

2022/2023 FINANCIAL YEAR

**TRANSFORMATION COLLABORATIVE
COMMITTEE:**

**HEALTH, SAFETY, PUBLIC
PROTECTION AND UNIVERSAL ACCESS**

PROGRESS REPORT

DECEMBER 2022

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ACRONYMS

APP	Annual Performance Plan
BEMC	Built Environment Matters Committee
CBE	Council for the Built Environment
CBEP	Councils for the Built Environment Professions
CHS	Construction Health and Safety
CHSTC	Construction Health and Safety Technical Committee
DPWI	Department of Public Works and Infrastructure
DSD	Department of Social Development
DWYPWD	Department of Women, Youth and Persons with Disabilities
HSPPUA	Health, Safety, Public Protection and Universal Access
JICA	Japan International Cooperation Agency
OHS	Occupational Health and Safety
PWD	Persons with Disabilities
TCC	Transformation Collaboration Committee
VA	Voluntary Association

1. Purpose

The purpose of this report is to provide an overview of the activities undertaken by the Health, Safety, Public Protection and Universal Access Transformation Collaborative Committee (HSPPUA TCC) during Quarter 3 of the 2022/2023 financial year.

2. Background

The Council for the Built Environment (CBE) is a statutory body established under the Council for the Built Environment Act (No. 43 of 2000). It is an overarching body that coordinates the following six councils for the built environment professions - Architecture, Landscape Architecture, Engineering, Property Valuers, Project and Construction Management, and Quantity Surveying – and through memoranda of understanding these also include Town and Regional Planning, Land Surveying and Environmental Assessment Practitioners. Sections 3(a) and (e) of the CBE Act mandate the CBE to promote and protect the interests of the public and promote appropriate standards of health, safety and environmental protection within the built environment respectively.

In line with the above, Transformation of the Built Environment Professions is one of the key imperatives of the CBE. As per the CBE Strategic Plan, the CBE is to facilitate participation by the Built Environment Professions in integrated development in the context of national goals, specifically regarding Transformation as a key priority of the sixth term government. The CBE's third Transformation Indaba, hosted in October 2019, produced a number of key resolutions, in relation to challenges impeding Transformation in the sector. The CBE expects to deliver on these resolutions to ensure transformational progress. The main vehicle for driving these activities is the Transformation Collaborative Committees (TCCs), constituted in collaboration with the Department of Public Works and Infrastructure (DPWI) to specifically address these challenges. These TCCs, with support from the DPWI, are commissioned to engage with all relevant departments and industry role players to resolve key challenges identified by stakeholders. These Transformation Collaborative Committees (TCC) comprise of the following:

- ✓ Procurement, Policy, Legislation and Socio-Economic Development (PPLSED)
- ✓ Women Empowerment and Gender Equality (WEGE)
- ✓ Occupational Specific Dispensation (OSD)
- ✓ Professions Skills and Capacity Development (PSCD)
- ✓ **Health, Safety, Public Protection and Universal Access (HSPPUA)**

The HSPPUA TCC, established as part of the CBE's priority areas, addresses matters specifically relating to the protection of public interests in areas of Universal Design and Accessibility as well as Health and Safety within the South African Built Environment. In order to address and resolve these concerns, and in line with the mandate of the TCCs, the Health and Safety and Public Protection Committee was constituted. The section below provides an update on the work of the HSPPUA TCC during Quarter 3 of the 2022-2023 financial year.

3. CBE Mid-Term Priorities linked to the HSPPUA TCC

In the medium-term the TCC is paying attention to three priorities:

- a. Transforming the Built Environment
- b. Creating skilled (fit-for-purpose) Built Environment Professionals
- c. Expediting the empowerment of women, youth and the persons with disabilities

4. CBE Mandate Aligned to the HSPPUA TCC

The HSPPUA TCC is established in terms of the following sections of the Council for the Built Environment (CBE) Act (No 43 of 2000):

3(a) promote and protect the interests of the public in the built environment

3(b) promote and maintain a sustainable built environment and natural environment

3(e) provide appropriate standards of health, safety and environmental protection within the built environment

4 (a) Advise government on any matter falling within the scope of the built environment, including resource utilisation, socio-economic development, public health and safety and the environment, and for this purpose carry out such investigations as it or the relevant Minister deems necessary

5. Health, Safety, Public Protections and Universal Access TCC Quarter 3 Progress Report

5.1. Overview

Quarter 3 was the shortest term of the year due to the following:

- i. CBE's office relocation at the end of November 2022, followed closely by
- ii. CBE's end-of-year office closure on 19 December 2022

As a result, the HSPPUA TCC did not commemorate the 2022 International Day of Persons with Disabilities, which is also celebrated as National Disability Rights Awareness Day on 2 December, as approved by the Built Environment Matters Committee (BEMC).

