



ADMINISTRATIVE REPORT

October 2008 – September 2009

**OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY
ADMINISTRATIVE REPORT**

Date: Monday 13, February 2012

Honourable Errol McLeod

Minister of Labour and Small and Micro Enterprise Development

Ministry of Labour and Small and Micro Enterprise Development

Waterfront Towers, Wrightson Road

Port-of-Spain

Dear Honourable Minister:

Re.

Administrative Report:

Occupational Safety and Health Authority and Agency

October 2008 – September 2009

In accordance with the requirements of Section 66D of the Constitution I hereby submit the Report of the Occupational Safety and Health Authority and Agency for the period October 2008 – September 2009.

Yours faithfully,



Dr. Carol Bhagan Khan

Chairman

Occupational Safety and Health Authority

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OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY

The **Occupational Safety and Health Authority** is a multi stakeholder advisory body for the Minister of Labour and Small and Micro Enterprise Development (MLSMED), established October 2006 on the basis of the Occupational Safety and Health Act 2004 as amended, (OSH Act).

The core task of the Authority is to encourage the enforcement of the OSH Act, to promote training, research, information and to approve Codes of Practice.

The **OSH Agency** is the executive arm of the OSH Authority, and also a Statutory Body of the MLSMED. The Agency is responsible for carrying out enforcement, promotional activity and other functions, under the Authority.

The **Mission** of the OSH Authority and OSH Agency (OSHA) is:

*To ensure an environment that leads to safe and healthy workplaces throughout
Trinidad and Tobago.*

OSHA'S Vision:

*The Occupational Safety and Health Authority & Agency (OSHA) will be a highly
respected and reliable organisation, achieving world-class safety and health
standards, with committed professional staff, comprehensive enforcement,
education and advisory programmes, all supported by edge tools and technologies,
and by strategic partnerships.*

OSHA'S Core Values:

Integrity, Accountability, Professionalism, Commitment

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1.0 CHAIRMAN'S SUMMARY

The budget year 2008 – 2009 provided the Occupational Safety and Health Authority and Agency the opportunity to address major issues of operation and to align itself to the objectives identified in the Agency's five year strategic plan 2008 – 2012, such as enforcement, partnerships, awareness raising etc., that are necessary for the enhancement of the working conditions and development of a safety culture in Trinidad and Tobago.

By undertaking activities in these areas the Agency played a considerable role in preventing accidents and ill health in the workplace. It was the second year of extensive activities and the intension was to build on the progress made in the first year so that, at the end of the five year strategic plan the Agency would have made a considerable contribution to the creation of safe and healthy workplaces in Trinidad & Tobago.

More systematic monitoring of compliance levels and working conditions have continued since the last budget year. For the Inspectorate Unit of the Agency, the main objective was to ensure duty holders complied with their legal obligations. The Enforcement Policy, developed in 2008 indicates that duty holders who are willing to comply will be supported by information and guidance by the inspectors. For uncooperative employers and in circumstances where situations of serious imminent danger exist, stronger enforcement instruments will be used. The Agency abided by its enforcement policy during the period under review and issued 9 prohibition notices and 5 improvement notices.

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2.0 Brief History and Profile of the Occupational Safety and Health Authority (OSH Authority)

The Authority consists of a Chairman and sixteen (16) other Members. The Minister of Labour and Small and Micro Enterprise Development (“MLSMED”) appoints the Chairman and Deputy Chairman of the Authority. Other members are appointed by relevant bodies and organisations.

Composition of the Authority

- Chairman
- Deputy Chairman
- Executive Director
- A representative of the Ministry responsible for occupational safety and health
- A representative of the Ministry responsible for health
- A representative of the Ministry responsible for energy industries
- A representative of the body responsible for standards in Trinidad and Tobago
- A representative of the Tobago House of Assembly
- Nine other members appointed by the Minister:
 - two representing employees
 - two representing employers
 - five on the advice of the Medical Board of Trinidad and Tobago, the Board of Engineering and organizations representing women’s affairs.

