



cogta

Department:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

Occupational Health & Safety in Urban Public Workplaces for Workers in the Informal Economy

A Perspective on the Oversight Role of the Department of Cooperative Governance and Traditional Affairs

27 August 2020

Presented by: Yvonne Ofosu-Kwakye

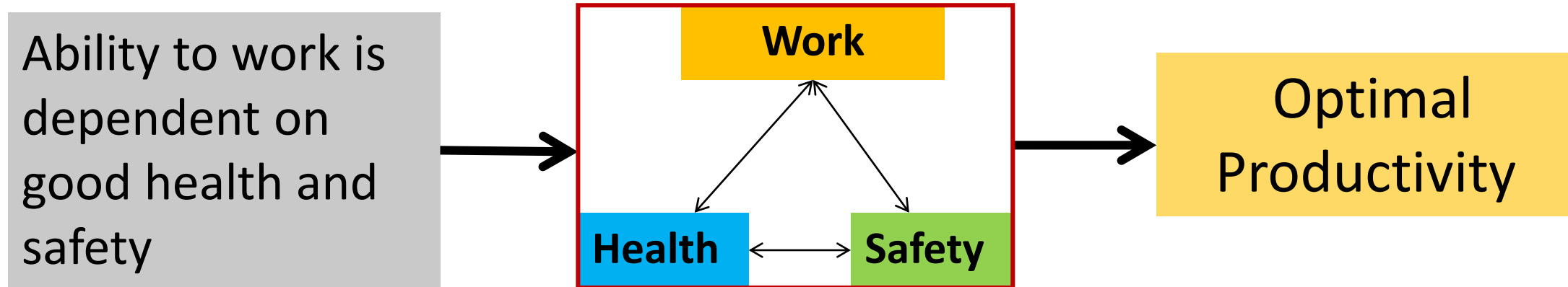
Deputy Director: Urban Regeneration

PRESENTATION OUTLINE

1. Introduction
2. The Legislative / Policy Context of OHS
3. The Mandate of COGTA
4. Health and Safety in Urban Public Places for the Informal Economy
– Who's Responsibility?
5. Role of COGTA in OHS
6. Some Observations
7. Some Concluding Ideas

INTRODUCTION

- Occupational health and Safety has a symbiotic relationship with work



- Urban spaces are spaces of opportunities/productivity but also spaces of hazardous and disease-prone.
- Deals with issues of Social Protection and Human Dignity.

Aspects of OHS for the Workspaces in the Informal Economy

Conducive premises
(Trading stalls, market
buildings, open air
shelters, etc)

