



MEDIA RELEASE PSA demands compliance with prohibition order at Mbombela High Court

DATE 20 November 2024

EMBARGO None

ENQUIRIES communication@psa.co.za

The Public Servants Association (PSA) is disturbed by ongoing non-compliance with the *Occupational Health and Safety Act (OHSA)* concerning the prohibition order issued for the Mbombela High Court in Mpumalanga.

The prohibition order, issued on 23 November 2024 under section 30 of the *OHSA*, is a binding legal instrument. It may only be revoked by following an appeal process in terms of section 35 of the *OHSA*. The employer must initiate the appeal within six months from the order's issuance. The prohibition order, however, remains in effect until the appeal outcome is determined. To date, the Department of Justice has not lodged such an appeal.

Only the issuing Inspector of the Department of Employment and Labour (DEL) may revoke the order during the appeal process. That happens upon full compliance with *OHSA* requirements. The Inspector who issued the prohibition order must verify compliance before revoking the order. Any interference with the enforcement of this order constitutes a violation of the *OHSA*. The PSA expects the Department of Justice and the Office of the Chief Justice to respect South Africa's legislative framework and avoid contravening the law. No official, including managers of the Department of Employment and Labour, has the authority to intervene in this process. The PSA stands firm in supporting the Inspector's lawful actions and will not tolerate any intimidation or undue pressure in this regard.

At a meeting held at the High Court on 8 November 2024, the PSA and the DEL Inspector agreed that the temporary occupation certificate by the Mbombela Municipality was to be issued by 11 November 2024, pending the submission of the required reports. The Municipality, however, indicated that the certificate could not be issued owing to the absence of an engineer's report. The Heating, Ventilation, and Air Conditioning report and the Indoor Air Quality report have not been fulfilled to date.

Despite efforts by the PSA and the DEL Inspector to engage with all relevant stakeholders, including the Department of Justice, the Office of the Chief Justice, the Department of Public Works and Infrastructure, and the Department of Trade and Industry, there has been no acknowledgment, respect, or compliance with these requirements. The PSA thus urges the DEL to enforce the prohibition order without delay and ensure compliance with occupational health and safety laws to protect employees and all stakeholders involved.

END