By Cabinet Minute No. 1739 of July 13, 2006, Cabinet agreed to the appointment of persons to the OSH Authority as in accordance with the provisions of Section 65 of the OSH Act. Seventeen persons were appointed for a period of three years. In July 2009, the term of appointment came to an end and the OSH Agency was left without an OSH Authority until October 2010.

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OCCUPATIONAL SAFETY AND HEALTH AUTHORITY

AUTHORITY MEMBERSHIP

Table 1 Authority Membership

No.	Name	Representative	Position	Date of Appointment	Date of Expiration	Remarks
Chairman						
1.	Arlene Chow		Chairman	October 13, 2006	October 12, 2009	Resigned with immediate effect from October 13, 2006
2.	Wayne Bertrand		Chairman	January 18, 2007	January 17, 2010	Cabinet Minute No. 64 of January 2007
Deputy Chairman						
3.	Finbar McEachnie		Vice Chairman	October 13, 2006	October 12, 2009	Resigned November 30, 2007
4.	Ryan Ramjit		Vice Chairman	August 12, 2008	August 12, 2011	Cabinet Minute No. 1665 of June 20, 2008
MLSMED						
5.	Devnath Roopnarine	MLSMED	Member	October 13, 2006	October 12, 2009	Replaced August 2008
6.	Brahma Beharrysingh	MLSMED	Member	August 12, 2008	August 12, 2011	Cabinet Minute No. 1665 of June 20, 2008
Ministry of Health						
7.	Dr. Rohit Doon	Chief Medical Officer	Member	October 13, 2006	October 12, 2009	
Ministry of Energy and Energy Affairs						
8.	Ian Ramdahin	MOEEA	Member	October 13, 2006	October 12, 2009	

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No.	Name	Representative	Position	Date of Appointment	Date of Expiration	Remarks
TTBS						
9.	Prem Nandlal	TTBS	Member	October 13, 2006	October 12, 2009	Resigned November 30, 2007
10.	Deryck Omar	TTBS	Member	August 12, 2008	August 12, 2011	Cabinet Minute No. 1665 of June 20, 2008
EMA						
11.	Gayatri Badri Maharaj	EMA	Member	August 12, 2008	August 12, 2011	Resigned August 25, 2008
Employers' Representatives						
12.	Ryan Ramjit	South Chamber of Industry and Commerce	Member	October 13, 2006	October 12, 2009	Appointed as Deputy
13.	Johnson Alexander	TTMA	Member	October 13, 2006	October 12, 2009	
14.	Vincent Cabrera			August 12, 2008	August 12, 2011	Resigned October 27, 2010
Employees' Representatives						
15.	Michael Annisette	National Trade Union Centre of Federated Workers	Member	October 13, 2006	October 12, 2009	Replaced, August 2008
16.	Chandrasain Ramsingh	OWTU	Member	October 13, 2006	October 12, 2009	
General purpose						
17.	Dr. Neil Adrian Singh	Medical Board of T&T	Member	October 13, 2006	October 12, 2009	
18.	Dr. Terrence Seemungal	Medical Board of T&T	Member	October 29, 2010	October 28, 2013	Resigned December 2010
19.	Lennox S.C. Findlay	Safety Council of T&T	Member	October 13, 2006	October 12, 2009	

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No.	Name	Representative	Position	Date of Appointment	Date of Expiration	Remarks
20.	Alfred Phillips	Board of Engineering	Member	October 13, 2006	October 12, 2009	
21.	Carol Noel	The Network of NGO of T&T for the Advancement of Women	Member	October 13, 2006	October 12, 2009	
22.	Gladstone Solomon	THA	Member	October 13, 2006	October 12, 2009	

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3.0 STRATEGIC PLAN

The period 2007 – 2008 provided the Occupational Safety and Health Agency the opportunity to address the major issues identified in the Operational Plan 2008, as a part of the five year strategic plan 2008 – 2012.

