

Inspection and Enforcement Services

High impact inspections in Agriculture and Construction

22-26 April 2024



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

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Background

- The IES branch decided to commemorate the World Day of Safety and Health, on 29 April 2024 in Limpopo province.
- The global theme for this year is, ***“Impact of Climate change on Occupational Health and Safety at Work”***.
- As a build-up towards this important a decision was taken that all provinces will conduct high impact blitz inspections in the Agriculture and the Construction sector. With a key focus on the Agricultural sector.
- The two sectors was chosen because it’s the sector where workers are mostly affected by Climate change and extreme weather conditions that can impact the health and safety of workers



Introduction

The High inspections was conducted to measure the compliance levels of employers and to untimely improve compliance in the sectors.

The inspections served a build activity towards the commemoration of the World day for OHS.

The objectives of this high impact inspections are:

- (a) Increased awareness
- (b) Heightened visibility
- (c) Improved compliance levels
- (d) Improvement in the level of partnerships with various key stakeholders and role-players
- (e) Improved interaction within the sectors.
- (f) To explore areas for cooperation among the different stakeholders.

Introduction

The following provinces participated in the High impact inspection:

- Western Cape
- Eastern Cape
- KZN
- Limpopo (19 to 26 April 2024)
- Mpumalanga
- Free State
- North West
- Eastern Cape (Information outstanding)

NC and GP did not conduct inspections

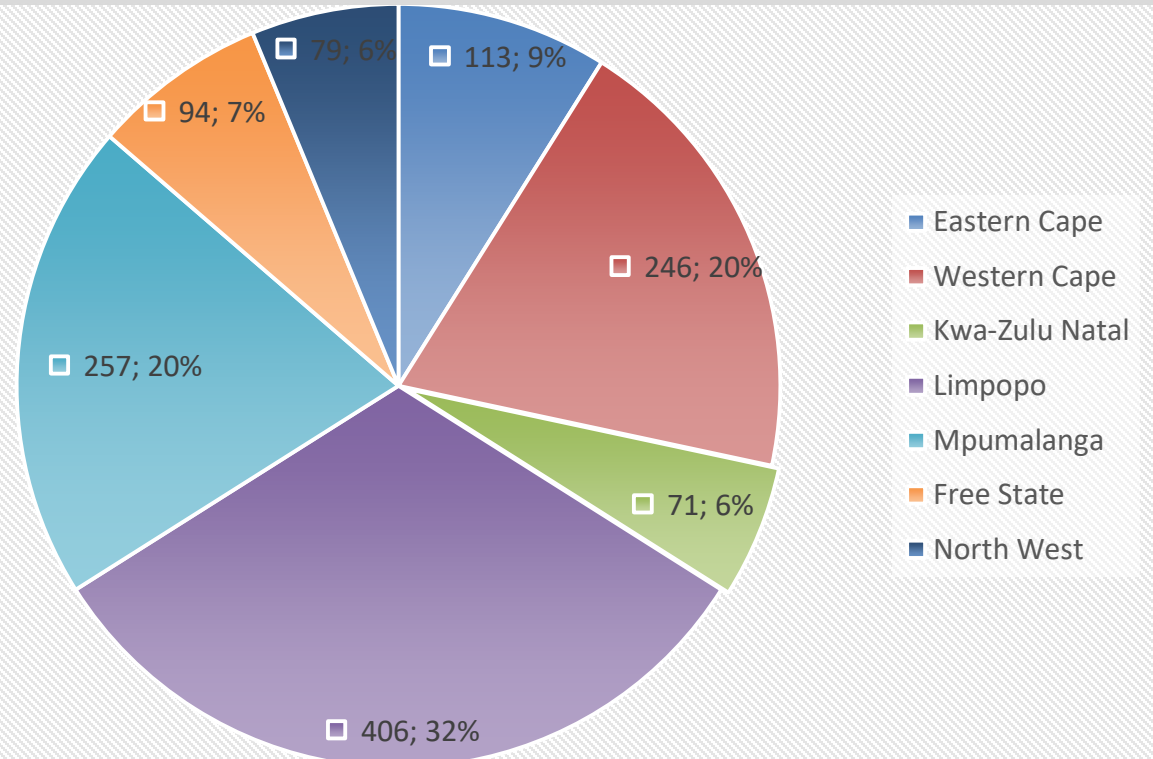
Total number of inspections conducted provincially

A total of **1266** inspections were conducted during time period.