5.2. Quarterly Progress

The section below provides an update on progress made by the HSPPUA TCC during Quarter 3 of the 2022-2023 financial year (October – December 2022).

5.2.1. International Disability Day – Awareness Campaign

The CBE did not celebrate the International Disability Day on 2 December 2022 due to the CBE's office move at the end of November 2022. Hence, the following were proposed for the re-scheduled commemoration:

- i. Disability Day is commemorated on 1 March 2023 under the theme **“Universal Access is my Right”**
- ii. All built environment professional councils (the CBEP) and voluntary associations (VAs) prepare posters to support and increase awareness on universal access and integration of persons with disabilities to their constituencies
- iii. Presidents of the CBEP and VAs sign a pledge to **“Build for Everyone”**
- iv. Two speakers, who are persons with disabilities (PWDs), share their challenges and solutions on universal access
- v. The keynote speaker is sourced from the Department of Women, Youth and Persons with Disabilities (DWYPWD) to speak on legislation on universal audits
- vi. The CBE legal unit will share on the status on helpdesk

The CBE, as a member of the Department of Employment and Labour's Construction Health and Safety Technical Committee (CHSTC), attended CHSTC meeting on the 23rd of November 2022. The definition of Construction Manager was discussed at length, with the following proposed:

“Construction Manager means a competent person registered in terms of SACPCMP Act, Act 48 of 2000 and is responsible for the management of the physical construction processes and the coordination, administration and management of resources on a construction site”.

The terminology and definitions will be finalised in the next meeting scheduled for the last quarter of the financial year.

5.2.2. Strategy to Ensure Compliance with the CH&S and OHS Act by the BE Sector

There are various ways a construction site can ensure compliance, with the following ranking as effective:

I. Management commitment and attitude to health and safety

Responsibility for safety starts at the top. With management demonstrating commitment to safety, workers will perceive them as serious about protecting their wellbeing.

II. Knowledge and training

Providing health and safety information and training helps the organisation to:

- a) ensure employees are not injured or made ill by the work they do
- b) develop a positive health and safety culture, where safe and healthy working becomes second nature to everyone
- c) find out how health and safety better could be managed better
- d) meet the legal duty to protect the health and safety of your employees

III. Relevant and effective training

- a) will contribute towards making employees competent in health and safety
- b) can help the business avoid the distress that accidents and ill health cause
- c) can help the business avoid the financial costs of accidents & occupational ill health

IV. Penalties for non-compliance

According to the Construction Industry Development Board (cidb) as cited by Windapo, A. and Oladapo, A.A., 2012, if potential losses relative to labour, materials, plant and equipment because of non-compliance with H&S regulations are cited by regulatory authorities; contractors will address H&S issues.

However, corruption enables contractors to get away with minor and major offences and escape severe penalties.

V. Cost of compliance

When an employer fails in his duties, he is in contravention of the OHS Act, which is Statutory Law, in which case he/ she may be held criminally liable and prosecuted in his personal capacity. According to Windapo, A. and Oladapo, A.A., (2012) contractors are more willing to spend money on compliance where the financial costs of non-compliance that is, cost of accidents, are likely to be high.

5.2.3. Audit the implementation of Universal Design and Access Matrix of the White Paper on the Rights of PWD

The DWYPWD and DPWI will continue with the auditing and report to the HSPPUA TCC on the implementation of the design and access matrix. The DWYPWD and DPWI should invite the CBE and some members of the HSPPUA TCC to these visits for exposure to the auditing process.

