

NATIONAL DEPARTMENT OF LABOUR INSPECTION AND ENFORCEMENT SERVICES

National Institute for Occupational Health.

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labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA

CHIEF DIRECTORATE : OCCUPATIONAL HEALTH AND SAFETY

DIRECTORATE: CONSTRUCTION, EXPLOSIVES AND MAJOR HAZARD
INSTALLATIONS

Construction Health and Safety



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Labour
REPUBLIC OF SOUTH AFRICA

The presentation.

- 1. Background of the Construction Industry (and statistics)**
- 2. The Construction Regulations Challenges regarding:**
 - 1. Management of Health & Safety in the Construction Sector.**
 - 2. Registration of CHS Professionals – The SACPCMP.**
 - 3. Construction Work Permit (Authorization)**
 - 4. Stakeholders of the Construction Industry (Obligations CR2014)**
 - Clients , Agents (Construction Agents)
 - Designers, Architect, Engineers etc.
 - Contractors
- 3. Construction Technical Team.**

Background of the Construction legislation.

1. Factories Machinery and **Building Works Act 22 of 1941**
2. Machinery and Occupational Safety Act 6 of 1983
3. Occupational Health and Safety Act 85 of 1993
 - Construction Regulation 2003
 - Draft Amended Construction Regulation 2010
 - **Construction Regulation 2014**

Background of the Construction legislation.

