



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

**MINISTER OF PUBLIC WORKS
REPUBLIC OF SOUTH AFRICA**

**Department of Labour
Department of Public Works
South African Council for the
Project and Construction Management Professions**

Construction Regulations Launch

Birchwood Hotel, 10 February 2014

***Address by the Minister of Public Works:
TW Nxesi MP***

PROTOCOL

- Programme Director
- Minister of Labour
- Chair and CEO of the SACPCMP (SA Council for the Project and Construction Management Professions)
- Leaders and representatives of organised labour: COSATU, FEDUSA and NACTU
- Representatives of organised business and the construction industry: SAFCEC, MBSA and BBC-BE
- Construction Health and Safety professionals
- Officials of the departments and representatives of the various entities
- Ladies and gentlemen

It gives me great pleasure to participate in this important event. Let me start by commending all of you for your commitment to making the construction industry a safer working environment.

It has been a long journey. The first Factory Act was passed almost a hundred years ago. Specific

regulations for construction came much later in 2003 – with amended regulations published for public comment in 2010 – and today we are officially launching the new regulations.

Let us remind ourselves why we had to develop specific standards and regulations for the construction sector. Various reports had pointed to the high number of accidents in construction. To quote from the CIDB's (Construction Industry Development Board) report on Construction Health and Safety in South Africa:

“Construction continues to contribute a disproportionate number of fatalities and injuries relative to other industrial sectors, and there continues to be high levels of non-compliance with Health & Safety legislation generally”.

The Council for the Built Environment (CBE) also conducted extensive research on the current state of Construction Health and Safety in the country. It found

that a deficiency of regulation in this area is one of the fundamental reasons for the current poor standards of health and safety management in the delivery of construction projects.

The safety of employees must be an absolute priority. It is unacceptable that on average two South African construction workers die every week.

This is a message which we have to promote as government and as Public Works. Equally we expect every employer – in partnership with labour – to ensure that health and safety regulations are implemented and enforced.

There has been significant progress in recent years. On 24 August 2012, we celebrated the signing of the Construction Health and Safety Accord – involving the Department of Labour, the Department of Public Works and the other major role players in the construction sector.

We need to recognise and appreciate the Department of Labour's hard work in updating construction regulations.

We also welcomed the Memorandum of Agreement between the Department of Labour and the SACPCMP – a statutory body falling under Public Works. The SACPCMP was approved by the National Department of Labour as the statutory body to register Construction Health and Safety practitioners. The agreement covers the administering of the Accord - enforcing the appointing of competent and professionally registered persons to ensure safer construction sites.

The primary focus of Construction Health and Safety is to foster a safe working environment. Good management of Construction Health and Safety on site is crucial for the successful delivery of a construction project. Management of Construction Health and Safety on site also allows for the incorporation of Construction Health and Safety into the wider

management of construction project delivery, that is, from inception/conception – through the six stages of a construction project - to completion. This can be viewed as sound business practice.

The SACPCMP's main aim of professionalizing the discipline of Construction Health and Safety is to ensure that there are adequate controls, constant monitoring and evaluation mechanisms of the levels of compliance by the construction and related industries with Construction Health and Safety regulations.

Some of the more tangible benefits that are expected from the regulation of Construction Health and Safety Professionals would, among others, be:

- Registration of adequately qualified Construction Health and Safety Professionals and improvement in health and safety management on all construction projects;

- Increased employee and public confidence in the employer's Construction Health and Safety programmes; and
- Enhanced quality of life through reduction of construction accidents, fatalities, illnesses, diseases, missed time from work, workmen's compensation claims, and so forth.

The role of Public Works

From the side of the National Department of Public Works, one of our roles is to regulate the construction sector. This is effected through the CBE, CIDB and Agreement SA which are statutory bodies of the department of Public Works

The National Department of Public Works, through these statutory bodies, strives to improve the Health and Safety compliance levels in the construction sector. This will be achieved by, amongst others:

- Including Occupational Health and Safety requirements as part of the grading system for contractors;
- Enforcing necessary measures to ensure compliance by those involved in the early project planning and design stages - so that the anticipated risks and hazards are identified, mitigation measures planned and a site specific, relevant safety specification is created;
- Ensuring that adequate provision has been made for the costs of health and safety implementation in the bills of quantities which form part of requests for tenders
- Ensuring that bills of quantities by respective bidders/contractors encompass a comprehensive site specific health and safety plan.

