



MANDATE OF IES

- Department of Labour administers the Inspection and Enforcement Services which is constituted by:
- The Labour Inspectorate;
- The Statutory Services;
- Registration Services; and
- Administration

SPECIALIZATION AREAS OF THE INSPECTORATE

- The Inspectorate has areas of specialisation as follows:
- The Basic conditions of Employment Inspectorate;
- The Employment Equity Inspectorate;
- The Occupational Health and Safety Inspectorate; and
- The Unemployment Insurance Inspectorate
- The Compensation of injuries and Diseases Inspectorate

LEGISLATION ADMINISTERED

- National Minimum Wage Act – 9 of 2018
- Basic Conditions of Employment Act – 75 of 1997
- Employment Equity Act – 55 of 1998
- Unemployment Insurance Act – 63 of 2001
- Compensation for incidents and Diseases Act 130 of 1993
- Employment Services Act – 4 of 2014
- Occupational Health and Safety Act - 85 of 1993

COMPOSITION OF THE BRANCH

- The Branch is comprised of an Inspector General and the two Chief Directorates viz. Statutory and Advocacy Services and Occupational Health and Safety
- There are 5 Directorates that make up the two Chief Directorates.
- There are about 1880 inspectors in all 9 provinces and Head Office that serve the workers and employers of the Republic of South Africa
- An addition of 500 OHS inspectors are in the process of being recruited.

ROLE OF STATUTORY & ADVOCACY SERVICES

- Statutory Services was established within the Inspection and Enforcement Services to strengthen the enforcement arm of the inspectorate.
- This was a realisation that the Inspection and enforcement Services was strong on inspection but weak on enforcement.

ROLE OF STATUTORY & ADVOCACY SERVICES

- At Head Office level the Chief Directorate is responsible for drafting of guidelines/training manuals / standard operating procedures for the inspectors
- Interpretation of the legislation for implementation purposes
- Providing legal opinions
- Deal with opposed matters and litigate on behalf of the Department on employers that fail to comply with the legislation

ROLE OF STATUTORY & ADVOCACY SERVICES

- The Chief Directorate is also responsible to provide technical support
- Capacitation of Inspectors
- Engagement with stakeholders and train employers and employees on the legislation

SS Structure

- At the Head Office level Statutory Services structure are as follows:
- Headed by a Chief Director
- 1 Director Statutory Services & 1 Deputy Director
- 1 Director Advocacy & Stakeholder Relations & Deputy Director
- At Provincial level we have 18 Statutory Services ASDs and 9 Officers

SS Responsibilities

- These officials are responsible for referral of cases to the CCMA Labour court and Magistrates courts
- They are also responsible to provide legal opinions in relation to IES matters
- Provide training to inspectors in their respective provinces

CHIEF DIRECTORATE: OCCUPATIONAL HEALTH & SAFETY

- The Chief Directorate: Occupational Health and Safety is responsible for the administration of the Occupational Health and Safety Act, Act 85 of 1993 through:
 - ✓ Development and amendment of OHS regulations and guidance notes
 - ✓ Technical support for inspectorate and industry
- The Chief Directorate: Statutory and Advocacy Services is responsible for:
 - ✓ Statutory: enforcement of non compliance in lieu of notices and legal support to the inspectorate
 - ✓ Advocacy Services: Stakeholder engagement

OHSACT, Act 85/ 1993 PURPOSE

- Provision for the health and safety of persons at work
- Provision for the health & safety of persons in connection with the use of plant (equipment) and machinery;
- The protection of persons other than persons at work (public) against hazards to h & s arising out of or in connection with activities of persons at work;
- To establish and advisory council for occupational health and safety; and to provide for matters connected therewith.

OHS Regulations administered

- 21 regulations have been promulgated in terms of Section 43 the Occupational Health and Safety Act, Act 85 of 1993 to give effect to the purpose of the Act.
- Promulgation by the Minister was in consultation with the Advisory Council for Occupational Health and Safety (ACOHS)
- The 21 regulations are spread across three directorates in terms of development, amendment and technical support

Regulations per Directorate

Construction, Explosives & Major Hazardous Installations

☐

- ☐ Construction Regulations
- ☐ Explosive Regulations
- ☐ Major Hazardous Installation Regulations
- ☐ Facilities Regulations
- ☐ General Administrative Regulations
- ☐ General Safety Regulations

Occupational Health & Hygiene

☐

- ☐ Asbestos Regulations
- ☐ Diving Regulations
- ☐ Environmental Regulations for Workplaces
- ☐ Hazardous Biological Agents Regulations
- ☐ Hazardous Chemical Substances Regulations
- ☐ Lead Regulations
- ☐ Noise Induced Hearing Loss Regulations
- ☐ Health and Safety of Children at Work Regulations
- ☐

Electrical and Mechanical

☐

- ☐ Certificate of Competency Regulations
- ☐ Driven Machinery Regulations
- ☐ Electrical Installation Regulations
- ☐ Electrical Machinery Regulations
- ☐ General Machinery Regulations
- ☐ Lift, Escalator & passenger Conveyor Regulations
- ☐ Pressure Equipment Regulations

INSPECTION MODEL

- The inspectors are engaged in:
 - Advocacy
 - Inspections
 - Enforcement

INTERNAL STAKEHOLDER

BRANCH ENTITY

- Public Employment Services
- Compensation Fund
- Unemployment Fund
- Labour Policy and Industrial relations
- Commission for Conciliation, Mediation and Arbitration (CCMA)

AREAS OF COLLABORATION

- Immigration Employment Services
- Occupational Health and Safety Employer Audit Services
- Employer Audit Services
- Policy formulation, development, implementation and review
- National Minimum Wage Implementation and Enforcement

EXTERNAL STAKEHOLDERS (MAIN ONES)

Stakeholders

- Law enforcement bodies (NPA, Courts, Sheriffs etc.)
- Relevant Government departments & Parastatals
- Professional practitioners in fields such as engineering, Health and Hygiene, construction etc

Areas of Collaboration

- Enforcement
- Policy development, Implementation and Review
- Policy development, Implementation and Reiview

INSPECTION METHODOLOGY

Full process outlined in the attached standard Operating Procedures

- Type of inspections :

Proactive

Reactive

- Type of notices:

Undertaking

Compliance Order

Improvement/Directive

Contravention

Prohibition

Director General Recommendations