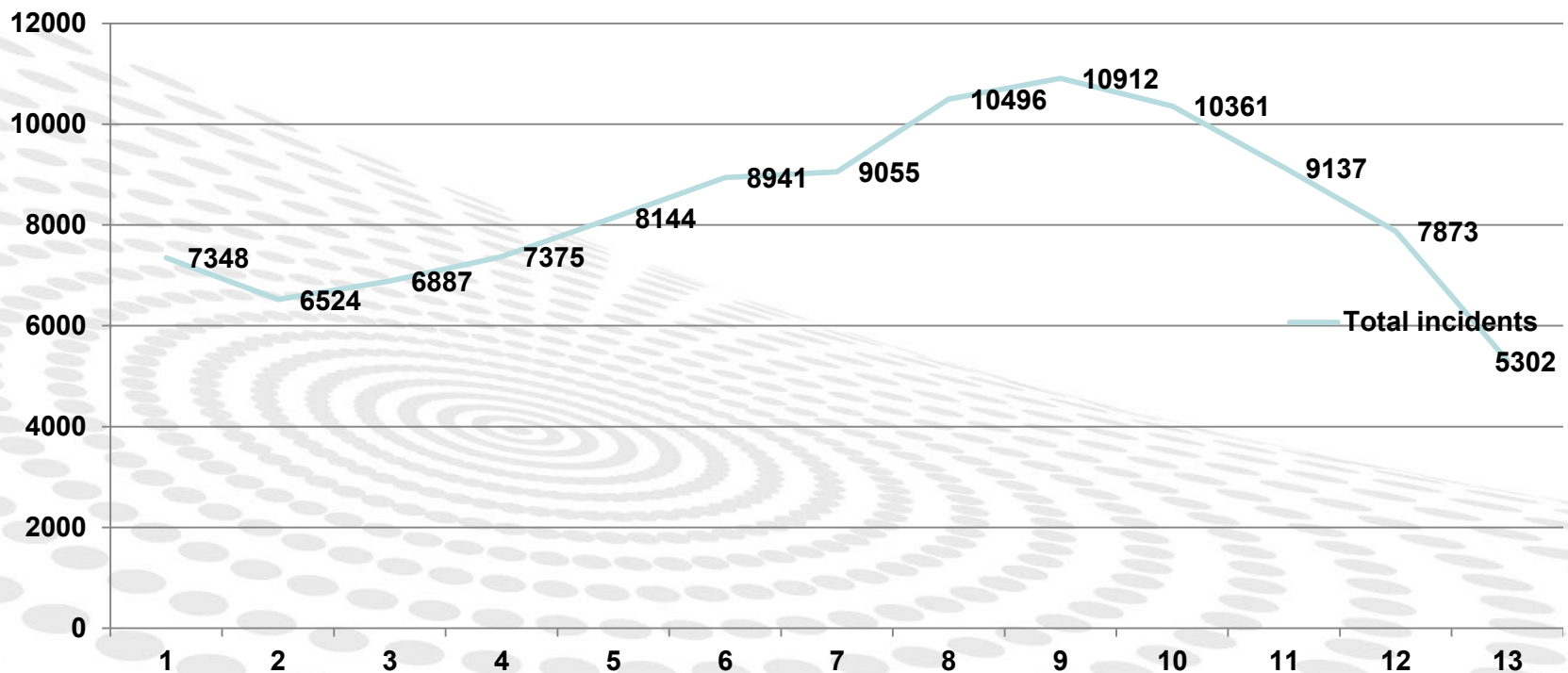
Introduction

- ❑ Construction Industry contributed 12% of the GDP in previous financial year
- ❑ Average of 12 500 Construction sites in the previous financial year (7 500 + 5000)
- ❑ Employs 1.463 million workers by June 2016
- ❑ Responsible for 1.5 to 2.5 of fatalities per week
- ❑ **R490 million** WCC payments made in previous financial year



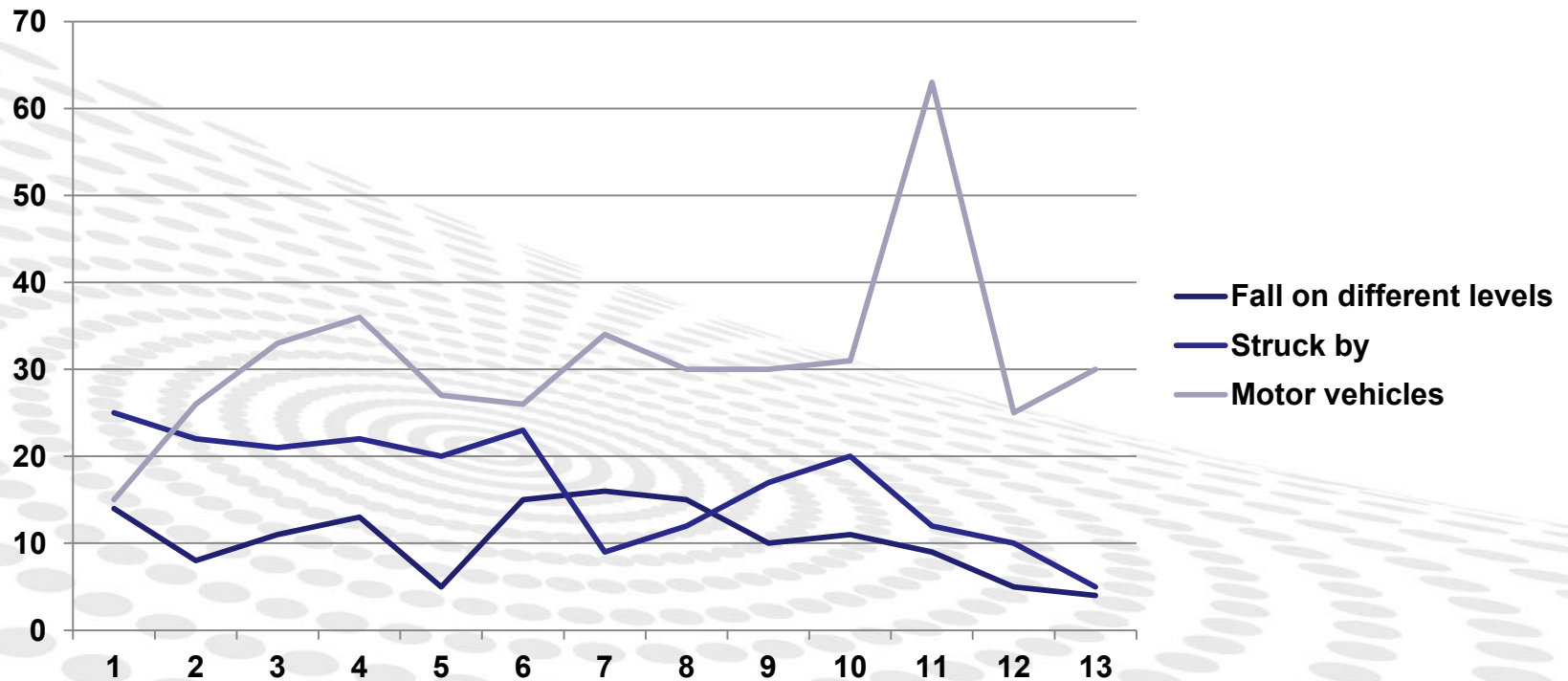
Background of the Construction Industry and Statistics

Total incidents



Background of the Construction Industry and Statistics

- (3 AREAS ACCOUNTING FOR 83% OF INCIDENTS)



CR2014 after 24 Months

H&S Challenges

Challenges of Health & Safety in the Construction Sector.

