Director-General Thobile Lamati told the media on Thursday.

“Once adopted, this bill will ensure greater protection of workers in respect of injuries and diseases at the workplace.”

Among others, Lamati said the bill would establish a clearly defined Health and Safety Management System - in line with

international best practice.

It also provides for mandatory risk assessment to be conducted by the employer and a workplace-specific risk management plan developed and implemented to minimise the exposure of employees to risk.

He said one of the major changes in the bill relates to the change in the administration of fines in cases of non-compliance.

“The amended OHS Bill also proposes among others that workers can run away from unsafe workplaces without being victimised, companies regularly share statistics of fatalities, and that fines are made more punitive,” he said, adding that inspectors would also be empowered to issue spot fines.

The next step is for the bill to be introduced in Parliament where it will be referred to the Portfolio Committee for consideration.

Preventable incidents

The briefing by Lamati follows the death of eight people at the Somerset West Denel plant, following an explosion.

It also follows the death of the three firefighters; Simphiwe Moropane (28), Mduduzi Ndlovu (40) and Khathutshelo Muedi (37) - who lost their lives while responding to the fire that erupted at The Bank of Lisbon building last Wednesday.

Lamati said all these incidents were preventable. “There is no workplace that should be prone to incidents. That is why we subscribe to ‘zero harm’ strategy. The Occupational Health and Safety (OHS) of 1993 put specific responsibility on people managing establishments to adhere to health and safety in the workplaces.”

The Director-General said the current legislation puts an emphasis on self-regulation hence every workplace should have safety committees.

It has since emerged that the building was non-compliant with occupational health and safety (OHS) standards, as it only had 21% compliance against the norm of 85%.

Bank of Lisbon building

According to the Department of Labour’s records, The Bank of Lisbon building was inspected in 2017 following a complaint lodged by the union.

During the inspection, it was discovered that there was non-compliance to occupational health and safety and subsequently a prohibition notice was issued on 20 November 2017 halting the occupation of the building - from the ground to the tenth floor - until such time renovations were completed and the building safe to occupy.

Lamati said the prohibition notice was observed and the construction work was carried out in the absence of Gauteng Department of Human Settlements employees.

On completion of the renovations, the Gauteng Department of Human Settlements requested the occupation certificate from the Department of Labour.

The offices were inspected again and on 4 December 2017, the Department of Labour was satisfied that the Department of Human Settlements had complied with the prohibition notice, the inspector revoked the notice and allowed occupation from ground to the tenth floor which belongs to the Human Settlements of which the Gauteng Department of Health did not form part.

Labour to close non-compliant buildings

Lamati says as a department they will be cracking the whip at those who don't comply with the regulations- including government departments.

"We constantly have to work with the Department of Public Works as landlord of most of these buildings. We have previously taken a stance that government will not subject its employees to bad working conditions. Every employer -public and private- has a responsibility to ensure healthy and safe working environments. We cannot accept the excuse that there is no money."

He said the department has closed a lot of non-compliant buildings, including one of its own in Johannesburg and Durban.

Department of Labour's Director-General for Inspection and Enforcement Services Aggy Moiloa said they have found a challenge as institutions don't comply with health and safety regulations.

"What we have picked up is that in some instances there is a lack of health and safety as a culture...some don't see it as something that needs to be complied with," said Moiloa.

Moiloa went on to name the chemical, iron and steel, construction and health sector as the problematic sectors in terms of the compliance.

Over R2-billion claims

She estimated that there were more than R2-billion worth of claims lodged annually with the department's entity, the Compensation Fund for occupational injuries and diseases, most of which were due to non-compliance.

International Labour Organization's (ILO's) estimates a worker dies from a work-related accident or disease every 15 seconds.

Every day, some 6,300 workers die from occupational accidents or work-related diseases, amounting to more than 2.3 million deaths a year.

Furthermore, over 313 million workers suffer non-fatal occupational injuries each year, or in other words, 860,000 people are injured on the job every day.

The department has assured workers that it will leave no stone unturned and all those who are found to have flouted the law will be dealt with accordingly.

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