



# ADMINISTRATIVE REPORT

October 2007 – September 2008

**OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY  
ADMINISTRATIVE REPORT**

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Date: Monday 13, February 2012

Honourable Errol McLeod  
Minister of Labour and Small and Micro Enterprise Development  
Ministry of Labour and Small and Micro Enterprise Development  
Waterfront Towers, Wrightson Road  
Port-of-Spain

Dear Honourable Minister:

**Re.**  
**Administrative Report:**  
**Occupational Safety and Health Authority and Agency**  
**October 2007 – September 2008**

In accordance with the requirements of Section 66D of the Constitution I hereby submit the Report of the Occupational Safety and Health Authority and Agency for the period October 2007 – September 2008.

Yours faithfully,



Dr. Carol Bhagan Khan  
Chairman  
Occupational Safety and Health Authority

# OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY ADMINISTRATIVE REPORT

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## OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY

The **Occupational Safety and Health Authority** is a multi stakeholder advisory body for the Minister of Labour and Small and Micro Enterprise Development (MLSMED), established October 2006 on the basis of the Occupational Safety and Health Act 2004 as amended, (OSH Act).

The core task of the Authority is to encourage the enforcement of the OSH Act, to promote training, research, information and to approve Codes of Practice.

The **OSH Agency** is the executive arm of the OSH Authority, and also a Statutory Body of the MLSMED. The Agency is responsible for carrying out enforcement, promotional activity and other functions, under the Authority.

The **Mission** of the OSH Authority and OSH Agency (OSHA) is:

*To ensure an environment that leads to safe and healthy workplaces throughout  
Trinidad and Tobago.*

**OSHA'S Vision:**

*The Occupational Safety and Health Authority & Agency (OSHA) will be a highly  
respected and reliable organisation, achieving world-class safety and health  
standards, with committed professional staff, comprehensive enforcement,  
education and advisory programmes, all supported by edge tools and technologies,  
and by strategic partnerships.*

**OSHA'S Core Values:**

*Integrity, Accountability, Professionalism, Commitment*

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## 1.0 CHAIRMAN'S SUMMARY

The situation of safety and health at work during this period needed improvement. A safety culture remained weak in people's minds. The number of accidents, including the number of fatalities was much higher than should be expected from a country that is undergoing such a rapid and promising industrial development.

Some figures: Thirteen (**13**) fatalities at work took place in budget year 2006/2007; nine (**9**) in 2007/2008. For the calendar years 2007 and 2008 these figures are eighteen (**18**) and eight (**8**) respectively.

In the calendar year 2007 more than two thousand (**2000**) known occupational accidents with more than three (3) days leave were recorded by the National Insurance Board NIB. For the first nine months of calendar year 2008 this amount was **1215**, which suggests a considerable decrease.

Still these figures are to be estimated as **2 – 4** times higher in comparison to first world established economies. In addition, the number of occupational health problems which result in direct sick leave and or health damage on the longer term are significant, but not quantified.

OSHA's mission, (*To ensure an environment that leads to safe and healthy workplaces throughout Trinidad and Tobago*) was developed to give direction to OSHA's objective to change this situation. The formulation emphasises two important aspects of the work of the OSH Authority and the OSH Agency.

Firstly it showed that OSHA needed a full range of instruments to fulfil its mission: Promotion, Advisory, Awareness Raising, Public Education, Regulation, Standardisation, Training and last but not least Enforcement. The instruments needed to be effective, coordinated and able to fit into the available budgets.

Secondly, it showed that OSHA needed partners to achieve its goals, to ensure a safer environment and a higher level of safety awareness. Such a necessary cultural change, which is

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broadly supported throughout the nation, is related to many other government objectives like public health. These strategic partnerships are reflected in (draft) Memoranda of Understanding and cooperation.

