



INSPECTION AND ENFORCEMENT SERVICES

OCCUPATIONAL HEALTH AND SAFETY

CONSTRUCTION, EXPLOSIVES AND MHI

Mr Hilton Ganesen

Dept. of Employment and Labour

Head Office – Pretoria



Contents

- Update, Notice, Amendments, announcements of OHSA Legislation
- Inspection Stats
- Notices/Gazettes still applicable in Construction Sector
- Common non-compliances in the Construction Sector
- Conclusion



DMR Notice



- (a) Training of operators must resume immediately and must be conducted in adherence to Covid19 rules and regulations.
- (b) Operators whose licences (carry cards) were about to expire or have expired during the lockdown are given 120 days from the date of this letter to be renewed.

T Szana

Chief Inspector: Occupational Health and Safety

Date: 02 February 2022

HBA Regulations



STAATSKOERANT, 16 MAART 2022

No. 46051 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 1887

16 March 2022

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

HAZARDOUS BIOLOGICAL AGENTS REGULATIONS, 20...

Asbestos Amendment

126 No. 46380

GOVERNMENT GAZETTE, 20 MAY 2022

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 2092

20 May 2022

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)

ASBESTOS ABATEMENT REGULATIONS, 2020

The Minister of Employment and Labour has, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), made the following amendments to the Asbestos Abatement Regulations in the Schedule as published in Notice No. 1196, in Gazette No.43893, published on 10 November 2020 as follows:

"OEL for asbestos" means an occupational exposure limit of 0,1 regulated asbestos fibres per millilitre of air over a continuous period of four hours measured in accordance with HSG 248;

COP:SARS-COV-2



STAATSKOERANT, 24 JUNIE 2022

No. 46596 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

Department of Employment and Labour

NO. R. 2191

24 June 2022

**CODE OF PRACTICE: MANAGING EXPOSURE TO SARS-COV-2 IN THE
WORKPLACE, 2022**

Schedule of Fees

STAATSKOERANT, 29 JULIE 2022

No. 47109 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

Department of Employment and Labour

NO. R. 2317

29 July 2022

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

I, THEMBELANI WALTERMADE NXESI, Minister of Employment and Labour, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and after consultation with National Treasury as contemplated in section 43 (2), published the following schedule of fees:

Announcement



Dear Stakeholders

ANNOUNCEMENT OF THE PARTICIPATION OF THE DEPARTMENT OF EMPLOYMENT AND LABOUR IN THE GESTIS

I have pleasure in informing you of the Department's participation in the GESTIS Substance Database from July 2022.

This database contains a collection of occupational exposure limits for hazardous substances gathered from 29 countries, which include various European states, Australia, Canada, Israel, Japan, New Zealand, Singapore, South Africa, South Korea, The People's Republic of China, Turkey, and the United States. Occupational exposure limit values of 2,332 substances are listed in the Substance Database. South Africa is the first African country to be included in this database. The GESTIS Substance Database is maintained by the Institut für Arbeitsschutz der Deutschen Gesetzlichen Unfallversicherung (IFA, Institute for Occupational Safety and Health of the German Social Accident Insurance).

The Department invites stakeholders to access the GESTIS Substance Database at: <https://www.dguv.de/ifa/gestis/gestis-stoffdatenbank/index-2.jsp>

Yours sincerely,

Mr P Maphaha

Acting Chief Inspector: OHS

Date: 15/08/2022

COP: EM in HL



STAATSKOERANT, 19 AUGUSTUS 2022

No. 46750 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

Department of Employment and Labour

NO. 2398

19 August 2022

National Code of Practice for Electrical Machinery in Hazardous Locations

Regulatory requirements for explosion-protected apparatus

DRAFT NIHLR

STAATSKOERANT, 21 OKTOBER 2022

No. 47337 75

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 2666

21 October 2022

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 DRAFT NOISE-INDUCED HEARING LOSS REGULATIONS, 2022

INVITATION OF PUBLIC COMMENTS ON DRAFT NOISE-INDUCED HEARING LOSS
REGULATIONS

DRAFT PAR

30 No. 47337

GOVERNMENT GAZETTE, 21 OCTOBER 2022

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 2665

21 October 2022

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 DRAFT PHYSICAL AGENTS REGULATIONS, 2022

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and Labour hereby, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, made the draft regulations in the Schedule.

