

## **Duties and Responsibilities of Middle Management in the respect of Health and Safety**



**Within the health and safety industry, we are often asked why health and safety measures do not work, accompanied by statements such as:**

***"The employees do not adhere to the health and safety measures;" or***

***"We have spent thousands of rands on health and safety with nothing to show for it;" or***

***"The boss never listens to us when we ask for the implementation of health and safety measures."***

When exploring these concerns, the frustrations experienced by both the employee and employer are often due to a lack of health and safety practices applied by middle management. Supervisors, managers and foremen find health and safety measures onerous and time consuming, often trying to circumvent them because of the bottom-line concerns. Their main priority is to get assessed on their production levels and profits and not on how many employees went home in “one piece”. This results in middle management not enforcing the health and safety measures required by the employer or avoiding communication with or addressing the needs of employees.

Considering the demands made on a business amid Covid-19, including operational expenses, as well the changes in health and safety legislation, it is crucial that middle management give effect to the employer’s health and safety practices. Legislation, including the Occupational Health and Safety Act (OHS Act) and Disaster Management Act, and accompanying regulations underscore the importance of supervision and the appointment of a competent supervisor.

*The success of the implementation of health and safety systems and programmes depends on how effective they are managed by the designated supervising personnel.*

The lack of understanding of what is at stake often affects the behaviour of middle management in terms of health and safety. They often overlook the fact that when an individual is appointed as a supervisor, manager or foreman, that person becomes responsible for the employees working within the designated environment.

Training middle management in health and safety is key to effective implementation of the company's management programme. This will not only decrease incidents but also improve productivity through reduced absenteeism and staff turnover, and enhance overall morale.

## **What should middle management know about health and safety?**

Middle management should at least understand the following concepts of health and safety:

- What is health and safety, and how does the company approach it?
- What are the benefits of health and safety?
- How can health and safety improve not only the employees’ working environment, but also their own as management and the motivation of the employee?
- The liability associated with managing employees and the safety of employees.

There is, furthermore, always a lot to say about health and safety, the benefits and the improvements, but often very little is mentioned about the liability associated with these important responsibilities. By neglecting these responsibilities, middle management can be held accountable and liable for the health and safety of the employees for whom they are responsible.

## What is the liability for management?

Liability can be described as the position in which an individual or company finds themselves as a consequence of non-compliance, for which management is as liable as the employer.

Below is a brief overview of important aspects to be noted, as described in a previously published article '*What is my legal liability and the implications of legislative compliance in the workplace?*'

- In failing to comply with their legal responsibilities, an individual may be prosecuted both civilly and criminally.
- Supervisors, managers and foremen act within the scope of section 8(2)(i) of the Occupational Health and Safety Act.
- Sanctions may include separate or joint imprisonment and fines.

## How to manage workplace health and risks

We all know that time is non-refundable and expensive.

Many employers and managers are reluctant to send any staff for training due to the time implication it has on the business. Fortunately, *the 4<sup>th</sup> Industrial Revolution has made training accessible beyond office hours*, allowing for continuous development without disrupting valuable work hours. During these trying times, *businesses rely heavily on effective management to ensure that the business can recover from the economic impact of Covid-19* during lockdown and beyond.

It is therefore clear that legislation places an obligation on employers and management to effectively manage workplace-related health and safety risks. Failure to adhere to these legal delegations and duties could have severe consequences.

## In conclusion

Apart from legal consequences, such as criminal prosecutions and fines, companies may face other adverse business and operational consequences if health and safety policies are an inherent part of the business operations. An injury or death may cause business operations to be affected or even suspended, with a demoralising effect on staff. The role of middle and junior management to successfully implement and sustain health and safety protocols in the workplace to the benefit of all stakeholders, cannot be over emphasised.

*SERR Synergy provides a comprehensive health and safety service, integrating the Covid-19 legislative requirements.* Our team of OHS Professionals can relieve the immediate stress and concerns that might affect your business's capacity to remain operational due to the additional legal requirements.

**About the Author:** Ilse-Marie Iding started her career as a Human Resources and Industrial Relations Practitioner in 2007. She holds a degree from the University of Pretoria and, with an interest in improving working environments, she obtained certificates in both ISO 19011, NEBOSH and SAMTRAC. She is currently studying towards a National Diploma in Safety Management at UNISA. As a professional Health and Safety Practitioner, she is registered with SAIOSH. She started at SERR Synergy in 2016 as an Occupational Health and Safety Practitioner and currently holds the title of National Occupational Health and Safety Manager.

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