



**ASPASA**

Aggregate & Sand Producers  
Association of Southern Africa

## **Best Practice Guideline: Handling Section 54's & 55's**

### Introduction

The aim of this guideline is to ensure that all notices issued in terms of Section 54 or 55 of the MHSA by an Inspector of the DMR is managed effectively to mitigate the effect of such a notice on the Aspasa member operations and also to ensure that such notices are uplifted as soon as possible.

### Basic Actions

1. When receiving the section 54 or 55, ensure it is completed fully, is understood and can be dealt with.
2. Ensure your operation and company has a procedure on what and who deals with the documentation related to the matters at hand.
3. Ensure there are copies made and that a copy be filed in a Central File for safe record keeping, for future references and for a yearly summary on what was perceived to have been re-occurring problems. It might even be noted that conflicting instructions, demands have been made by different inspectors in one region or in different regions. Forward these conflicting demands to Aspasa.
4. Prepare a corrective action plan – use other managers, supervisors, shop stewards to assist with this plan. This ensures. Also ask for signatures at the end of the process.
5. Check corrective plan with top management so as to ensure commitments that are made are actioned and that budget provisions are made.
6. Record production time and income lost while stoppage occurred.
7. Do professional presentation to DMR.
8. Share experience, lessons learnt with other managers and staff in the company.
9. Monitor the implementation and Corrective Actions as per the presentation to the DMR.
10. Discuss process with employees, other managers at relevant forums.

### Specific Activities when managing Section 54's & 55's

- When receiving Section 54 or 55 notices from the inspector, make sure that all staff know that it must be handed to the Quarry Manager or his appointee. Don't sign or accept the notice if the document is not clear, readable, understandable and does not give the "charge" clearly and the "outcome" specifically. Just accepting and signing for such a document could be viewed as an admission of guilt. So be aware of what is captured on the document. Always ensure there are witnesses present.
- Each operation must have a procedure to handle the Section 54 & 55 once received by the operation. Also who at Head Office must be notified and a copy sent to. What is the role of management, H & S Officers, Shop Stewards and Safety Representatives? Make sure you have buy in from them. Cases have been reported that shop stewards and safety reps are the ones who report issues to DMR without raising it with management first.
- If there is a centralised H & S Department then this Department should be involved in the recording of the infringement notice.
- The Safety Representatives, Safety Committee and others who serve on it should be called to a meeting and the situation should be explained. If the operation has been stopped, plans to be decided on what happens at the operation while it is not operating. A positive way to keep staff busy is to clean, fix, replace and do inspections.
- All section 54 and 55's and any other instructions should be filed in a central filing system. When verbal instructions are issued by an Inspector and he/she refuses to put this in writing, then the operation needs to put it in writing, list those present when instruction was issued and confirm this in writing to the Inspector and the Regional Principle Inspector. Print this and file in the central file for further reference.
- It is now up to management to put a team together, discuss, get input and prepare for the presentation to the Principle Inspector, so as to get the Section 54 "lifted". What is important is the presentation should show the actual actions to be taken and implemented. Also don't

forget training on this issue and other communication mechanisms such as “green area” discussions and information sharing.

- The issues to be looked at when assembling the team is to prepare on action plan:
  - Address all deviations
  - Non-compliances
  - Avoidance of repetitive deviations and non-compliances
  - Also include responsibilities and completion dates.
- This plan should once complete be forwarded or presented to senior management for evaluation and verification.
- Should the corrective action plans not be accepted by the DMR then it must be referred back to the originator who then needs to make the necessary changes and resubmit for verification.
- Once the Section 54 notice has been uplifted or a Section 55 action plan has been approved by the DMR all employees, line managers, and head office staff should be notified. Any documents, the presentation must be filed in the central register for referral back or sharing with other operations.
- At the next managers meetings this issue should be discussed under “Continuous Improvement” plans of the operation or company.

In Conclusion

When starting up the operation should view the Aspasa start up best practice guideline to ensure that all issues are covered.