Evidence from incident investigation conducted indicates: (mostly fatalities and structural collapses)

- ◆ **Lack of competent person** performing Health and Safety in construction work, (design phase, construction phase and handing over)
- ◆ **Lack of management and supervision** of Health and Safety in construction work.

CR2014 after 24 Months

CHS Categories for Registration

The Construction Regulations.

1. **Construction Health and Safety Agent (PrCHSA)**
Registration Rules for Construction Health and Safety Agent (PrCHSA) in Terms of Section 18(1) (c) of the Act, (Act No.48 of 2000), as published on 31 May 2013 in the Government Gazette, Gazette No. 36525, Board Notice 115 of 2013 for commencement 1 June 2013.
2. **Construction Health and Safety Manager (CHSM)**
Registration Rules for Construction Health and Safety Manager (CHSM) in Terms of Section 18(1) (c) of the Act, (Act No.48 of 2000), as published on 31 May 2013 in the Government Gazette, Gazette No. 36525, Board Notice 114 of 2013 for commencement 1 August 2013.
3. **Construction Health and Safety Officer (CHSO)**
Registration Rules for Construction Health and Safety Officer (CHSO) in Terms of Section 18(1) (c) of the Act, (Act No.48 of 2000), as published on 31 May 2013 in the Government Gazette, Gazette No. 36525, Board Notice 113 of 2013 for commencement 1 August 2013

Stake Holders of the Construction Industry

1. **Construction Health and Safety Agent (PrCHSA)**
2. **Construction Health and Safety Manager (CHSM)**
3. **Construction Health and Safety Officer (CHSO)**

CR2014 after 24 Months

CHS Categories for Registration

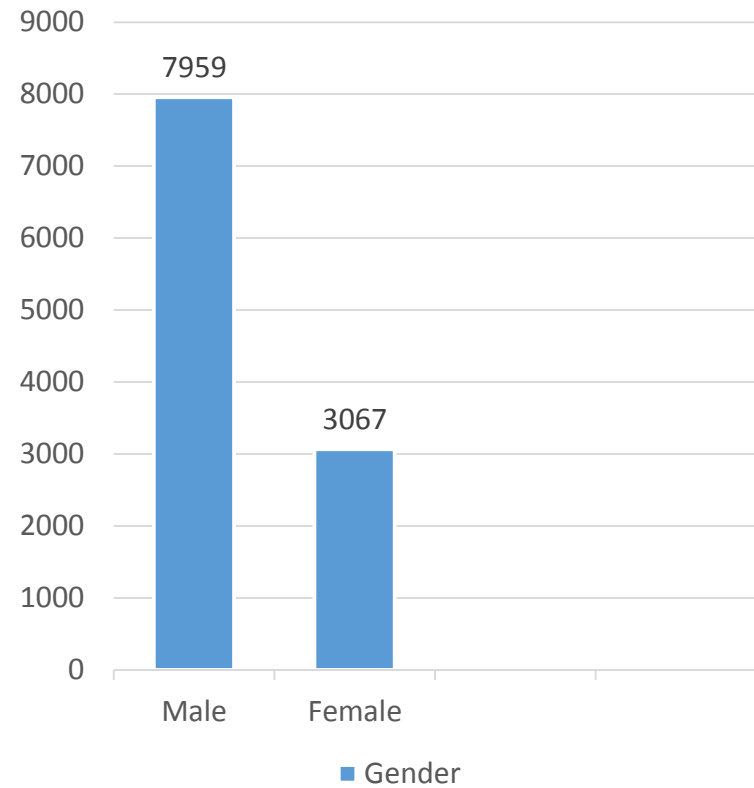
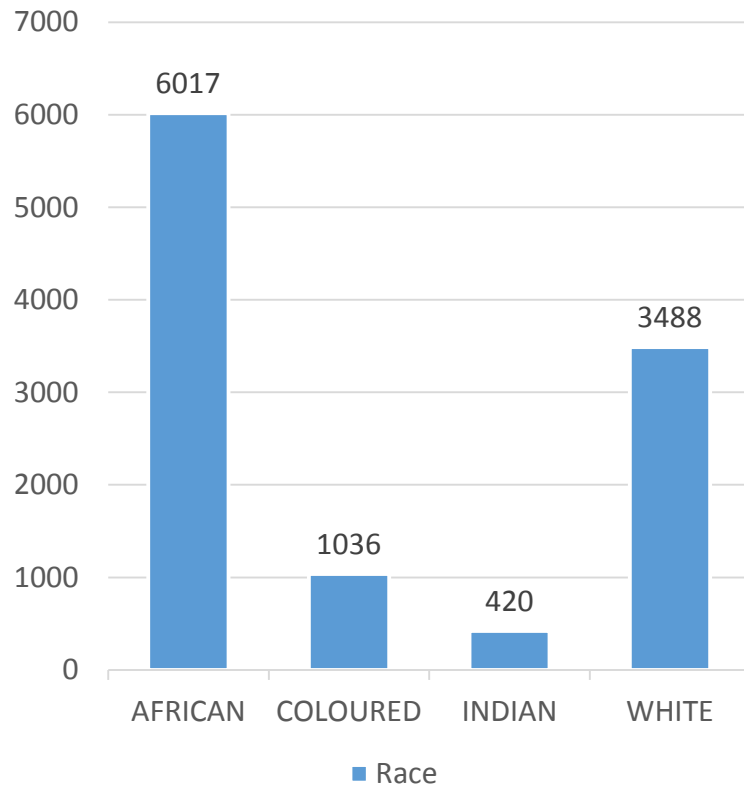
Registration of Health and Safety categories with The South African Council for the Project and Construction Management Professions

