



EMPOWERisk's Occupational Health and Safety Act Construction Regulation Compliance Management System

1. Background

In terms of the OHSACT's Construction Regulations, every client undertaking construction work is required to implement a compliance management system for the construction project it undertakes. The objective of the management system is to facilitate compliance with the OHSACT and in specific the requirements of the Construction Regulations.

Construction Regulation 4 (1) (a) requires the client to compile an occupational health and safety specification for each project and the principal contractor, appointed by the client in terms of Regulation 4 (1) (c) is required to prepare an occupational health and safety plan. This plan has to be prepared in terms of Regulation 5 (1) as well as the client's occupational health and safety specification. In terms of Regulation 4 (2), the client and the principal contractor are required to agree on the occupational health and safety plan before any work may commence.

In terms of Section 38(2) of the OHSACT the penalties for non-compliance with the requirements of the Act are as follow –

- a. A fine not exceeding R100 000; and/or
- b. Imprisonment for a period not exceeding 2 years.

The persons normally most exposed to these penalties as well as reputation risk are the Chief Executive Officer, Chief Financial Officer, Heads of Departments and other members of management all in their personal capacities.

2. Deliverables to be implemented and maintained as part of the legal compliance management system

Considering the nature of construction projects and based on current legal requirements, past experience and best practice, the deliverables to be executed as part of the compliance management system will include the following deliverables:

- a. Develop a comprehensive but project specific **occupational health and safety specification** for each project as required by Construction Regulation 4 (1). This specification should be made available to all bidders as part of the tender documentation to use as basis for the development of a project specific occupational health and safety plan.
- b. Assist the client to evaluate the short-listed bidders' **occupational health and safety plans** to ensure that they are responsive to the client's occupational health and safety specification and that the bidders have allowed sufficient budgetary provision for occupational health and safety in their bids as is required by Construction Regulation 4 (1) (h).
- c. Physical evaluation of the preferred bidder's premises to evaluate the bidder's **competence** to execute the work tendered for and to ensure that the bidder has the necessary **resources** to comply with the project's safety requirements (this is a specific requirement of the Construction Regulation 4 (4)).
- d. Undertake a **monthly compliance assessment** in terms of Construction Regulation 4 (1) (d) on behalf of the client for the duration of the project so as to ensure that the principal contractor has implemented and maintains the agreed occupational health and safety plan.

3. Important considerations

The following are some of the most important matters that should be considered:

- a. Details of engineers, designers, planning supervisors and other consultants involved in the project;
- b. Extent and location of existing records and plans; and
- c. Details of principal contractor and other contractors.

4. Client's occupational health and safety management requirements

The following are some of the most important matters that will be considered:

- a. Structure and organisation requirements to be imposed by the client;
- b. Safety goals for the project and arrangements for monitoring and review actual results;
- c. Permits and authorisation requirements;
- d. Emergency procedures;
- e. Site rules and other restrictions on contractors, suppliers and others, for example access control arrangements;
- f. Activities on or adjacent to the site during the works;
- g. Arrangements for formal liaison between parties;
- h. Training arrangements; and
- i. Security arrangements.

5. Environmental restrictions and on-site risks

The following are some of the material matters that will be considered:

- a. Safety hazards including:
 - Boundaries and access
 - Adjacent land uses
 - Existing storage of hazardous materials
 - Location of existing services
 - Ground conditions
 - Existing structures including stability and fragile materials
 - Surrounding property exposures
 - Public liability exposures
- b. Health hazards including:
 - Hazardous chemical substances including the results of surveys
 - Existing storage of hazardous materials
 - Contaminated land including the results of surveys
 - Existing structures containing hazardous materials
 - Health risks arising from neighboring as well as own activities

6. Significant design and construction hazards

The following are some of the matters that should be considered:

- a. Design assumptions and control measures
- b. Arrangements for co-ordination of on-going design work and handling design changes
- c. Information on significant occupational health and safety risks identified during design
- d. Materials and processes requiring particular precautions
- e. On-going management.

7. Proposed high-level framework for Occupational Health and Safety Specification

7.1 Introduction

The principal contractor has to demonstrate to the client that it has a suitable and sufficiently documented occupational health and safety plan as well as the necessary competencies, experience and resources to perform the construction work safely. The principal contractor could be required to submit the following documentation for perusal and verification by the client.

- a. Management Structure
- b. Succession Plan
- c. Quality Plan
- d. Human Resources Plan
- e. Registered Workplace Skills Plan
- f. "Letter of good standing" from the Compensation Commissioner or licensed compensation insurer
- g. Induction and other training of employees
- h. Registration Certificate with Building Industry's Bargaining Council
- i. Productivity Plans, if applicable
- j. Employee Equity Plan, if applicable
- k. Examples of minutes of previous Occupational Health and Safety Committee meetings and copies of Incident Investigation reports
- l. Proof of insurance

7.2 Framework for Occupational Health and Safety Specification

7.2.1 Introduction

7.2.2 Scope

7.2.3 General occupational health and safety provisions

- 7.2.3.1 Hazard identification and risk assessment [Construction Regulation 7]
- 7.2.3.2 Legal requirements
- 7.2.3.3 Structure and responsibilities
- 7.2.3.4 Administrative controls and occupational health and safety file [Construction Regulation 5 (7)]
- 7.2.3.5 Occupational health and safety goals and objectives
- 7.2.3.6 Notification of construction work [Construction Regulation 3]
- 7.2.3.7 Training, awareness and competence
- 7.2.3.8 Consultation and communication
- 7.2.3.9 Checking, reporting and corrective actions
- 7.2.3.10 Incident reporting and investigation
- 7.2.3.11 Operational control
 1. Emergency preparedness, contingency planning and response
 2. First-aid
 3. Security
 4. Accommodation of traffic
 5. Fall protection
 6. Structures
 7. Access scaffolding
 8. Lifting equipment
 9. Lifting tackle
 10. Construction vehicle and mobile plant operators
 11. Construction vehicles and mobile plant
 12. Electrical installations
 13. Electrical and mechanical lockout
 14. Use and storage of flammables
 15. Housekeeping
 16. Stacking and storage

17. Storage of flammable and hazardous chemicals
18. Fire prevention and protection
19. Eating, changing, washing and toilet facilities
20. Personal and other protective equipment
21. Portable electrical tools and equipment
22. Portable lights
23. Public health and safety
24. Hazardous chemical substances
25. Excavations (including piling)
26. Tunneling activities
27. Blasting
28. Working in confined spaces
29. Working over or close to water
30. Form and support work
31. Demolition work
32. Explosive Powered Tools
33. Material Hoists
34. Suspended Platforms
35. Batch plant
36. Welding and flame cutting
37. Transportation of employees

7.2.4 Site-specific requirements

7.2.5 Annexures

- Annexure 1: Guidelines to develop the occupational health and safety plan
- Annexure 2: Legal compliance audit
- Annexure 3: Measuring injury experience
- Annexure 4: Safety, Health and Environment (SHE) risk management report
- Annexure 5: Guide to risk assessments
- Annexure 6: List of risk assessments

Risk = Opportunity