Don't confuse HCA with draft PAR



STAATSKOERANT, 29 MAART 2021

No. 44348 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 280

29 March 2021

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

REGULATIONS FOR HAZARDOUS CHEMICAL AGENTS, 2021

"hazardous chemical agent" or "HCA" means a GHS-aligned chemical agent as provided for in Annexure 1;

"safety data sheet" or "SDS" means a document that is aligned to the GHS, providing information on hazard classification, properties of hazardous chemicals, procedures for handling or working with hazardous chemicals in a safe manner, and the effects of hazardous chemicals on health and safety at the workplace, and that is prepared in accordance with regulation 14A:

HBA Amendment

6 No. 47413

GOVERNMENT GAZETTE, 31 OCTOBER 2022

Department of Employment and Labour

NO. R. 2693

31 October 2022

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

I, **THEMBELANI WALTERMADE NXESI**, the Minister of Employment and Labour hereby, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), made the following amendments to the Regulations for Hazardous Biological Agents as published in Notice No. 46051, in Gazette No. 11406, published on 16 March 2022 as follows:

MHI REGULATIONS

STAATSKOERANT, 31 JANUARIE 2023

No. 47970 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 2989

31 January 2023

OCCUPATIONAL HEALTH AND SAFETY ACT (ACT No. 85 OF 1993), as amended

PROMULGATION OF MAJOR HAZARD INSTALLATION REGULATIONS, 2022

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, hereto, after consultation with the Advisory Council of Occupational Health and Safety, promulgates the new regulation relating to Major Hazard Installations; in terms of section 43(1)(c) of the Occupational Health and Safety Act, 1993 (Act no. 85 of 1993).

Under Review

Under Review – Technical Committees [TC]

- General Machinery Regulations
- Regulation Concerning the Certificate of Competency
- Explosives Regulations/Radio Frequency
- Construction Regulations
- Occupational Health and Safety Amendment Bill

Legislation Review

- Present to ACOHS
- ACOHS – Advisory Council for Occupational Health and Safety
- Section 3 of the OHSA
- Advise the Minister [Section 3(1)(a)]
- ACOHS will give permission to review or amend
- Approve the Technical Committee



Technical Committees



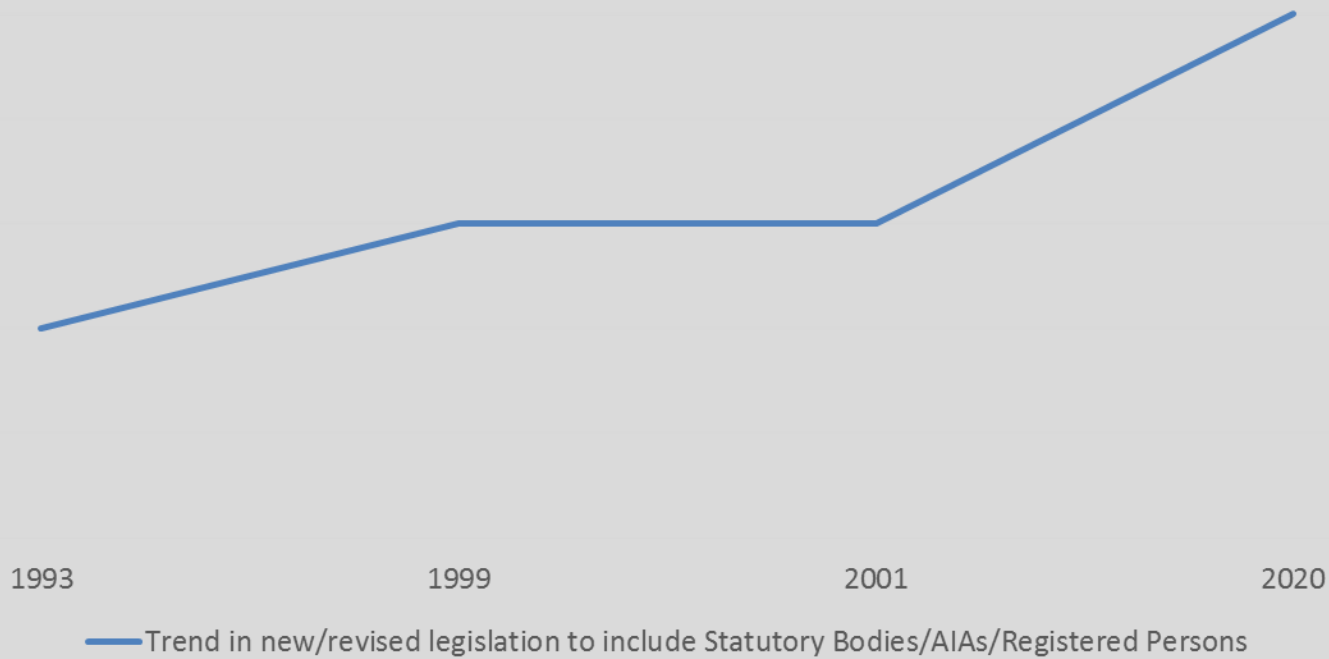
Construction health and safety technical committee

31. (1) The chief inspector must establish a construction health and safety technical committee which must consist of—

