

# HEALTH AND SAFETY PRACTICES OF CONTRACTORS WORKING ON THE EXPANDED PUBLIC WORKS PROGRAMME (EPWP): A SOUTH AFRICAN PERSPECTIVE

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The Government in general is normally called upon to provide employment opportunities for the large number of unemployed individuals in the country. Within South Africa the Public Works Programmes and the Expanded Public Works programme (EPWP) in particular has been established to address this objective. The Department of Public Works (DPW) apply labour intensive construction methods on all EPWP projects as a means to provide short term employment opportunities to a larger section of the unemployed. The EPWP code of good practice for Special Public Works projects provides for special conditions of employment for the EPWP projects. In terms of the code small sized contracting entities can be established for a specific contract on condition that they are registered for a basis construction management training programme which is equivalent to a qualification at either level 2 or 4 on the National Qualification Framework. The members of the contracting enterprise are enrolled for these programmes via the EPWP Contractor Learnership Programme which was established to provide the required support systems to developing contractors. The EPWP programmes do however not allow for any compromises with regards to health and safety and as the 2003 Construction Regulations makes provision for the client to appoint an agent as his representative they normally appoint their own health and safety officer on each of their projects. This study questions the health and safety practices and interventions applied on EPWP projects in the Cape Town region by small contracting enterprises. The methodology comprises a telephonic survey and follows up interview of the small contracting enterprises involved in EPWP projects within the Cape Town Metropolitan area. It is concluded that the majority of the small contracting enterprises are aware of their responsibilities in terms of current legislation but that most of the paperwork is provided by the client's representative, that they had very little input on health and safety issues during the tender preparation phase and that no formal interventions are used to keep the labourers and artisans informed of health and safety issues.

Keywords: small-medium sized contracting enterprise, contractor registration, health and safety, public works programmes, training initiatives.

## INTRODUCTION

Construction plays an important role in any economy both as an employer of labour and also as an enabler and infrastructure development for example is a prime example

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of this as it encourages the delivery of other essential services and acts as a catalyst for a higher economic growth and employment opportunities (National Treasury, 2004). Watermeyer and Band (1994) suggested to the National Housing Forum in 1994 that employment opportunities could be maximized on housing and infrastructure projects by implementing labour intensive construction methods despite a drop of approximately 10 -15% per unit of expenditure, as reported by the South African Civil Engineering sector, on the approximately 11 to 23 direct jobs generated in the construction industry per million rand invested (DPW, 1997).

A range of National Public Works Programmes under the umbrella of the Special Public Works Programme (SPWP) have been implemented in South Africa since 1994 and although the calculation of workdays created is not easily accessible, Mccord (2003) estimates that for the period 2000-2003 approximately 10 million workdays were created on the Community Based Public Works Programme alone. One of the other programmes, the Expanded Public Works Programme (EPWP) which was initiated in 2003 generated more than 166,000 employment opportunities in the infrastructure sector in the 2007 financial year (DPW, 2007).

The EPWP projects also serves as a platform to develop small contracting entities and the learnerships attached to these programmes are intended to provide the site construction manager with the relevant competencies to manage a construction site or a small construction enterprise (Egbeonu and McCutcheon, 2008). The Construction Industry Development Board (CIDB) classifies small contractors as entities who carry out projects that are valued at less than one and half million rand per project (CIDB, 2007).

The purpose of the paper is to report on the findings emanating from an exploratory survey to identify the health and safety practices and interventions applied on the EPWP projects by the small contracting enterprises and record their perception regarding the benefits of the health and safety practices applied. The projects reported on fall within the Cape Town Metropolitan area in South Africa and comprise approximately 10% of the total number of EPWP projects undertaken in the Western Cape Province during the financial year of the survey.

