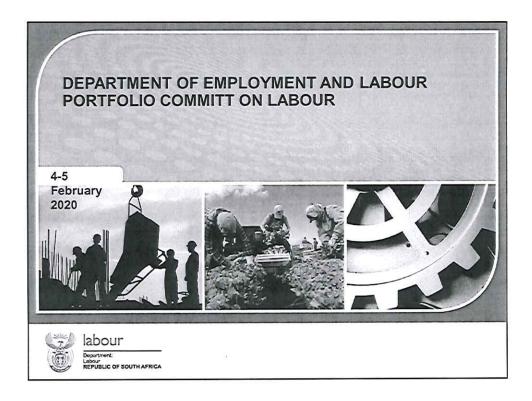
2020/02/03



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 <u>use of plant (equipment) and machinery;</u>
- ➤ The protection of <u>persons other than persons at work</u> (<u>public</u>) against hazards to h & s arising out of or in connection with activities of persons at work;
- ➤ To establish and <u>advisory council</u> 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

Dogulati	ana nar Di	irootoroto
Regulati	ons per Di	irectorate
Construction, Explosives & Major Hazardous Installations	Occupational Health & Hygiene	Electrical and Mechanical
Construction Regulations	Asbestos Regulations	Certificate of Competency Regulations
Explosive Regulations	Diving Regulations	Driven Machinery Regulations
Major Hazardous Installation Regulations	Environmental Regulations for Workplaces	Electrical Installation Regulations
Facilities Regulations	Hazardous Biological Agents Regulations	Electrical Machinery Regulations
General Administrative Regulations	Hazardous Chemical Substances Regulations	General Machinery Regulations
General Safety Regulations	Lead Regulations	Lift, Escalator & passenger Conveyor Regulations
	Noise Induced Hearing Loss Regulations	Pressure Equipment Regulations
	Health and Safety of Children at Work	
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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 ad 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