Standards

Appropriate
Signage

Health/ Hygiene
requirements

Ablution
Facilities

First Aid /
Training

Safety
requirements

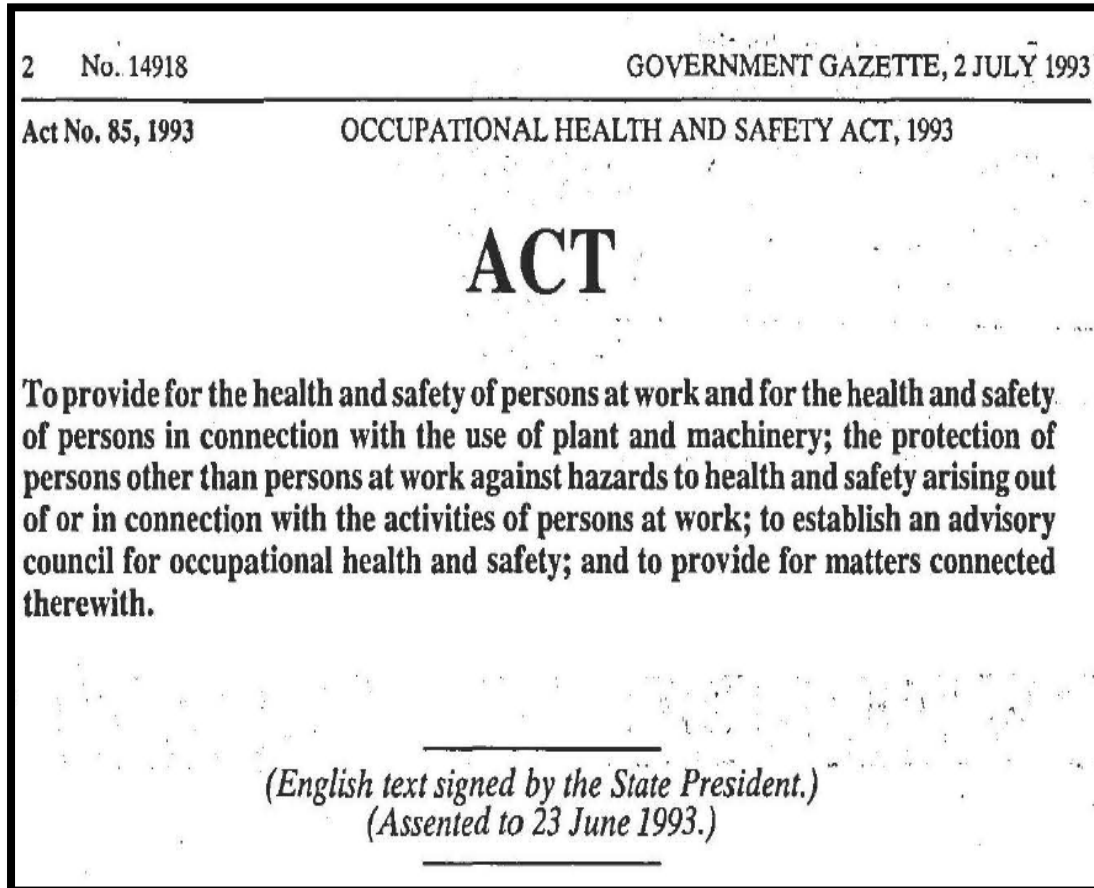
Emergency
Plans

Equipment /
Tools

Legislative and Policy Context

Section 24 of the Constitution:

- ❑ Everyone has the right - (a) to an environment that is not harmful to their health or wellbeing;



OHS of the Informal Economy / Sector is almost absent in current legislation/Policy

Legislative and Policy Context

THE NATIONAL OCCUPATIONAL HEALTH AND SAFETY POLICY



Core Principles

Universal coverage

The prioritisation of prevention and the promotion of a culture of Prevention

Universal application of core rights and duties

Appropriate and fair compensation and rehabilitation benefits

Application of the "polluter pays" principle



Problem of OHS in the informal sector is:

".....the widespread use of non-standard employment and sub-contracting arrangements and the growth of the informal sector have also been linked to increased OHS problems."