In OSHA's Multi Annual Strategy (2008 – 2012), developed in the first months of 2008, was designed for the first year of an operational plan. This strategy, including the development of OSHA's vision, mission, core values, stakeholder analysis, SWOT analysis, as well as the implementation of the activities of the operational plan, developed from it, were the major achievement of the first year of OSHA's existence.

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**2.0 BRIEF HISTORY AND PROFILE OF THE  
OCCUPATIONAL SAFETY AND HEALTH  
AUTHORITY (OSH AUTHORITY)**

The Authority consists of a Chairman and sixteen (16) other Members. The Minister of Labour and Small and Micro Enterprise Development (“MLSMED”) appoints the Chairman and Deputy Chairman of the Authority. Other members are appointed by relevant bodies and organisations.

Composition of the Authority

- Chairman
- Deputy Chairman
- Executive Director
- A representative of the Ministry responsible for occupational safety and health
- A representative of the Ministry responsible for health
- A representative of the Ministry responsible for energy industries
- A representative of the body responsible for standards in Trinidad and Tobago
- A representative of the Tobago House of Assembly
- Nine other members appointed by the Minister:
  - two representing employees
  - two representing employers
  - five on the advice of the Medical Board of Trinidad and Tobago, the Board of Engineering and organisations representing women’s affairs.

By Cabinet Minute No. 1739 of July 13, 2006, Cabinet **agreed** to the appointment of persons to the OSH Authority as in accordance with the provisions of Section 65 of the OSH Act. Seventeen persons were appointed for a period of three years.

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**OCCUPATIONAL SAFETY AND HEALTH AUTHORITY  
AUTHORITY MEMBERSHIP**

**Table 1 Authority Membership**

No.	Name	Representative	Position	Date of Appointment	Date of Expiration	Remarks
<b>Chairman</b>						
1.	Arlene Chow		Chairman	October 13, 2006	October 12, 2009	Resigned with immediate effect from October 13, 2006
2.	Wayne Bertrand		Chairman	January 18, 2007	January 17, 2010	Cabinet Minute No. 64 of January 2007
<b>Deputy Chairman</b>						
3.	Finbar McEachnie		Vice Chairman	October 13, 2006	October 12, 2009	Resigned November 30, 2007
4.	Ryan Ramjit		Vice Chairman	August 12, 2008	August 12, 2011	Cabinet Minute No. 1665 of June 20, 2008
<b>MLSMED</b>						
5.	Devnath Roopnarine	MLSMED	Member	October 13, 2006	October 12, 2009	Replaced August 2008
6.	Brahma Beharrysingh	MLSMED	Member	August 12, 2008	August 12, 2011	Cabinet Minute No. 1665 of June 20, 2008
<b>Ministry of Health</b>						
7.	Dr. Rohit Doon	Chief Medical Officer	Member	October 13, 2006	October 12, 2009	
<b>Ministry of Energy and Energy Affairs</b>						
8.	Ian Ramdahin	MOEEA	Member	October 13, 2006	October 12, 2009	



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No.	Name	Representative	Position	Date of Appointment	Date of Expiration	Remarks
<b>TTBS</b>						
9.	Prem Nandlal	TTBS	Member	October 13, 2006	October 12, 2009	Resigned November 30, 2007
10.	Deryck Omar	TTBS	Member	August 12, 2008	August 12, 2011	Cabinet Minute No. 1665 of June 20, 2008
<b>EMA</b>						
11.	Gayatri Badri Maharaj	EMA	Member	August 12, 2008	August 12, 2011	Resigned August 25, 2008
<b>Employers' Representatives</b>						
12.	Ryan Ramjit	South Chamber of Industry and Commerce	Member	October 13, 2006	October 12, 2009	Appointed as Deputy
13.	Johnson Alexander	TTMA	Member	October 13, 2006	October 12, 2009	
14.	Vincent Cabrera			August 12, 2008	August 12, 2011	Resigned October 27, 2010
<b>Employees' Representatives</b>						
15.	Michael Annisette	National Trade Union Centre of Federated Workers	Member	October 13, 2006	October 12, 2009	Replaced, August 2008
16.	Chandrasain Ramsingh	OWTU	Member	October 13, 2006	October 12, 2009	
<b>General purpose</b>						
17.	Dr. Neil Adrian Singh	Medical Board of T&T	Member	October 13, 2006	October 12, 2009	
18.	Dr. Terrence Seemungal	Medical Board of T&T	Member	October 29, 2010	October 28, 2013	Resigned December 2010
19.	Lennox S.C. Findlay	Safety Council of T&T	Member	October 13, 2006	October 12, 2009	