- (a) a person who is to be the chairperson;
- (b) two persons designated by the Chief Inspector from the employees of the Department of Labour;
- (c) two persons to represent the Department of Public Works, one each designated by the Built Environmental Council and the Construction Industry Development Board;
- (d) one person to represent Higher Education in the field of construction and related studies designated by the Director General of the Department of Higher Education;
- (e) one person designated by the South African Property Owners Association;
- (f) two persons designated by employer's organizations to represent employers who are directly involved in the construction industry;
- (g) two persons designated by employees organizations to represent the unions who are directly involved in the construction industry;

Shift in Legislation

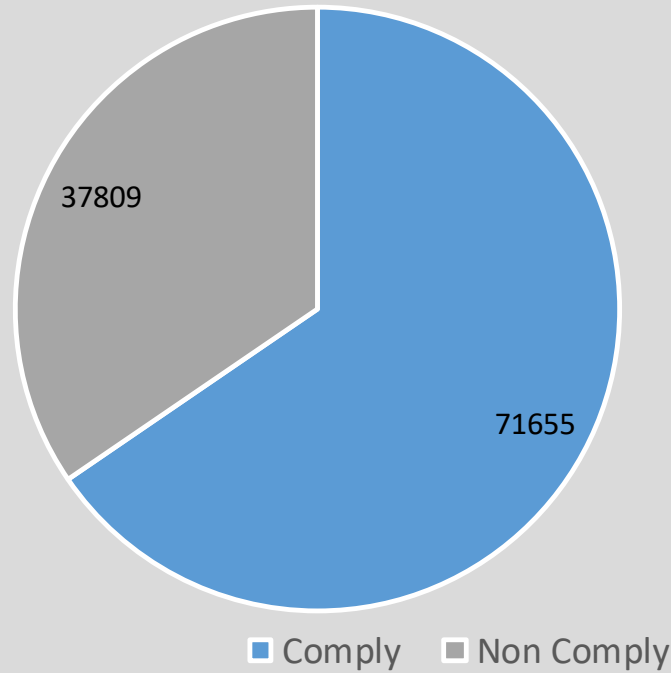
Trend in new/revised legislation to include Statutory Bodies/AIAs/Registered Persons