## **THE EXPANDED PUBLIC WORKS PROGRAMME (EPWP)**

### **Background**

The objective of public works programmes is job creation, poverty alleviation, training and capacity building for the informal economic sector through the creation of infrastructure projects or access to these projects (Mccord, 2003). She adds that these programmes only provide temporary relief as they do not offer full time employment and can only provide sustainable livelihoods if accompanied by social development interventions. The EPWP is a short to medium term programme which was initiated by former President Mbeki in February 2003 and the rationale behind this programme is based on international and national research which shows that well trained supervisory staff using an appropriate employment framework can use labour intensive methods to successfully complete infrastructure projects (DPW, 2004a). The short term goal of the programme was to alleviate unemployment by creating one million short term job opportunities (of which at least 40% had to be women, 30% youth and 2% disabled) within the first five years of the programme (DPW, 2005a). This goal was achieved in four years and phase 2 of the programme was launched in April 2009 with the aim of creating a further two million full time jobs. An added benefit to the country was that the investment in both infrastructure and building

contributed to an annual growth rate of 17.5% in the construction industry in 2008 (Statistics South Africa, 2009).

One of the other objectives of this programme is to develop skills and support the development of small/medium contracting enterprises. The contract documentation for the EPWP projects state that the construction site manager of any contractor appointed shall have completed or be registered for the National Qualification Framework (NQF) level 2 skills programme in labour intensive construction and that established contractors should have completed or be registered for the NQF level 5 skills programme in managing labour intensive construction processes (DPW, 2005b). The NQF level 5 qualification is equivalent to a British NVQ level 3 qualification. Consequently the EPWP Contractor Learnership Programme was initiated to provide support to employees of the small contracting enterprises. These learnerships can take up to two years to complete. The EPWP also allows for the establishment of new contracting enterprises that consisted of one learner contractor and two construction site managers. These training programmes are normally offered by service providers that have been accredited by the Construction Industry Sector Training Authority (CETA). In addition a financial institution provides the new entity with a short term loan that enables them to develop a financial track record. These new entities are also required to register with the Construction Industry Development Board (CIDB).

The Department of Public Works (DPW) introduced the mentorship service to assist the small contracting enterprises and the objective of this mentorship programme is to ensure that sustainable contractors can be developed to undertake works of similar nature while receiving both practical and educational assistance. The mentor is required to provide advice coaching, guidance, teaching, tutoring and instruct the learner contracting company in a number of key managerial functions as well as focus on fulfilling all statutory requirements with particular reference to occupational health and safety (DPW, 2004b).

Although the focus of these EPWP projects is on labour intensive construction process no compromise is allowed in the performance areas of quality and health and safety. Section 5 of the Construction Regulations require the principle contractor to submit to the client a suitable and sufficiently documented health and safety plan. The DPW appoint their own OHS representative, as the Construction Regulations allows the client to appoint an agent to act as his/her representative, which results in the EPWP team normally taking control of all health and safety issues until the contractor can sustain and manage the OHS requirements.

### **The small contracting entity**

When discussing the construction industry it is important to take cognisance of the growth of the informal sector within the construction sector (Pearce, 2003; Gann and Senker, 1998; Winch, 1998; Wells, 2007). Wells (2007) citing the International Labour Organization states that the informal sector comprises of entities that have:

*“failed to comply with all or some of the industry regulations.”*

She states that the International Labour Organization in Kenya adopted a different approach by also including the characteristics of the enterprise in their definition. Informal sector enterprises are therefore defined as very small (between five and ten employees) not complying with the regulations of national or local government and operating with very little capital and simple technology. The CIDB established a register of contractors in 2005 and the purpose of the register is to ensure that contractors with the appropriate skills, competencies and capacity are grouped

together, ensuring that when the client procures the services of a contracting entity they can compare like with like (CIDB, 2007). They have nine grades of registration and use the capacity to perform key functions as the registration criteria. Grades one to three accounts for small contractors who are normally single discipline trade contractors and who carry out projects that are valued at less than one and half million rand per project (CIDB, 2007). There are approximately 30 000 contractors registered within levels one to three of the register in comparison to the 2 200 contracting entities operating within levels four to nine of the register (CIDB, 2009). Although we must not discount the value added by the informal contractors we need to take cognisance of the fact that they unfortunately may not afford the resources required to plan and coordinate the activities involved (Gidado, 2004). Other factors to consider is that they are not very proactive in the area of co-operative or collaborative activities and remain focused on solving day to day problems (Garia, 2005) that they fail to provide training, do not have managerial and administrative skills, are not sustainable, do not pay correct wages and deliberately avoid detection by officialdom (Horwitz, 2000).

