

	Unit ID: 863
Domain	OCCUPATIONAL HEALTH AND SAFETY
Title:	Contribute to health and safety legal actions
Level: 5	Credits: 6

Purpose

This unit standard specifies the competencies required to contribute to health and safety legal actions. It includes conducting and organising fact finding process; organising and conducting consultation process; and reporting on fact finding and consultation processes. This unit standard is intended for people who have to review investigations reports from a legal point of view, identifying possible breaches of statutory and common law requirements, suggest probable legal defences and to brief relevant people on health and safety legal matters.

Special Notes

1. Entry information:
 - Prerequisite:
 - *None*
2. This unit standard is to be delivered and assessed in the context of Occupational Health and Safety operations and should be assessed in conjunction with other relevant technical unit standards selected from this domain.
3. To demonstrate competence, at a minimum, integrated authentic and fit-to-purpose assessment must be carried out as a series of structured and documented, evidence gathering processes throughout the learning period. The learner's performance must be assessed through the use of a range of methods and culminates in a final summative assessment. Method of assessment may include but are not limited to – written or oral tests, simulation, reflections on self- peer group- and co-assessment, written reports, and work plans.
4. Assessment evidence may be collected from a real workplace or an appropriate simulated realistic environment in which Occupational Health and Safety operations are carried out.
5. Legal actions may include but is not limited to compensation, review of policies and procedures, and upholding parties responsible
6. Glossary of terms
 - *'Consultant'* refers to any person carrying out health and safety activities for a third party other than training and inspection.
 - *'Health'* refers to a state of complete physical, mental and social wellbeing, not merely the absence of disease or infirmity.
 - *'Safety'* refers to an ongoing process where by all risks are assessed and appropriate action is taken to bring those risks to an acceptable level.

- '*Specifications*' refers to and includes any, or all of the following: manufacturer's specifications and recommendations, legislation and statutory requirements, and organisation's policies, procedures and guidelines.
7. All inspection, operation and maintenance procedures associated with the use of tools and equipment shall comply with statutory requirements and manufacturers' and/or company's guidelines and instructions.
 8. Regulations and legislation relevant to this unit standard include the following:
 - The Constitution of the Republic of Namibia
 - Labour Act 2007 (Act no. 11, 2007)
 - Government Notice No. 156 Labour Act, 1992: "Regulations Relating to the Health and Safety of Employees at Work"
 - Presidential Proclamation No. 10 Labour Act, 1992 Part XI, Section 101 of the Labour Act 1992)
 - HIV Code on Employment and all subsequent amendments.

Quality Assurance Requirements

This unit standard and others within this subfield may be awarded by institutions which meet the accreditation requirements set by the Namibia Qualifications Authority and the Namibia Training Authority and which comply with the national assessment and moderation requirements. Details of specific accreditation requirements and the national assessment arrangements are available from the Namibia Qualifications Authority and the Namibia Training Authority on www.nta.com.na.

Elements and Performance Criteria

Element 1: Conduct and organise fact finding process

Performance Criteria

- 1.1 Conduct an incident/accident investigation according to company's specifications.
- 1.2 A briefing on a case for relevant persons is conducted according to company's specifications.
- 1.3 A health and safety incident/accident investigation report is compiled to inform the consultation process on criminal / civil liabilities according to company's specifications.
- 1.4 People to consult on the investigation are identified.

Element 2: Organise and conduct consultation process

Performance Criteria

- 2.1 Health and safety situation or procedure of the organisation from the point of view of criminal/civil; liability is reviewed according to company's specifications.

- 2.2 Credentials of consultants are evaluated in respect to legislation according to company's specifications.
- 2.3 Any mitigating circumstances and/or defences are identified.
- 2.4 An explanation to consultants of the health and safety practical aspects of the case is carried out according to company's specifications.
- 2.5 The health and safety legal consequences of the case are discussed with consultants according to company's specifications.

Element 3: Report on fact finding and consultation processes

Performance Criteria

- 3.1 A report on the investigation process is compiled inline with company's procedures.
- 3.2 Findings are reported to appropriate persons according to company's specifications.
- 3.3 A briefing on a case for relevant people is prepared.
- 3.4 A briefing is conducted according to company's specifications.

Registration Data

Subfield:	Preventive Health
Date first registered:	
Date this version registered:	
Anticipated review:	
Body responsible for review:	Namibia Training Authority