The Multi-Annual Strategic Plan identifies ten (10) strategic activities and initiatives, among others, for achieving its vision and mission as follows:

- i) Establishment of a National OSH Policy
- ii) Balancing compliance techniques
- iii) Targeting Higher Risk/Impact Groups
- iv) Negotiating and forming strategic relationships
- v) Building a cadre of OSH Professionals
- vi) Implementation of a supportive infrastructure
- vii) Establishment of comprehensive practices
- viii) Building public awareness
- ix) Collection of Quality Information
- x) Managing the OSH Agency's Brand.

APPENDIX 5 – OSHA'S Multi Annual Strategic Plan (2008-2012)

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Table 2 Key Figures 2008 - 2009

Some key figures for 2008/2009	
HUMAN RESOURCES	
Total Staff October 1, 2008	67
Inspectors October 1, 2008	38
Total Staff October 1, 2009	58
Inspectors October 1, 2009	37
Inspections carried out	2393
Accident Investigations completed	618
Complaints investigated	301
Promotional lectures provided	159
Recommendation Letters	475
Improvement Notices	5
Prohibitions	9
Prosecutions filed	0
Prosecutions in pipeline	8
Memoranda of Understanding developed	13
Memoranda of Understanding signed	0
Recurrent Budget	21,567,748.00
% spent of recurrent	70.69%
PSIP budget	2,500,000.00
% spent of PSIP budget	89.93%

4.0 FINANCIAL OPERATIONS

Financial Year 2008/2009

The Finance Unit received releases of funds to incur **Recurrent and PSIP** expenditure in the sums of **\$912,900.00** and **\$0.00** respectively, for the month of **September, 2009**. The Agency therefore operated within the budgetary constraints of these releases. The Authority/Agency requested additional transfers from the Ministry of Labour. These were needed to pay its liabilities.

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A Business Plan was submitted to the Research and Planning Department of the Ministry of Labour and Small and Micro Enterprise Development which gave an overview of the PSIP activities of the Agency for the new financial year.

5.0 ORGANISATIONAL STRUCTURE

Through technical co-operation with the International Labour Organization (ILO) Sub Regional Office for the Caribbean and the Ministry of Labour and Small and Micro Enterprise Development, an international consultant on Occupational Safety and Health was engaged to undertake an organisational review of the OSH Agency. The consultant highlighted several areas for further development and improvements in the functioning of the Agency and Authority. Some of the key areas identified include:

- The urgent completion of Regulations and Approved Codes of Practice;
- Enforcement of actions for breaches of legislation;
- Lack of safety awareness in Small and Micro Enterprises;
- The lack of coverage of occupational health and non-existence of an Occupational Health Unit in the Ministry of Health;
- The need for urgent recruitment of Medical Inspectors to staff the OSH Agency;
- Establishment of a Research and Development Unit;
- Establishment of an Outreach Unit;
- Expansion of the Legal Unit.

A new organisational structure was submitted for Cabinet's approval **Appendix 2**. In this regard, the Minister of Labour and Small and Micro Enterprise Development proposed that the OSH Agency be restructured to reflect the changes in the proposed organisational structure. Following are the proposed changes:

- The creation of three (3) positions of Deputy Directors to treat separately with technical, legal and administrative issues, that is, Deputy Director, Technical, Deputy Director, Legal and Deputy Director, Administration;

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- The expansion of the Legal Unit and the creation of a Corporate Secretariat Unit. This will result in a more focused effort on legislative issues and therefore more active enforcement of the OSH legislation;
- Establishment of a Research and Development Unit which will assist the keeping the Agency abreast with current and emerging OSH trends as it pertains to, maintaining its strategic focus and charting its way forward. The Unit will also bring to bear current research that will assist in policy development; and
- establishment of an Outreach Unit whose key responsibility will be to build and maintain an OSH culture in Trinidad and Tobago among others;

Further, Cabinet was advised that given the importance of the OSH Agency to the country's development it was proposed that five (5) persons be recruited as Executive Cadets to understudy the Executive Director, the three (3) Deputy Directors and the Chief Inspector. Given the possibility of a high rate of turnover and its consequences for the key management positions this was deemed as an important mitigating. Additionally, to ensure institutional strengthening in terms of local capacity development and sustainability of the OSH Agency, and that the country benefit from the expertise and experience of the senior executives, persons from among these cadets and the staff of the OSH Agency will be identified to fill the positions after the contracts of the Executive Director, the three (3) Deputy Directors and the Chief Inspector come to an end.