Martin and Root (2008) identified that 56% of the CIDB level 2 registered contractors surveyed, met the criteria of very small in terms of the Small Business Amendment Act and had a Standard 10 (Grade 12) qualification. A further 21% of the respondents had a Standard 7 or lower qualification and that 30% of the respondents who had the Standard 10 qualification indicated that they had attended managerial college courses and had obtained a qualification at NQF level 6 or higher. In contrast, 56% to the individuals working in established organizations indicated they had obtained a qualification at NQF level 6 or higher. These findings complement research undertaken by Smallwood and Cattell (1997) which reported that approximately 20% of the respondents they surveyed have a qualification at diploma or higher level.

A second point the Wells (2007) noted regarding employment trends in the construction industry is the increase in the daily paid casual worker who is not self employed, but tends to work for both the formal and informal enterprises. She estimated that the level of casual workers employed in the construction industry can exceeds 50% and cites examples of research carried out in Mexico (66%) and Egypt (90%) to substantiate her observations (Wells 2007 citing Anand, 2001).

### **Construction health and safety requirements**

Cheetham (2000) reported that various issues inherent in the construction industry cause a negative effect on health and safety and that some of these are:

- The temporary nature of projects which results in constant risk identification and risk intervention re-planning;
- A high labour turnover on sites as a result of the changing skill requirements as the work progresses and the use of unskilled labour.
- They are often inexperienced in working on sites and are unsure of safe work procedures; and lowest price tendering leading to fewer funds allocated to health and safety.

All these issues are also evident on the EPWP projects. Suraji *et al.* (2001) identified that inappropriate construction operations (88%) as well as the inappropriate operative action (29%) are the two highest causes of accidents on construction sites. This implies that in order to adequately improve health and safety and reduce accidents, the enterprise needs to include interventions that will get the labourers heads around safety and get them thinking about identifying potential risks, and ways about

mitigating those risks. Hinze (1997) concludes that in order for an optimum health and safety culture to exist within an organization, it is necessary for it to be universally adopted within the organization so that every worker can realize that every activity or task carries a certain amount of risk and needs to be performed safely.

Planning for health and safety is an effective way of reducing accidents, increasing profits and completing projects on time Hare *et al.* (2001). Lingard and Homles (2001) identify that once a hazard is identified, it should be eliminated and that if this is not possible, the hazard should be mitigated through substitution. It is also proposed that the process should be isolated to reduce risk to third parties and that safe working procedures (SWPs) should be implemented. If none of these responses is possible, then management should provide personal protective equipment (PPE), which should be a measure of last resort. The reasoning behind this approach is that it is easier to eliminate the hazard than it is to change the behaviour of workers. The purpose of the health and safety plan therefore is to deal with three main issues, namely, risk identification, risk assessment as well as risk mitigation. As this is not a static document the health and safety plan needs to be updated as the project develops as new risks will become apparent and they will need a mitigation strategy (Cheetham, 2000). Preece *et al.* (2000) state that the majority of health and safety plans that are produced by contractors are not project specific. Contractors include their safety policies in the plans but very little project specific health and safety data. These contractors are then able to re-use these health and safety plans on numerous projects. They further add that this should not be the case, and that every health and safety plan should be prepared from scratch and should include adequate information regarding project specific health and safety data. They believe that health and safety plans should be reduced especially with small contracts, as large health and safety plans are unnecessary and time consuming to abide with. In the South African context small contracting enterprises usually operate under severe financial and time constraints, resulting in the potential danger that project specific health and safety activities are overlooked as a result of furnishing a health and safety plan which has been compiled from a number of previous documents, in order to expedite the documentation and to satisfy the client or their safety agent. This practice has been identified in the USA construction industry by Maloney (2003), who notes, that based upon his review of approximately 400 task method statements and interviews of the personnel involved in their preparation, this aspect was treated as a regulatory requirement, rather than as a vital element of the health and safety plan.