Western Cape : Agriculture 117, Construction 129

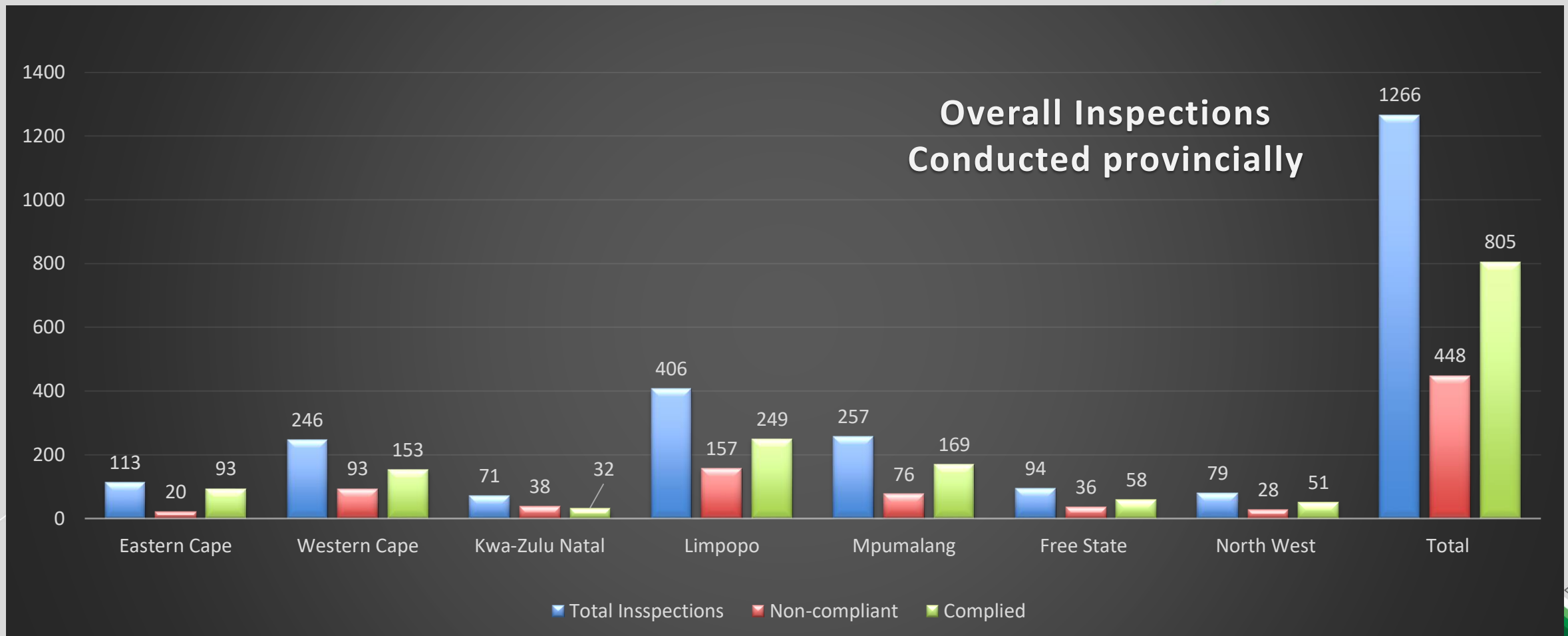
Eastern Cape : Agriculture 80, Construction 33

KZN : Agriculture Inspections 26, Construction 45.