- Ensure that workers are informed of hazards and receive the necessary and appropriate training by the contractor on how to use protective clothing, machinery, plant, tools and equipment on site.
- The department is currently conducting scheduled inspections on all construction sites to ensure that all contractors provide protective clothing and safe equipment to all workers on site.
- The Department of Public Works encourages adherence to the normal working hours in the construction industry in order to reduce incidents caused by fatigue.
- The DPW has a dedicated Occupational Health and Safety division at Head Office called Statutory Compliance and also has dedicated Occupational Health and Safety Units in all our regions throughout the country. These are responsible amongst others to conduct compliance audits in all departmental

projects, and to monitor the principal agents appointed in terms of construction regulations.

- The Department ensures that contractors conduct medical surveillance of those people who will be working on site - especially those who work at heights - and that welfare facilities are provided on all construction sites.
- DPW, through the SACPCMP, supported the establishment of a task team - involving role players from the construction industry, organized labour, the Department of Labour and voluntary membership associations - which developed registration criteria and requirements for professionals in the construction Health and Safety industry.
- The Registration criteria of Construction Health & Safety professionals has been Gazetted and registrations began on 1 June 2013 for Professional Construction Health & Safety Agents and on the 1st

August 2013 for Health & Safety Managers and Officers.

Turning around Public Works

I would like to conclude these remarks with a brief progress report on our attempts to turnaround the Department of Public Works over the last two years.

In the wake of the sad news of the death of former President Mandela at the end of last year, we were exhorted to keep alive the Madiba legacy. The message to those of us who are public servants is therefore clear: we have a responsibility to continually improve service delivery on a sustainable basis.

To do that – as Public Works – we have to tackle a number of long-standing systemic challenges – which are well-known to all of us in the construction sector. In short, our job is to maintain the momentum and

continue to drive the turnaround strategy to rebuild Public Works.

As we come to the elections, my firm intention is that I hand over a much improved Department of Public Works to the next Administration where:

- Basic compliance issues have been tackled;
- Strategic structural decisions have been implemented; and
- The Department has a clear sense of where it is going.

In brief:

Stabilisation - We have completed – or are close to completion of - a number of projects to stabilise the Department:

- Clean audit
- Lease audit and review, and

- Establishing a comprehensive Immoveable Asset Register.

Combatting fraud and corruption - a number of measures are now in place;

- Senior officials have been charged and dismissed;
- Fraudulent leases have been identified and legal steps taken to recover state funds;
- Stolen state property is being identified and action will be taken against the wrong-doers.
- Most important we are strengthening our own internal capacity to ensure compliance and to combat fraud - with the establishment of a separate Governance and Compliance Branch – both to investigate wrong-doing, but more importantly to analyse risk and to put in place preventive measures and systems.

- With National Treasury, we have embarked upon a fundamental review and redesign of supply chain management systems – to ensure transparency and accountability.

Capital Projects and under-spending - The focus is on the following:

- Improved coordination and multi-year planning;
- Regional integration into the projects planning process;
- In particular, building joint teams with clients – to improve service and to ensure their buy-in.

PMTE (Property Management Trading Entity) – as part of this:

- We are on course to produce a reliable Immoveable Assets Register – the basic database for managing the state's assets.
- The audit of the Department's 3,000 leases is complete – and already there are some interesting

findings which point to evidence of over-pricing – as well as fraud.

- The important point is this: that the significant progress with regard to the Asset Register and lease management provides an important baseline for changing the way we do business:
 - To better leverage the state's property portfolio for productive economic activity, and
 - To improve the terms of trade with our landlords. We have already held a successful meeting with major landlords in December.

EPWP (Expanded Public Works Programme)

- EPWP successfully completes Phase 2 at the end of next month - with the provision of 4.5 million work opportunities over the last 5 years.
- We are now preparing for Phase 3 and the commitment to provide 6 million work opportunities

over the next 5 years. It is very clear to us that – given international economic conditions and continuing structural unemployment – public employment programmes are going to be needed to mitigate unemployment for the foreseeable future. This is central to the government's National Development Plan and the well-being of disadvantaged South Africans.

Let me stop there before I am accused of electioneering.

Let me again commend all the role players for their hard work and assure you that the Department of Public Works is committed to the goal of improving Construction Health and Safety – and we pledge our continued support to the implementation of the necessary regulations, and the training of Health and Safety professionals to ensure this.

I thank you.