Loosemore and Andonakis (2007) revealed that nearly 90% of small subcontractors interviewed in Australia had limited knowledge of the health and safety legislation. Lingard and Rowlinson (2005) make the point that, in the context of the Australian industry, many operatives in construction are self employed or work for small businesses and as family-run firms, many of these small companies are less likely to have an active OHS representative. Smallwood and Cattell (1997) identified that in the small contracting sector in South Africa only 9% of the contract's managers 7% of the construction site managers and 15% of the site foreman had attended a health and safety course.

## **METHOD**

A survey method was used, as it was necessary to gather data from a group of respondents who were based on projects that were spread over a large geographical area. The population for the study was small contracting enterprises employed on

EPWP projects in the Cape Town Metropolitan area as well as the officials from the Western Cape EPWP office. The contractors were identified from the data base of current projects obtained from the Western Cape EPWP office. The data base listed 63 projects in total that were being undertaken within a radius of 100 km of Cape Town. A decision was taken to focus on the seventeen infrastructure projects that fell within the Cape Town Metropolitan area as this would facilitated the collection of the data. All seventeen contractors were contacted telephonically and of the group, ten agreed to participate in the survey. An initial telephonic survey was conducted with all ten of the respondents to obtain preliminary information regarding the type of project, the site management structure and level of assistance received. Follow up semi-structured interviews were conducted which allowed all respondents to answer specific key questions but also allowed them to give their views on specific topics.

The officials from the Western Cape EPWP office were also contacted but unfortunately due to time constraints and other commitments only one interview was conducted. In this interview a semi structured questionnaire with both open and closed questions was also used which allowed the respondent to answer specific questions but also allowed him to give his views on specific topics. Findings of the study are reported in the following section.

## **DISCUSSION**

### **Education levels**

All ten of the respondents indicated that they had completed grade 12 (standard 10) and one contractor indicated that he also had diplomas in welding and carpentry. Two of the respondents indicated that they had attended a health and safety supervisory course but this was only because one of their previous clients had insisted on them acquiring the required skills. This supports the work of both Smallwood and Cattell (1996) and Martin and Root (2008) who stated that on average most emerging contractors do not have educational levels higher than grade 12.

All the respondents indicated that they were registered for the skills programme but had not yet completed the programme. 70% (7) of them indicated that they had been registered for between 18 and 24 months, 20% (2) indicated that they had been registered for between 12 and 18 months and 10% (1) indicated that he had only registered in the last 6 months. They indicated that the learnership however only addressed technical competencies and they depended on the mentor to instruct them in the key issues relating to health and safety.

### **Activities undertaken on EPWP**

50% of the respondents indicated that they were involved in roads and roads maintenance projects. These projects included the construction of new roads, the upgrading of existing roads and the maintenance of existing roads. 30% of the respondents indicated that they were involved in maintenance of existing Public Works buildings and that this including both cleaning and maintenance functions. 20% indicated that they were involved in construction of new works which included school buildings and housing projects. The feeling of the respondents involved in the maintenance projects was that most of the tasks were basic maintenance activities and in their view did not warrant a comprehensive health and safety risk assessment and health and safety plan. The respondents involved with the road maintenance projects also indicated that a number of the activities in their projects such as painting road markings and clearing road verges and therefore did not warrant a comprehensive health and safety risk assessment and health and safety plan.

All the respondents indicated that the skills level of the local labour was not aligned to those they had used on previous projects and that this had a major impact on achieving workflow and productivity rates. They identified that they had to deal with a large labour turnover which impacted on any training they tried to implement. The main reasons given for the labour turnover was that the labour force viewed these projects as a temporary means of income generation and when a more permanent form of employment presented itself they would move on.