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<b>No.</b>	<b>Name</b>	<b>Representative</b>	<b>Position</b>	<b>Date of Appointment</b>	<b>Date of Expiration</b>	<b>Remarks</b>
20.	Alfred Phillips	Board of Engineering	Member	October 13, 2006	October 12, 2009	
21.	Carol Noel	The Network of NGO of T&T for the Advancement of Women	Member	October 13, 2006	October 12, 2009	
22.	Gladstone Solomon	THA	Member	October 13, 2006	October 12, 2009	

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### 3.0 STRATEGIC PLAN

The period 2007 – 2008 provided the Occupational Safety and Health Agency the opportunity to address the major issues identified in the Operational Plan 2008, as a part of the five year strategic plan 2008 – 2012.

This strategic plan was developed to contribute by a mix of instruments, including: enforcement, partnership, awareness raising etc, to the enhancement of the working conditions and safety culture in Trinidad and Tobago. In doing this OSHA is establishing itself as an organisation with impact and added value. In the framework of the Multi Annual Strategic Plan, ten (10) strategic objectives were developed.

**APPENDIX 3 – OSHA’ S M ulti Annual Strategic Plan (2008-2012)**

**Key Figures for 2007-2008**

**Table 2 Key Figures for 2007 - 2008**

Some key figures for 2007/2008	
<b>HUMAN RESOURCES</b>	
Total Staff October 1, 2007	33
Inspectors October 1, 2007	31
Total Staff October 1, 2008	61
Inspectors October 1, 2008	38
<b>ACTIVITIES</b>	
Inspections carried out	2406
Accident Investigations completed	665
Complaints investigated	651
Promotional lectures provided	133
Recommendation Letters	*79
Improvement Notices	*24
Prohibitions	*10
Prosecutions filed	*36
Prosecutions in pipeline	unavailable
<b>MEMORANDA OF UNDERSTANDING</b>	
Memoranda of Understanding developed	10
Memoranda of Understanding signed	0
<b>BUDGET</b>	
Recurrent Budget	0
% spent of recurrent	n.a.
PSIP budget	\$7,000,000.00
% spent of PSIP budget	99.9%

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#### **4.0 FINANCIAL OPERATIONS**

The Financial year 2007/2008 ended on 30<sup>th</sup> September 2008. As of the end of the month, the OSH Agency spent approximately 99% of the PSIP Budget that was allocated to it.

<b>2007/2008 Budget</b>	<b>Actual Expenditure</b>	<b>Credit Variance</b>	<b>Adjustments</b>
<b>\$7,000,000.00</b>	<b>\$6,949,6.00</b>	<b>\$44,157.00</b>	<b>\$50,400.00</b>

The PSIP Budget allocation was apportioned to different areas based on the needs of the organization.

Salaries for the contract employees were financed by the Contract Employment vote of the Ministry of Labour and Small and Micro Enterprise Development.

This function was taken over by the Finance Unit of the Agency in the current financial year. The Unit is thus responsible for processing all documents for payments of invoices as well as salaries. The Ministry of Labour continues to be responsible for printing of cheques.

Accounting software was also acquired for use by the Finance Unit.

#### **5.0 ORGANISATIONAL STRUCTURE**

After the official establishment of the OSH Agency (August 17<sup>th</sup>, 2007) 32 inspectors, including the Senior Inspector, performing the duties of Chief inspector, were transferred from the Occupational Safety and Health Unit of the Ministry of Labour.