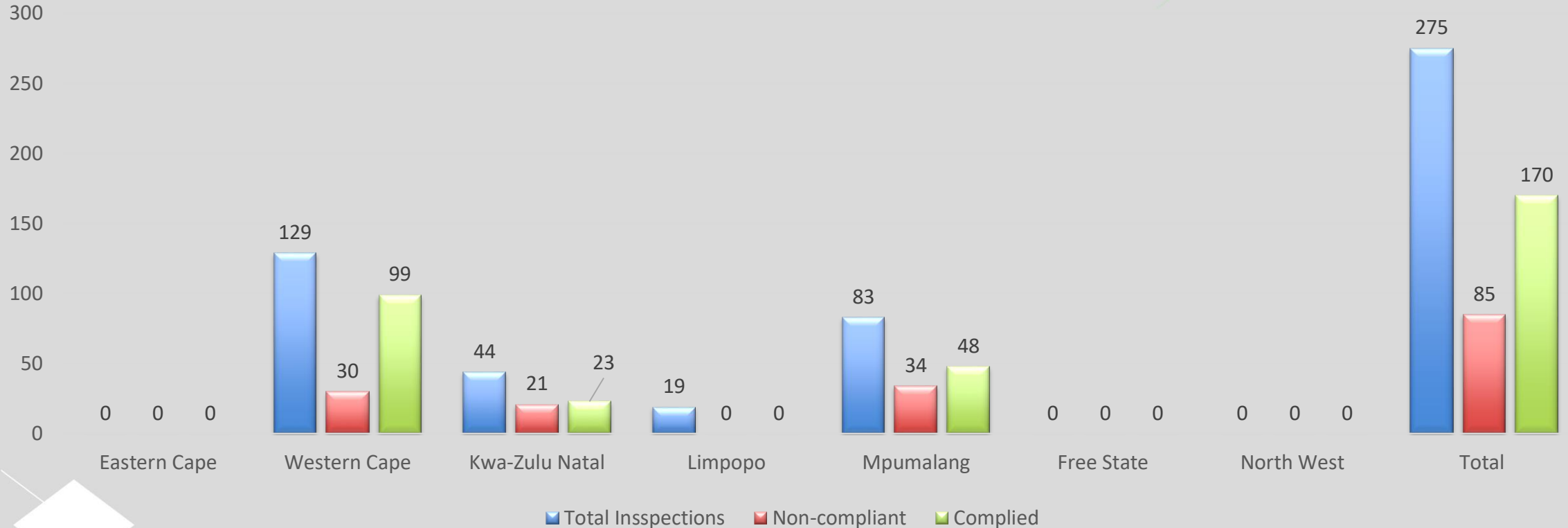
Total: Non-compliant vs Compliant

A total of **1 266** inspections conducted and 805 employers were found to be compliant 63,59%