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6.0 PLANS AND ACTIVITIES

Table 3 Plans and Activities

ACTIVITIES	
Establishment of the National OSH Policy	A first National OSH profile was drafted OSHA Communication strategy was drafted
Balancing of compliance techniques	OSHA's Enforcement Policy was developed and inspectors were trained
	The future Outreach Unit function description and job descriptions were drafted
Targeting Higher Risk/ Impact Groups	Inspection Work Plan 2008/09 was developed, targeting high-risk/high impact sectors and known offenders as priority
	13 Draft Memoranda of Understanding with other (regulatory) organisations were developed
Negotiating Strategic Relationships	A brainstorming with educational and accreditation organisations (National Training Agency, Accreditation Council) was organized to build a system and programmes of certified OS&H training and development,
	Explicit manpower forecasts and future organisational structure was drafted
Build a Cadre of OS&H Professionals	Leadership and teambuilding training prepared
	An Induction Training was developed and carried out
Implement Supportive Infrastructure	Establishment OSHA's satellite office in San Fernando; 1 inspector permanently located in Tobago
	Functional Design Management Information System (MIS) was designed
	Monitoring equipment was purchased
	Inspector' handbook and protocols developed
	Financial structure incl. accounting and purchasing policy, incl. delegation and authorisation structure established
	8 Regulations and Codes of Practice were drafted according to an agreed priority schedule
Establish Comprehensive Practices	LOLER Regulations were developed and consultations were carried out
	Safety Awards 2009 were presented and Safety Week 2009 activities took place
Build Public Awareness	Sensitisation (awareness raising) program was developed & approved by Cabinet
	OSHA took part in PR programs, TV spots, campaigns, events, seminars, exhibitions;
	TTOSHA website was updated and maintained
	Contacts with NIB and with UTT/OSHE, UWI and data providers were initiated
Collect Quality Information	Contacts with NIB and with UTT/OSHE, UWI and data providers were initiated
	New OSHA logo adopted; Shirts with logo distributed to staff; Code of ethics developed for Inspectors

7.0 CODES OF PRACTICE AND DRAFT REGULATIONS

Three public consultations were held on the LOLER (Lifting Operations and Lifting Equipment Regulations). These were held in Scarborough, San Fernando and Macoya. Inspectors and the Legal Unit were heavily involved in the preparation and review of Regulations and Codes of practice, (including LOLER) to be established pursuant to the OSH Act.

Draft Regulations and Codes of Practice were developed for the consultation process in several areas:

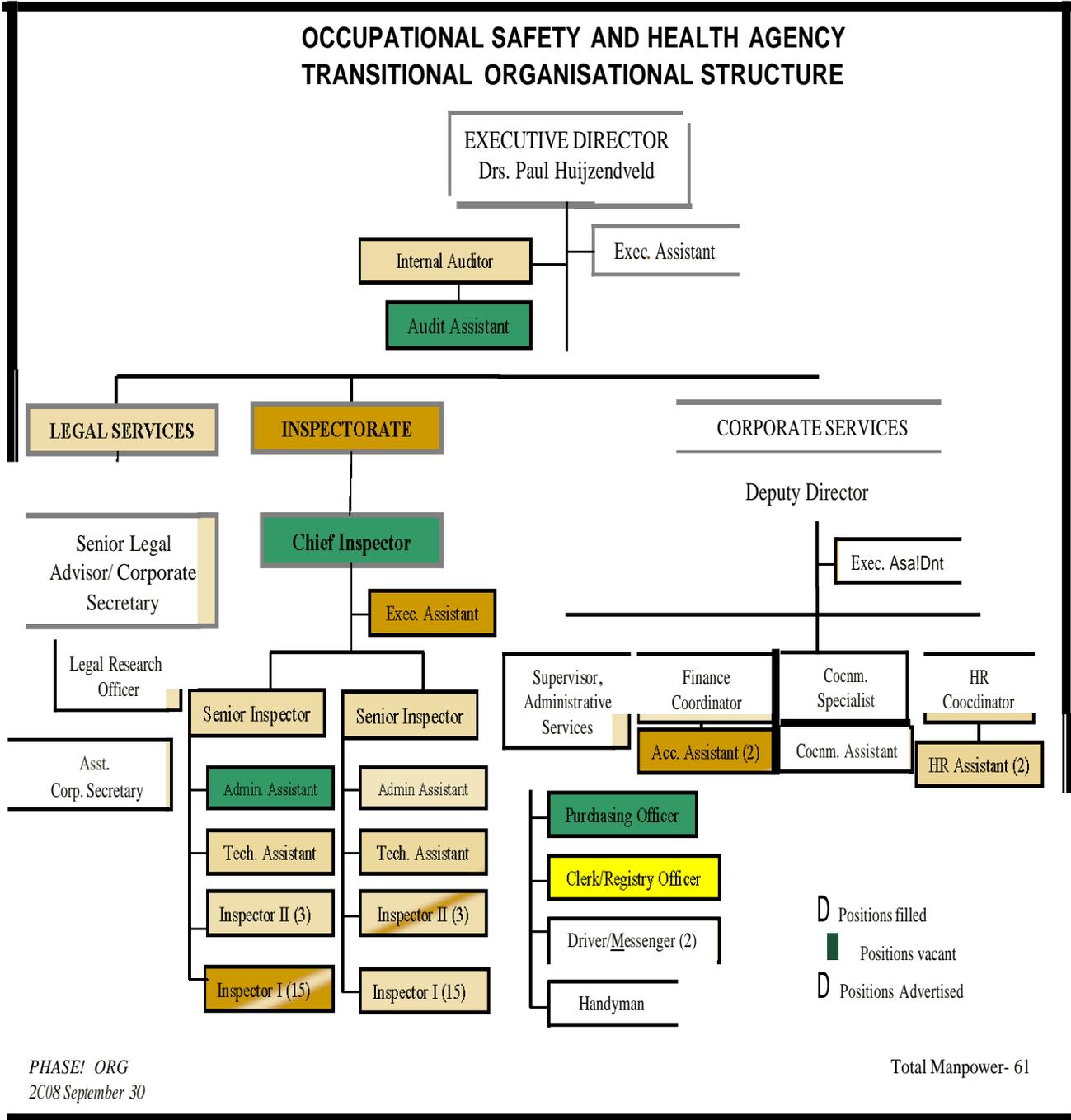
- Pressure Systems Regulations,
- Electricity Regulations
- Safety Committees and Safety Representatives Regulations
- Construction Regulations
- Welfare Regulations
- Control of Substances Hazardous to Health Regulations
- Provision and Use of Work Equipment Regulations

Ongoing meetings were held with the Trinidad & Tobago Bureau of Standards to develop Standards, Regulations and Codes of Practice.