OHSA INSPECTIONS : 2022/2023 – 109 464



Compliance Levels

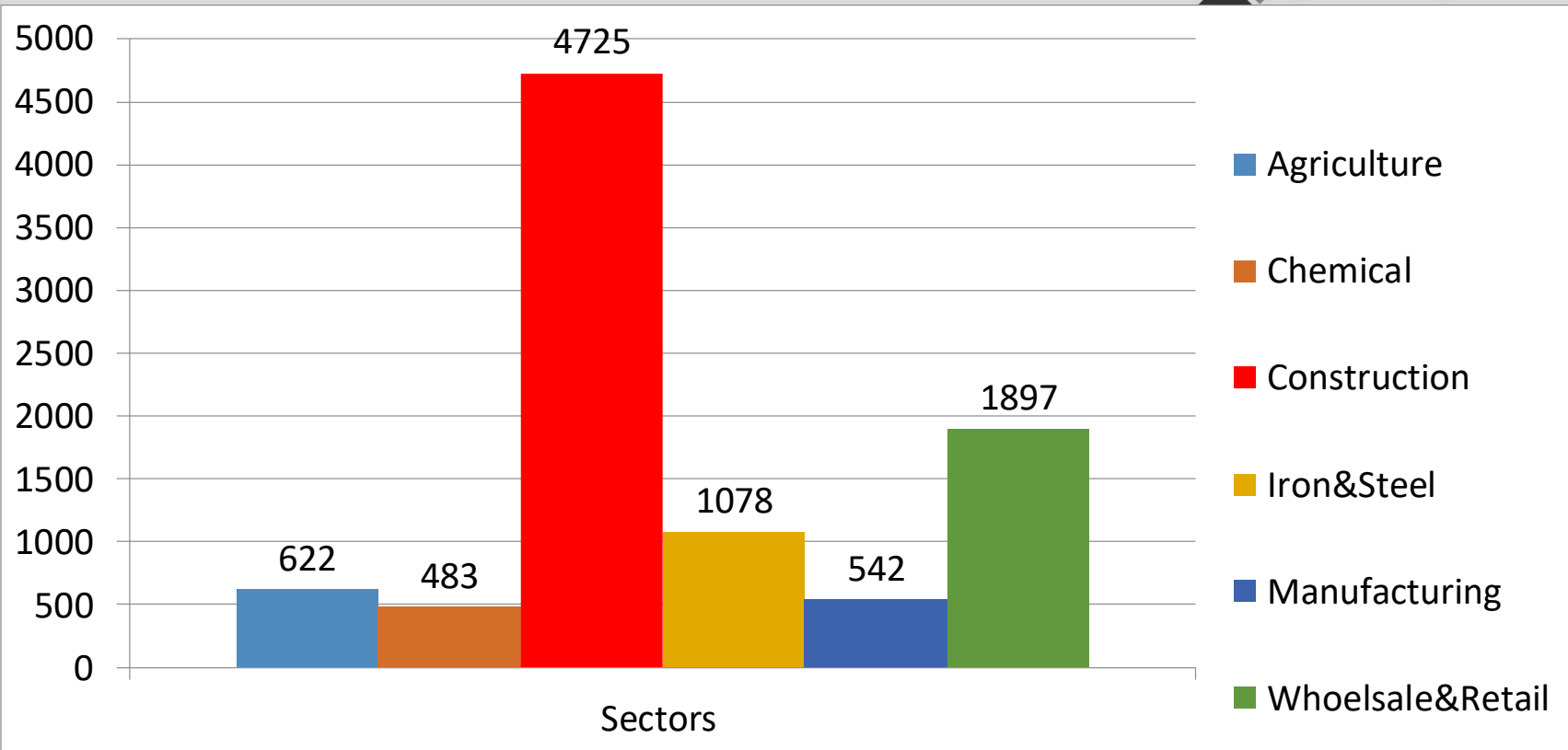


Non-Comply

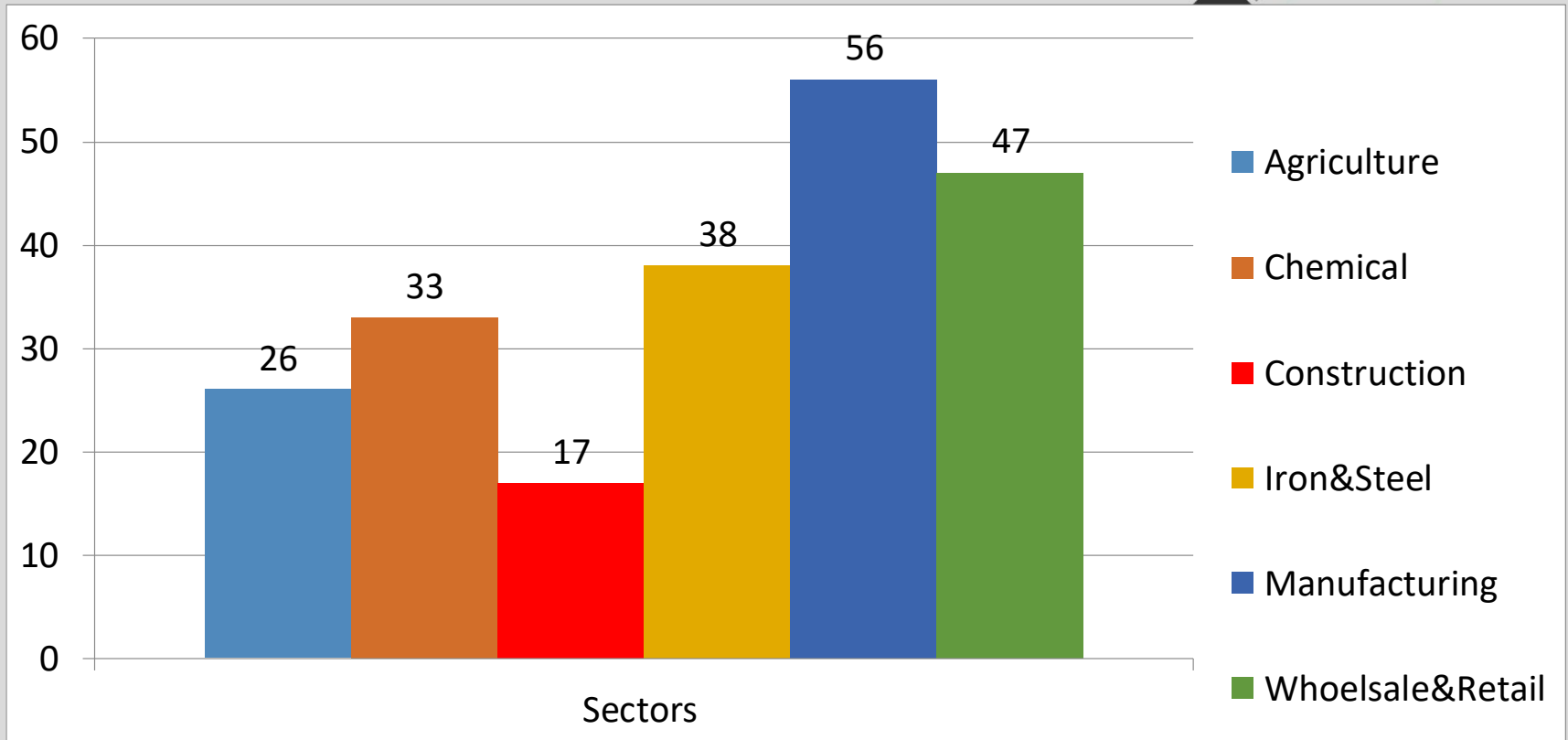
- Immediate Prosecution or;
- Timeframe then; [Extension]
- Follow up [Comply; refer for prosecution]
- Submitted to Advocacy and Statutory Services
Unit responsible for Inspection and
Enforcement Services referrals
- 6138 cases referred for prosecution in
2022/2023