1. Clients – Health and Safety Agents **(Mandatory for projects over R130 million)**
2. Contractors – Health and Safety Managers
(Dependent on size and risk based)
3. Contractors – Health and Safety Officers **(Mandatory and as per the risk assessment fulltime/part-time)**

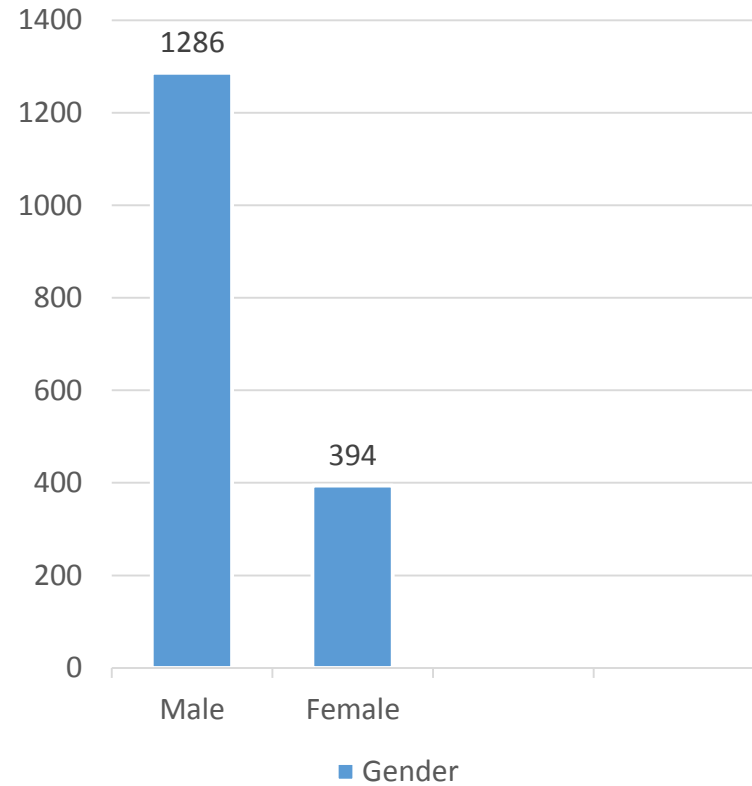
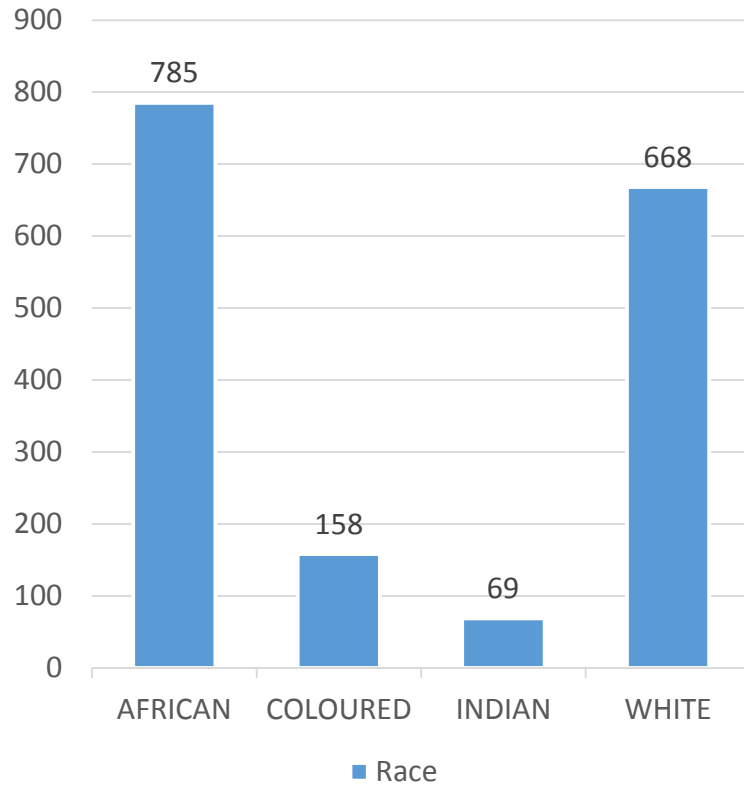
REGISTRATIONS : JUL 2013 – Jan 2017