A major OHS Challenge

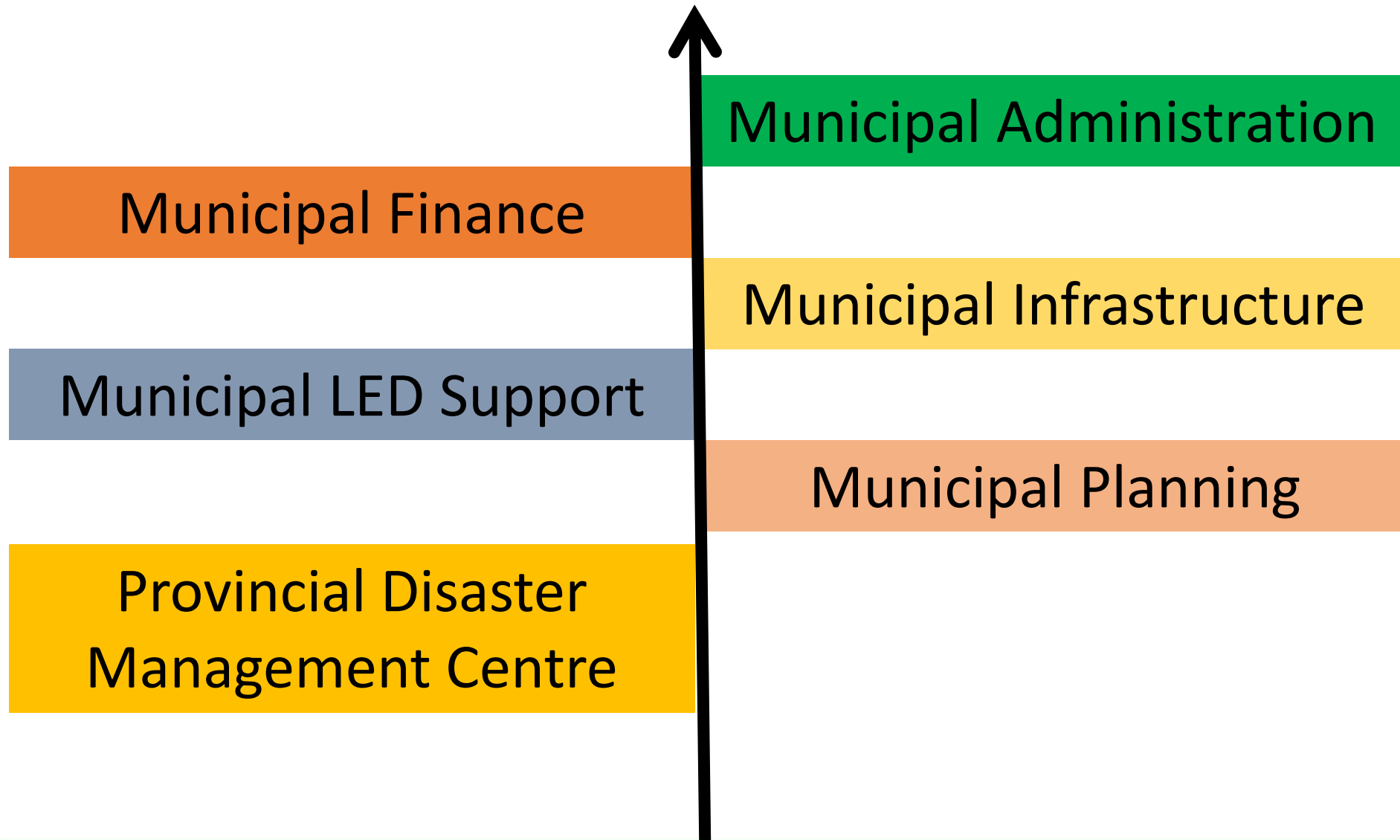
Servicing SMMEs and the informal sector and protecting workers in marginal employment and vulnerable workers;

The Mandate of COGTA

The mandates of the Department of Cooperative Governance and Traditional Affairs are embodied in the following Sections of the Constitution, 1996:

Section 154 determines that provincial governments must provide support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions in accordance with the provisions of section 154(1) and (2)

Section 139 provides for provincial intervention in local government. This intervention in municipalities, includes the issuing of directives, and managing interventions by the Provincial Executive Council in accordance with the provisions of section 139(1) (a), (b) and (c);



Who's Responsibility?

It is a direct responsibility of Local Government to ensure the health and safety of Informal Economy workers

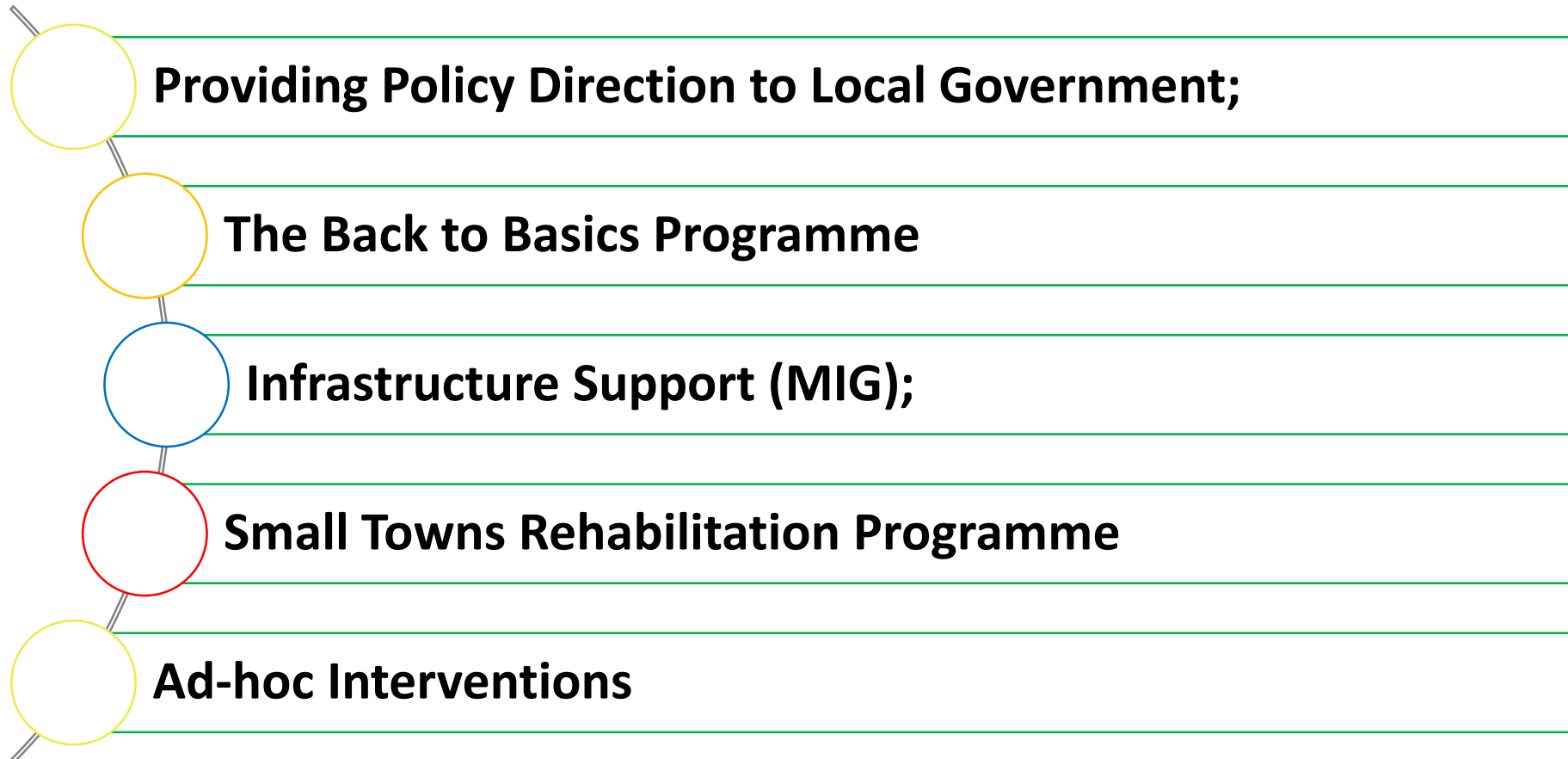
Policy and By-laws

Land Use Management

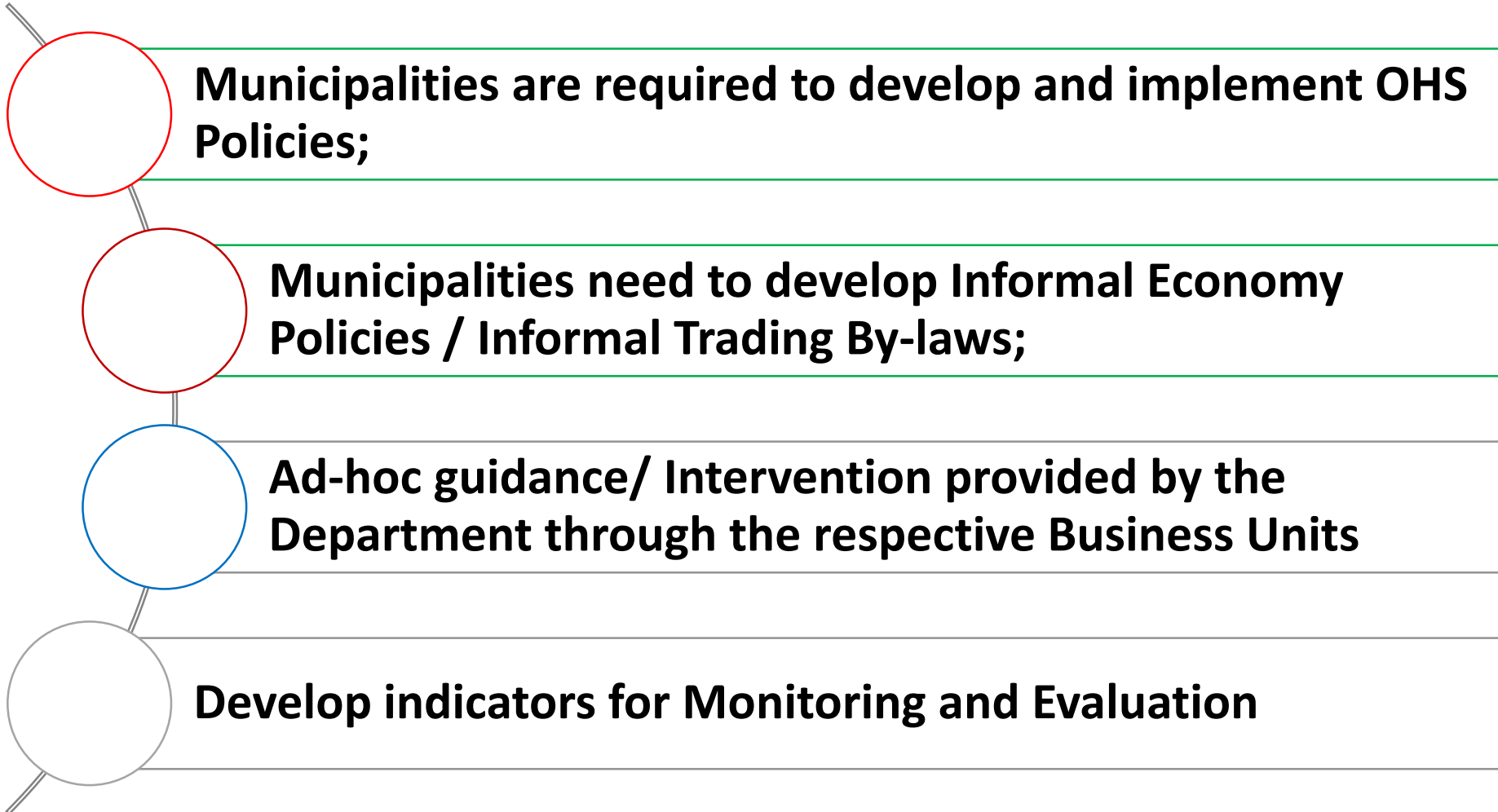
Enforcement

Capacity Building & Training

COGTA's oversight role in ensuring local government's responsibility for providing basic services and infrastructure



How this oversight role applies to ensure that municipalities provide and maintain adequate health and safety standards in public spaces for Informal Economy Workers



Issuance of Circulars to Municipalities



cogta

Department:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

DEVELOPMENT AND PLANNING BRANCH: MUNICIPAL LOCAL ECONOMIC DEVELOPMENT SUPPORT

Enquiries:	My Reference:	Date:
Imibuzo: B. Mgutshini	Inkomba Yami: 19/1/4	Usuku: 17/06/2020
Navrae:	My Verwysing:	Datum:
	E-mail: Barbara.mgutshini@kzncogta.gov.za	

CIRCULAR

TO ALL KZN MUNICIPAL MANAGERS

RE: ROLL-OUT OF GUIDELINES FOR ADHERENCE TO COVID-19 REGULATIONS - SOCIAL DISTANCING FOR INFORMAL TRADERS

1. Since the 7th of April 2020, when the Minister of Small Business Development, Khumbudzo Ntshavheni, announced the implications of the Disaster Management Act, 2002 (Act No. 57 of 2002) for Small Medium and Micro Enterprises (SMMEs), it has been a challenging experience for most SMME and more so for Small and Micro businesses (DSBD,2020). Although guidelines have been provided, the issue of social distancing for Informal Trading has not been adequately clarified.
2. Municipalities need to develop measures to ensure that businesses meet the standards of health protocols; adequate space is provided for trading and necessary steps need to be taken to ensure that customers keep a safe distance of at least 1.5 metres from each other, and that all information in respect of health protocols and social/physical distancing measures are adequately communicated, displayed and complied with.