Construction Blitz within the month - 9347

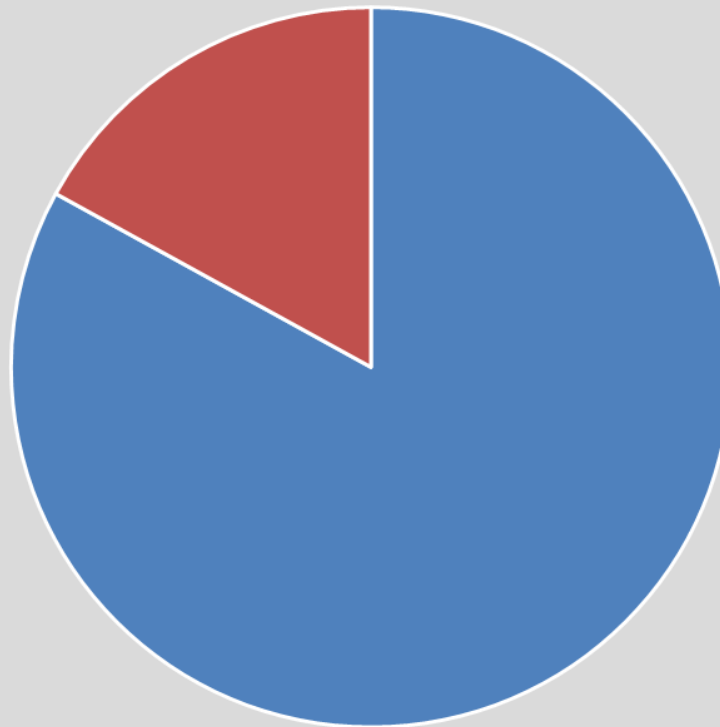


Non Compliance in %



17% = 803 Employers

Compliance Levels



■ Comply ■ Notices

Construction Life Cycle

SACPCMP	SACAP	SACLAP	SACQSP	ECSA	SACPVP
PrCM/PrCPM/ PrCHSA/ CHSM/CHSO	Architects	Landscape Architects	Quantity Surveyors	Engineers	Property Valuers

- Stage 1 – Project Initiation and Briefing
- Stage 2 – Concept and Feasibility
- Stage 3 – Design Development
- Stage 4 – Tender Documentation and Procurement
- Stage 5 – Construction Documentation and Management
- Stage 6 – Project Close – Out

DPW-CBE-SACPCMP

STAATSKOERANT, 20 SEPTEMBER 2019

No. 42712 33

DEPARTMENT OF PUBLIC WORKS

NO. 1181

20 SEPTEMBER 2019



**THE SCOPE OF WORK FOR CATEGORIES OF
REGISTRATION OF THE PROJECT AND
CONSTRUCTION MANAGEMENT PROFESSIONS**

Stage 1



5.1 Scope of services performed by the Project and Construction Management Professionals

Stages of Project Work	Professional Construction Manager	Professional Construction Project Manager	Professional Construction Health and Safety Agent	Construction Health and Safety Manager	Construction Health and Safety Officer	Construction Mentor
1. Project Initiation and Briefing	N/A	1.1 Facilitate development of a clear project brief. 1.2 Establish the procurement policy for the project. 1.3 Assist the	1.1 Demonstrate the Construction Health and Safety Agent competency and resource. 1.2 Assist in developing a clear construction	N/A	N/A	N/A

Stage 2



Stages of Project Work	Professional Construction Manager	Professional Construction Project Manager	Professional Construction Health and Safety Agent	Construction Health and Safety Manager	Construction Health and Safety Officer	Construction Mentor
2. Concept and Feasibility	N/A	2.1 Assist the client in procurement of the other consultants. 2.2 Advise the client on the	2.1 Agree the documentation programme with the principal consultant and other consultants.	N/A	N/A	N/A

Stage 3



Stages of Project Work	Professional Construction Manager	Professional Construction Project Manager	Professional Construction Health and Safety Agent	Construction Health and Safety Manager	Construction Health and Safety Officer	Construction Mentor
3. Design Development	N/A	3.1 Agree and implement communication processes and procedures for the design development of the project. 3.2 Assist the client in the	3.1 Review the documentation programme with the principal consultant and the other consultants. 3.2 Attend design and consultants meetings.	N/A	N/A	N/A

