

Government cover-up over South African factory fire

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The South African Labour Department is trying to refute allegations of government negligence; after it emerged it had been alerted to the dangerous conditions at the Esschem factory in Lenasia. The floor polish factory was destroyed by an inferno, which swept through the building on the night of November 17, killing the entire night shift — ten female workers and one male supervisor. Police have confirmed that all escape routes had been locked from the outside. Forensic experts have since confirmed that a container of chemicals, which by law should have been kept outside the building, may have caused the fire. Factory owner Suleman Ebrahim Lachporia has been charged with culpable homicide. He was released on bail of 30,000 Rand (\$4,000) and will appear in court on January 5.

One night-shift worker, Margaret Washington, escaped death because she did not come to work that evening. She told the *Beeld* newspaper that she had lodged a safety complaint with the Labour Department earlier this year, after having sustained burns at the factory. Fellow worker Katherine Jabu, who had been dismissed from the factory, said that she had also lodged a similar complaint in August.

Both women had raised the fact that they were locked inside the factory for up to 16 hours; that gas bottles were illegally stored inside the building; that there was a lack of fire extinguishers and ventilation and that there was no emergency alarm system.

Phillip Collier, a former occupational health safety inspector, who said he had access to computer records proving that the two had sent in written complaints about their working conditions, confirmed their statements. Collier said that a trainee inspector had been sent to Lenasia to follow up the complaints, but had returned without doing so because he could not

locate the factory. He added that it would be unfair to pin the blame on the trainee, because a senior inspector should have been assigned to the case.

Collier also alleged that the tragedy was directly related to what was happening in the department. He resigned in July and is one of 97 inspectors who have lodged a grievance over the way occupational health and safety inspectors have been lumped together with other general inspectors. He said that since August last year, 20 qualified inspectors had resigned, reducing staffing levels to under 100.

Labour Department director-general Rams Ramashia reacted "with alarm" over the allegations of lax occupational health standards at his department. He says he has now launched a safety inspection blitz on factories near Johannesburg.

So far, a team headed by Ramashia himself and supported by Zwelinzima Vavi, Secretary-General of the Congress of South African Trade Unions (Cosatu), has inspected two factories, but has refused to make a statement about the conditions they found there. Its owners shut a third factory, which manufactured biscuits, a few hours before the inspection team was due to arrive.

"The owners just locked up and left before everybody arrived," a labour ministry official said.

This bizarre train of events gives some indication of the conditions that exist in many South African factories. The Occupational Health and Safety Act governs health and safety in the workplace. It was introduced by the apartheid regime in 1993, one year before the ANC government came to power. The system has many loopholes. The Department of Labour must be notified of all accidents, but the system is self-regulating, depending on employers to report accidents and unsafe practices. Unscrupulous employers do not

report accidents and those who ignore safety regulations are, in effect, guaranteed long-term immunity until a tragedy like that in Lenasia occurs.

Ramashia is concerned that the international image of South African industry has been damaged by the Esschem deaths. He is seeking to put the onus onto the backs of workers by "imploring" them to come forward and report breaches of safety rules. But their complaints about factory conditions are likely to be treated with the same disregard as that of the two Esschem workers.

Workers' compensation is governed by the Compensation for Occupational Injuries and Diseases Act, also passed in 1993, and is also controlled by the Labour Department. The Compensation Commissioner's office is responsible for collecting accident statistics so that injured workers can receive compensation. But they are not required to immediately notify the Health and Safety Inspectorate, which should trigger an investigation into the circumstances of any accidents. A work accident is not identified as such until a claim for compensation is accepted and finalised, which gives rise to delays in reporting of a year or more.

Workers are prohibited from suing their employers through the courts, protecting employers against a legal challenge. Compensation is paid from a fund to which all registered employers contribute.

Under the government scheme, workers and their families are robbed of adequate compensation, which is paid according to the earnings of the worker concerned. The families of the Esschem workers, who have lost their loved ones and been left without an important breadwinner, will receive very little compensation because their wages were so low. Margaret Washington reported that she was earning little over \$10 a week.

Employers, on the other hand, are protected from having to pay the legal fees and damages that would flow from a successful negligence claim. The only consequence for negligent employers is that they have to pay an increased contribution to the Compensation Fund.



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