These appointments were intended, among other things to, to facilitate the temporary movement of public officers who performed duties under the Factories Ordinance which was now repealed and the transfer of the Inspectorate functions previously carried out by the Factories Inspectorate of the MLSMED.

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Two (2) inspectors left during the year and eight (8) new inspectors were recruited from July-August 2008, bringing the total number of inspectors (including the “acting” Chief Inspector) to thirty nine (39).

With the appointment of the Authority, the Executive Director, albeit on contract and the first set of Inspectors, the Authority and Agency became legally functional. Terms and conditions of employment of the Inspectors were addressed by the Public Sector Negotiation Committee (PSNC).

These staff members were brought into the organisation (“Phase I”) as proposed by the OSH Authority, and officially approved by the Minister of Labour and Small and Micro Enterprise Development August 29<sup>th</sup> 2007.

The OSH Act **Section 69(2)** establishes the Occupational Safety and Health Agency and creates among other positions, that of the Executive Director. The Act Section 69 (3) also states that the Executive Director shall be the Accounting Officer on the Exchequer Account and that the salary, allowances and other terms and conditions of service shall be reviewed by the Salaries Review Commission in accordance with Section 141 of the Constitution. This was re-enforced by Cabinet at **Minute No. 3202 dated December 07, 2006.**

Subsequently, Cabinet agreed at **Minute No. 473 dated March 01, 2007** to:

- (1) The creation of a contract position parallel to that of the Office of the Executive Director, Occupational Safety and Health Agency for a specified limited period, the terms and conditions to be negotiated with the Chief Personnel Officer and approved by the Minister, Ministry of Labour and Small and Micro Enterprise Development; and noted
  
- (2) That while an individual employed on contract, would be responsible for establishing the Agency and providing the necessary guidance, he would not be able to discharge the statutory obligations of the Office of the Executive Director.

The contract position of Executive Director was filled by a non-national and the terms and conditions were determined by the Chief Personnel Officer (CPO). Issue remained that the

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Executive Director was not appointed as the Accounting Officer. In the absence of an Accounting Officer the OSH Authority cannot have its own bank accounts, cannot make expenditures or receive income in its own right and in large measure is hamstrung as far as its accounting functions is concerned. The Permanent Secretary in the MLSMED performed the accounting functions on behalf of the Authority, a situation that was not tenable.

Advertisement, selection and recruitment and contracting of a Deputy Director, Senior Legal Advisor/Corporate Secretary, HR Coordinator, Finance Coordinator and a Communication Specialist took place from September 2007 to February 2008. The Chief Inspector's position could not be filled definitively after two sets of interviews. The position was temporarily filled and a process of international recruitment prepared.

The Human Resource Unit developed thirty six (36) job descriptions for the current and future organisation, eleven (11) positions were advertised, interviews were prepared and conducted, and thirty five (35) persons were contracted, including some on short service contracts. Internal Human Resource policies were developed. Sixteen (16) policies were drafted, which were synchronized with the Ministry of Labour and Chief Personnel Officer, and a personnel filing system was set up.

A Code of Ethical Behaviour for inspectors was developed on the basis of the International Labour Organization (ILO) model. All inspectors received this Code as soon as contracted.

An Inspector was permanently stationed in Tobago and an OSH Agency sub office established in San Fernando.

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## **6.0 PLANS AND ACTIVITIES**

There were seventeen (17) fatalities at work in the year 2007, of which six (6) were in construction. The compliance levels by employers in the manufacturing industry were as low as 14%.

The Authority embarked on a number of initiatives aimed at improving the compliance level and health and safety awareness in the country. These include the following:

**(a) Organising the work of the Authority along sector lines, in order to effectively deal with inspections namely:**

- Oil and Gas
- Petrochemical Industry
- General Manufacturing
- Construction and Quarries
- Agriculture and Services
- Occupational Health and Hygiene

**(b) Development of performance targets as part of the strategic planning activities:**

- 40% reduction in fatal and serious accident (10% in 2008)
- 70% of compliance (15% in 2008)
- 95% positive partner evaluations (5 –10% in 2008)

**(c) Training / promotion / outreach / support**

- Continuous investment in the training of Inspectors
- Awareness raising campaigns
- Publications
- Expositions, seminars, brochures
- Guidance material
- Small business consultations
- OSHA Website
- National Safety Week 2008

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**(d) Enforcement Strategies**

Employers who were willing to comply with the legislation were supported by information and guidance provided by the Agency. Where there were unwilling employers / employees and general non compliance, stronger enforcement measures were contemplated. Fifteen (15) matters were considered for legal action, cases where fatal accidents were related to negligence of employers or a breach of the existing law.

## **7.0 CODES OF PRACTICE AND DRAFT REGULATIONS**

As required under the OSH Act, several draft Regulations with accompanying Codes of Practice were prepared. These were forwarded to the Trinidad and Tobago Bureau of Standards to be used as “working documents” for the further development of these regulations and Codes of Practice.

Various Memoranda of Understanding were developed between the OSH Agency and other Agencies where there were overlapping legal responsibilities. These included the Trinidad and Tobago Police Service, Ministry of Education, Ministry of Energy and Energy Industries, Ministry of Health and the Environmental Management Authority. Consultations were also initiated with the Tobago House of Assembly.



# Appendix 1

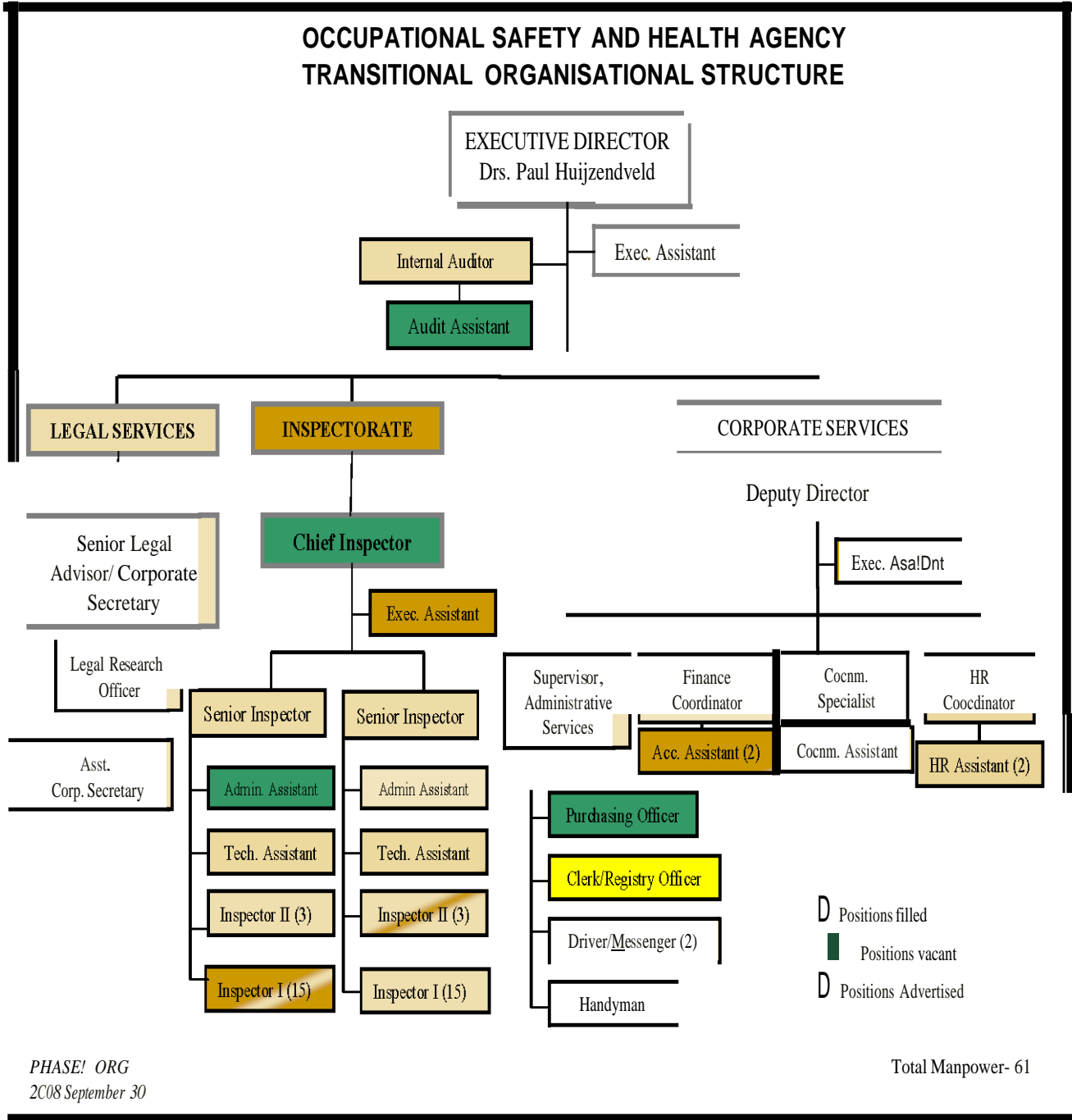
## ORGANISATIONAL STRUCTURE

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As of September 30<sup>th</sup> 2008, the OSH Agency employed sixty one (61) staff members made up of thirty eight (38) Inspectors (excl. the Senior Inspector performing the duties of Chief Inspector) and twenty three (23) supporting staff.

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# Appendix 2

## FINANCIAL STATEMENT

**Statement of Releases received and  
Expenditure incurred**

**For the Year ended September 2008**

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**Table 3 Statement of Releases received and Expenditure incurred**

	<b>ACTUAL</b>
<b><u>Revenues (Releases)</u></b>	
<b>Government Funding</b>	7,000,000
<b><u>Total Revenues (Releases)</u></b>	<b>7,000,000</b>
<b><u>Expenses</u></b>	
-	
Salaries & NIS - Special Contract	1,038,101
Salaries & NIS - Other Staff*	
Travel & Subsistence( incl. Vehicle rental)**	292,347
Office Stationery & Supplies	276,175
Books & Periodicals	108,219
Repairs & Maintenance - Equipment	23,366
Training	717,718
Repairs & Maintenance - Buildings	396,474
Short-term Employment	95,602
Official Overseas Travel	2,166
Postage	2,875
Promotions, Publicity, & Printing	1,644,624
Hosting of Conferences, Seminars & Others	337,539
Furniture & Furnishings	519,116
Miscellaneous	113,189
Rent of Furniture/Equipment	55,489
Telephone Motor	96,896
Vehicle Equipment	218,293
*** Notification of credit	1,055,567 (44,157)
<b>Total Expenses</b>	<b>6,949,600</b>
<b>Net Surplus/(Deficit)</b>	<b>50,400</b>

# Appendix 3

## STRATEGIC PLAN

# Appendix 4

## ACTIVITIES OF THE AGENCY

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**Table 4 Breakdown of Inspection Activities**

<b>Activities conducted by the OSH Agency</b>								
<b>Period</b>	<b>Activity</b>							
	<b>Accident Investigations</b>	<b>Inspections Audits</b>	<b>Lectures Conducted</b>	<b>EIA Reviews</b>	<b>Complaint Investigations</b>	<b>Meetings</b>	<b>Plans Examined</b>	<b>Total for Month</b>
<b>October 2007</b>	80	369	9	5	59	96	0	618
<b>November 2007</b>	93	218	10	5	43	81	0	450
<b>December 2007</b>	50	85	2	3	26	90	0	256
<b>January 2008</b>	34	139	3	3	35	63	0	277
<b>February 2008</b>	54	149	11	3	30	77	1	325
<b>March 2008</b>	32	205	9	3	22	97	3	371
<b>April 2008</b>	58	179	29	3	35	140	1	445
<b>May 2008</b>	65	188	24	3	38	105	3	426
<b>June 2008</b>	37	213	13	3	48	86	0	400
<b>July 2008</b>	63	262	6	2	34	95	3	465
<b>August 2008</b>	52	239	7	1	38	94	1	432
<b>September 2008</b>	47	160	10	2	45	86	4	354
<b>Yearly total for activity</b>	665	2406	133	36	453	1110	16	4819