Stage 4

Stages of Project Work	Professional Construction Manager	Professional Construction Project Manager	Professional Construction Health and Safety Agent	Construction Health and Safety Manager	Construction Health and Safety Officer	Construction Mentor
4. Tender Documentation and Procurement	<p>4.1 Review and confirm the Construction Strategy and method for submission of the Tender.</p> <p>4.2 Prepare the Construction Management Organogram and obtain commitment</p>	<p>4.1 Recommend and agree procurement strategy for contractors, subcontractors and suppliers with the client and the other consultants.</p> <p>4.2 Prepare and agree the procurement programme.</p>	<p>4.1 Attend design and consultants meetings.</p> <p>4.2 Assist in developing a clear construction project health and safety procurement process.</p> <p>4.3 Finalise construction project tender health and</p>	<p>4.1 Attend and participate in tender clarification meetings.</p> <p>4.2 Review the documentation programme with the client's principal consultant/agent</p> <p>4.3 Finalise</p>	<p>4.1 Attend site tender clarification meetings with contractors.</p> <p>4.2 Assist in the preparation of project specific health and safety documentation for distribution to contractors for inclusion into their</p>	<p>4.1 Assist the Contractor to plan, price, estimate and submit tender proposals.</p> <p>4.2 Review tender documentation together with Contractor to establish any cost effective</p>

Stage 5



Stages of Project Work	Professional Construction Manager	Professional Construction Project Manager	Professional Construction Health and Safety Agent	Construction Health and Safety Manager	Construction Health and Safety Officer	Construction Mentor
5. Construction Documentation & Management	5.1 Manage the preparation and agreement of the Health and Safety Plan with the Client's Health and Safety Consultants and subcontractors.	5.1 Arrange site handover to the contractor. 5.2 Establish the construction documentation issue process. 5.3 Agree and monitor issue and distribution of construction	5.1 Assess, discuss, negotiate and approve the contractor(s) construction project health and safety plans. 5.2 Submit necessary construction health and safety	5.1 Attend the site handover meeting and clarification of project specific requirements. 5.2 Facilitate and coordinate the preparation of a site specific construction	5.1 Assist with the preparation of a construction health and safety plan. 5.2 Confirm necessary documentation was submitted to the relevant authorities.	5.1 Facilitate the preparation, agreement, documentation and the management of compliance of the Health and Safety Plan with the Client's Health and Safety

CR 3(1) Exemption

A client who intends to have construction work carried out, must at least 30 days before that work is to be carried out apply to the provincial director in writing for a construction work permit to perform construction work if the intended construction work **starts from the 7th August 2018** and will -

1. exceed 365 days and will involve more than 3600 person days of construction work; or
2. the tender value limit is grade 7, 8 or 9 of the Construction Industry Development Board (CIDB) grading.

Government Notice 641 of 24 July 2015 is hereby repealed.



Tibor Szana

Chief Inspector

INSPECTION AND ENFORCEMENT SERVICES
PRIVATE BAG X117
2018 -07- 2 6
PRETORIA 0001
Chief Inspector: Occupational Health & Safety

DPW - CIDB

STAATSKOERANT, 5 JULIE 2019

No. 42561 55

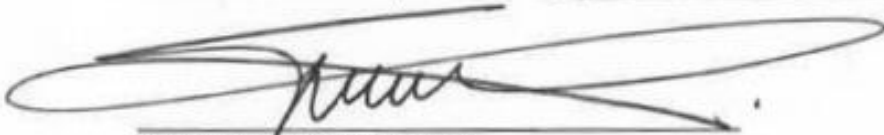
DEPARTMENT OF PUBLIC WORKS

NOTICE 357 OF 2019

TENDER VALUE RANGE ADJUSTMENTS IN TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT REGULATIONS, 2004 (AS AMENDED)

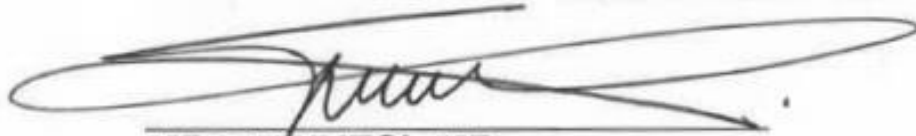
I, Thembelani Waltermade Nxesi MP, Minister of Public Works, acting under regulation 17(A) of the Construction Industry Development Regulations, 2004, as amended, and after consultation with the Construction Industry Development Board hereby determine and adjust the range of tender values for purposes of determining the values of contracts that contractors are considered capable of undertaking and a method for the calculation of the range of tender values as proposed in the Schedule below.

Given under my hand at Pretoria on the 23rd day of May 2019.



**MR TW NXESI, MP
MINISTER OF PUBLIC WORKS**

Grading Adjustments



**MR TW NXESI, MP
MINISTER OF PUBLIC WORKS**

SCHEDULE

1. Tender Value Range Adjustments


The tender value range adjustments set out in Table 8 of Regulation 17 is hereby amended and adjusted as set out in Table 1 below:

Table 1: Tender Value Range Adjustments (TVR)

Grade	Current (TVR)	Proposed Adjustment (TVR)
1	200 000	500 000
2	650 000	1 000 000
3	2 000 000	3 000 000
4	4 000 000	6 000 000
5	6 500 000	10 000 000
6	13 000 000	20 000 000
7	40 000 000	60 000 000
8	130 000 000	200 000 000
9	No Limit	N/A

Construction Work Permit Applications

A decorative graphic in the top right corner consists of several overlapping diamond shapes. The top-left diamond shows a construction worker in a hard hat. The top-right diamond shows a yellow excavator at a construction site. The bottom diamond shows two hands shaking in a business agreement. The diamonds are outlined in green and grey.

