

EXECUTIVE SUMMARY

NATIONAL OCCUPATIONAL HEALTH AND SAFETY POLICY

INTRODUCTION

1. [Cabinet has called for the introduction of an integrated national OHS system.](#) [The national Occupational Health and Safety \(OHS\) policy creates the framework within which the integrated system can be established.](#) [The Policy](#) applies to all sectors of the economy. Its primary objective of the policy is to reduce the number of work-related accidents and diseases in South Africa by promoting a culture of prevention. Its secondary objective is to ensure equitable medical, compensation and rehabilitation benefits to the victims of work-related accidents and diseases.
2. In March 2003, South Africa ratified the International Labour Organisation's Occupational Health and Safety Convention 155 of 1981. This requires ratifying countries, after consulting organised business and labour, to develop and implement a national OHS policy.

THE MAGNITUDE OF THE OHS PROBLEM IN SOUTH AFRICA

3. Occupational accidents and disease impose an unacceptably high cost on South Africa. The cost is estimated to equate to 3.5% of the national Gross Domestic Product (GDP). Costs to employers include property damage, lost production time, lost skills as well as the cost of engaging and retraining replacements. Costs to workers and their families include permanent disabling injuries, debilitating disease, loss of employment and loss of breadwinners.

4. Prior to 1994, the regulation of occupational health and safety was marked by government indifference, employer neglect and a widespread disregard for the fundamental rights of workers and their communities. There was minimal investment in the government agencies charged with regulating OHS. They lacked the personnel, other resources and the skills to implement effective prevention strategies.
5. The absence of an integrated policy and framework has had the consequence that the very considerable developments that have been introduced since 1994, have also had the result of exacerbating inconsistencies in the regulation of OHS in different sectors.

MAJOR OHS CHALLENGES

6. The major challenges that must be addressed in improving OHS performance are -
 - Developing appropriate institutional arrangements to minimise overlaps, gaps and duplication;
 - Establishing appropriate funding mechanisms for prevention agencies;
 - Expanding occupational health services;
 - Dealing with the consequences of the HIV epidemic on levels of work-related injury and disease;
 - Servicing SMMEs and the informal sector and protecting workers in marginal employment and vulnerable workers;
 - Improving OHS skills and human resources in the public and private sector;

- Developing a culture of prevention among employees and workers;
- Improving research capacity; and
- Developing a comprehensive reporting system and database for work-related accidents and disease.

BENEFITS OF AN OHS POLICY

6. The effective prevention of work-related accidents and ill-health will have enormous social and economic benefits. These include improvements in productivity and competitiveness and the quality of life of the working population. Adequate OHS policy and standards are required for South Africa's continued integration into the world economy. The effective management of many safety hazards will contribute to improved levels of public safety. The effective control at source in workplaces of hazardous substances will improve levels of public health and minimize environmental pollution.

POLICY PRINCIPLES

8. The core principles informing the proposed policy are -
 - *universal coverage* – OHS legislation must cover workers and employers in all sectors of the economy and in all forms of employment relationships;
 - *universal application of core rights and duties* – the core rights and duties of employers, workers and the State must be spelt out in legislation;

- *the prioritisation of prevention and the promotion of a culture of prevention – Avoidable accidents and diseases must be eliminated through the joint efforts of all stakeholders*
 - *appropriate and fair compensation and rehabilitation benefits – the provision of meaningful, accessible and equitable compensation and rehabilitation to workers in all sectors of the economy and in all forms of employment relationships;*
- *application of the “polluter pays” principle - The trend to shift the social costs of occupational accidents and diseases from employers to employees families and government must be reversed with employers taking greater responsibility as appropriate*

IMPLEMENTATION

9. It is proposed that national legislation should be enacted to establish [the national integrated OHS system and](#) a national OHS Authority [to implement that system](#). The Authority would have the status of an organ of state located within the national public administration but outside of the public service. The Authority would be accountable to the Minister of Labour and be responsible for taking the steps required to establish an integrated national OHS regulatory system. It is envisaged that the Authority would be responsible for developing uniform national OHS prevention and compensation legislation and for developing strategies to promote, monitor and enforce compliance with those statutes. International best practice shows that the establishment of a national OHS authority allows for major OHS problems to be identified and prioritised and for resources to be utilised in the most beneficial manner.
10. The Policy proposes that OHS activities should continue to be funded through a combination of financing through the fiscus, employer compensation contributions and other employer levies and donations. International best practice reveals that effective OHS systems utilise a

portion of employer contributions to the compensation fund for prevention activities.