5.2.4. Strategy to deal with Construction Mafia

The DPWI and Special Investigating Unit (SIU) collaborated to create a new anti-corruption forum, the Infrastructure Built Anti-Corruption Forum (IBACF), which officially launched on 24 May 2021. The IBACF aims to monitor infrastructure projects more effectively and put systems in place to detect and prevent corruption. The forum is led by the SIU and DPWI, with representatives from the following bodies:

- a) Hawks (South African Police Services' Directorate for Priority Crime Investigation)
- b) National Prosecuting Authority (NPA)
- c) Financial Intelligence Centre
- d) Corruption Watch
- e) Council for the Built Environment (CBE)
- f) Master Builders South Africa (MBSA)
- g) South African Council for the Architectural Profession (SACAP)
- h) Consulting Engineers South Africa (CESA)
- i) South African Black Technical & Allied Careers Organisation (multi- disciplinary) (SABTACO)
- j) South African Bureau of Standards (SABS)
- k) Business Unity South Africa (BUSA)
- l) Human Sciences Research Council (HSRC)

<https://www.news24.com/news24/southafrica/news/siu-public-works-launch-new-anti-corruption-forum-20210524>

It is proposed that the TCC submits its recommendations and proposals to the IBAC forum through the CBE in its representative capacity on the anti-corruption forum.

5.2.5. Set asides for emerging small and medium business owned by PWD

It was proposed that the HSPPUA TCC reviews the SCM policy to ensure that at least 7% of all government and private purchasing under R30 000 is set aside for emerging, small and medium businesses owned by PWD.

5.2.6. One report on the state of compliance with Construction Health and Safety (CHS) within the Built Environment sector produced by 31 March 2023

The auditors for compliance with CHS, categorise construction companies by location, building/facility type and project values, as they impact the state of compliance. The location of the construction site is either rural, semi-rural or urban. The building/facility type was identified using the classification and designation of occupancies available in the National Building Regulations i.e.:

A: Plant & Storage

B1: Allied Trades

B2: Manufacturers.

Project values were also grouped into classes based on the value of work categories, namely:

C: Less than R15m

D: R15m to R40m

E: R40m to R100m

F: R100m to R250m

G: R250m to R450m

H: R450m to R750m

I: R750m +

Auditor/s in the construction industry score the organisation accordingly and then rate the audited organisation according to the following STAR Rating and compliance, as summarised in the next table:

% Achieved During Inspection	Star Rating	Location	Project Value	Attitudinal Disposition
Less 40%	Non- Compliant	Rural	Low	No PPE, safety meeting, etc.
40% to 50%	1 Star Rating			
51% to 64%	2 Star ratings	Semi-rural	Medium	Comply
65% to 79%	3 Star ratings			
80% to 89%	4 Star ratings	Urban	High	Lead by example
90% to 100%	5 Star ratings			

5.2.8 One CBE programme promoting empowerment of people with disabilities in the Built Environment developed by 31 March 2023

The target for quarter 3 was to report on engagements with three stakeholders and deliberations.

The CBE engaged the following organisations in the third quarter ending 31 December 2022:

a) Department of Social Development (DSD)

The purpose of the engagement was to determine how the DSD empowers PWD and vulnerable communities who depend on social development services to survive and improve their lives. DSD ensures that accommodations for PWD comply with universal access before the department can approve them. The department indicated that the audits are expensive as they must hire private consultants. The high cost of universal access audits causes the department not to audit all accommodation for PWD. DSD is keen to have a representative at HSPPUA TCC meetings and hopes the TCC would assist with universal access auditing of PWD accommodation.

b) Japan International Cooperation Agency (JICA)

JICA is an aid agency supporting socioeconomic development in developing countries in different regions of the world, including South Africa. JICA has a good working relationship with DWYPWD and was contacted in the hope of partnering with the CBE to promote universal design and access. The CBE is awaiting a formal meeting date with the South African representative.

6. Key Issues (Highlights and Challenges)

a. Highlights

The CBE produced an article during Disability Month titled: “Is Disability Really Designed? From Theory to Practices in the Built Environment”. The BEMC authorised the TCC to commemorate International Disability Day on the 2nd of December 2022.

b. Challenges

The CBE could not commemorate International Day of PWD on 2 December 2022 due to its planned office relocation, hence it has been postponed to 1 March 2023.

7. Conclusion and Way Forward

The HSPPUA TCC looks forward to convening a webinar on disability awareness on 1 March 2023.

It is recommended that the HSPPUA TCC:

- i. approves the themes (***Building for Everyone*** and ***Universal Access is my Right***) for the proposed webinar of 1 March 2023
- ii. assists with identifying speakers, including the keynote speaker, on universal access legislation from DWYPWD