- must be submitted the client
 - registered health and safety agent*
 - baseline risk assessment
 - health and safety specifications
 - designer's report
 - Principal Contractor's Health and Safety Plan
 - other relevant documents
- 
- A decorative graphic in the bottom left corner features several overlapping white and green geometric shapes, including squares and triangles, arranged in a pattern.

Notification of Construction Work

A decorative graphic in the top right corner consists of several overlapping diamond shapes. The diamonds are filled with images related to construction: a worker in a hard hat, a yellow excavator, and hands shaking. The diamonds are outlined in green and grey.

Annexure 2

- include excavation work
- include working at a height where there is a risk of falling
- include demolition of a structure
- include the use of explosives to perform construction work

NB> Annexure 1 – Permit Application

A decorative graphic in the bottom right corner consists of several overlapping diamond shapes. The diamonds are filled with green and white colors, creating a geometric pattern.

CR 5 – Duties of the Client

LEGISLATION	REQUIREMENTS
CR 5(1)(a)	Baseline Risk Assessment [broad based, SANS 31000]
CR 5(1)(b)	H&S Specifications
CR 5(1)(c)	Client to provide designer with the H&S Specs
CR 5(1)(d)	Client to ensure designer takes H&S Specs into consideration
CR 5(1)(e)	Ensure designer carried out responsibilities as per CR6
CR 5(1)(f)	Include H&S Specs in the tender documentation
CR 5(1)(g)	Ensure potential PC's make provision for H&S
CR 5(1)(h)	Ensure PC has necessary competencies [CR 7(1)(c)(iii) mirror resp]
CR 5(1)(i)	Ensure co-operation between all Contractors appointed by the client
CR 5(1)(j)	Ensure all PC's are registered with CC
CR 5(1)(k)	Appoint every PC in writing
CR 5(1)(l)	Approve PC's H&S Plan
CR 5(1)(m)	Ensure PC's H&S Plan is available

CR 5 – Duties of the Client

LEGISLATION	REQUIREMENTS
CR 5(1)(n)	Ensure each PC's H&S Plan is implemented and maintained
CR 5(1)(o)	Periodic Audits are done every 30 days
CR 5(1)(p)	Ensure audit report submitted to PC within 7 days
CR 5(1)(q)	Stop any contractor deviating from H&S Specs and H&S Plan
CR 5(1)(r)	During design changes ensure sufficient H&S info and resources avail <small>[CR 9(7)(a)]</small>
CR 5(1)(s)	Ensure H&S File is kept and maintained by the PC
CR 5(2)	Design change error due to Client , ensure sufficient... <small>[CR 9(7)(a)]</small>
CR 5(3)	Ensure incidents are reported
CR 5(4)	Ensure co-operation bet PC and Contractors
CR 5(5)	Annexure 1 – Appointment of Agent
CR 5(6)	Annexure 2 – Appointment of Agent
CR 5(7)(a)/(b)	Agent to manage, be registered with Statutory Body
CR 5(8)	CI duties

Duties of Designer under the Construction Regulations 6 (1)(a-j)

CR 6 : client/designer

- (a) applicable standards obligation
- (b) take into consideration, clients H&S specs
- (c) tender: H&S info; geotechnical aspects, loading on structure
- (d) inform the client in writing
- (e) refrain from dangerous procedures
- (f) maintenance of design considerations
- (g) carry out inspections**
- (h) stop any contractor
- (i) completion certificate
- (j) ergonomic design principles

CR 7 – Duties of the Contractor

LEGISLATION	REQUIREMENTS
CR 7(1)(a)	Health and Safety Plan
CR 7(1)(b)	Health and Safety File
CR 7(1)(c)	Appointing other Contractors – tenders, competent person, log, medicals
CR 7(1)(d)	Health and Safety Plan must be readily available
CR 7(1)(e)	Hand over a consolidated health and safety file to client on completion
CR 7(1)(f)	List of all contractors, agreements, type of work must be in the file
CR 7(1)(g)	All employees have a valid medical certificate of fitness
CR 7(2) –(8)	Duties imposed on PC by client applies to PC and Contractor

CR 8 – Management and Supervision of Construction Work

LEGISLATION	REQUIREMENTS
CR 8 (1)	Construction Manager
CR 8 (5)	Construction Health and Safety Officer
CR 8 (7)	Construction Supervisor