The respondents also indicated that in some instances they were allowed to outsource the specific tasks to the work force they had used on previous projects but that this was the exception rather than the rule.

### **Statutory health and safety requirements**

The majority of the respondents (90%) indicated that they were aware of what was required in terms of the Construction Regulations as they had attended an induction and basic training session prior to starting on site. This session gave them a brief overview of what was required in terms of the Act. This is refreshing and although this does not support the findings of Loosemore and Andonakis (2007) it cannot be regarded as the norm as this is a very small sample and the contractors are involved in a specific type of project.

80% of the respondents indicated that the health and safety risk assessment plan for the project had been prepared on their behalf and that they had the required health and safety project file on site. They indicated that both the risk assessment and the file had been performed by the Project Health and Safety Officer. It is therefore difficult to draw any conclusions from these observations regarding the use of generic health and safety plans as observed by Cheetham, 2000; Preece *et al.* 2000 and Maloney 2003.

### **Health and safety audits**

All the respondents indicate that health and safety audits were carried out from time to time by the Project H&S Officer. They could however not comment on the intervals of these audits nor the activities covered as they had not been involved in the process. It is difficult to comment on the response to safety hazards by the contractors as discussed by Lingard and Homles (2001) as the contractors seem to be content with the arrangement that a third party carry out this function.

### **Pricing for health and safety**

The respondents indicated that they had been appointed in terms of a fixed amount per project with the result that they had very little input in the preparation of the tender and finalization of the contract amount.

All of the respondents indicated that they were aware that a provision for health and safety had been allowed for in the contract but that they were not consulted or involved in this process. In 80% of the cases were not even aware of what the amount was or what had been allowed.

The respondents indicated that as the EPWP Project office managed and funded the health and safety function they assumed all was in order.

Tool box talks etc. All of the respondents indicated that their workforce seemed to be happy with the current health and safety arrangement despite no evidence being available of any formal discussion around the topic of site safety etc.

All the respondents did not see the need for these type of interventions nor did they think it was necessary to set health and safety goals for their teams. It is possible however that the nature of the activities, as reported earlier, could have influenced this point of view on some of the projects. A second factor that could contribute to this attitude is the transitory nature of the workforce. Unfortunately these two items were not pick up during the interviews.

Only one respondent indicated that he was aware of the “tool box talks” intervention as a means to inform the workforce of key health and safety issues.

### **Incidents recorded**

All the respondents indicated that they contributed to the workman’s compensation fund as required in terms of the Act. They did however report that no major injuries had been reported on the projects to date. One reason for this could be that the majority of the project activates and projects the respondents were involved with or on are seen as low risk activities such as e.g. cleaning of walls, repainting of buildings etc.

## **CONCLUSION**

It is clear that the EPWP provides employment opportunities for a large number of unemployed individuals within the broader community and that by utilizing labour intensive construction methods a larger number of construction projects can contribute to the goals of this programme. It must however be acknowledged that the short term goals of developing sustainable contracting entities at the same time might not be as achievable. The findings on this project indicate that the small contracting enterprises seem to be more focused on completing the projects they have been appointed and less focused on completing the required skills development programmes. This is borne out by the fact that 70% of the respondents had not completed the skills programmes despite being involved with the programme for more than 18 months. A second observation is that the nature of the work for which they have been appointed does not lend itself to learning as the risk profiles of these activities are low. At least 30% of the respondents were involved on cleaning or maintenance projects. The respondents did however indicate that they were aware of what was required but as the responsibility for health and safety rested with the client they did not always get involved. It is possible that these contractors see the mentors as an extension of their organization and therefore do not see the need to acquire the skills required to carry out the functions themselves. It is encouraging however to see that 90% of the contractors contribute to the compensation fund as one of the criteria used in the past to describe an emerging or informal contractor was an individual who did not conform with all the statutory requirements.

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