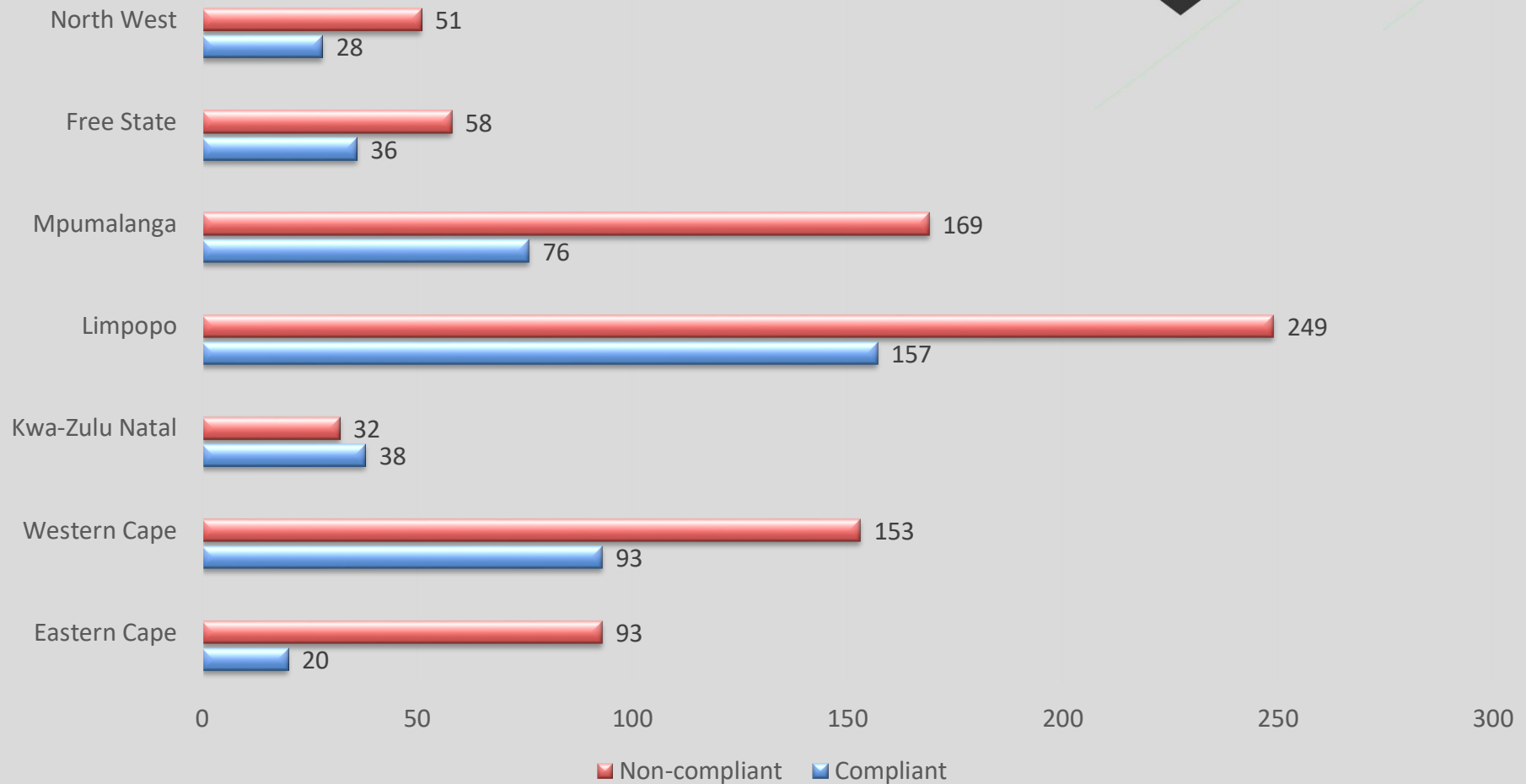
Non-compliant vs compliant Construction

A total of **256** inspections conducted and 170 employers were found to be compliant
66%



