

DEPARTMENT OF EMPLOYMENT AND LABOUR

**“ OHS : Prepare and Prevent
instead of repair and repent”**

June 2023



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



Table of Contents

- DEL Mandate
 - The Constitutional Mandate of the DEL
 - The Policy Mandate of the DEL
- Mission, Vision and Values
- Status Quo in Occupational Health and Safety
- Strategic Goals and Objectives
 - Goal
 - Strategic Objectives
 - Strategic Result Areas
- Implementation Plan
- Monitoring and Evaluation

DEL: VISION, MISSION AND VALUES

The Department of Employment and Labour strives for a **labour market which is conducive** to investment, economic growth, employment creation and **decent work**.

Mission

Promote employment and regulate the South African labour market for sustainable economic growth through:

- Appropriate legislation and regulations
- Inspection and enforcement
- Protection of worker rights
- Provision of employment services
- Promoting equity
- Provision of social protection
- Promote social dialogue

Values

We shall at all times be exemplary in all respect
We treat employees with care, dignity and respect

We respect and promote:

- Client centred services
- Accountability
- Integrity and ethical behaviour
- Learning and development

We live the Batho Pele Principles

We live the principles of the Department's Service Charter

We inculcate these values through our performance management system


THE CONSTITUTIONAL MANDATE OF THE DEL: OHS


The South African Constitution indicates that :

- ❑ “Everyone has the **right to an environment that is not harmful to their health or wellbeing;**” and
- ❑ “The state must take **reasonable legislative** and other measures, within its available resources, to achieve the progressive realisation of each of these rights.” further;
- ❑ The objects of the local governments are...to **promote a safe and healthy environment;**”
- ❑ **The Constitution sets a clear demand to ensure a safe and healthy environment for everyone. The purpose of this demand is further clarified in the Occupational Health and Safety Act:**
- ❖ **“To provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery;”**

POLICY MANDATE OF THE DEL

- 
- Improved economic efficiency and productivity.
 - Creation of decent employment.

- 
- Promoting labour standards and fundamental rights at work
 - Enhancing occupational health and safety awareness and compliance in the workplace.

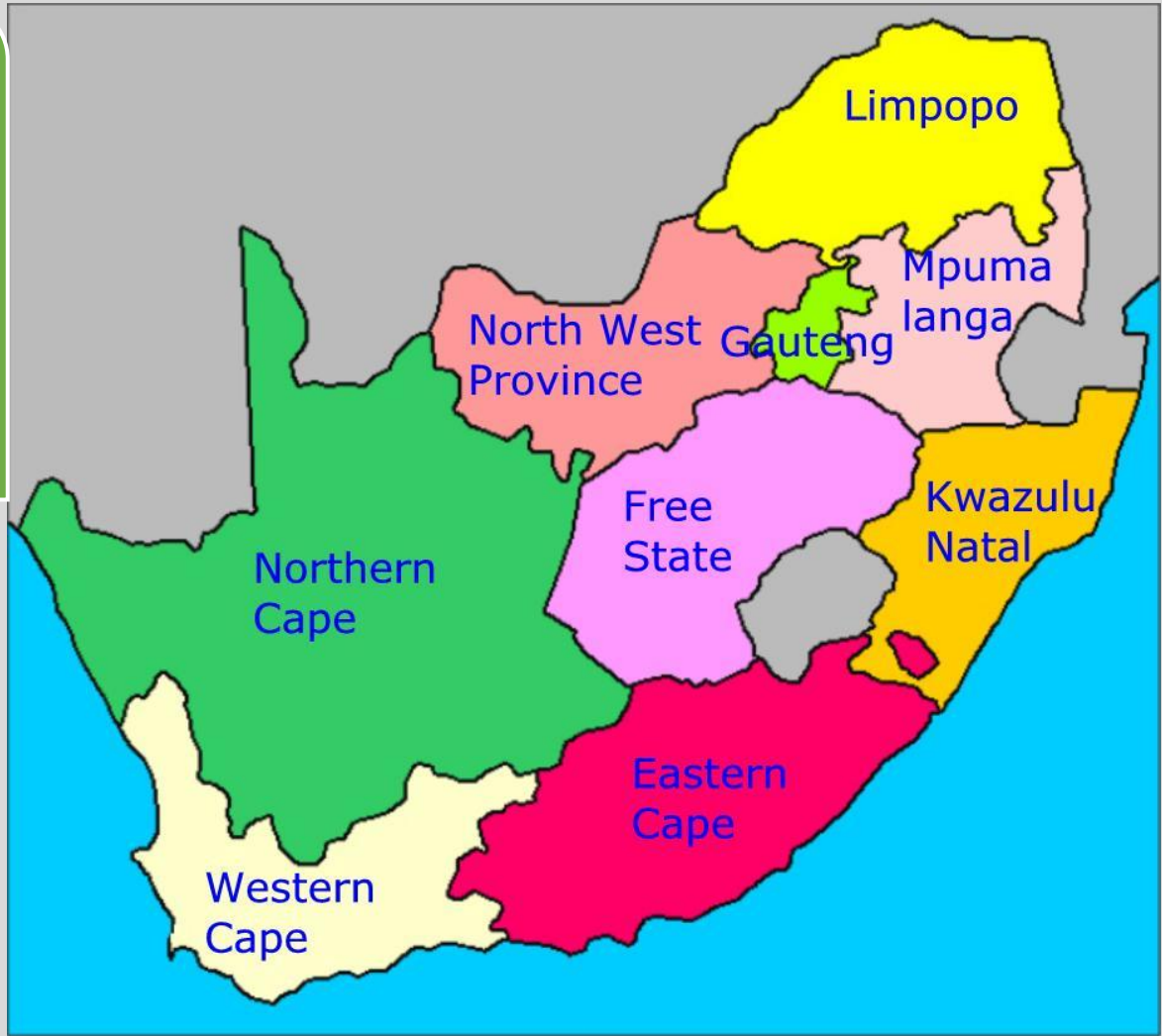
- 
- Give value to social dialogue in the formulation of sound and responsive legislation and policies to attain labour market flexibility for competitiveness of enterprises which is balanced with the promotion of decent employment

Working population

- The population of South Africa is estimated to be approximately 59 million, of which approx. 39 million is of working age.
- The Labour Force Survey (Q1 in 2022) indicates that:
 - 68,3 % (10,2 million) of the labour force are in formal sector employment,
 - 18,9 % (2,8 million) in informal sector,
 - 7,2 % (1,1 million) in private household and
 - 5,7 % (0,8 million) in agriculture.

Provinces

9 PO
125 LC
30 SO
41 TSC
447 VP



650 OHS Inspectors Nationally

KPI 2023/24 FY– IES: OHS



- 1.1 **98 856** employers / workplaces /users inspected per year to determine compliance with OHS act



- 1.2 **95%** of non-compliant employers/ workplaces/users of those inspected served with a notice in terms of OHS Act



- 1.3 **65%** of non-compliant employers/workplaces/users received by Statutory Services referred for prosecution



- 1.4 At least 1 conference and 2 seminars/workshops to be conducted

Service Delivery Indicators - OHS



- **Registration and resolution of labour related complaints**
- Resolve % of legitimate labour related complaints



- **Registration of incidents relating to the OHS act**
- Finalize reported incidents



- **Registration of entities**
- Issue a letter/certificate after the receipt of a valid and complete application

Service Delivery Indicators - IES



OCCUPATIONAL HEALTH & SAFETY

Act 85 of 1993

- **Exemptions on any aspect of the OHSA**
- Issue a certificate of exemption

Appeal against decision of inspectors: Section 35

- Employers may appeal to the Chief Inspector in writing.
- Appeal to be within 60 days of notice or action imposed.
- Matter can end in the Labour Court
- **FOR THIS REASON THE WORDING OF NOTICES IS CRITICAL.**



- **Appeal on decision of an inspector**
- Issue a letter responding to the appeal



- **Registration of GCC examinations**
- Issue a letter to write the GCC examination
- Extend the validity period to write exam on re-application
- Issue a GCC certificate

Status Quo in Occupational Health and Safety

- ❖ Occupational injuries, diseases and fatalities continue to plague our Country. People die frequently from workplace incidents and many succumb due to occupational diseases and further there are thousands of injuries that cause lost time from work
- ❖ The pain and suffering affects thousands of workers each year as well as their families, communities and workplaces
- ❖ In addition, avoidable incidents continue to place a significant burden on our healthcare system
- ❖ Medical Benefits paid

YEAR	NO OF PAYMENTS	AMOUNTS
2020	519 830	R 1 865 406 282
2021	791 580	R 4 077 868 000
2022	703 456	R 2 969 817 000

- ❖ **The total amount of benefits paid to employees and service providers:**
 - ❖ **2022/23 : R 3 206 232 024,67**
- ❖ The magnitude of this social and economic cost provides a clear obligation to renew and redouble our efforts to improve workplace health and safety

Status Quo in Occupational Health and Safety

- The ILO global occupational accident and diseases estimates report annually 3 132 fatal occupational injuries and over four million occupational accidents in South Africa.
- While these are estimates, the difference indicates that the occupational accidents and diseases in SA are underreported.

Motivation for OHS Prevention

A convincing case for change rests in an understanding of three key points

- **First**, Peoples health
- **Second**, the social cost of the status quo is unacceptable, expending efforts and resources to improve the situation has tangible economic and social benefits; and,
- **Third**, there are clear areas in which to drive improvement

Impact of prevention

The benefits of prevention are substantive:

- For **workers**, families and communities, there is continued quality of life, ongoing participation in work, leisure and educational activities, and preservation of income and assets .
- For **organizations and businesses**, prevention benefits include more profitable enterprises, reduced disruption to operations, increased productivity and competitiveness, retention of valued staff, and reduced exposure to economic penalties and levies .
- The **wider population** also has much to gain from having a safer, positive and more productive workforce, and from less demand placed on the health care system .



OHS Strategy 2023-2029

Introduction

- The strategy is based on the outcomes of the status of OHS report.
- The aim is to address the poor or weak prevailing standards of occupational health and safety in South Africa wherever it exists and in so doing, provide a clear plan on the direction to be followed to change the current occupational health and safety landscape.
- This strategy will talk to where the OHS community is going and how to get there.

OHS: VISION, MISSION AND VALUES

Our Vision

OHS strives for a labour market which is conducive for every worker to work in a healthy and safe workplace.

Our Mission

Ensure effective compliance and collaboration to ensure healthier and safer workplaces in South Africa

Our DEL Values

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- Learning and development

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Strategic Goals and Objectives

- Goal : This strategic plan is to promote healthy, safe, productive and quality lives in the public and private sector employment in South Africa.

Strategic Objectives

- 
- Coherent and effective legislation and policy

- 
- Structure, cooperation, capacity, Strengthening and development

- 
- Enforcement and labour inspection

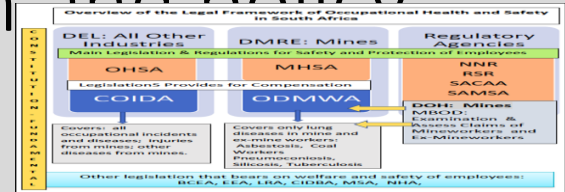
- 
- OHS management system and preventive risk MANAGEMENT at enterprises



PROACTIVE RESEARCH, DATA COLLECTION TO TARGET ACTIVITIES AND INCREASE OHS AWARENESS



Coherent and effective legislation and policy



Review and promulgate the OHS Bill to harmonize with national and international OHS principles to:

- ❖ Increase focus on prevention of injuries and diseases
- ❖ Rights and duties,
- ❖ OHS management systems at work,
- ❖ Social dialogue at work,
- ❖ Reporting of occupational accidents and diseases,
- ❖ Violence and harassment in the workplace,
- ❖ Roles of OHS professionals and implementation of OHS policy at a national level.
- ❖ Improve the legislation on occupational health services,

Review Laws related to OHS overlaps and gaps between government agencies in charge of OHS and re-organize their functions in OHS efficiently

Develop Review regional, national and sectoral policies to minimise and eliminate gaps and conflicts.

Structure, cooperation, capacity, Strengthening and development

- Training programs for employers and employees in various sectors, including SMME's and the informal sector.
- Conduct advocacy programs.
- Establish special projects such as:
 - Implementation of the voluntary protection programme (VPP)
 - Silicosis programme
 - Implementation of SMME toolkits
 - Implementation of Health Wise and other ILO programmes
- Establishment of a national occupational hygiene laboratory

Enforcement and labour inspection

- Encourage self-regulation and OHS management systems at workplaces
- Use of technology to improve efficiencies in the OHS inspectorate
- Research based and Sector specific inspections
- Introduce the provisions in the adopted ILO Recommendation No. 204 into the methodology of the Labour Inspectorate working with the informal
- Provide sufficient capacity and resources for the Labour Inspection to cover SMMEs and self-employed people.
- Promoting of safety culture
- Uphold Vision Zero and OHS good practice
- Improve the caliber of inspectors through a comprehensive capacity development Programme including Professionalisation.

OHS management system and preventive risk Management at enterprises

- Encourage enterprises to establish bi-partite OHS policies, action plans and risk management based on a viable risk assessment system.
- Ensure functioning of the OHS management system at the level of
- Develop accident and incident investigation methodology to identify multi-tier causes and formulate solutions to prevent similar incidents in the future.
- Encourage enterprises to introduce preventive occupational health services, including rehabilitation and back-to-work procedures.
- Develop and improve efficient ways for early detection of occupational and work-related diseases, for prevention of disability, and to improve recording, reporting of occupational accidents and diseases.
- Promote the dissemination of national and international best practices in OHS management systems,

Stakeholders and Beneficiaries

Stakeholders

Government (role player and client/stakeholder)
Employers
Organised business
Organised labour
Educational institutions
Standards organisation
Regional, National and International bodies
Professional bodies
Statutory Institutions
Non-statutory institution

Beneficiaries

Non-unionised employees
Non-associated employers
Self-employed
Workers in informal economy
Entrepreneurs
Users
General public

Implementation Plan

- Covers the implementation of the strategic plan under each of the five (5) strategic result areas requires access to both human and financial resources, a synergy between the various teams and effective collaboration among the relevant parties and role players.
- The implementation plan will be a living document, which provide more details for the first years, whereas actions in the later years will be regularly reviewed given the progress made.

Monitoring and Evaluation

- The main institutions involved in monitoring
 - Department of Employment and Labour (DEL);
 - Working group members of the inter-ministerial co-ordination body;
 - Advisory Council on Safety and Health (ACOHS).
- DEL is responsible for continuously monitoring the implementation of the approved strategic framework and undertaking actions.

OHS : “Prepare and Prevent instead of repair and repent”

Thank You...



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