7. The Department is proposing the following activities for implementation by all Municipalities:

Activity	Time Frame	Responsibility
Assessment of current Trading Space and quantification of the trading capacity	30 June 2020	All Municipalities LED/Planners/GIS
Mapping of existing space and potential new spaces and develop sharing times of available trading spaces if required	30 July 2020	All Municipalities LED/Planners/GIS
Pop-up market and regulated streets times and identifying criteria and promotion of economic activities in townships	30 July 2020	All Municipalities
Identify space for mini factories to support cluster industrial hubs	30 August 2020	All Municipalities
Audit the current Infrastructure to support economic development i.e. access to water and sanitation	30 September 2020 – March 2021	All Municipalities LED/Planners/GIS



cogta

Department:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

How COGTA can support Municipalities to meet their service delivery obligations during COVID 19 and Post-COVID

Inclusivity of Informal Economy in Municipal IGR Structures

CIRCULAR

TO ALL KZN MUNICIPAL MANAGERS

RE: INSTITUTIONAL ARRANGEMENTS FOR MUNICIPALITIES TO EFFECTIVELY SUPPORT INFORMAL ECONOMY

The KZN Economic Sectors and Infrastructure Development Cluster established sector specific work streams (including Informal Economy) to assist in responding to the emergencies of the COVID-19 pandemic and State of Disaster at National and/or Local Government level.

The Co-Conveners were nominated from the private sector and civil society supported by officials from key government Departments (EDTEA and COGTA) to develop a Recovery Plan for the Informal Economy in the Province.

The role of Municipalities on Informal Economy involves (but not limited to) issuing of permits, attending to daily queries, information management, coordinating support programmes for the informal businesses and monitoring of markets and other trading spaces; which requires that Municipalities allocate at least one dedicated official to deal with Informal Economy, taking into account the capacity of the Municipality.

The inclusive LED Forum can be described as the one that involves and accommodates all stakeholders (private sector including informal economy, Government Departments, Traditional Councils, Civil Society) and all units that are involved in LED functionality (including management of informal trading) within the Municipality to contribute in planning and implementation of Municipal LED Strategies.

Other Types of Support

Develop Guidelines / Toolkit to inform the content of Informal Economy Policies in conjunction with The Department of Economic Development, Tourism and Environmental Affairs (EDTEA) and SALGA

Provide technical support for the development of IE documents in Municipalities

Government Partnerships

Non-Governmental Partnerships

Extracts from Informal Economy Policies

The municipality shall endeavour to allocate informal economy actors to areas more suitable for trading. Officially designated zones must in no way contravene with health and safety regulations.

New markets and trading opportunities must be properly planned, bearing in mind the economic needs of Informal Economy Actors, the need for more vibrant land use and need for orderly town, spatial and transport planning, as well as health and safety.

Policy Deficits



- Informal Economy policies are vague on OHS;
- Reference made to the National legislation/regulations;
- Planning for the Informal Economy often an afterthought.

Some Concluding Ideas

Recognition and appreciation for the uniqueness of the Informal Economy;

Development of tailored OHS Policies/bylaws for the Informal Economy;

Identification of low cost solutions and resources for OHS in the Informal Economy

Training on Health and Safety for IE Workers

Improve statistical data for the Informal Economy

“...Safety and health of workers is a part and parcel of human security..... Safe Work is not only sound economic policy, it is a basic human right...”

Kofi Annan, General Secretary of the United Nations



cogta

Department:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

THANK YOU



cogta

Department:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

Let's grow KwaZulu-Natal together