Appendix 1

ORGANISATIONAL STRUCTURE

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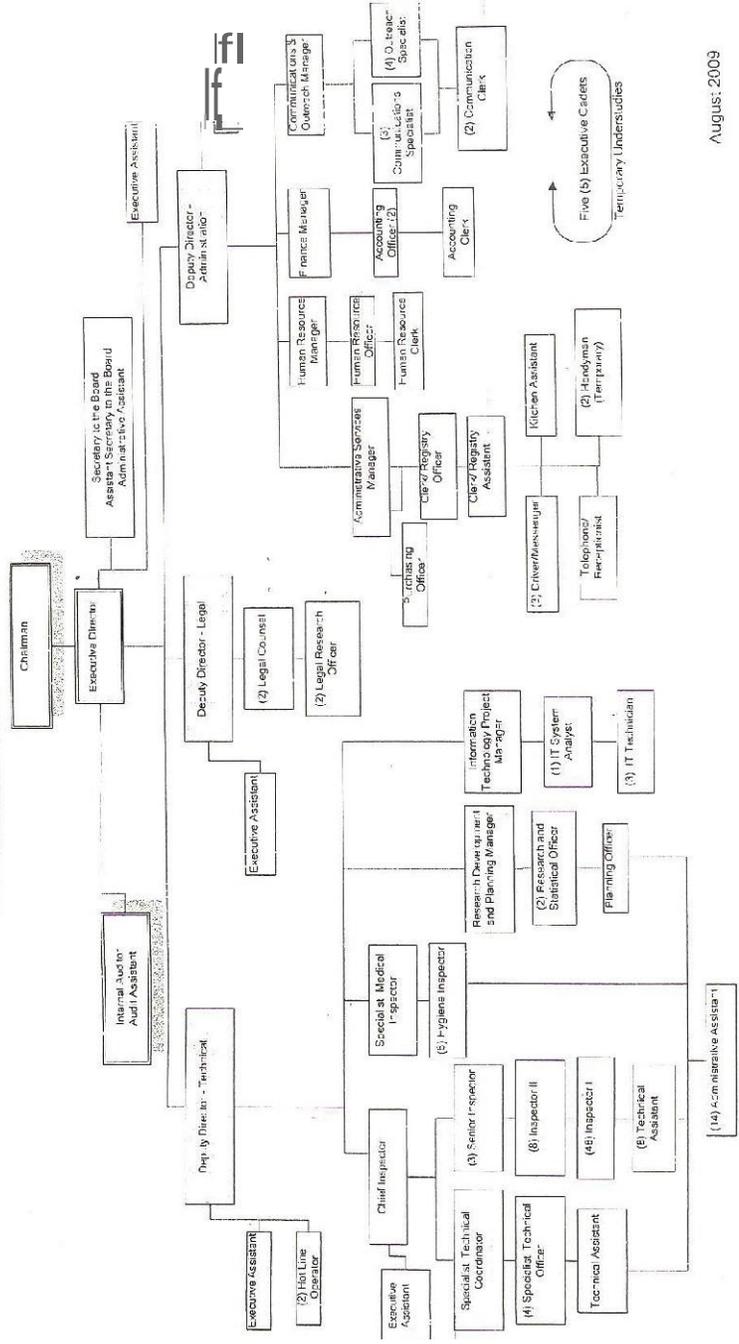


Appendix 2

PROPOSED ORGANISATIONAL STRUCTURE

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PROPOSED OCCUPATIONAL SAFETY AND HEALTH AGENCY ORGANIZATIONAL STRUCTURE - DRAFT



August, 2003

Appendix 3

FINANCIAL STATEMENT

**Statement of Releases received and
Expenditure incurred**

For the Year ended September 2009

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Table 4 PSIP Expenditure for the Period Oct. 2008- Sept. 2009

Head - Ministry of Labour and Small and Micro Enterprise Development					
Project Name - Establishment of the Occupational Safety and Health Agency					
ITEM	Main Activities	2008/2009 Budget	2008/2009 Actual Expenditure	2008/2009 Commitments	2008/2009 Balance
A 1.4.2	National market survey on OSH awareness and image	\$270,000	\$86,318	\$0	\$183,682
B 2.3	Development, execution and evaluation of a Small medium sized and micro OSH outreach program	\$175,000	\$62,775	\$0	\$112,225
C 4.2.3	Development of a national OSH training and advisory qualification framework	\$50,000			\$50,000
D NEW	Consultation and development of National OSH Regulations	\$503,075	\$3,075	\$0	\$500,000
E 8.2	Development and execution of a multi stakeholder awareness campaign	\$275,000	\$232,954	\$0	\$42,046
F 8.4	Development and execution of an OSH education	\$0			\$0
G 10.2		\$250,000	\$227,471	\$0	\$22,529
H NEW	Conduct national workplace noise survey				0
I 8	Health & Safety week and awards	\$421,925	\$419,770	\$0	\$2,155
J 9	Salary	\$1,227,414	\$880,328	\$0	\$347,086
K 10	Develop Management Information System	\$250,000	\$161,065	\$0	\$88,935
	Prior Year expenditure not committed	\$0	\$97,290	\$0	\$(97,290)
	Commitments from prior year	\$77,586	\$77,286	\$0	\$300
	Base Cost	\$3,500,000	\$2,248,332	\$0	\$1,251,668
	Virement to Ministry of Labour	(1,000,000)			(1,000,000)
	Contingency Cost (10%)	\$0	\$0	\$0	\$0
	Total Cost (\$)	\$2,500,000	\$2,248,332	\$0	\$251,668