CR 9 – Risk Assessment

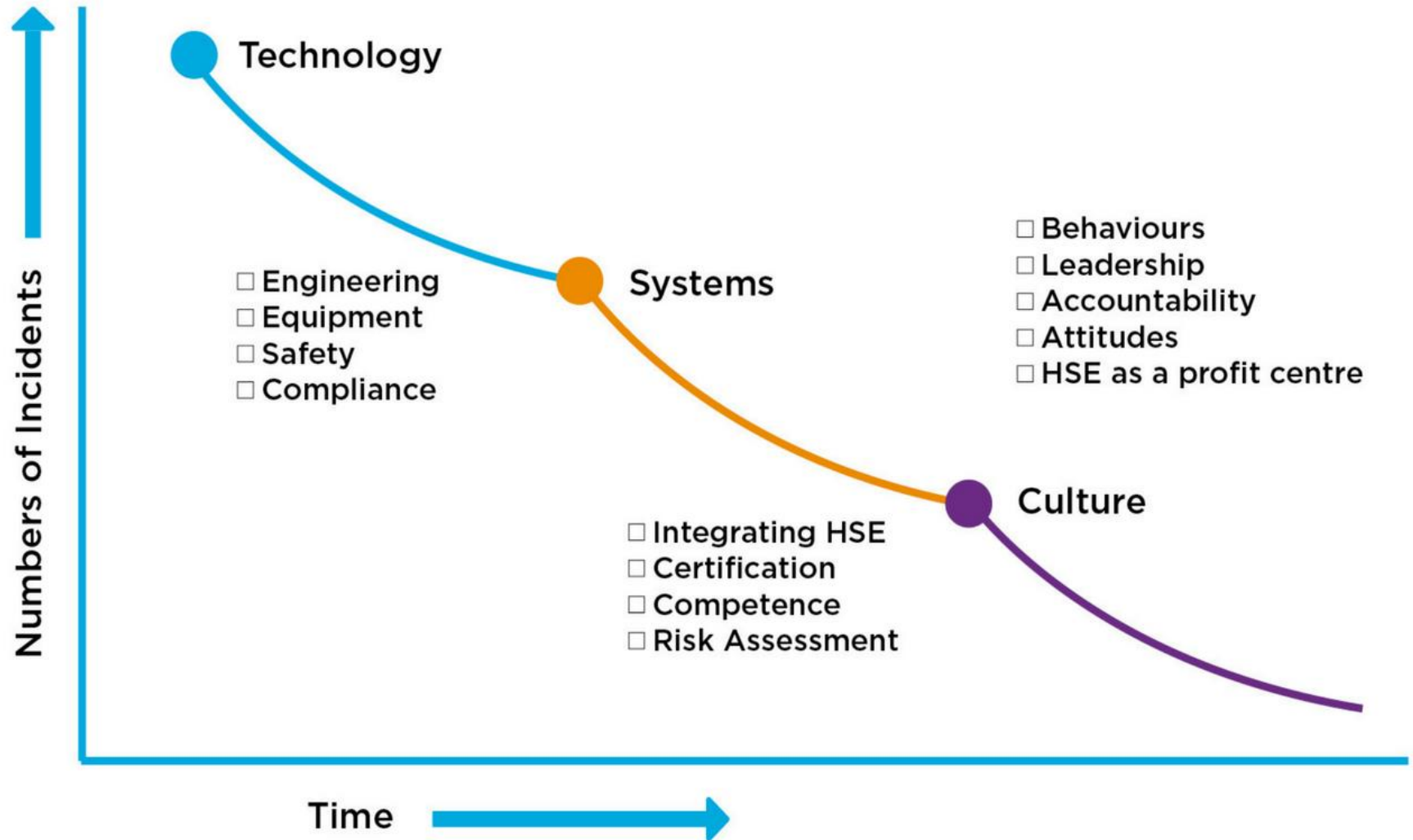
LEGISLATION	REQUIREMENTS
CR 9(1)	Risk Assessment
CR 9(3)	Employees are trained
CR 9(4)	Contractors are trained

Overview



Client	Designer	Principal Contractor
<p>Section 8 Section 9 Section 13</p> <ul style="list-style-type: none">• MHI Regulations• Driven Machinery Regulations• Electrical Installation Reg• Electrical Machinery Reg• Environmental Reg• Facilities Reg• General Safety Reg• Pressure Equipment Regulations <p>Inspections</p>	<ul style="list-style-type: none">• applicable standards obligation• take into consideration, clients H&S specs• tender: H&S info; geotechnical aspects, loading on structure• inform the client in writing• refrain from dangerous procedures• maintenance of design considerations• carry out inspections• stop any contractor• completion certificate• ergonomic design principles	<p>Section 8 Section 9 Section 13 H&S Plan CR 8.1 CR 8.2 CR 8.5 CR 8.7 CR 9</p> <p>Inspections</p> <p>Then for Excavation alone: CR 13 (a) CR 13 2(g) – wayleave</p>

Conclusion



Thank You



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA