



ADMINISTRATIVE REPORT

October 2014 – September 2015

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

TABLE OF CONTENTS

1.0	CHAIRMAN’S STATEMENT.....	5
2.0	STRATEGIC PLAN.....	8
3.0	ORGANISATIONAL STRUCTURE.....	9
3.1	PROFILE OF THE OCCUPATIONAL SAFETY AND HEALTH AUTHORITY	9
3.2	FUNCTIONS OF THE OSH AUTHORITY	11
3.3	STRATEGIC OBJECTIVES OF THE OSH AUTHORITY	12
3.4	THE OSH AUTHORITY’S SUB-COMMITTEES	15
3.5	PROFILE OF THE OCCUPATIONAL SAFETY AND HEALTH AGENCY	16
	CORPORATE STRUCTURE	16
	INTERNAL SUPPORT	17
4.0	LEGISLATIVE AND REGULATORY FRAMEWORK.....	20
4.1	LEGISLATIVE FRAMEWORK	20
4.2	REGULATORY FRAMEWORK	21
5.0	REPORTING FUNCTIONS.....	22
6.0	FINANCIAL REPORT.....	23
6.1	BUDGET, EXPENDITURE AND INCOME	23
6.2	PUBLIC SECTOR INVESTMENT PROGRAMMES (PSIP).....	23
6.3	FINANCIAL DELEGATION.....	27
6.4	DEBT POLICY	28
8.0	HUMAN RESOURCES	28
8.1	STRUCTURE AND STAFFING	28
8.2	RECRUITMENT	29
8.3	CHALLENGES FACED BY THE HR UNIT	30
8.4	REPORTS GENERATED	30

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

8.5	HR INITIATIVES UNDERTAKEN	30
8.6	EMPLOYEE INTEGRATION	31
8.7	PERFORMANCE MANAGEMENT.....	31
8.8	TRAINING AND DEVELOPMENT	32
9.0	PROCUREMENT OF RESOURCES.....	34
10.0	PUBLIC AND COMMUNITY RELATIONS.....	37
10.1	NATIONAL OSH WEEK 2015	37
10.2	MANUFACTURING SYMPOSIUM 2015	38
10.3	STRATEGIC PARTNERSHIPS	39
11.0	LEGAL REPORT	40
11.1	RECENT JUDGMENTS	41
11.2	OUTSTANDING LEGAL MATTERS	43
11.3	FREEDOM OF INFORMATION REQUESTS	44
12.0	INSPECTORATE REPORT	44
12.1	INSPECTORATE STRATEGIC OBJECTIVES	44
12.2	REVIEW OF SIGNIFICANT ACHIEVEMENTS OF THE INSPECTORATE	45
12.3	PREVENTATIVE COMPLIANCE PROGRAMMES	61
	AWARENESS, SENSITISATION PROGRAMMES AND EXTERNAL MEETINGS	61
	ESTABLISHING STAKEHOLDER RELATIONSHIPS.....	61
12.4	PROFESSIONAL DEVELOPMENT PROGRAMME	63
12.5	REGULATIONS AND APPROVED CODE OF PRACTICE	64
12.6	MEMORANDA OF UNDERSTANDING (MOU).....	65
12.7	DATA COLLECTION, ANALYSIS AND REPORTING	65
12.8	INSPECTORATE CHALLENGES	65

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

12.9 IMPACT OF CURRENT VACANCIES ON THE INSPECTORATE’S WORK
PLAN 2014 – 201567

13.0 STRATEGIC APPROACH TO OSH COMPLIANCE IN THE PUBLIC SECTOR67

List of Abbreviations:

ILO	International Labour Organisation
KPI	Key Performance Indicator
OSH Act	Occupational Safety and Health Act Chapter 88:08
OSHA	Occupational Safety and Health Authority and Agency
OSH Agency	Occupational Safety and Health Agency
OSH Authority	Occupational Safety and Health Authority
MOLSED	Ministry of Labour and Small Enterprise Development
NOSH Week	National Occupational Safety and Health Week

CHAIRMAN'S STATEMENT

The Occupational Safety and Health Authority and Agency entered its eighth year during the reporting period. This important milestone provides another occasion to reflect on the contribution that the body has made with respect to the nation's social and economic development.

OSHA faced several administrative and operational challenges during the period. The failure to fill critical positions, including that of Deputy Director Technical and Deputy Director Legal, led to a vacuum in leadership in key areas of the work of the OSH Agency. Notwithstanding this, the OSH Agency as the enforcement arm continued to perform, focused on the importance of safeguarding employees' rights to safe and healthy working conditions.

Statutory enforcement activities have increased during the reporting period and a number of cases have been successfully brought before the courts. Additionally the scope and issuance of enforcement notices have necessarily increased in line with OSHA's targeting principles. There still remains however a perception that the Agency is not delivering its core mandate to great effect. This continuing perception may be symptomatic of the limited number of successful outcomes for breaches of the provisions of the Occupational Safety and Health Act 2004 Chapter 88:08 and/or due to the limitations of the OSH Act itself.

Whilst Trinidad and Tobago continues to undergo rapid and promising industrial development, the number of accidents, including the number of work related fatalities (refer to Table 1) during the period 2014 – 2015, must be considered a cause for concern. There was a slight increase in the number of fatalities than in the previous year and as such ongoing review of targeted preventative strategies is imperative. The figures for fatalities and critical incidents and injuries remain ostensibly higher than those in the established economies of developed industrial nations.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Table 1– Workplace Fatalities: 2007 – 2015

Year	2007- 2008	2008- 2009	2009- 2010	2010- 2011	2011- 2012	2012- 2013	2013- 2014	2014- 2015
Fatalities	9	15	6	5	22	11	9	13

In addition to the safety concerns, the number and scope of occupational health problems that result in direct sick leave and/or health damage, in the longer term, are significant but not yet adequately quantified. Following on from the National Occupational Safety and Health Week, themed on the development of an OSH Prevention Culture, the Authority and Agency has sustained engagement with stakeholders, ranging from policy formulation to implementation and direct compliance activities. The reporting period also bore witness to sustained activity with Trade Union interventions relating to alleged non-conformances with respect to the management of potential refusal to work scenarios.

Cognisant of this and the need to engender a culture of positive management of the Government’s assets, reputation and compliance performance, the Authority seeks to recommend the establishment of OSH Units within Ministries, similar to the model already successfully implemented in Tobago. Although the economic climate is directly and heavily influenced by the energy sector, the temptation to shy away from support for occupational safety and health provision should not be entertained lightly in times of uncertainty. Historic evidence shows that the cost of failures far outweighs the associated costs of prevention.

OSHA is mindful of the extent of work that is necessary in order to realise the goals and objectives envisaged by its vision and mission. The importance of commitment from all relevant parties cannot be sufficiently underlined and this must include closer tripartite dialogue and engendering greater understanding of the common aims aspired to by all stakeholders. Without such commitment, the success of the OSH Agency in attaining its mission – to “ensure an environment that leads to safe and healthy workplaces throughout Trinidad and Tobago” – will be compromised.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

A key driver for the work of OSHA is the Occupational Safety and Health Act Chapter 88:08. During the reporting period the Line Ministry recognised that there was the need for a comprehensive review of the OSH Act. Plans were put in place for it to be reviewed.

The Act enables Regulations to be made in order to pursue and secure greater prescriptive control of workplace hazards and improve the OSH culture. Certain occupational factors, including lifting operations and lifting equipment, electrical safety, safety committees, and safety representatives, will form the basis of regulations to be brought onto the statute books. Policies have already been drafted in preparation for submissions to the Chief Parliamentary Counsel in order to initiate the legislative review process.

OSHA continues to commit itself to its core mandate. Every reasonable effort will be made to strengthen its reputation as a highly respected and reliable organization, committed to creating the best possible future for all of its stakeholders.

Sydney Sears

Chairman

Occupational Safety and Health Authority

1.0 STRATEGIC PLAN

The Multi Annual Strategic Plan (2008 – 2012) identified ten (10) strategic activities and initiatives among others, for achieving its vision and mission as follows:

- 1) Establishment of a National OSH Policy.
- 2) Balancing compliance techniques.
- 3) Targeting higher risk / impact groups.
- 4) Negotiating and forming strategic relationships.
- 5) Building a cadre of OSH professionals.
- 6) Implementation of a supportive infrastructure.
- 7) Establishment of comprehensive practices.
- 8) Building public awareness.
- 9) Collection of quality information.
- 10) Managing the OSH Agency's brand.

The period 2012 – 2015 provided the OSH Agency the opportunity to review its existing strategic plan and work on the finalisation of the draft strategic plan for the period with a view to establishing proposals to implement for the period 2015 – 2016. This exercise remained incomplete and efforts to have the development of the Strategic Plan completed remain a priority for the OSH Authority and Agency.

In order to continue to fulfil the mandate of the OSH Authority and Agency, the priorities for improvement, expansion and development of the operations of the OSH Agency are as follows:

- Establish a Head Office and satellite offices that serve as national examples of best practice with respect to occupational safety and health.
- Lead the development and finalisation of prioritized Regulations and Approved Codes of Practice (ACOP) based on a current needs assessment.
- Comprehensive review and amendment of the OSH Act Chap. 88:08.
- Using a regulatory body representing international best practice to develop and strengthen the OSH Inspectorate.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- Develop the OSH Agency's ICT infrastructure and its project additions.
- Finalisation and implementation of the Multi-Annual Strategy through the Organizational Development/Strategic Planner.
- Development of a National OSH Policy.
- Fill all positions currently vacant within the organizational structure.

3.0 ORGANISATIONAL STRUCTURE

3.1 PROFILE OF THE OCCUPATIONAL SAFETY AND HEALTH AUTHORITY

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

Composition of the OSH 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 organizations representing women's affairs.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

There were thirteen (13) members comprising the OSH Authority at the start of the period. Two (2) members resigned in August 2015. The membership of the OSH Authority as at the end of the reporting period is stated in Table 2 below.

Table 2 – OSH Authority Membership 2014-2015

No.	Name	Representative	Position	Date of Appointment	Date of Expiration
1	Sydney Sears	Appointed by the Minister MOLSED/ Chartered Health and Safety Practitioner	Chairman	January 21, 2014	January 20, 2017
2.	Gladstone Solomon	Ministry of Tobago Development	Deputy Chairman	December 17, 2013	December 16, 2016
3.	Indira Ramkissoon	Ministry of Energy and Energy Affairs	Member	January 21, 2014	January 20, 2017
4.	Theodore Reddock	Trinidad and Tobago Bureau of Standards	Member	May 1, 2014	April 30, 2017
5.	Aldington Spencer	Tobago House of Assembly	Member	December 17, 2013	December 16, 2016
6.	Dennison Poon	Appointed by the Minister MOLSED	Member	May 1, 2014	April 30, 2017

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

No.	Name	Representative	Position	Date of Appointment	Date of Expiration
7.	Dr. Cyril Paltoo	Medical Board of Trinidad and Tobago	Member	December 17, 2013	December 16, 2016
8.	Farzan Ali	Employer's Consultative Association of Trinidad and Tobago	Member	January 21, 2014	January 20, 2017
9.	Gwyneth Norgriff	Environmental Management Authority	Member	January 21, 2014	January 20, 2017
10.	Zaid Khan	Board of Engineering of Trinidad and Tobago	Member	January 21, 2014	January 20, 2017
11.		Executive Director	Member		

3.2 FUNCTIONS OF THE OSH AUTHORITY

The functions of the OSH Authority are set out in the OSH Act under Section 66 (1).

The functions of the OSH Authority shall be –

- (a) To assist and encourage persons concerned with matters relevant to any of the general purposes of the Act to further those purposes.
- (b) To make such arrangements as it considers appropriate for the carrying out of research, the publication of results of research and the provision of training and information in

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- that connection with those purposes and to encourage research and the provision of training and information in that connection by others.
- (c) To make such arrangements as it considers appropriate for securing that government departments, employers, organizations representing employers and employees, respectively and other persons concerned with matters relevant to any of those purposes are provided with an information and advisory service and are kept informed of, and adequately advised on such matters.
 - (d) To perform such acts and functions in accordance with law to enforce provisions of this Act.
 - (e) To submit from time to time to the Minister such proposals as the OSH Authority considers appropriate for making Regulations under the Act and;
 - (f) To advise the Minister on organizational structure, staff requirements and operations for the proper and efficient functioning of the Agency.

Sections 66(2) and 67 of the OSH Act

The OSH Authority is a policy-making body. Among the various functions of the Authority is to give effect to any directions given by the Minister and to approve and issue Codes of Practice.

The OSH Authority is delegated the responsibility of governing the OSH Agency with overriding responsibility for enforcement of the OSH Act. To understand the tasks assigned to the OSH Authority there has to be an understanding of the body it governs.

The Mission Statement of the OSH Authority and Agency is “to ensure an environment that leads to safe and healthy workplaces throughout Trinidad and Tobago”.

3.3 STRATEGIC OBJECTIVES OF THE OSH AUTHORITY

The strategic objectives of the OSH Authority are as follows:

- To use all its capacities and powers and take a leadership role in establishing partnerships in order to achieve compliance and increased awareness.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- To promote such working environments and conditions that the chance of occupational accidents and diseases are minimized leading to safe and healthy working lives for everyone.
- To enforce the OSH Act and subsidiary legislation on all premises, locations, and situations including means of transport, where people carry out work.

In brief the OSH Authority:

- Formulates, Advises and Recommends Policies, Plans and Practices.
- Governs the Management of the OSH Agency.
- Regulates and Enforces.

Whereas policy development is the foremost responsibility of the OSH Authority the body additionally serves an important advisory function. The expertise on the OSH Authority serves to provide guidance and assistance to the Minister on critical high impact public issues.

The terms of reference are clear that the OSH Authority also has the overriding responsibility with respect to matters of enforcement. The OSH Authority is accountable to the Courts as all breaches of the OSH Act are brought in its name. The Trinidad and Tobago OSH Authority and Agency are regarded as pioneering entities within the Caribbean from which several lessons can be learnt and relationships forged with countries seeking to establish similar bodies. The OSH Authority and Agency are at the forefront of matters involving occupational safety and health and continues to be examined and scrutinized by neighbouring nations.

Trinidad and Tobago remains the Caribbean example on enforcement of safety and health in the workplace. It is of national importance that the mandate for the Authority is effectively undertaken and the Members of the Authority remain steadfast in their responsibilities as the initiative is under the region's microscope.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Legal precedents are being established which would set the tone for the public's perception on the stringency and severity of breaching the OSH Act and the importance of safe work practices. These precedents would be relied on in the Caribbean industrial context.

The OSH Authority is mandated to enforce in an area of law and practice that is somewhat new and developing at a rapid rate. It continues to provide strategic direction to the OSH Agency and sets in motion actions leading to legal precedent. The OSH Authority is the vanguard of Occupational Safety and Health in the region and is certainly in a position to ratify ILO Convention 155 in the near future.

The OSH Authority is engaged in the development of the National OSH Profile which is an element of the Convention. The National OSH Profile is an inventory of all the tools and resources available in the country to implement and manage OSH and is designed to provide the data necessary for setting national priorities for action aimed at progressive and continual improvement of workplace safety and health. The National OSH Profile reflects the tenets of a National OSH Policy in respect of the rights of workers to safe work, annual assessment of the risks to which workers are exposed on a daily basis, preventive measures against injuries and illnesses at work and the engendering of a culture of safety and health among employers and employees all in an atmosphere of tripartite consultation, collaboration and cooperation.

The intensity of growth of Trinidad and Tobago has brought into focus the need for modern legislation dealing with the environment, social issues and decent work. The latter has resulted in the implementation of safety, environment and social legislation. This is a major pillar for sustainable workplace peace as it will make a major impact on absenteeism, efficiency and health and safety in the workplace.

Occupational diseases, accidents and injuries are the major reasons for human suffering and losses. The OSH Authority through the OSH Agency is committed to promoting public knowledge of occupational safety and health practices, encouraging involvement of social partners to develop a safety culture for achieving sustainable improvement nationally in safety and health.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

It is the objective of the OSH Authority to contribute to the national development thrust by building on compliance, enforcement, awareness and preventative approaches to make the workplace safe and healthy and to contribute to competitiveness and skill of the workforce as we sustain our place among the developed countries of the world. The OSH Authority has also been cognisant of the significance of the Vision 2020 Draft National Strategic Plan in relation to development and positioning of the OSH Agency. Recent attempts at shaping the OSH Agency's plans have had many of the imperatives associated with this document, taken into consideration.

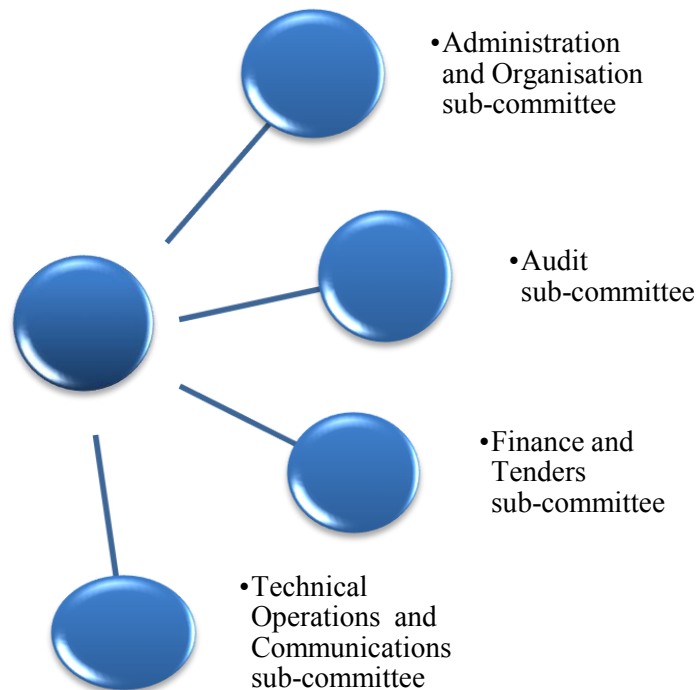
3.4 THE OSH AUTHORITY'S SUB-COMMITTEES

Under Schedule 2, Section 14 of the OSH Act, the OSH Authority may appoint a committee –

- (a) To examine and report to it on any matter whatsoever arising out of or connected with any of its duties and powers; or
- (b) To assist it in any business and may, for that purpose, delegate such duties and powers as it may consider necessary to that committee.

To this end, five (5) sub-committees of the OSH Authority were established and comprise of members of the OSH Authority. The Public Education and Communication sub-committee has been assimilated into the renamed Technical Operations and Communications sub-committee. Figure 1 below illustrates the existing committee structure of the OSH Authority.

Figure 1- Sub-Committees of the OSH Authority



3.5 PROFILE OF THE OCCUPATIONAL SAFETY AND HEALTH AGENCY

CORPORATE STRUCTURE

The Occupational Safety and Health Agency is the lead Agency within the Government's framework with responsibility for enforcing and promoting compliance with the OSH Act.

As the enforcing body with legal powers, the OSH Agency is responsible for undertaking the following activities:

- Accessing industrial establishments to determine level of compliance;
- Undertaking incident/accident investigations;

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- Issuing Improvement and/or Prohibition Notices and;
- Initiating prosecution procedures in the Industrial Court, or in specific cases, the Criminal Court.

INTERNAL SUPPORT

ADMINISTRATION

The Administration Division manages the overall daily office operations. Administration oversees a number of departments including Human Resources, Communications and Outreach and Finance. There is also responsibility for administrative services which includes Facilities Management, Purchasing, the Registry and ancillary staff such as the Driver/Messenger, Handyman, Telephone Receptionist and Kitchen Assistant. From a strategic perspective, Administration has responsibility for assisting with the development and implementation of organisational strategies and policies.

TECHNICAL

The Technical Division comprises the Inspectorate, Research, Planning and Development and Information Technology and Projects departments. This arm is engaged in several core activities such as compliance, enforcement, research, organizational planning and information and communication technology support.

LEGAL

The Legal Department is responsible for leading all litigation on behalf of the OSH Agency and for handling requests for information under the Freedom of Information Act (FOIA). It also provides support to the OSHA Inspectorate, gives advice to the heads of departments and departments of the OSH Agency and conducts legal research as requested.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

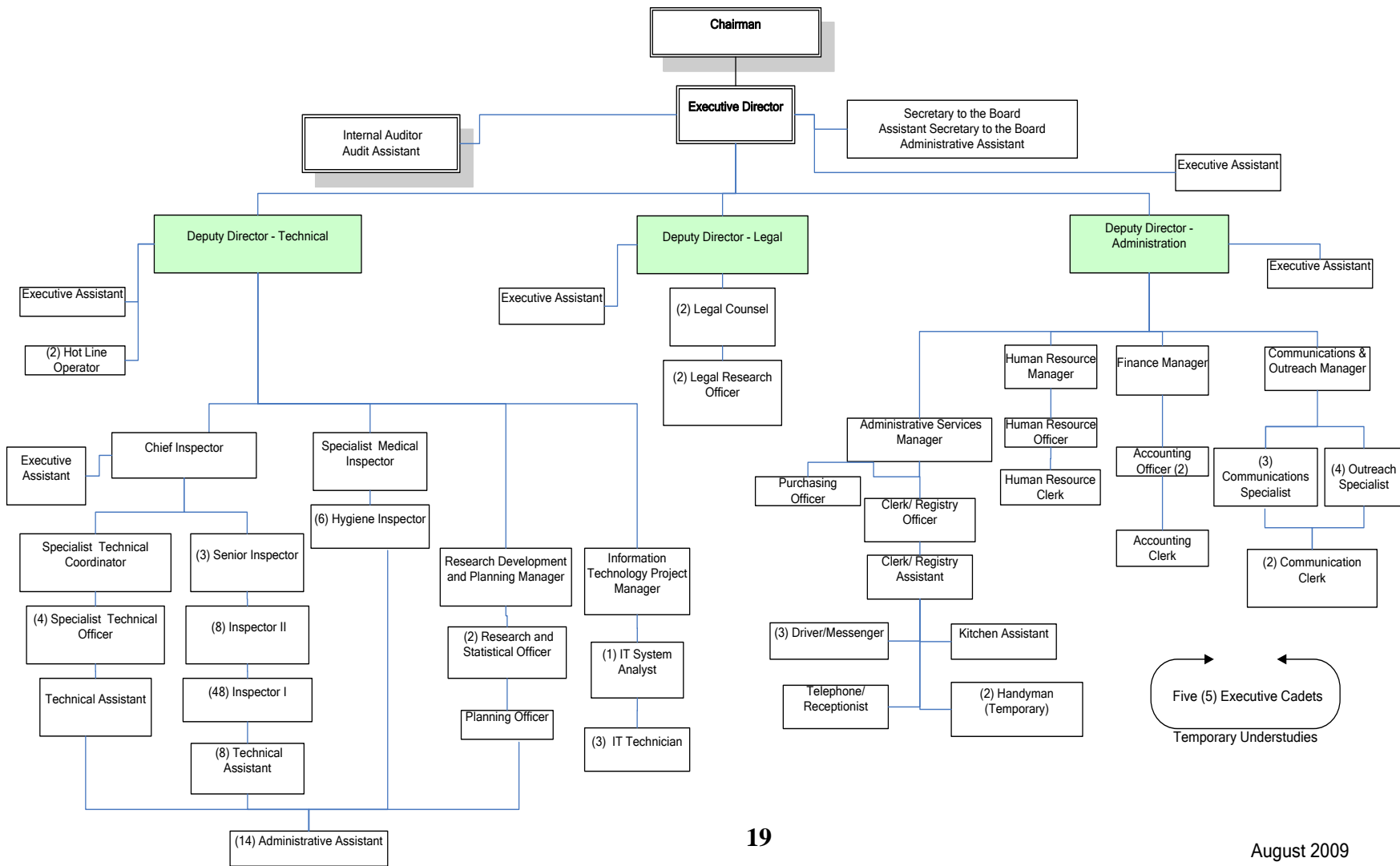
INTERNAL AUDIT

The Audit Unit comprises of two positions, that of Internal Auditor and Audit Assistant. The Internal Audit Department is responsible for ensuring good governance and the establishment of strong internal controls. Both the positions of Internal Auditor and Audit Assistant remained vacant. The OSH Authority considers these positions as key to the operations of the OSH Agency and will seek to fill these positions as a matter of priority.

SUPPORT TO THE AUTHORITY

The role of the Secretary of the Board is to provide consistently accurate, timely and useful information to the OSH Authority. The Secretary staff must also furnish general and specific support and advice to the OSH Authority in its work to safeguard Occupational Safety and Health in the workplace as stated under the OSH Act.

Figure 2 Organisational Structure of the OSH Agency



THE EXECUTIVE DIRECTOR

According to the Part XIII, Section 69 (3) of the OSH Act:

- “The Executive Director shall be the Accounting Officer on the Exchequer Account for the Authority and shall –
 - (a) carry out any directions given to him by the Authority in pursuance of its functions and;
 - (b) if requested by the Minister, provide the Minister with information about the activities of the Authority or any other related matter.”

An Executive Director was appointed to the OSH Agency on January 1st 2013, however the incumbent remained without instruments of appointment as the Accounting Officer on the Exchequer Account for the Authority. This responsibility continued to reside with the Permanent Secretary (MOLSED). The Executive Director was placed on administrative leave in January 2015 pending the negotiation of outstanding issues with the OSH Authority and remained on leave up to the end of the period. The Deputy Director – Administration was asked to perform the duties of the Executive Director of the OSH Agency during this period 2015.

4.0 LEGISLATIVE AND REGULATORY FRAMEWORK

4.1 LEGISLATIVE FRAMEWORK

The OSH Act Chapter 88:08 provides for the revision and extension of the law regarding the safety, health and welfare of persons at work. The objective of the amendment in 2006 was to strengthen the system of law which promotes voluntary compliance by facilitating stronger self-governance by the employer and the workers and a more regulatory role by the government. The OSH Act covers all workers (with the exception of domestic employees) and all aspects of work undertaken in an industrial establishment (defined as a factory, shop, office, place of work or other premises

excluding residential premises) which may have significant impact on the health and safety of the employers, employees or third parties.

OSHA is an enforcement body with legal powers of access to every industrial establishment and to undertake investigations. The OSH Agency is also empowered with legal intervention functions including the issuing of Improvement Notices, Prohibition Notices and initiating prosecution procedures in the Industrial Court, or in specific cases, the Criminal Court. The main objective of the OSH Agency is to ensure compliance with the Act and related regulations.

Inspectors under the OSH Act can enter, inspect and examine any place of work covered by the OSH Act. They may request relevant documents in order to inspect, examine or copy them. They also conduct examinations and inquiries to ascertain whether there is compliance with the OSH Act.

4.2 REGULATORY FRAMEWORK

OSHA is currently in the process of establishing and implementing regulations such as the Lifting Operation and Lifting Equipment Regulations (LOLER), the Provision and Use of Work Equipment Regulations (PUWER) and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), Pressure Systems Safety Regulations (PSSR) and Safety Committees and Safety Representatives Regulations (SCSR). The implementation of these regulations is at various levels of completion.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

5.0 REPORTING FUNCTIONS

Table 3 - Reporting Functions of the OSH Agency

Name of Report	Description	Department Responsible	Comments
Reports to the OSH Authority			
<p>The OSH Agency's Monthly Report to the OSH Authority</p>	<p>Compiled by the Research, Planning and Development (RPD) Department and submitted by the Executive Director to the OSH Authority at their statutory meeting.</p> <p>The purpose of this report is to provide an overview of all departmental activities and provide some insight into the impact of OSH activities nationally.</p>	<p>Each Unit compiles a periodic report which is then compiled by RPD.</p>	
Reports to the Ministry:			
<p>Weekly and Monthly Public Sector Improvement Program (PSIP) Report</p>	<p>These reports highlight the weekly and monthly expenditure respectively of the OSH Agency with respect to the PSIP allocations provided by the MOLSED.</p>	<p>Research, Planning and Development</p>	

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Name of Report	Description	Department Responsible	Comments
Reports to the Ministry:			
Monthly Achievement Report	This report, due on the 5 th business day of each month, highlights the monthly achievement of OSHA against the strategic objectives of the parent ministry (MOLSED) and the Government of Trinidad and Tobago's development pillars.	Research, Planning and Development	
OSH Data Report	This report speaks to ad hoc reports provided to Parliament, MoLSED, OSH Authority and the public.	Research, Planning and Development	

6.0 FINANCIAL REPORT

6.1 BUDGET, EXPENDITURE AND INCOME

The Financial year 2014/2015 ended on September 30, 2015. For the year, a total of \$18,550, 000 was provided to meet recurrent expenditure. A total of \$18,008,500 out of this provision was released and the sum of \$17,295,125.38 was spent.

6.2 PUBLIC SECTOR INVESTMENT PROGRAMMES (PSIP)

The PSIP provision for the period was \$3,500,000. For the year a total of \$2,350,000 was released and the sum of \$1,099,443.55 was spent. Although the sum of \$1,000,000 out of the amount provided was earmarked for the relocation of OSHA, a suitable location was not acquired during the period after viewing several properties. The sum of \$1,000,000 earmarked for ICT

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Infrastructure remained unspent during the year. The uncompleted projects have been re-scheduled to another fiscal period.

Several Public Sector Investment Programmes were identified within the budget year. A substantial amount of financial, human and physical resources were devoted to developing these projects for implementation. The following PSIP projects were proposed:

- National OSH Profile.
- Sensitization in Agriculture Safety.
- Analysis of Occupational Injuries and Illnesses.
- Implementation of Enforcement/ Institutional Strengthening.
- Organizational Development/Strategic Planner.
- Relocation of the OSH Agency.
- Construction of a New Office Complex for OSHA.
- Manufacturing Symposium
- Statistical Package for the Social Sciences (SPSS).

Due to limited financial resources the following PSIP projects were allocated funding:

- Relocation of the OSH Agency.
- Construction of a New Office Complex for OSHA.
- Sensitization in Agriculture Safety.
- Manufacturing.
- SPSS.

Status update on projects:

- Relocation of the OSH Agency – Locations at #9 Alexandra Street, St. Clair and Queen's Park West in Trinidad and Gulf City Mall in Tobago are being actively pursued for OSHA.
- Construction of a new office complex for OSHA – Communication to the Commissioner of State Lands has occurred with a view to vesting the land under OSHA's name and

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

initiating clearing works including getting the squatter off of the Cabinet approved OSHA state lands.

- Sensitization in Agriculture Safety – This project was thought beneficial for development and had the input of a former MoLSED Permanent Secretary and Deputy Permanent Secretary. The file containing the draft Cabinet Note was misplaced in the Ministry and a second replacement file was subsequently compiled and also misplaced. The two misplaced files were subsequently found in the MoLSED and returned to OSHA without approval.
- SPSS – This software was purchased for the RPD Department.

Table 4 – Financial PSIP and Recurrent Allocation and Expenditure 2014-2015

Details	Period	Amount Requested	Amount Provided	Amount Released	Expenditure
Recurrent	2014 – 2015	\$18,385,000	18,550,000	18,008,500	17,295,125.38
PSIP	2014 – 2015	\$3,500,000	2,500,000	2,350,000	1,099,443.55

Table 5 and Figures 3 and 4 below highlight OSHA’s budget allocation versus the actual expenditure for the period 2007 – 2015:

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Table 5- Financial PSIP and Recurrent Allocation 2007 - 2015

Financial Year	Annual Budget		Annual Expenditure		% Utilization	
	PSIP	Recurrent	PSIP	Recurrent	PSIP	Recurrent
2014-2015	2,500,000	18,550,000	1,099,443.55	17,295,125.38	43.98%	93.24%
2013-2014	3,000,000	21,007,949	389,686	15,796,809	13.0%	75.19%
2012 - 2013	3000,000	25027,550	174,968	17501,958	5.83%	69.93%
2011 - 2012	4000,000	21622,000	2453,552	16870,838	61.34%	78.03%
2010 - 2011	2685,000	20352,944	1970,360	15775,854	73.38%	77.51%
2009 - 2010	3200,000	20827,000	2345,076	14637,188	73.28%	70.28%
2008 - 2009	3500,000	25167,748	2248,332	15190,998	64.24%	60.36%
2007 - 2008	7000,000	0	6874,916	0	98.21%	0.00%
TOTAL	23,385,000	112,997,242	17,556,333.55	79,976,836	75.08%	70.78%

Figure 3 Recurrent Budget versus Expenditure 2007 - 2015

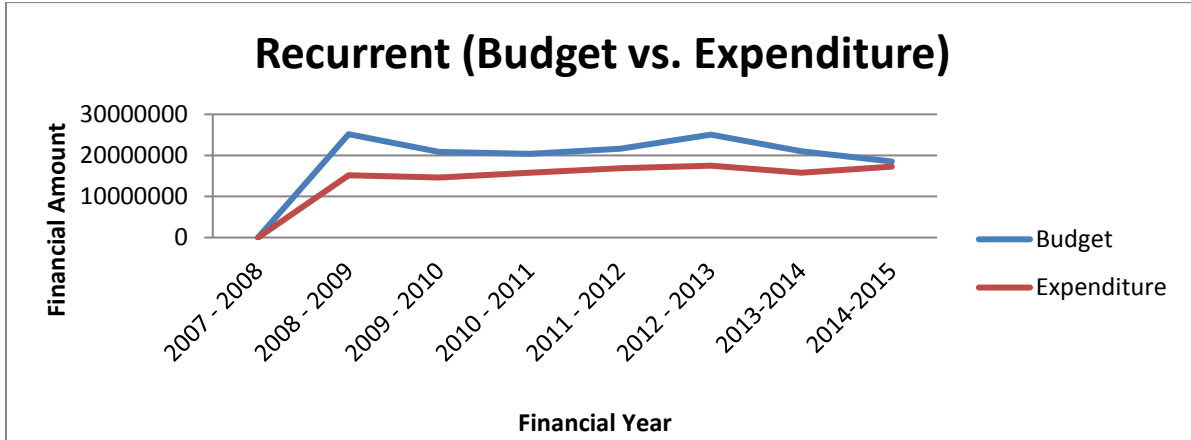
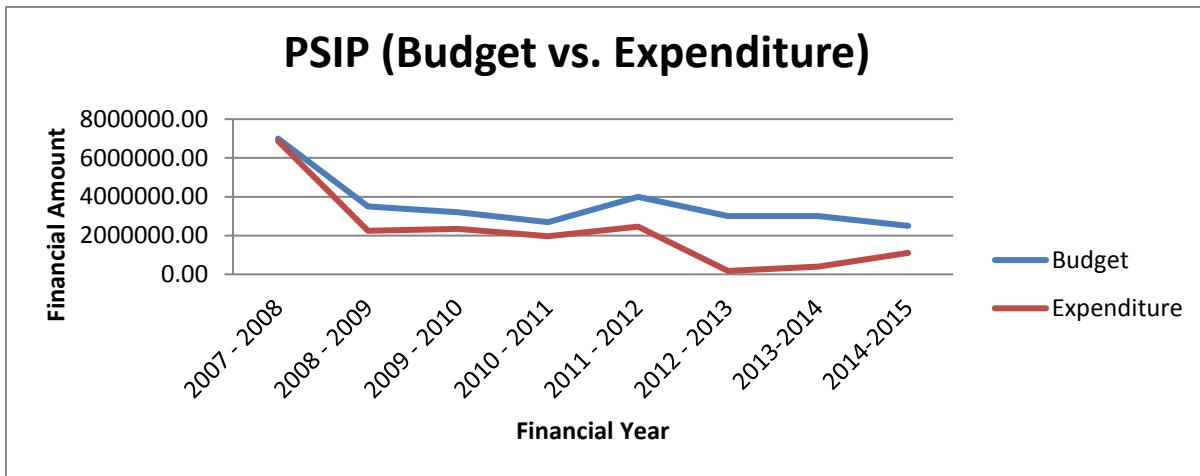


Figure 4 PSIP Budget versus Expenditure 2007 - 2015



6.3 FINANCIAL DELEGATION

The Executive Director was placed on Administrative Leave in January 2015 with the Deputy Director Administration being asked to perform the duties of Executive Director of the OSH Agency from January 2015 up to the end of the period. The Permanent Secretary continued to

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

undertake the duties of the Accounting Officer during the financial year 2014 – 2015. At some point in the near future, the financial delegation should be handed over to OSHA in line with its mandate and mission.

6.4 DEBT POLICY

The OSH Agency endeavours to avoid debts owed by employees, however, in some instances salary overpayments are made due to the preparation of salaries prior to the end of the month. All overpayments are normally recovered as soon as they are discovered by way of salary deduction. These were largely due to staff engaged on a month-to-month arrangement with no leave entitlement needing to take time off and having to financially reimburse the OSH Agency for so doing. This does not auger well for a state body with regulatory responsibilities.

8.0 HUMAN RESOURCES

The Human Resource Unit of the OSH Agency is currently staffed by two employees, a Human Resource Manager and Human Resource Officer. A vacancy still exists for a Human Resource Clerk. There is also no administrative support. Nevertheless, the unit continues to play a key role in achieving of OSHA’s mission and vision and by extension in supporting its strategic goals and objectives.

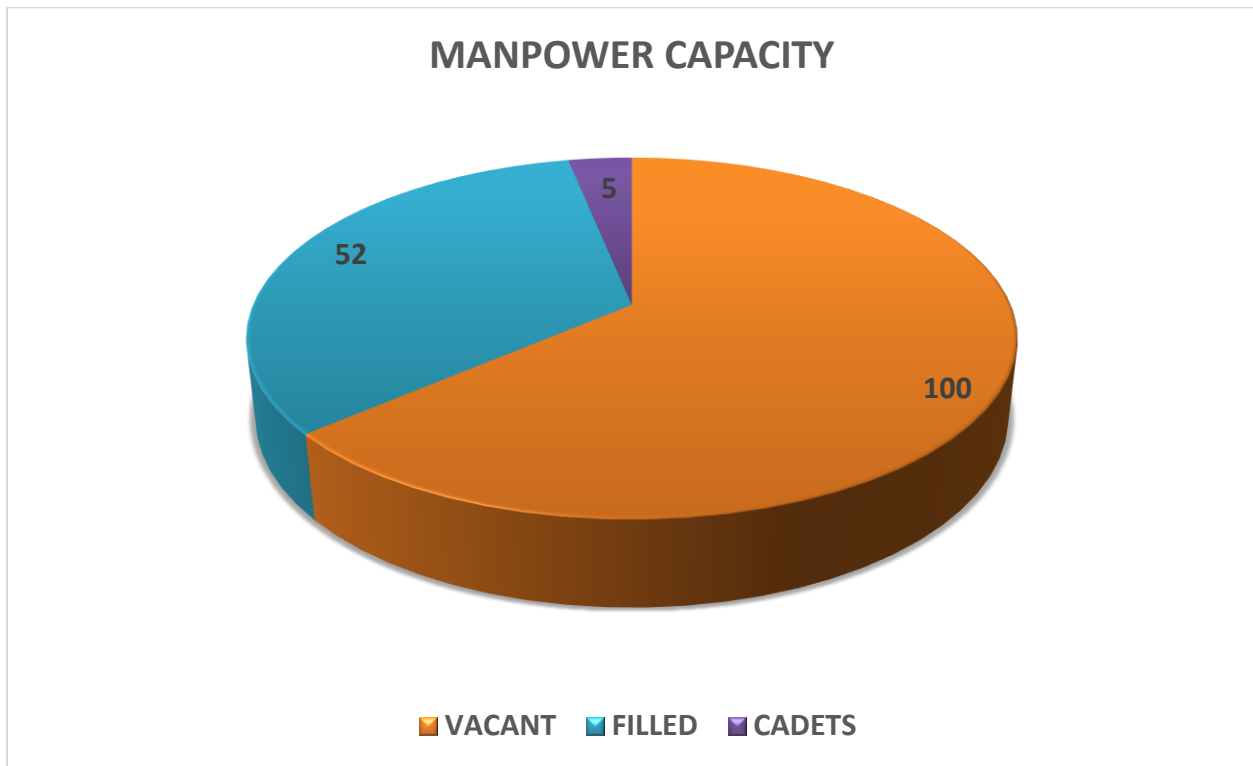
8.1 STRUCTURE AND STAFFING

The OSH Agency is currently operating with an organisational structure which comprises of one hundred and fifty-two (152) contract positions and five (5) Executive Cadets.

During the reporting period October 2014 to September 2015 there were an average of fifty-two (52) filled positions. Simultaneously there were approximately one hundred (100) vacant positions out of the one hundred and fifty two (152) contract positions. The Executive Cadets positions were never utilised.

Figure 5 below illustrates the manpower capacity of the OSH Agency during the reporting period.

Figure 5 - Manpower Capacity



8.2 RECRUITMENT

During the period October 2014 to September 2015, the OSH Agency was able to recruit one (1) employee as a Planning Officer. Attempts made to recruit a Secretary to the Board and Internal Auditor were unsuccessful because the OSH Agency's terms and conditions were not competitive. There were successful interviews for the positions of Deputy Director Legal as well as Communications Specialist however these persons are yet to be offered employment. Three (3) persons however were engaged on contract for service during the reporting period. These contractors perform the duties of Secretary to the Board, Legal Counsel and Assistant Accountant.

8.3 CHALLENGES FACED BY THE HR UNIT

The HR Unit and by extension the OSH Agency experienced the following difficulties during the reporting period:

- Attracting persons to fill the positions advertised.
- The insufficient amount of funds that are allocated to training staff members.
- Provision of adequate space to accommodate the complement of staff.

8.4 REPORTS GENERATED

The Human Resource Unit is responsible for the generation of a Monthly Report which highlights the monthly activities in the HR Unit.

8.5 HR INITIATIVES UNDERTAKEN

The Human Resource Unit is currently engaged in the following projects aimed at supporting the human resources of the OSH Agency.

- Policy development; currently there is the Disciplinary Policy and Procedure as well as the Conflict of Interest Policy and Procedure.
- Recruitment and selection drive.
- Development of an electronic central database.
- Development of a training matrix.
- Development of an orientation and induction programme for employees. The primary focus is to develop specific skills set for the OSH Inspectorate.

8.6 EMPLOYEE INTEGRATION

- A recognition programme has been formulated to recognize and award work behaviours, skills and traits in individuals or teams which support/further the mission, goals, values and initiatives of the OSH Agency. This programme is still awaiting final approval.
- There are also initiatives for teambuilding exercises which is intended to boost morale of employees.

8.7 PERFORMANCE MANAGEMENT

Performance Management is the systematic process by which the OSH Agency involves its employees, as individuals and members of a group, in improving organisational effectiveness in the accomplishment of OSH Agency mission and goals. Managers and supervisors are continuously encouraged to involve their employees in the planning of goals and setting of performance standards at the beginning of the appraisal period.

Employee performance management at OSHA includes:

- Planning
- Monitoring
- Developing
- Rating

During the reporting period October 1, 2014 to September 30, 2015, all due performance appraisals were conducted. The HR unit has streamlined the process for performance appraisal by facilitating education on the proper method to manage the process.

8.8 TRAINING AND DEVELOPMENT

Employees of the OSH Agency are sent on training in order to achieve and maintain a competitive advantage for the organisation. The objectives of training are to:

- Bridge the gap between the competencies gained and competencies needed to perform the task;
- Improve quality and standard of work and;
- Enhance employee growth within the organisation.

The OSH Agency has utilised both in-house and external training to achieve its goal of improving its workforce. In the area of training, it is important that the training conducted directly impacts the work and functions of the OSH Agency. To this end, employees were selected for training based on gaps that were identified through the Performance Management system during the Employee's Periodic Discussion Meetings. At the end of the training, participants were required to provide feedback in the form of an evaluation report of the learning experience. The OSH Agency was able to benefit from free training and development that the Ministry of Public Administration administers. It should be noted that allocation of funds for training were limited and therefore the OSH Agency was not able to strategically fulfil its training and development mandate.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Figure 6 below shows the number of employees and units that were trained and developed during the reporting period.

Figure 6 - Training and Development

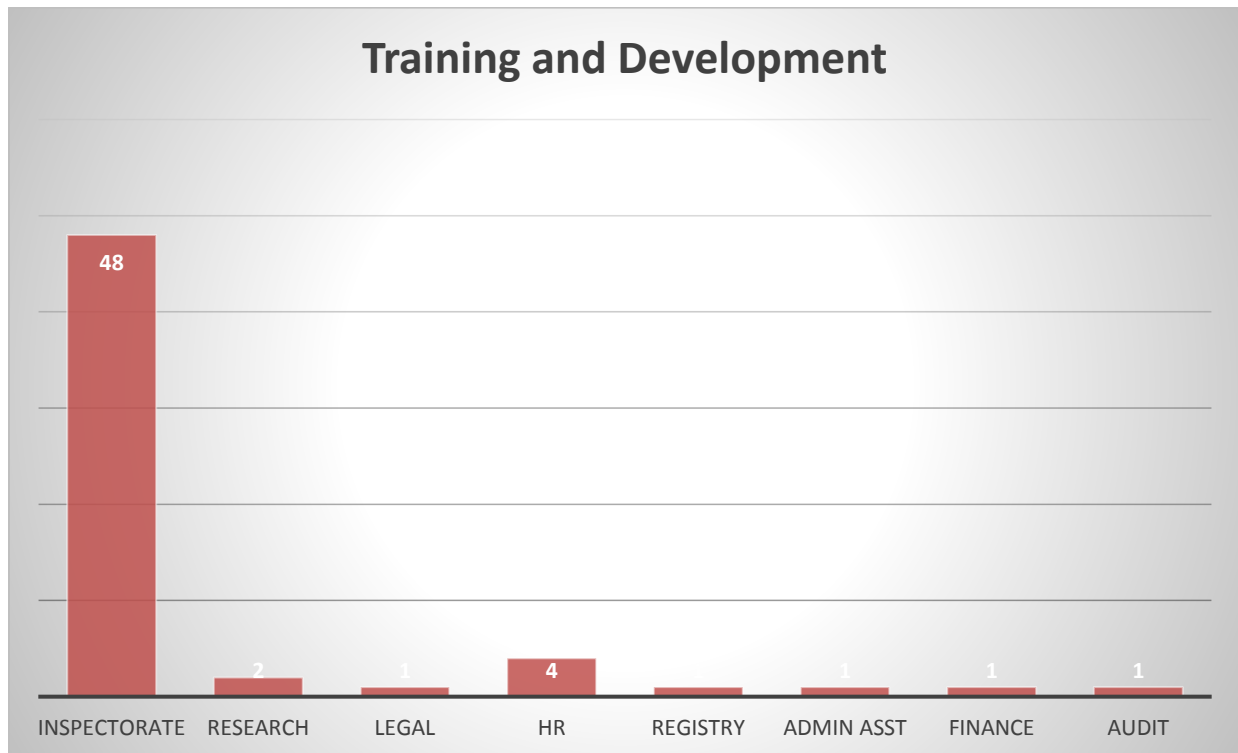


Table 6 below shows a detailed summary of training completed during the period October, 2014 to September, 2015:

Training	Human Resource Unit	Registry Unit	Finance Unit	Inspectorate	Research Planning and Development	Audit	Legal Unit	Administration	Number of Person/s Attended
Evidence Collection and Interviewing Techniques				<input type="checkbox"/>					26
Rig Inspection				<input type="checkbox"/>					8
Process Safety Management				<input type="checkbox"/>					9
AMCHAM TT Conference and Exhibition				<input type="checkbox"/>					2

BOSIET				<input type="checkbox"/>					2
Conflict Resolution				<input type="checkbox"/>					1
Big Data and Analysis					<input type="checkbox"/>				2
Emotional Intelligence							<input type="checkbox"/>		1
Internal Audit in the Public Service						<input type="checkbox"/>			1
Registry Procedures		<input type="checkbox"/>							1
Insurance Workshop	<input type="checkbox"/>		<input type="checkbox"/>						2

Minute Taking and memo writing								<input type="checkbox"/>	1
Competency-based Interviewing skills	<input type="checkbox"/>								1
Train-the-Trainer	<input type="checkbox"/>								1
Negotiation Skills Workshop	<input type="checkbox"/>								1

The OSH Agency follows the procedures and legislation that govern procurement protocols under Central Tenders Board (CTB).

Procurement Procedures for:

- a) **Open Tender** - A bidding process that is advertised to all qualified bidders who can guarantee performance and where the sealed bids are opened in public for scrutiny and are chosen on the basis of adherence to specifications, price and quality. Also called competitive tender or public tender.

Offers for the supply of goods and services are advertised and the qualified bidders shall collect the Terms of Reference and return the bid packages within the specified time stated on the document. The document must be signed by the person making the bid and enclosed in a sealed envelope with the requested copies and addressed to the Chairman.

A register of tenders must be provided to record the date, time and the name of the person who delivered the tender.

The Committee may reject any offer which does not comply with any significant provisions outlined in the Invitation to Tender.

After the tenders have been opened, the evaluation process is done where the Tenders Committee shall consider the offer made. Where there are no significant differences in the adherence of specifications, quality of items or in the capacity to undertake the required services, as between tenders, the tender of lowest cost shall be accepted by the Committee. Where the quality of the item differs between tenders, the Committee in determining which tender shall be accepted shall take cognizance of:

- (1) The cost of the tender;
- (2) Any evidence of reliability of performance;
- (3) Any warranty or guarantee given;
- (4) The maintenance or repair services offered;

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- (5) The adequacy of stocks or spare parts held in Trinidad and Tobago and;
- (6) The ability of the contractor to supply the goods or service.

Where there is a significant difference in the capabilities of persons or bodies submitting tenders, the Tenders Committee in determining which offer shall be accepted shall take cognizance of:

- (1) The cost of the tender;
- (2) Any evidence of previous supply of similar items or services;
- (3) Any warranty or guarantee given;
- (4) Technical skills, adequacy of support staff, supporting financial and Contractual arrangements to the persons or bodies submitting tenders;
- (5) Compatibility with other items and services used by the state agency and;
- (6) Any other matter relating to the quality or adequacy of performance of the items or services.

Where a tender has been accepted by the Tenders Committee, the person or body who submitted the tender shall be notified by the Chairman of its acceptance. A contract shall be in such form and contain such terms, conditions and provisions, as may be determined, and shall specify, inter alia, whenever applicable:

- (i) A description of the goods and services to be provided or works to be undertaken;
- (ii) The cost to be paid for the supply of such goods or services or works to be undertaken;
- (iii) The period within which the matters contemplated in the contract are to be performed;
- (iv) The amount of damages payable for delay or non-completion within the period stipulated and;
- (v) Provisions for termination or breach of contract.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

OSHA may require a person to whom any contract is awarded to provide security in such form and to such extent as may be specified in the Invitation to Bid (ITB). At least once a month the Tenders Committee shall inform the Board of Directors of all contracts within their limit which were awarded for their information.

- b) **Selective Tender** - Selective tendering allows the OSH Agency to select the suppliers eligible to tender. This tendering method should only be used when there is known to be a limited group of appropriate suppliers and/or where there is an approved list of contractors/suppliers.

There are three (3) main methods permitted for conducting a selective tender. OSHA may advertise an expression of interest and use the list of potential suppliers who lodge a complaint submission as the basis for inviting potential suppliers to submit tenders. Second, selection may be from an approved list of suppliers/contractors that has been predetermined by the agency concerned. And thirdly, selection may be from a potential list of suppliers/contractors that have met certain requirements/criteria or performance standards that are a requirement for that particular procurement needs. The OSH Agency uses the third method.

It is important to ensure that the process used to select potential suppliers/contractors is non-discriminatory and that the largest practicable number of potential suppliers should be used under the selective tender process.

- c) **Sole Tender** – Single source tenders are used in exceptional conditions where there is only one supplier capable of supplying the goods, services or works as determined after undertaking a market sourcing exercise. Single source procurement is also used when the procurement involves the replacement or maintenance of parts where there is a need to purchase from the same supplier or manufacturer for compatibility purposes.

When applying for single source procurement, the procuring agency must show evidence that their company/business is the manufacturers of that particular good or service or is the sole distributor of that particular good.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

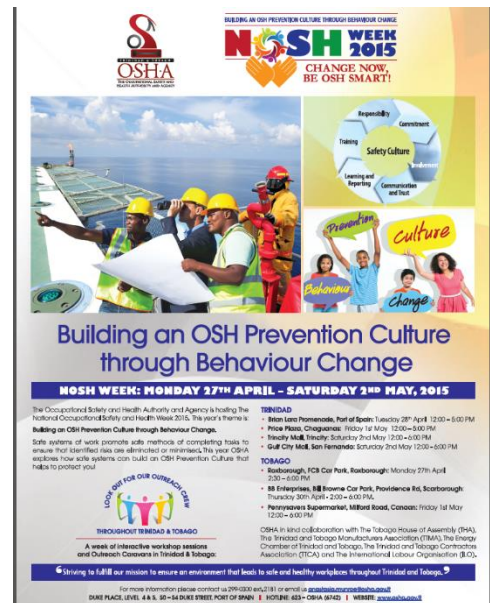
10.0 PUBLIC AND COMMUNITY RELATIONS

The OSH Agency was able to conduct a very limited amount of outreach activities because of the constraints on resources.

10.1 NATIONAL OSH WEEK 2015

National Occupational Safety and Health Week (NOSH Week) is an annual sensitisation project hosted by the OSH Agency to highlight safety and health in the workplace throughout Trinidad and Tobago in both the public and private sectors. This event which was built around the ILO's observance of World Day for Safety and Health at Work (commemorated on April 28th annually) seeks to focus on different operational aspects of industrial establishments to provide relevant information on the improvement of their OSH profile. The approach is aligned to the OSH Agency's preferred default of voluntary compliance.

In 2015 the focus was on the development of an OSH Prevention Culture. To build a culture it is also vital to develop and appreciation of core values and behaviours in the younger generation, therefore special emphasis was placed on educational institutions. Activities were held from Monday 27th April – May 1st, 2015 in the Trinidad Chamber of Commerce, Westmoorings and at Mt. Irvine Hotel in Tobago. This was supplemented by Outreach sessions which focused on workers from the general public. This venture brought out the creativity of the Inspectorate as a snakes and ladder game was internally developed to educate students on occupational safety and health.



Throughout the week, nine (9) workshops were scheduled in Trinidad, these contained 19.4% (70) of the targeted numbers of participants. In Tobago, 57.5% (46) of the target attended the

workshops. Overall it can be deduced from participant data that although attendance was high in Tobago, it was relatively low in Trinidad. This may be attributed to late invitations and there was insufficient advertising and marketing of the activity.

10.2 MANUFACTURING SYMPOSIUM 2015

The OSH Authority and Agency continue to be at the forefront in promoting safe and healthy workplaces and practices throughout Trinidad and Tobago. During the month of August, 2015 the second phase of the Manufacturing PSIP project was successfully executed with the first symposium taking place in Trinidad on Monday 24th and the second in Tobago on Wednesday 26th August, 2015. This venture was aimed at sensitizing employers and employees of medium-sized establishments in the manufacturing sector (25 – 100 employees) on OSH Act requirements. The theme of both symposia was “Safety and Health in Manufacturing Leads to Profits and Sustainability.” This year the manufacturers were targeted in the symposia and the general public in outreach sessions. The event can be considered a success as there was over 90% attendance of invitees in both Trinidad and Tobago, over 95% financial expenditure and a large number of educational brochures educating manufacturers and the general public on occupational safety and health were developed and distributed.

Further, under-reporting, contractor management deficiencies and non-conformance to the requirements of the OSH Act for establishments are quite prevalent. These issues among others created the impetus for the sensitizing and awareness thrust in the manufacturing industry.

The topics presented are listed hereunder:

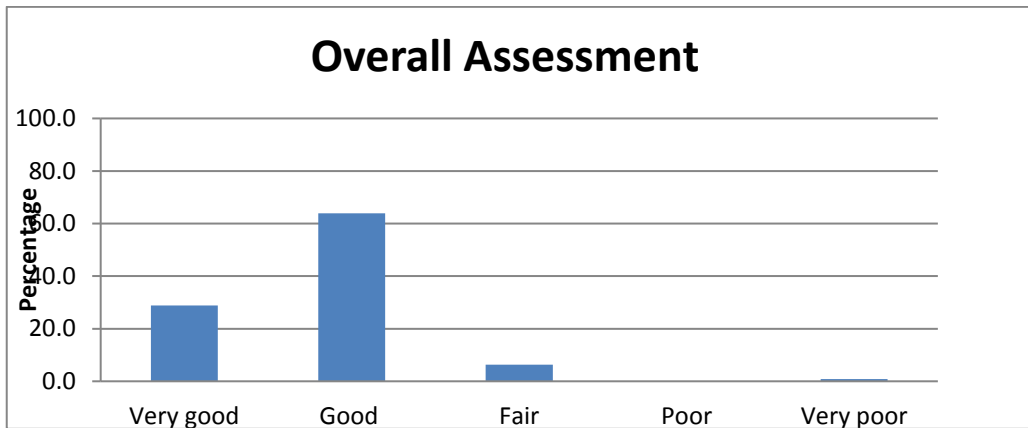
1. Legal cost of accidents
2. Risk assessment
3. OSH accidents and its effects
4. Emotional and psychological cost
5. Direct and indirect costs of accidents

Figures 7 and 8 below illustrate data obtained during the symposia from participants demonstrate that participants felt that the overall assessment of the symposium ranged from Good to Very Good and that knowledge about safety and health in manufacturing improved.

Figure 7- Knowledge of Participants



Figure 8- Participant Satisfaction Level



10.3 STRATEGIC PARTNERSHIPS

Building strategic partnerships plays a vital role in achieving the mandate of the OSH Authority and Agency.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Locally, OSHA works with the following organisations collaboratively to detail the National Occupational Safety and Health Research Agenda:

- School of Business and Computer Studies.
- College of Health and Environmental Safety Studies.
- National Insurance Board.
- Cipriani Labour College.
- University of the West Indies.
- Ministry of Labour and Small Enterprise Development.
- Ministry of Health.
- North West Regional Health Authority.
- South-West Regional Health Authority.
- Private OSH Physician.
- JARIC Environmental.
- Arthur Lok Jack Graduate School of Business.
- College of Science Technology and Applied Arts of Trinidad and Tobago.

Regionally, OSHA liaises with the Caribbean Public Health Agency (CARPHA) for input on forming the National Occupational Safety and Health Research Agenda. Internationally, OSHA reports annually to the International Labour Organization (ILO) jointly with the Labour Inspectorate on the OSH statistics for Trinidad and Tobago.

11.0 LEGAL REPORT

The work of the Legal Department can be divided into the following categories:

- **Legal Framework:** The OSH Act Chap. 88:08 contains areas of ambiguity which require interpretation from an Attorney experienced in statutory interpretation and opinion writing.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Stemming from this would be advice on policy and proposed Regulations and/or amendments. These areas require extensive research, experience and are justifiably time consuming as great attention to detail is required.

- **Litigation:** The possibility of litigation is a constant mainly from the aspects of enforcement, industrial relations. Mediation and negotiation skills would also be an asset. While most matters are briefed out to external counsel, the Department performs the role of instructing Attorney and must be vigilant and knowledgeable in order to successfully manage matters with a view to minimizing costs and risk and seeking OSHA's best interest. This also takes up time in the sourcing of relevant information and attending Court.
- **Operational:** Requests for advice from the Inspectorate regarding evidence, prosecution, statutory interpretation, the extent of its powers and function are frequent.
- **General Advice:** Overall, the requests for advice require accurate research with a quick turnaround time and are wide ranging; from press releases, human resource issues, statutory interpretation.
- **Drafting and Review of Agreements:** There have been a few Service Agreements and employee contracts that required drafting, negotiation and review and it is anticipated that there will be more as OSHA continues to grow.
- **Regulatory Compliance:** OSHA is subject to the Freedom of Information Act and requests have been quite steady. The Act also sets out certain time frames for the provision of information. A certain degree of public interface has been required.

11.1 RECENT JUDGMENTS

Table 7 below shows fines and awards for breaches under the OSH Act during the period October 2014-September 2015.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Table 7 – Judgments 2014-2015

Case	Fines	Awards
Complaint No. 003/2012 OSHA v Green Dot Limited (25/03/2015)	\$220,000	\$100,000
Complaint No. 005/2012 OSHA v Pres-T-Con (23/04/2015)	The Defendant is to pay a fine of \$15,000 for each of the breaches of the OSH Act specifically for sections 6(1), 6(2), 6(2)(b), 6(2)(d), 13(1)(a), 13(2), 13A(1)	\$212,625 (equivalent to three year's salary) to be paid to estate of the deceased.
Complaint No. 001/2012 OSHA v Grand Bay Paper Products Limited (28/07/2015)	\$119,000	\$155,997 (equivalent to three year's salary).
Complaint No. 002/2011 OSHA v WASA (30/07/2015)	\$174,000	\$347,137.62 (equivalent to three (3) years' salary)
Complaint No. 004/2012 OSHA v Jagmohan Enterprises Limited (JEL) and the Petroleum Company of Trinidad and Tobago (Petrotrin)		\$100,000 or three year's salary whichever is greater.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

11.2 OUSTANDING LEGAL MATTERS

The outstanding legal matters at the end of the period are listed in the Table 8 below.

Table 8 - Outstanding Legal Matters 2014-2015

No.	Title
1.	OSHA 004/2012 OSHA v JEL and Petrotrin
2.	OSHA 005/2014 OSHA v Well Services Limited and Trinity Exploration – La Brea Oil Spill
3.	OSHA 003/2014 OSHA v Petrotrin
4.	OSHA 009/2015 OSHA v Department of Infrastructure and Public Utilities (THA) et al.
5.	CV 2014-02873 La Brea Environ Protectors v Petrotrin and OSHA
6.	OSHA 017/2015 Maritime Preservation Limited v OSHA
7.	CV 2014-02416 and CV 2014-02417 Arlene Billingie-v-OSHA
8.	CV 2015-03404 Adrian Benjamin-v-OSHA and the Attorney General
9.	OSHA v Samba Beer 020/2015
10.	OSHA v Smithfield Farms 021/2015

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

11.	OSHA v The Port Authority of Trinidad and Tobago
12.	OSHA v Carib Glassworks Limited
13.	OSHA v PETROTRIN

11.3 FREEDOM OF INFORMATION REQUESTS

The Legal Department reviewed and processed approximately 50 requests for Information from the Occupational Safety and Health Agency during this period under the Freedom of Information Act Chap 22:02 and has released more than 30 investigative reports to members of the public.

12.0 INSPECTORATE REPORT

12.1 INSPECTORATE STRATEGIC OBJECTIVES

The OSH Inspectorate's enforcement activities focused on the following strategies:

- Developing and implementing targeted compliance programmes based on risk profiling and risk rating.
- Targeting high risk major hazard industrial establishments for implementing compliance programmes.
- Taking enforcement action for serious breaches or unacceptable safety and health workplace risks.
- Promoting a preventative approach to compliance through the adoption of voluntary standards, best practices, and the provision of information education and stakeholder awareness.
- Establishing stakeholder relationships.
- Placing greater emphasis on occupational health and hygiene risk management and compliance in the workplace.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- Promoting a culture of occupational health, hygiene and welfare.
- Identification of prioritized regulations, ACOP and standards for adoption.
- Improving the efficiency and effectiveness of its processes for data collection, verification analysis.
- Developing strategies to encourage reporting of reportable accidents, incidents, ill health and occupational disease.
- Professional development of Safety and Health Inspectors.

12.2 REVIEW OF SIGNIFICANT ACHIEVEMENTS OF THE INSPECTORATE

Key Performance Indicators (KPIs)

Based on the available human, financial and physical resources, the following KPIs were monitored over the reporting period:

- Percentage of complaints assigned investigated with turnover times meeting the performance standard requirement of the Inspector Field Manual.
- Percentage of critical accidents and fatalities assigned investigated with turnover times meeting the performance standard requirement of the Inspector Field Manual.
- Average number of promotion, awareness and sensitization programmes facilitated.
- Percentage of Property and Real Estate Services Division (PRES D) inspection requests completed out of the total number of inspections conducted.
- Average number of inspections conducted per month.
- Ratio of new inspections to re-inspections conducted per month.
- Ratio of number of below 50% re-inspection levels reported to the number of enforcement notices issued per month.
- Implementation of targeted regulatory programmes based on risk profiling and rating.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- Issuing enforcement notices to those industrial establishments that are below 50% compliant on re-inspections.
- Implementation of targeted awareness and sensitization, establishing stakeholder relationship programmes.
- 100% of prioritized reported complaints investigated across all sectors.

Work plan targets 2014-2015

- A regulatory compliance programme where Safety and Health Inspectors 1 were each to conduct a minimum of 8 inspections per month.
- A minimum of 2 promotion, awareness and sensitization programmes per month for each compliance unit were to be facilitated to include lectures presentations, promotion external meetings that result in the provision of information, guidance awareness and sensitization related to all compliance and enforcement activities of the OSH Agency
- Conducting/reporting on building inspections requested by the PRESD, Ministry of Housing for the purpose of lease or rental for the government; an average of 15 inspections was requested per month.
- 1 PSIP programme (manufacturing) to be implemented.
- Support for the PSIP Programme: To determine the incidence and prevalence of Occupational Illness and Injuries in Trinidad and Tobago.

Work Plan Achievements 2014-2015

- Targeted Compliance programmes implemented.
- Inspection programmes monitored and tracked by Compliance Unit.
- A draft policy and procedure were written on Refusal to Work and submitted to the OSH Authority for approval.
- A Revised Inspector Field Manual was submitted to the OSH Authority for approval.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

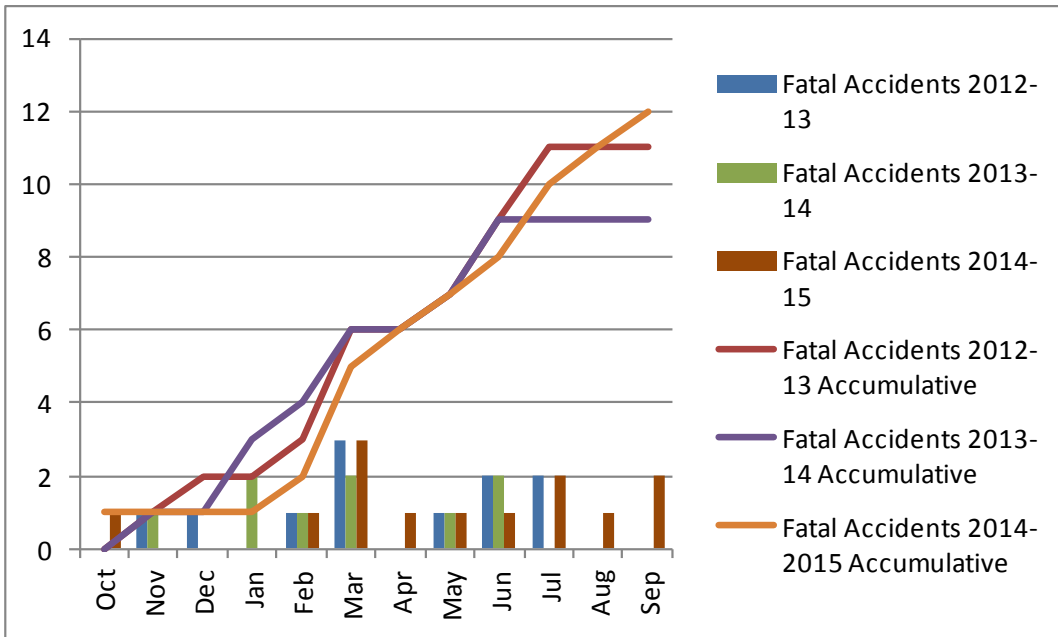
- Freedom of Information Act (FOIA) – Ensuring that all documents pertaining to accidents and complaints investigations are filed in the Industrial Establishment (IE) files located in the Registry. This is to facilitate the FOIA process and to give the Legal Department timely access to the relevant information.
- Filing of completed work in IE Files –Inspectors are required to file all documents pertaining to inspections/investigations in the relevant IE file.

Fatal Accidents

Thirteen (13) fatal accidents were reported for the period 2014 to 2015 (refer to Figure 9) with a fatality rate of 2.1 per 100,000 employees, using a national work force of 600,000. Compared with the corresponding period 2013 – 2014, there was a fatality rate of approximately 1.5 per 100,000 for the 9 fatalities reported. This represents an increase in the rate when compared with the corresponding period.

Figure 9 - Fatal Accidents

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

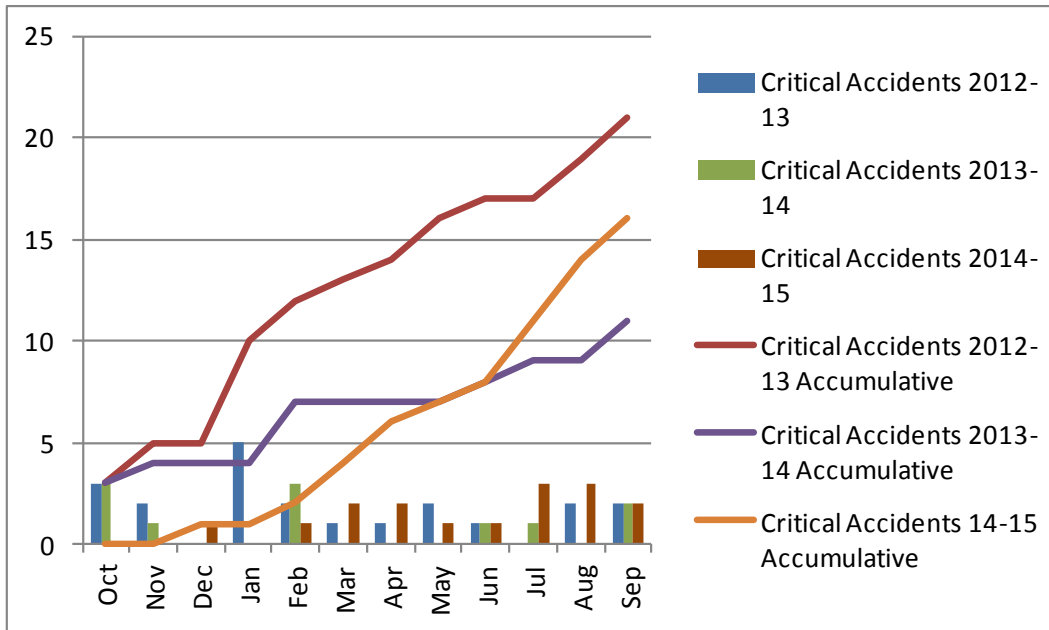


Critical Accidents

There were fifteen (15) critical accidents which were reported for the period 2014 – 2015 compared to the eleven (11) critical accidents reported for the period 2013 – 2014 (refer to Figure 11). This represents a 36.4% increase in critical accidents for 2014 – 2015 when compared to the corresponding period.

Figure 10 - Critical Accidents

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

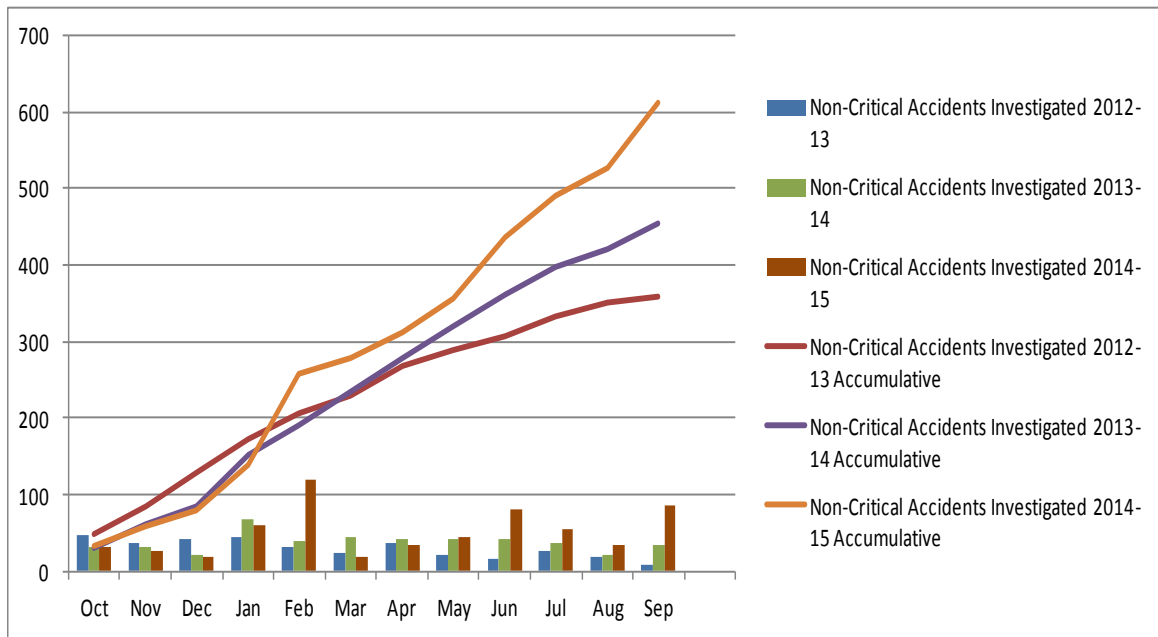


Non-Critical Accidents

Six hundred and eleven (611) non-critical accidents were reported for the period 2014 – 2015 compared to the four hundred and seventy-three (473) reported for the period 2013 – 2014. The number of reported non-critical accidents investigated in 2014 – 2015 increased (refer to Figure 11). This represents a 29.2% increase in non-critical accidents reported for the period 2013 -2014.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Figure 11 - Non-Critical Accidents



Compliance and Enforcement

During the 2014 – 2015 period, the enforcement activities conducted by the Inspectorate of the OSH Agency included six hundred and thirty nine (639) accident investigations, two hundred and fifty-nine (259) compliant investigations, one thousand, two hundred and fifty-three (1253) inspections and the issuing of fifteen (15) enforcement notices. With respect to the OSH Inspectorate’s promotion, awareness and sensitisation programme, one hundred and seventy-eight (178) lectures and five hundred and sixty (560) external meetings with duty holders and other stakeholders were facilitated – please see Table 7 below. A comparison of the OSH Agency’s enforcement activities is also represented.

For the period 2013 – 2014, the enforcement activities conducted by the Inspectorate of the OSH Agency included four hundred and ninety-three (493) accident investigations, two hundred and seventy-eight (278) complaint investigations, one thousand, five hundred and thirty (1530) inspections and the issuing of thirty-three (33) enforcement notices. With respect to the Inspectorate’s promotion, awareness and sensitisation programme, one hundred and thirty-nine

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

(139) lectures and five hundred and nine (509) external meetings with duty holders and other stakeholders were facilitated – please see Table 9 below. A comparison of the OSH Agency’s enforcement activities is also represented.

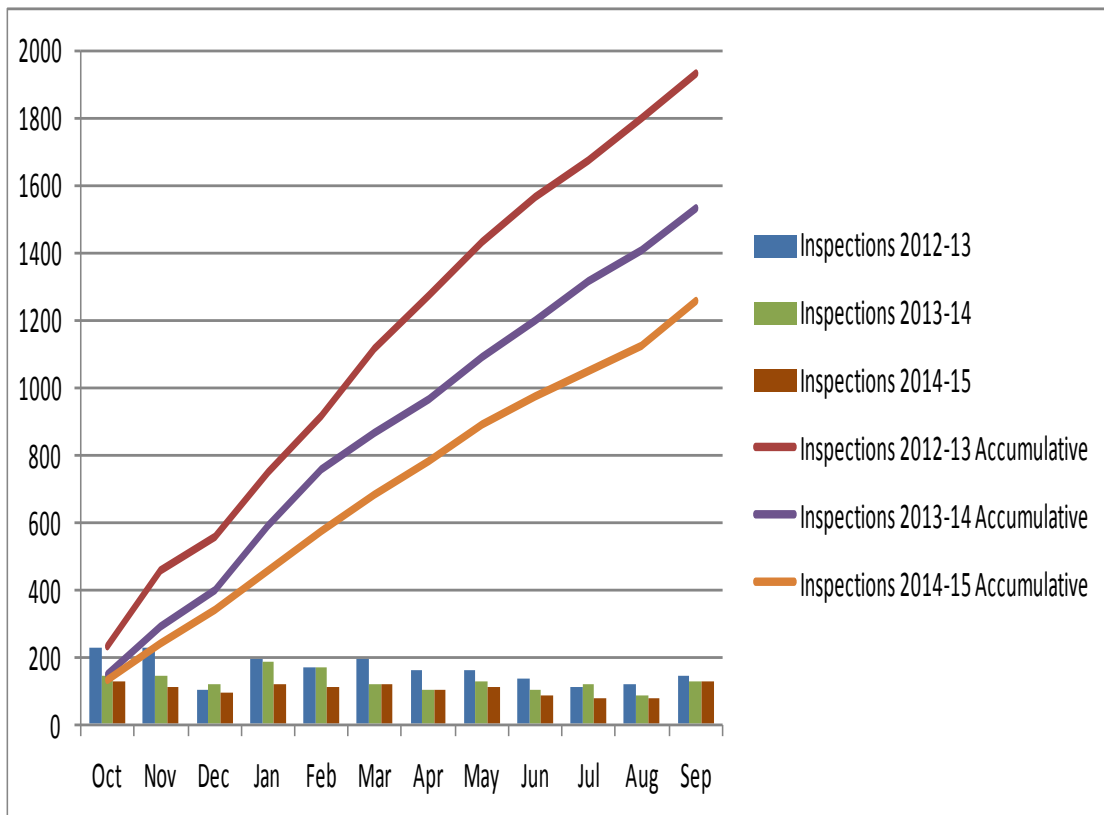
Table 9 – Comparison of Enforcement Activity for 2012 – 2013, 2013-2014 and 2014 -2015

Enforcement Activity	2012 - 2013	2013 – 2014	2014 – 2015
Improvement Notices	7	21	9
Prohibition Notices	7	12	6
Complaint Investigations	363	278	259
External Meetings	623	509	560
Plans Examined	40	50	71
Critical Accidents	21	11	15
Non-Critical Accidents	359	473	611
Fatalities	11	9	13
Inspections	1935	1530	1253
Promotion Awareness Sensitization	82	139	178

Regulatory Compliance Programme

For the period 2014 – 2015 one thousand, two hundred and fifty-three (1253) inspections were conducted by the OSH Agency (please refer to Figure 12), which was marginally lower when compared the period 2013 – 2014 one thousand, five hundred and thirty (1530) inspections were completed. This represents an 18% decrease in inspection activities when compared with inspections conducted during the period 2013-2014.

Figure 12 - Inspections Undertaken



The OSH Inspectorate will continue to assess industrial establishments based on risk profiling and risk rating for developing and implementing targeted compliance programmes. High risk major hazard industrial establishments will be targeted for implementing compliance programmes.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Enforcement action will be taken for serious breaches or unacceptable safety and health workplace risks.

The OSH Inspectorate will continue to focus on the following targeted compliance programmes for the following industrial sectors:

- Contractors involved in transport and construction projects in transportation, building construction, focusing on compliance programmes involving the maintenance and operability of equipment on construction sites, transport of hazardous substances and ports, safe systems of work related to the use of equipment.
- Contractors providing services to high risk projects, projects of national interest such as road construction, road paving, major building construction projects, electricity generating power plants and ports will be targeted by the Inspectorate.
- Development of a targeted compliance programme compressed natural gas (CNG).
- Development and implementation of a targeted compliance programme for T&TEC and contractors in the services sector associated with the generation, transmission and distribution of electricity.
- Development and implementation of a targeted compliance programme for Caribbean Gas Chemical Limited methanol to diethyl ether project located at LABDICO.

Breakdown of Number of Inspections per Inspector

On average each Inspector completed 5 inspections per month (refer to Table 10), which was below the agreed performance standard, for the period 2014 – 2015, of 8 inspections per Inspector per month.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Table 10- Average number of monthly inspections per Inspector 2013-2014/2014-2015

Month	2013-2014	2014-2015
	October*	7
November	7	5
December	6	4
January	9	6
February	8	6
March	6	6
April	4	4
May	5	7
June	9	5
July	5	4
August	4	4
September	6	7
Average inspections per Inspector	6	5

The OSH Inspectorate work plan for the period 2014-2015 set a target of 8 inspections per month per Inspector. For 2014-2015, 1253 inspections corresponded to an average of 5.8 inspections per month per Inspector given that 18 Inspectors on average were available as opposed to 20 engaged during 2013-2014 which corresponded to an average of 6 inspections per month per inspector.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Apart from the resignations of Safety and Health Inspectors, the target was not met due to human resource challenges arising from the following factors:

- Participation by Inspectors in various committees.
- Fatalities and critical injuries being given priority over proactive inspections.
- Number of Inspectors who had to utilise outstanding vacation leave due to termination of contracts which was significant for the 2014-2015 period.
- Priority was given to investigation of complaints from the public, trade unions and government ministries and agencies.
- Number of Inspections requested by the PRESID.

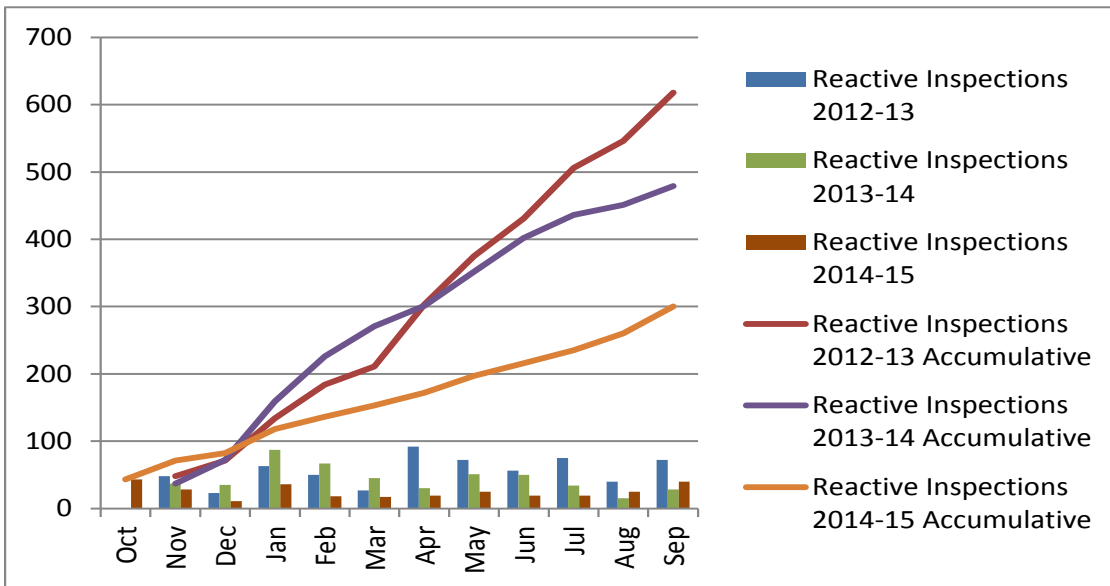
It should be noted that as a result for increasing requests for conducting building inspections by the Ministry of Housing, a significant burden continue to be placed on the Inspectorate resources for implementing its compliance programmes.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Reactive Inspections

The number of reactive inspections decreased in 2014 – 2015 when compared to the corresponding period 2013 -2014 (refer to Figure 13 below).

Figure 13 - Reactive Inspections Undertaken

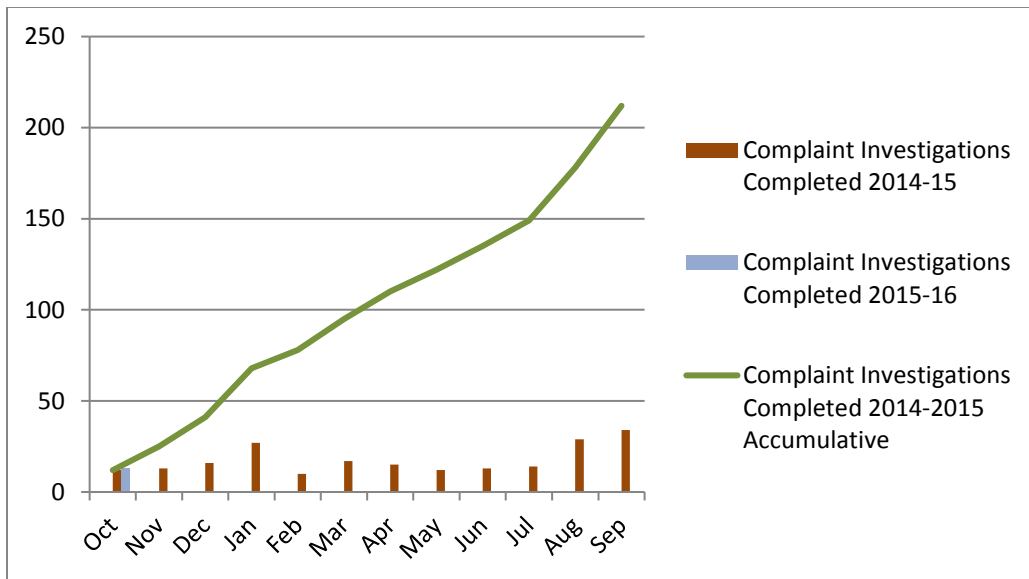


OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Complaints Investigated

Two hundred and fifty-nine (259) complaints were investigated by the OSH Agency in 2014 – 2015. The number of complaints investigated decreased when compared to two hundred and seventy-eight (278) for the corresponding period 2013 -2014 (refer to Figure 14). An analysis of the total number of complaints reported to the OSH Agency found that exposure to chemical and biological hazards, indoor air quality issues, personal protective equipment, unsafe systems of work and welfare, lack of training and the non- reporting of accidents were frequently reported. Unreported accidents, unsafe systems of work, hazardous chemicals and poor ventilation were found to be the most frequently reported complaints. Unsafe systems of work and unreported accidents accounted for the highest percentage of reported complaints.

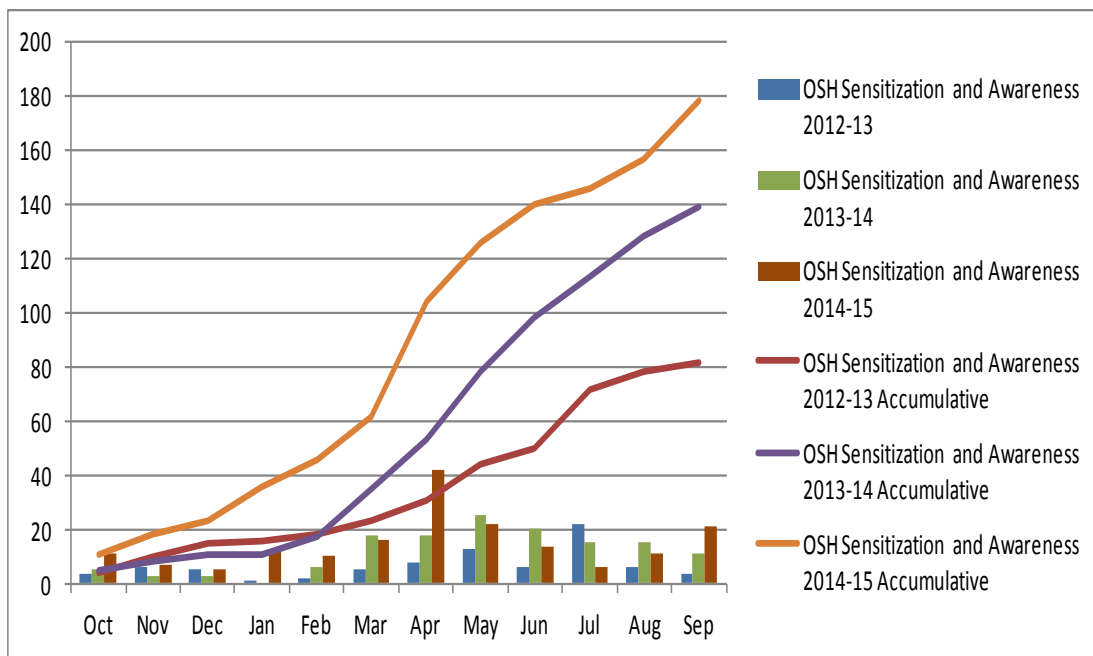
Figure 14 – Complaints Investigated



Awareness and Sensitization Programmes

One hundred and seventy-eight (178) awareness and sensitization programmes were facilitated for employers and employees for the period 2014 -2015. For the corresponding period, 2013 -2014 one hundred and thirty-nine (139) programmes were facilitated for employers and employees. The OSH Agency increased the number of programmes facilitated in 2014 – 2015 (refer to Figure 15). This represents a 28% increase in lectures facilitated. Two sectors were targeted during 2014 – 2015, the manufacturing sector and persons using chemicals at work. Plans are in place to continue this drive in 2015 – 2016 with sensitization programmes scheduled for persons and organizations engaged in the Agricultural Sector.

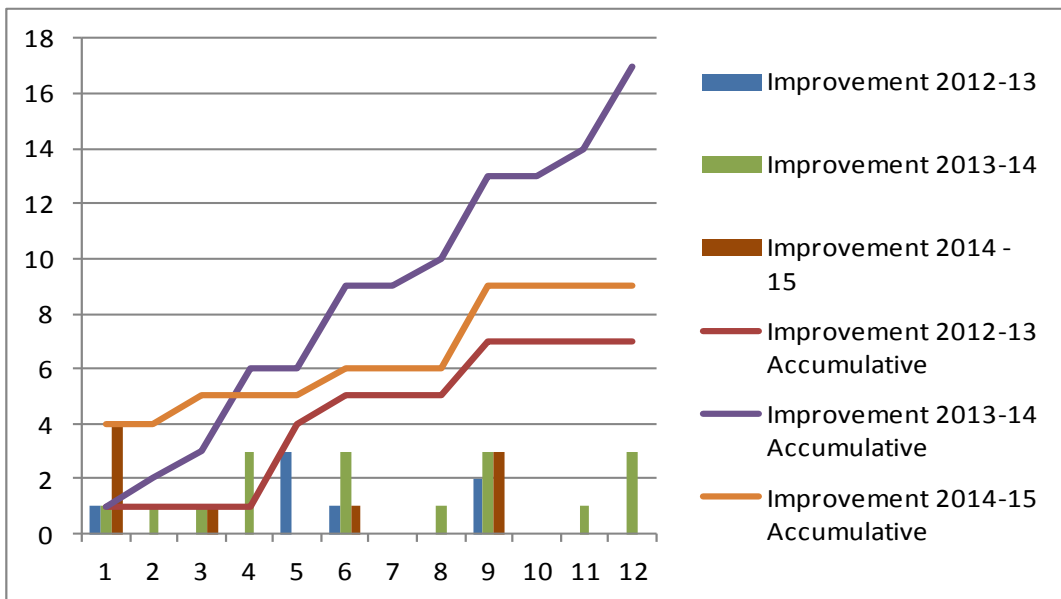
Figure 15 – Awareness and Sensitization



Improvement Notices

Nine (9) improvement notices were issued during the period 2014 -2015. There was a decrease in the number of improvement notices issued compared to the twenty-one (21) issued in 2013 – 2014 (refer to Figure 16). This represents a 57% decrease in the issuance of improvement notices.

Figure 16 - Improvement Notices Issued

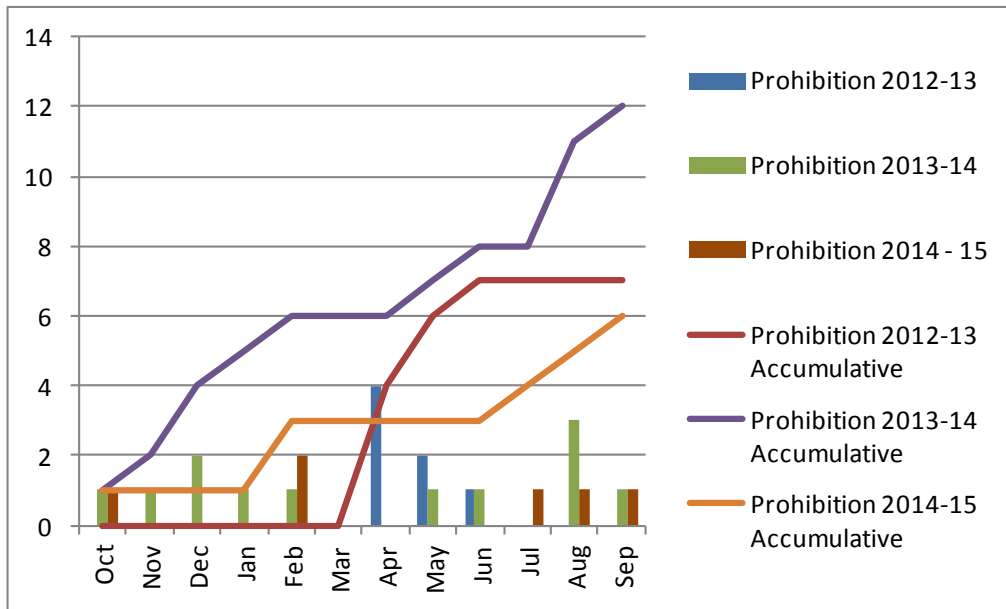


OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

Prohibition Notices

Six (6) prohibition notices were issued during the period 2014 -2015. There was a decrease in the number of prohibition notices issued compared to the twelve (12) issued in 2013 – 2014 (refer to Figure 17). This represents a 50% decrease in the issuance of prohibition notices.

Figure 17 - Prohibition Notices Issued



Enforcement Policy and Inspector Field Manual

The review of the OSH Agency’s Enforcement Policy and Inspector Field Manual was completed during the reporting period. The revised field manual will be utilized by the Inspectorate to ensure that there is a standardised approach to carrying out enforcement activities and that there consistency in making enforcement decisions based on the seriousness of the breach of the OSH Act and the degree of workplace safety and health risk. The Inspector Field Manual was reviewed and revised in consultation with the Inspectorate and other relevant departments of the Agency. In this regard the revised Inspector Field Manual was rolled out to the OSH Inspectorate in September 2015.

Occupational Health and Hygiene Compliance Programmes

There was a need to address occupational health and hygiene issues as they related to compliance and risk in workplaces. In this regard there has been a shift in strategic focus of the Inspectorate as it relates to occupational health and hygiene. An Occupational Health and Hygiene working group was formed to address these concerns with the support of the following stakeholders: International Labour Organisation (ILO), Pan American Health Organization (PAHO) and Ministry of Health (MOH) in particular with regard to support for professional development, research, and availability of quality data. The working group has developed an action plan which when its implementation is completed will allow a seamless transition into an Occupational Health and Hygiene Unit.

There is the ongoing initiative to ensure that all Safety and Health Inspectors are familiarised with the International Standard Industrial Classification (ISIC) code, risk profiling and the OSH Agency's risk rating system through the monitoring, supervision and performance management process.

12.3 PREVENTATIVE COMPLIANCE PROGRAMMES

AWARENESS, SENSITISATION PROGRAMMES AND EXTERNAL MEETINGS

The number of external meetings for employers and employees decreased to five hundred and sixty (560) in 2014 -2015 as compared to five hundred and nine (509) in 2013-2014. This represents an increase in external meetings by 10%.

ESTABLISHING STAKEHOLDER RELATIONSHIPS

The OSH Inspectorate was actively involved in facilitating meetings with targeted duty holders with the objectives of establishing strategic relationships and providing information and guidance on the following:

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- The OSH Agency's strategic focus on occupational health and hygiene issues in workplaces.
- Targets/Plans/Programmes and,
- Enforcement approaches and expectations as it related to arriving at enforcement decisions.

The OSH Inspectorate promoted synergies for ensuring compliance between the OSH Agency and duty holders. These included the following:

- Reporting of occupational safety and health accidents and incidents.
- Data collection, analysis and reporting.
- Taking enforcement action for serious breaches or unacceptable Safety and Health workplace risks.
- The implementation of the management systems approach in industrial establishments.
- Training programmes for workers and their OSH representatives, managers and employers.
- The establishment and support of effective safety and health committees
- Best practices, standards, regulations and codes of practice and,
- Compliance to the OSH Act focusing on the occupational health and hygiene in workplaces. In this regard emphasis was placed on the detection, recognition, prevention of occupational diseases, health risk assessment and health surveillance.

Other stakeholder activities during the period included:

- An awareness and sensitization programme on the OSH Act and approach to enforcement was facilitated for the FairShare Unit of the MOLSED.
- An awareness and sensitization programme on the OSH Act and approach to enforcement was facilitated for the Police Service.
- A meeting between the OSH Agency and the Police service was facilitated by the Commissioner of Police with the objective of establishing a stakeholder relationship and an MOU was held.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- A meeting was held with DuPont to address the issue of Nomex coveralls in Trinidad and Tobago.
- The OSH Inspectorate would continue to develop its stakeholder relationship with the Trinidad and Tobago Contractors Association. It is expected to participate in its upcoming seminar on safety in the Construction Industry.

12.4 PROFESSIONAL DEVELOPMENT PROGRAMME

The OSH Inspectorate had the following developmental initiatives conducted:

A training programme in evidence collection and interviewing techniques for the Inspectorate was facilitated by the Police Service.

- A training programme on process safety management for four inspectors of the OSH Inspectorate was facilitated by the Ministry of Energy and Energy Affairs.

Through the monitoring and supervision process, performance discussions and annual appraisals for Safety and Health Inspectors, the following were identified:

- Areas for improvement to include core and specific competency gaps of Inspectors.
- Prioritised professional programmes for Inspectors of compliance units were identified and documented.

The budget for professional development is very limited and the final approval for any training programme is under the purview of the Human Resources Unit.

An activity report of training sessions attended by Inspectors during the period to meet gaps identified is captured in the Human Resource section of this report.

12.5 REGULATIONS AND APPROVED CODE OF PRACTICE

The following Regulations together with their related Codes of Practice were identified as priority for adoption by the OSH Inspectorate:

Regulations

- The Inspectorate programme of activities for the development of LOLER and pressure system regulations resulted in LOLER and pressure systems policies being drafted. The LOLER policy was forwarded to the Authority. A terms of reference will be developed for the development and adoption of LOLER regulations.
- An ongoing review of the need for regulations was conducted to determine their current relevance and to identify by priority those for development/adoption.

The following Regulations have been assessed for prioritization:

- Lifting Operations and Lifting Equipment (LOLER).
- Safety of Pressure Systems Regulations.
- Provision and Use of Work Equipment Regulations (PUWER).
- Electricity at Work Regulations.
- Ionising Radiation Regulations (IRR).
- Reporting of Incidents, Dangerous Occurrences and Diseases Regulations.
- Safety Committee & Safety Representatives Regulations.
- Workplace Safety, Health and Welfare Regulations.
- Construction Design and Management Regulations.
- Contractor Safety Management (CSM).
- Control of Substances Hazardous to Health (COSHH).
- Working at Height.
- Control of Industrial Major Accident and Hazard Regulations.
- Display Screen Equipment.

12.6 MEMORANDA OF UNDERSTANDING (MOU)

Renewed efforts were made to finalise MOU with the Trinidad and Tobago Bureau of Standards (TTBS). The MOU with Ministry of Energy and Energy Affairs was finalised during the period and is awaiting signature by the parties.

The following MOUs are awaiting approval by the OSH Authority:

- TTBS
- The Environmental Management Authority.

A number of MOUs are being developed including the Ministry of National Security, Fire Service, and the Ministry of Health.

12.7 DATA COLLECTION, ANALYSIS AND REPORTING

The OSH Inspectorate's data collection, verification, analysis and reporting system is currently being improved with support being provided by Information Technology and Projects and RPD Departments with the objective of improving the quality of the OSH Inspectorate's data and reporting. In this regard the Inspectors' monthly reporting forms were revised to capture additional fields. The management team of the OSH Inspectorate is currently working at improving the quality of OSH Inspectorate reports, in conjunction with the RPD and IT Departments. The IT department has been assisting with development of the format for reports in terms of timelines for accidents and complaints.

12.8 INSPECTORATE CHALLENGES

The following were major challenges of the OSH Inspectorate in achieving some of the established Key Performance Indicators (KPIs) and set targets:

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

- The additional demand for resources to service the compliance units that operated within regional and municipal boundaries. All compliance units require an increase in the number of Safety and Health Inspectors given the increased demand for the provision of services to all stakeholders.
- Shortage of support/administrative staff and Technical Assistants.
- Lack of adequate working facilities including OSH Agency offices in Port-of-Spain, San Fernando and Tobago.
- A substantial amount of the OSH Inspectorate's resources were used in conducting building inspections requested by the Ministry of Housing.
- Participation by Inspectors in various committees.
- Fatalities and critical injures being given priority over proactive inspections.

There has been an increased focus on implementing planned targeted compliance programmes for high risk industrial establishments and in carrying out reactive enforcement activities with the public, trade union and the national interest through the investigation of refusal to work complaints and incident investigations that are reported to the OSH Agency.

A major emphasis has been placed on the development and implementation of policies and procedures. The objective is to ensure that the efficiency and effectiveness of the OSH Inspectorate's operational activities continuously improve. This is particularly so as it relates to the standardisation and consistency of approach to carrying out enforcement activities which include investigating refusal to work, making enforcement decisions and taking action.

Of concern related to our operational activities is the continuously increasing work load placed on OSH Inspectorate in carrying out its regulatory and enforcement activities. In this regard, the increased requests for inspections of buildings by the Property and Real Estate Services Division of the Ministry of Housing and the planning for National Occupational Safety and Health Week 2015 have placed a substantial resource demand on the OSH Inspectorate. Also contributing are

the increased levels of reporting of refusal to work, complaints and incidents that are being reported to the Inspectorate by trade unions, employees, duty holders and the public. These factors have been negatively affecting the ability of the OSH Inspectorate to implement its proactive compliance programmes. These include its planned inspection programmes and its promotion, awareness and sensitisation programmes.

12.9 IMPACT OF CURRENT VACANCIES ON THE INSPECTORATE'S WORK PLAN 2014 – 2015

The OSH Inspectorate operated with 1 Technical Assistant, 18 Safety and Health Inspector 1s, 5 Safety and Health Inspector 2s, 2 Senior Inspectors and 1 Chief Inspector. There are 30 vacant positions for Safety and Health Inspector 1s which continue to negatively impact the implementation of programmes with respect to operational activities including the following:

- The supervisory, and management processes required to ensure that the core functions of the Inspectorate are implemented efficiently and effectively.
- Operational gaps of the OSH Inspectorate resulting in negative impacts on the OSH Inspectorate in achieving some of its established KPIs and set targets.

13.0 STRATEGIC APPROACH TO OSH COMPLIANCE IN THE PUBLIC SECTOR

Introduction

The Ministry of Labour and Small Enterprise Development is Government's implementation arm for national strategies and the realization of the goals/objectives for the labour sector. The Ministry's work is multi-dimensional in approach as it aims for the continuous encouragement of a sustainable, productive, and stable industrial relations climate in the work place.

The OSH Act Chapter 88:08, mandates that all employers and employees execute a set of general and/or specific duties in order to be compliant with its provisions. The OSH Authority; a statutory body under the Ministry's remit, has been promoting Government's policy mandate of enhancing

the culture of safety and health in the work place through a judicious mix of sensitisation programmes and enforcement action.

The need for a Strategic Intervention towards Compliance with the OSH Act

Since the passage of the Act, the general issue of compliance with same, in particular, the requirement that employers “*make sure that the workplace satisfies safety, health and welfare requirements*”, has been contentious and has resulted in some instances, in the delivery of public goods and services being compromised. Concomitant with the coming into force of the Act, public sector employers, amongst others, were required to ensure that their workplace infrastructure was upgraded to levels that at least met the minimum requirements of the Act. Indications are, in the case of the public sector, that this requirement has not been pursued as a matter of policy by previous administrations.

The Strategic Intervention

Within the public sector, the situation speaks to the need for a strategic intervention to assess the degree of compliance with the Act by Ministries, as well as to draft proposals towards ensuring that Ministries become compliant with the Act. Specifically the strategic intervention is intended to:

1. Determine the extent to which the documentation requirements of the Act, with respect to the indicators listed hereunder, and appropriate supporting workplace infrastructure, have been met by Ministries:
 - Safety and Health Gap Analyses
 - Safety and Health Committee
 - Safety and Health Policy Statement
 - Emergency Response Plan
 - Job Safety Analysis
 - Safety and Health Risk Assessment
 - Safety and Health Management Plan.

OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT 2014 - 2015

2. Determine the extent to which human resource infrastructure has been installed in Ministries or is otherwise being utilised to drive the process towards compliance with the Act.
3. Inform the drafting of proposals designed to ensure that Ministries:
 - Meet the documentation requirements of the Act within a given time frame.
 - Workplace infrastructure is upgraded, where required, based on an assessment of infrastructural needs, within a given, realistic time frame.

Given prevailing economic realities, the proposed administrative arrangements required to support the strategic intervention is the phased establishment of Central OSH Units within all Ministries, beginning with those ranked highest on a comparative risk-assessment matrix of their respective functional operations. The mandate of each Unit will be in the first instance to ensure that their Ministry is/becomes compliant with the OSH Act, and thereafter to ensure compliance is maintained. The Public Management Consulting Division, Ministry of Public Administration, would be the appropriate entity to identify the nomenclature and number of positions for each Unit.

The efficacy of the strategic intervention outlined requires that adequate resources be made available for the engage of staff for the respective Units, as well as for the undertaking of requisite physical infrastructural works within predetermined time frames.