Total: Aspects related to non-compliance

% of compliant vs non-compliant

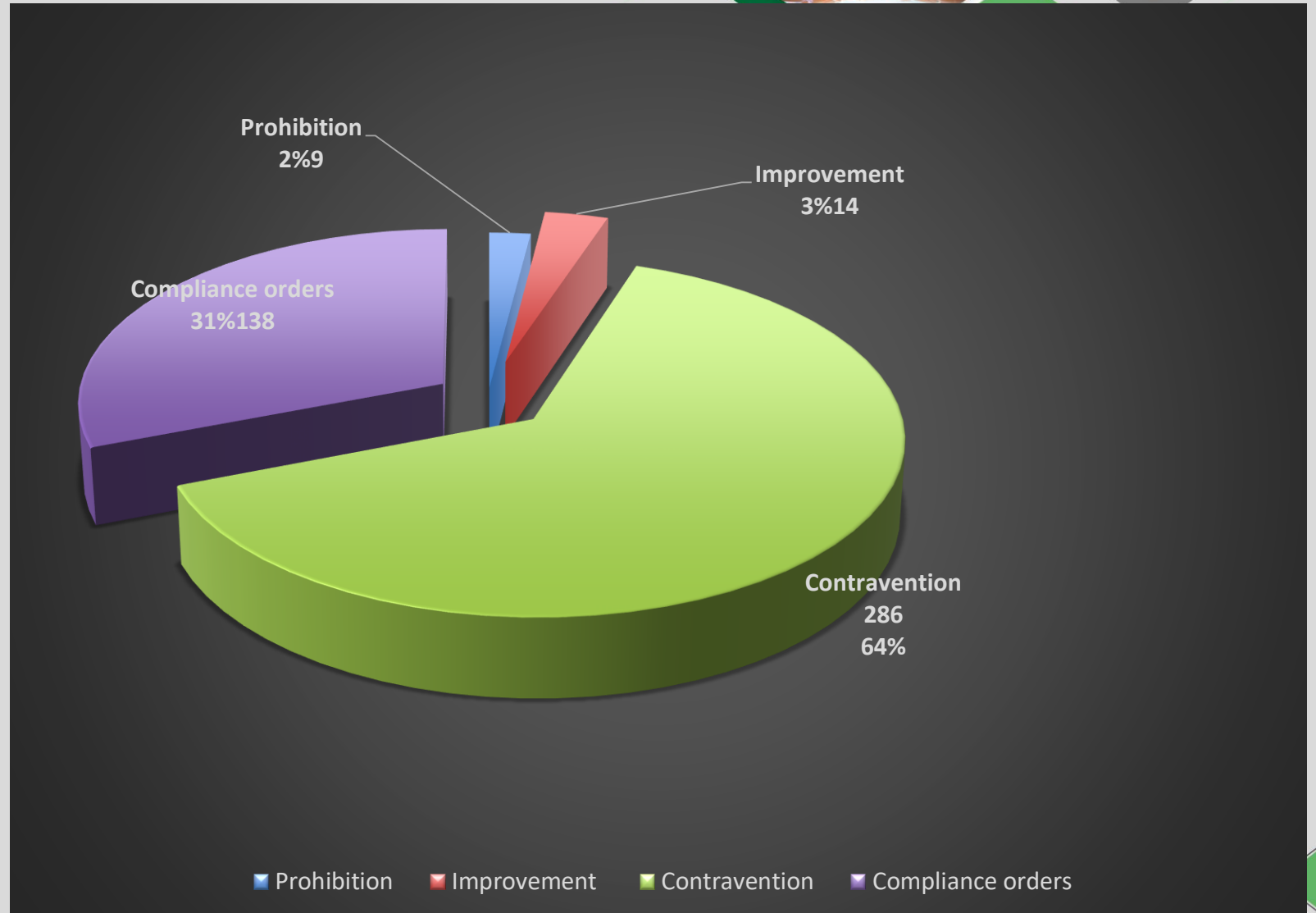


Legal Instruments Served

A total of 447 enforcement documents during the five provincial mega blitz inspections


- Prohibition 9
- Improvement 14
- Contravention 286
- Compliance ordres 138

EC information out standing



Agriculture

- No stacking approval in place for items stacked on top of each other
- Employees not provided with adequate personal protective equipment
- Safety data sheet not in place for hazardous chemical agents used in the workplace
- No training provided to employees exposed to asbestos
- No inventory list for asbestos
- No first aid box provided closer to where employees work
- Employees handling hazardous chemical agents not provided with adequate personal protective equipment
- No dining area provided especially for seasonal workers – employees having lunch breaks under the tree.
- Inadequate lighting in areas where employees are working

- 
- Hazard identification and risk assessment not done
 - Health and safety policy not in place
 - Incidents not recorded and investigated within 7 days from the date of incident
 - No proof of competency training for employees operating lifting machinery
 - Assessment of exposure to hazardous chemical agents not done
 - No toilets provided closer to where employees are working
 - Toilet paper, soap and towel to dry hands not provided in the ablution facility
 - Performance test not done on lifting machinery
 - Firefighting equipment not serviced
 - Noise assessment not done on employees exposed to excessive noise
 - Asbestos risk assessment not done
 - Asbestos management plan not in place
 - Employees exposed to hazardous chemical agents not under medical surveillance
 - Certificate of conformity for gas installation not in place

Agriculture

- Failure to comply with BCEA/ NMW/SD
- Employees not declared with UI by employers
- Employer not contributing to the UI fund.
- Employer doesn't keep record of employee's earnings
- Employer doesn't have record of submitted returns of earning



