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5/6/2
Enquiries: O. Apollis

Circular: 0033/2016
Expiry date: None

To: Deputy Directors-General; Chief Directors; Directors; Deputy Directors; Circuit Managers; Managers: Strategic Information, Governance and People Management; Heads: Curriculum Coordination and Advice; Principals and Governing Body Chairpersons of public primary and secondary schools

Short summary: *This circular informs all Directors and Principals of their appointment as section 16(2) appointees which makes them responsible for the management of occupational health and safety matters within their designated area of appointment.*

Subject: Section 16(2) appointees as stipulated by the Occupational Health and Safety Act

1. According to the Occupational Health and Safety Act, 1993 (Act 85 of 1993), all employers must, where reasonably practicable, provide and maintain a safe and healthy working environment that is without risk to employees. The primary responsibility for ensuring such safe and healthy work environment belongs to the chief executive officer (CEO) or the person deemed to be the CEO of the organisation.
2. Without derogating from this responsibility or liability, however, the CEO may delegate health-related and safety responsibilities to the management of the business or organisation. In terms of this appointment, the section 16(2) appointee(s) will then be responsible for the management of occupational health and safety matters in their designated area of appointment.
3. After appointment they will be legally bound to assist the CEO [section 16(1)] with safety management in these designated areas. The intention of the legislator is to enforce an official legal structure within the organisation. These prescribed structures largely assist with the proper delegation of health and safety responsibilities within the business environment (based on sections 16 and 37 of the Occupational Health and Safety Act).

4. To facilitate effective safety management within Western Cape Government (WCG) educational institutions, the Head of Department hereby declares all directors and all principals of WCG schools to be section 16(2) appointees. In order to carry out this responsibility, section 16(2) appointees must familiarise themselves with all statutory requirements stipulated by the Occupational Health and Safety Act and Regulations and, as far as reasonably practicable, ensure that the duties as contemplated in this Act are properly executed.
5. The attached 16(2) Appointee Letter accepting the assigned duties is to be duly signed and must be submitted to:
 - the Office of the Director of each district office by WCG school principals;
 - the Chief Director of Districts by district office directors; and
 - the Office of the Head of Education by all Head Office directors.
6. Kindly bring the contents of this circular to the attention of all staff members.

SIGNED: PA VINJEVOLD
HEAD: EDUCATION
DATE: 2016-08-18