2013-2014		2015				2016					
		JAN - MAR	APR - JUN	JUL- SEP	OCT - DEC	JAN- MAR	APR- JUN	JUL - SEP	OCT - DEC	JAN	TOTAL
Pr CHSA	16	3	4	3	2	0	4	7	8	12	49
C CHSA	2	6	5	3	4	7	6	11	8	0	49
CHSM	19	15	7	19	29	26	33	74	52	29	283
C CHSM	1	0	1	1	0	2	3	6	7	0	22
CHSO	7	16	13	67	88	133	96	23 2	226	237	916
C CHSO	0	2	3	15	13	34	47	14 5	83	0	361
TOTAL	45	42	33	108	136	202	189	47	384	237	1680

APPLICATIONS : RACE & GENDER



REGISTERED : RACE & GENDER



CR2014 after 24 Months

CHS Categories for Registration

Challenges regarding Registration of Health and Safety categories.

Incompetent persons in the construction health and safety industry

- 1. Experience – (proof in POE)**
- 2. Knowledge – (Demonstrate in a professional interview or exam)**
- 3. Training – (Certificates)**
- 4. Qualification – (Certificate)**

CR2014 after 24 Months Construction Work Permit

Agent. (Construction Health and Safety Agent)

- means a **competent person** who acts as a representative for a client;
- (5) Where a **construction work permit** is required as contemplated in regulation 3(1), **the client must, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative**, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed.

Construction Work Permit

3. (1) 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 will—

- (a) exceed 180 days;
- (b) will involve more than 1800 person days of construction work; or
- (c) the works contract is of a value equal to or exceeding 13 million rand CIDB Grading level 6.

CR2014 after 24 Months Construction Work Permit

Agent. (Construction Health and Safety Agent)

- means a **competent person** who acts as a representative for a client;
- An agent contemplated in subregulations (5) and (6) must—
 - **manage the health and safety on a construction project for the client; and**
 - **be registered with a statutory body approved by the Chief Inspector as qualified to perform the required functions;**

Construction Work Permit

3. (1) 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

The said application must be submitted with the following documents:

1. **Health and Safety specification.**
2. **Health and Safety plan.**
3. **Baseline risk assessment.**

CONSTRUCTION REGULATIONS 2014

Obligations of the Client/Agent

The Construction Regulations.

(1) A client must—

- (a) prepare a **baseline risk assessment** for an intended construction work project;
- (b) prepare a **suitable, sufficiently documented and coherent site specific health and safety specification** for the intended construction work based on the baseline risk assessment contemplated in paragraph (a);
- (c) provide the designer with the health and safety specification contemplated in paragraph (b);

Stake Holders of the Construction Industry

- **The Client.**
- **"client"** means any person for whom construction work is being performed;
- **"agent"** means a competent person who acts as a representative for a client;

CONSTRUCTION REGULATIONS 2014

Obligations of the Client/Agent

The Construction Regulations.

