

terms of:

- cost of time lost through injuries to workers;
- cost of time lost when work stops due to an accident;
- cost of damage to machines, property or materials;
- cost of loss of production.

In other words, accidents are measured in terms of the production time that is lost and not in terms of the effects on the injured worker.

NOSA claims that 88% of accidents are caused by unsafe acts (working too fast, fooling around and taking chances) and only 10% are caused by unsafe working conditions. NOSA therefore supports management's view that most accidents are the workers' fault. It provides bosses with an excuse not to make the factory safer.

Machine and Occupational Safety Act (MOSA)

MOSA laws deal with health and safety at the workplace. Some of the issues dealt with by MOSA are:

- the structure and duties of a safety committee and the appointment of safety representatives;
- management's responsibilities in the area of health and safety;
- workers' responsibilities;
- duties and powers of inspectors;
- inquiries, for example when a worker dies at work;
- penalties to management and workers who do not obey the law;
- exemptions: the Minister of Manpower can free management and workers from any part of the Act or even from the entire Act;
- practices which the Minister may not allow. He may declare a workplace unsafe or a job too dangerous;
- appeals: any person unsatisfied with the findings of the inspectors can appeal within 60 days.

Structures

1. *Safety reps* - the law says management must appoint these reps, but the union can negotiate to have these reps elected by workers.

Safety reps have the following duties:

- to inspect the workplace at least once a month;
- to inform the Safety Committee (SC) and management about the

dangers in the workplace;

○ to inform the SC or inspector of any illness/death/serious injury at work.

Safety reps have the following rights:

○ to information about health and safety;

○ to time off during working hours with full pay to do health and safety work;

○ a safety rep cannot be taken to court for having made a mistake.

2. Safety Committees (SC)

○ Management must set up a SC if there are more than 100 workers.

○ A SC must be set up when there are 2 or more safety reps.

○ All reps must belong to the SC.

○ Management can set up more than one SC.

Duties of the SC:

○ SC must meet at least every 3 months.

○ It must make recommendations to management and keep written records of this.

○ It can call advisors with special knowledge to the meetings.

○ It must report serious accidents in writing to the inspector.

Advantages of MOSA

☆ Work time is given to inspect the factories.

☆ Work time is given to hold meetings.

☆ Work time is given for training.

☆ MOSA makes the right to information obligatory by law.

☆ MOSA allows access to records.

Disadvantages of MOSA

☆ The law does not say that safety reps should be elected (management can simply appoint people).

☆ It does not insist that the SC should have equal numbers of union members and people appointed by management.

☆ Health and safety can be taken out of the hands of the union.

☆ Management can delay issues by sending it to the SC.

☆ Management and the state do not regard health and safety as an important issue. For example, management is not always fined for not establishing SCs.

☆ Victimisation: workers can be victimised for not following management's instructions on safety.

☆ MOSA is not always strictly monitored.

(This information was obtained from the Workplace Information Group.)