**Activities conducted by the OSH Agency: Grand Total = 4819**



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**Table 5 Accident Investigations as carried out by OSHA Units**

PERIOD	Units of the OSH Agency						Total for Month
	Construction	Manufacturing	Oil and Gas	Health & Hygiene	Petrochemicals	Services Agriculture/	
October 2007	12	17	3	20	10	18	80
November 2007	8	23	1	10	5	46	93
December 2007	13	9	4	14	3	7	50
January 2008	3	9	2	5	10	5	34
February 2008	7	11	1	2	15	18	54
March 2008	6	11	3	0	0	12	32
April 2008	13	11	3	2	22	7	58
May 2008	8	19	19	7	0	12	65
June 2008	9	7	2	3	3	13	37
July 2008	11	27	5	5	10	5	63
August 2008	9	23	6	6	2	6	52
September 2008	4	27	4	2	0	10	47
Yearly total for unit	103	194	53	76	80	159	665
<b>Accident Investigations: GRAND TOTAL = 665</b>							

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**Table 6 Inspection/Audit Accidents for the Respective OSHA Units**

<b>ACTIVITY: Inspections / Audits</b>							
<b>PERIOD</b>	<b>Units of the OSH Agency</b>						
	M		Hea	Pe	trochemicals	Servi	Tot
<b>October 2007</b>	57	89	27	82	46	68	369
<b>November 2007</b>	49	26	20	42	33	48	218
<b>December 2007</b>	23	10	4	12	14	22	85
<b>January 2008</b>	59	23	16	29	6	6	139
<b>February 2008</b>	34	45	13	24	9	24	149
<b>March 2008</b>	77	37	26	12	28	25	205
<b>April 2008</b>	63	33	33	15	11	24	179
<b>May 2008</b>	71	19	19	20	27	32	188
<b>June 2008</b>	58	42	40	10	20	43	213
<b>July 2008</b>	57	25	25	37	62	56	262
<b>August 2008</b>	47	48	53	31	50	10	239
<b>September 2008</b>	16	23	25	7	39	50	160
<b>Yearly total for unit</b>	611	420	301	321	345	408	2406
<b>Inspections / Audits: GRAND TOTAL: 2406</b>							

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**Table 7 Lecture Activities for the Respective OSHA Units**

<b>ACTIVITY: Lectures Conducted</b>							
<b>PERIOD</b>	<b>Units of the OSH Agency</b>						
	M		Hea	Pe	trochemicals	Servi	Tot
<b>October 2007</b>	0	4	1	1	1	2	9
<b>November 2007</b>	0	6	2	0	1	1	10
<b>December 2007</b>	0	2	0	0	0	0	2
<b>January 2008</b>	0	2	0	0	1	0	3
<b>February 2008</b>	0	6	0	2	3	0	11
<b>March 2008</b>	0	5	1	0	1	2	9
<b>April 2008</b>	4	14	3	2	2	4	29
<b>May 2008</b>	2	5	5	1	6	5	24
<b>June 2008</b>	0	1	5	1	1	5	13
<b>July 2008</b>	0	1	2	3	0	0	6
<b>August 2008</b>	0	0	2	0	2	3	7
<b>September 2008</b>	2	1	2	0	2	3	10
<b>Yearly total for unit</b>	8	47	23	10	20	25	133

**Lectures Conducted : GRAND TOTAL = 133**