- (d) ensure that the **designer takes the prepared health and safety specification** into consideration during the design stage;
- (e) ensure that the **designer carries out all responsibilities contemplated in regulation 6;**
- (f) **include the health and safety specification in the tender documents;**

Stake Holders of the Construction Industry

- **The Client.**
- **"client"** means any person for whom construction work is being performed;
- **"agent"** means a competent person who acts as a representative for a client;

CONSTRUCTION REGULATIONS 2014

Obligations of the Client/Agent

The Construction Regulations.

(o) ensure that **periodic health and safety audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;**

(p) ensure that a copy of the health and safety audit report contemplated in paragraph (o) is provided to the principal contractor **within seven days** after the audit;

Stake Holders of the Construction Industry

- **The Client.**
- **"client"** means any person for whom construction work is being performed;
- **"agent"** means a competent person who acts as a representative for a client;

CONSTRUCTION REGULATIONS 2014

Obligations of the Designer - **Serious Challenge!**

The Construction Regulations.

(1) The designer of a structure must—

(a) ensure that the applicable safety standards incorporated into these Regulations under section 44 of the Act are complied with in the design;

(b) take into consideration the health and safety specification submitted by the client;

Stake Holders of the Construction Industry

"designer" means—

- (a) a competent person who—
 - (i) prepares a design;
 - (ii) checks and approves a design;
 - (iii) arranges for a person at work under his or her control to prepare a design, including an employee of that person where he or she is the employer; or
 - (iv) designs temporary work, including its components;
- (b) an architect or engineer contributing to, or having overall responsibility for a design;
- (c) a building services engineer designing details for fixed plant;
- (d) a surveyor specifying articles or drawing up specifications;
- (e) a contractor carrying out design work as part of a design and building project; or
- (f) an interior designer, shop-fitter or landscape architect;

CONSTRUCTION REGULATIONS 2014

Obligations of the Designer- **Serious Challenge!**

The Construction Regulations.

(1) The designer of a structure must—

(c) before the contract is put out to tender, make available in a report to the client—

(i) all relevant health and safety information about the design of the relevant structure that may affect the pricing of the construction work;

(ii) the geotechnical-science aspects, where appropriate; and

(iii) the loading that the structure is designed to withstand;

Stake Holders of the Construction Industry

"designer" means—

(a) a competent person who—

(i) prepares a design;

(ii) checks and approves a design;

(iii) arranges for a person at work under his or her control to prepare a design, including an employee of that person where he or she is the employer; or

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(f) an interior designer, shop-fitter or landscape architect;

CONSTRUCTION REGULATIONS 2014

Obligations of the Contractor

The Construction Regulations.

- (1) A principal contractor must—
- (a) **provide and demonstrate to the client a suitable, sufficiently documented and coherent site specific health and safety plan, based on the client's documented health and safety specifications** contemplated in regulation 5(1)(b), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the principal contractor as work progresses;

Stake Holders of the Construction Industry

"**contractor**" means an employer who performs construction work;

"**principal contractor**" means an employer appointed by the client to perform construction work;

CONSTRUCTION REGULATIONS 2014

Obligations of the Contractor

The Construction Regulations.

8. (1) A principal contractor must in writing **appoint one full-time competent person as the construction manager** with the duty of managing all the construction work on a single site, including the duty of ensuring occupational health and safety compliance, and in the absence of the construction manager an alternate must be appointed by the principal contractor.

Management and Supervision of Construction Work

- **Construction manager (16.2) OR 8(1)**
 - **Construction Health and Safety Manager (CHSM)**
- (4) No construction manager appointed under subregulation (1) may manage any construction work on or in any construction site other than the site in respect of which he or she has been appointed.

CONSTRUCTION REGULATIONS 2014

Obligations of the Contractor

The Construction Regulations.

8. (5) A contractor must, after consultation with the client and having considered the size of the project, the degree of danger likely to be encountered or the accumulation of hazards or risks on the site, **appoint a full-time or part-time construction health and safety officer** in writing to assist in the control of all health and safety related aspects on the site: Provided that, where the question arises as to whether a construction health and safety officer is necessary, the decision of an inspector is decisive.