Construction

- Open excavation not barricaded
- Hazard identification and risk assessment not done on activities taking place on site
- Employees not provided with adequate personal protective equipment
- First aid box not provided
- Poor housekeeping
- No person designated to be responsible for fall protection
- Employees exposed to excessive noise not under medical surveillance
- No valid medical certificate of fitness done by an Occupational health practitioner
- Health and safety file not produced during the inspection
- No employee on site who is in possession of a valid certificate for competency in first aid.
- No records of health and safety induction produced during the inspection



LP highlights of areas of non compliance

- Non- payment of the correct national minimum wages
- Failure to have a health and safety committee
- Failure to keep health and safety records
- Failure to have health and safety representatives.
- Failure to provide facilities, training and assistance to health and safety representative
- Failure to possess a valid Certificate of compliance (1) General Safety Regulations 2(2)- Personal safety equipment and facilities
- Failure to establish as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced and processed, used, handled, stored or transported and any plant or machinery which is used in his business.
- DMR18(11) lifting machines, hand-powered lifting devices and lifting tackle: (11) the user shall ensure that every lifting machine is operated by an operator specifically trained for that particular type of lifting machine: provided that in case of lifting machine listed in National Code of practice for training providers of Lifting Machine Operators, the user shall not require or permit any person to operate such a lifting machine unless the operator is in possession of a certificate of training, issued by a training provider accredited by the Transport Seta approved for Failure to register with the fund
- Failure to submit the return of earnings
- Failure to submit declarations
- Employers paying through SARS but failing to submit declarations to the department

Challenges

- Access to farms situated on mountainous areas.
- Undocumented foreign employees disappeared due to framers being alerted about the inspections
- Some employers were not providing the information requested for the inspection purposes
- Lack of Cooperation from some Employers
- Employers not disclosing their correct total number of employees
- Some employers closed their gates in order to avoid inspections / Access was denied for Inspectors to conduct inspection.



Climate change inspection tool

Special project: Impact of climate change on OHS

Requirements	Yes	No	Comment
Risk Assessment includes aspects of...			
Hazardous Chemical Agents (RHCA)			
Hazardous Biological Agents (RHBA)			
Thermal Stress (ERW)			
Ergonomics risk factors (Ergonomics Regulations)			
Noise hazards (Noise Induced Hearing Loss Regulations)			
Exposure (occupational hygiene) monitoring conducted?			
When was it last conducted?			

Any exposures at or above the:			
HCA OEL (indicate agent/s)			
WBGT (30)			
Noise Rating Limit (85dBA)			
Has recommendations been implemented?			
Medical surveillance conducted			
<u>When ?</u>			
• Baseline			
• Entry			
• Periodic			

Requirements	Yes	No	Comment
• Exit			
Is medical surveillance linked to the risks assessment and exposure monitoring?			
Annual fitness certificate issued for thermal stress?			
Training provided to employees?			
Training follows the scope specified in the Regulation?			
Have control measures been implemented			
List controls (Hierarchy of control) in place			
Have engineering controls been tested and maintained?			
Records available for Risk assessment			

Exposure (occupational hygiene) monitoring			
Medical surveillance			
Training			
Maintenance			
Incidents			
Occupational diseases			
From 2019 were there any cases relating to exposure to:			
Thermal stress			
Biological hazards			

Requirements	Yes	No	Comment
Chemical hazards			
Noise			
Ergonomics			
Were there any incidents reported to the inspectorate for the last five years?			
Were there any incidents reported to CF for the last five years?			
Were there any occupational diseases reported to the CI for the last five years?			
Were there any occupational diseases reported to <u>CF</u> for the last five years?			
Additional information			

Conclusion

- **Agri Seminars May 2024 (LP, MP, FS,NW,NC)**
- **Climate change related outcomes from the high impact inspections will be presented at seminars**
- **Scheduled to conduct second Agri High impact inspections in May 2024**

“Prepare and Prevent or Repair and Repent”

Thank You....



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