

NOTIFICATION OF CONSTRUCTION WORK VERSUS APPLICATION FOR A CONSTRUCTION PERMIT

By Deon Bester

The Department of Labour (DOL) requires that either the **Contractor** notifies them of intended construction work or alternatively the **Client** needs to apply for a construction work permit as detailed below.

Notification of Construction Work

The criteria for notification of construction work is where the work includes:

1. Excavations as defined by the regulation.
2. Work at a height where there is a risk of falling.
3. The demolition of a structure.
4. The use of explosives.

The above are all defined in Section One of the Construction Regulations. The regulation also states the DOL need not be notified of any work which requires the client to apply for a permit. The purpose of the notification, and for that matter the application for a permit, serves to provide the DOL with information regarding impending contracts so that they are aware of the whereabouts of the site should they want to visit to ensure compliance. This notification must be done **7 days prior** to construction work starting.

Application for a Construction Work Permit

This must be read in conjunction with the exemption notice issued by the Chief Inspector regarding the criteria in July 2018. Set out below are the criteria for this application:

1. The work exceeds 365 days and will include 360 man-days of construction work.
2. Exceeds R40 million.

The R40 million figure is the project value including VAT. Furthermore, it is the opinion of the writer that splitting a R100 million project up into 4 phases to avoid applying for a permit will not sit well with the DOL. The regulation clearly states that where a client intends to have construction work done which meets the above criteria, a permit needs to be issued by the DOL. The permit application must be done at least **30 days prior** to when construction work starts.

It is essentially a contravention of the Construction Regulations to begin work on a site where a permit is required without the permit having been issued by the DOL and the DOL could stop the work until remedied. This happens on a regular basis where a contract has been awarded and the contractor takes possession of the site, only to discover that no permit is available.

The message to contractors who are awarded work which exceeds the value of R40 million is to make sure that a permit has been issued and if not, advise the client immediately that a permit application must be made. Explain that these circumstances could lead to a delay in the project starting, thus costing the client money.

Please remember that these duties are clearly defined in terms of who needs to notify and who needs to apply for a permit.

“Measuring safety as the number of years without a lost time injury is as bad as measuring a marriage by the number of years without an affair.” (Dave Collins)