Management and Supervision of Construction Work

- **Construction Health and Safety Officer (CHSO)**
- (6) No contractor may appoint a construction health and safety officer to assist in the control of health and safety related aspects on the site unless he or she is reasonably satisfied that the construction health and safety officer that he or she intends to appoint is registered with a statutory body approved by the Chief Inspector and has necessary competencies and resources to assist the contractor

CONSTRUCTION REGULATIONS 2014

Obligations of the DoL

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 person who is to be the **chairperson**;
 - **two persons** designated by the Director-General of the **Department of Labour** from the employees of that Department;
 - **two persons** to represent the **Department of Public Works**, one each designated by the **Built Environmental Council** and the **Construction Industry Development Board**;
 - **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;
 - **one person** designated by the **South African Property Owners Association**;
 - **two persons** designated by **employer's organizations** to represent employers who are directly involved in the construction industry;
 - **two persons** designated by **employees organizations** to represent the unions who are directly involved in the construction industry;
 - **one person** to represent **consultants who are directly involved in the construction industry**; and
 - **persons who are competent in respect of the matters to be dealt with by the construction health and safety technical committee who have been co-opted by the committee with the authorization of the chief inspector.**

CONSTRUCTION REGULATIONS 2014

Obligations of the DoL

Construction health and safety technical committee

(3) The Construction Health and Safety Technical Committee must—

- (a) advise the chief inspector on construction related codes, standards and training requirements: Provided that any accredited or approved training must be in accordance with South African Qualifications Authority standards;
- (b) designate persons in writing to examine safety systems and safety records of companies who have high incident rates and provide recommendations to the chief inspector of occupational health and safety on the findings;
- (c) make recommendations and submit reports to the chief inspector of occupational health and safety regarding any matter to which these Regulations relate;
- (d) advise the chief inspector of occupational health and safety regarding any matter referred to the Construction Regulations Technical Committee by the chief inspector of occupational health and safety;
- (e) perform any other function for the administration of a provision of these Regulations that may be requested by the chief inspector of occupational health and safety;
- (f) conduct its work in accordance with the instructions and rules of conduct framed by the chief inspector of occupational health and safety; and
- (g) refer appeals against decisions of the Construction Regulations Technical Committee to the chief inspector of occupational health and safety.

Health Regulations applicable in the Construction Industry

- 1. Asbestos Regulations**
- 2. Hazardous Chemical Substances (Chemical Stresses)**
- 3. Hazardous Biological Agents. (Biological Stress)**
- 4. Environmental Regulations for Workplaces (Physical Stresses)**
- 5. Lead Regulations**
- 6. Noise Induced Hearing Loss Regulations**
- 7. General Safety Regulations .**

CONSTRUCTION REGULATIONS 2014

Let us collectively restore the dignity, health and safety of construction workers



CONSTRUCTION REGULATIONS 2014.

Let us collectively restore the dignity, health and safety of construction workers



CONSTRUCTION REGULATIONS 2014

**Let us
collectively
act against
bad
practices at
our
construction
sites.**



CONSTRUCTION REGULATIONS 2014

Government?

Clients?

Business?

Contractors?

Academics?

Professionals?



CONSTRUCTION REGULATIONS 2014.

Government?

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CONSTRUCTION REGULATIONS 2014

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CONSTRUCTION REGULATIONS 2014

- Unsafe acts.
- Scaffolding and formwork and support on the edges of excavation with no shoring and bracing

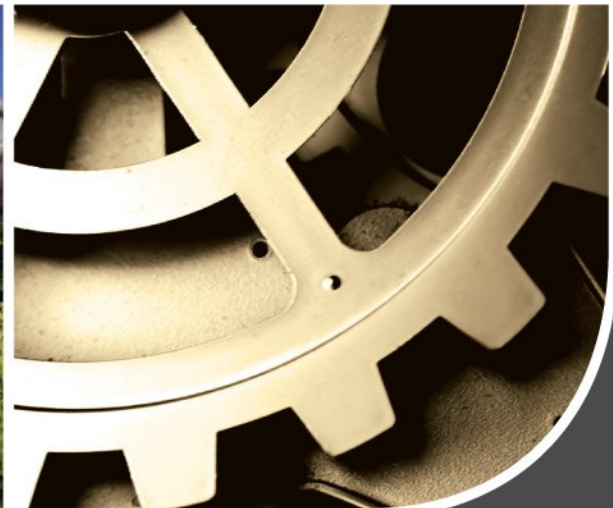


CONSTRUCTION REGULATIONS 2014



THANK YOU.

2015.06.11



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2015
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