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Table 5 Recurrent Expenditure for the Period Oct. 2008- Sept. 2009

		2008/2009 Budget Allocation	2008/2009 Actual Expenditure	2008/2009 Commitments	2008/2009 Balance
SUB HEAD:01-PERSONNEL EXPENDITURE					
ITEM: 004 OSHA					
TOTAL PERSONNEL EXPENDITURE					
SUB HEAD:02-GOODS & SERVICES					
ITEM: 004 OSHA					
04	Electricity	\$400,000	\$124,332		\$275,668
05	Telephones	\$727,200	\$530,844		\$196,356
06	Water and Sewerage Authority	\$124,000			\$124,000
08	Rent: Accommodation	\$1,500,000			\$1,500,000
09	Rent: Equipment & Vehicles	\$237,500	\$194,722	\$4,407	\$38,371
10	Office Stat & Supplies	\$380,000	\$279,577	\$50	\$100,373
11	Books & Periodicals	\$180,000	\$1,980		\$178,020
12	Materials & Supplies	\$237,500	\$125,917	\$8,110	\$103,473
13	Maintenance of Vehicles	\$84,600	\$6,420	\$9,085	\$ 69,095
15	Rep & Maint of Equipment	\$76,000	\$15,479	\$26	\$60,495
16	Contract Employment	\$12,103,200	\$11,806,540		\$296,660
17	Training	\$450,000	\$418,483	\$26,559	\$4,958
21	Repairs and Maintenance of Buildings	\$640,000	\$80,730		\$559,270
22	Short Term Employment	\$5,560			\$5,560

Appendix 4

ACTIVITIES OF OSH AGENCY

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Table 6 Activities Conducted by the OSH Agency

Activities conducted by the OSH Agency								
Period	Activity							
	Accident Investigations	Inspections Audits	Lectures Conducted	EIA Reviews	Complaint Investigations	Meetings	Plans Examined	Total for Month
October 2008	45	191	18	0	27	82	6	369
November 2008	85	271	15	1	45	174	3	594
December 2008	49	179	1	1	38	141	4	413
January 2009	108	230	4	3	39	165	2	551
February 2009	56	204	8	2	5	180	2	457
March 2009	56	269	16	0	16	157	3	517
April 2009	20	131	34	0	13	133	3	334
May 2009	88	204	9	0	21	112	4	438
June 2009	57	163	18	0	18	96	6	358
July 2009	66	180	11	1	20	132	5	415
August 2009	74	200	9	1	29	117	7	437
September 2009	65	180	17	2	31	135	1	431
yearly total for activity	769	2402	160	11	302	1624	46	5314
Activities conducted by the OSH Agency: Grand Total = 5314								

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Table 7 Accident Investigations as Carried Out by OSHA Unit

Activity :Accident Investigations							
PERIOD	Units of the OSH Agency						
	Construction	Manufacturing	Oil and Gas	Health & Hygiene	Petrochemicals	Agriculture/ Services	Total for Month
October 2008	13	16	3	6	1	6	45
November 2008							
December 2008							
January 2009							
February 2009							
March 2009							
April 2009							
May 2009							
June 2009							
July 2009							
August 2009							
September 2009							
yearly total for unit	93						
Accident Investigations: GRAND TOTAL =769							

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Table S Inspection / Audit Activities for the respective OSHA Units

ACTIVITY: Inspections / Audits							
PERIOD	Units of the OSH Agency						
	Construction	Manufacturing	Oil and Gas	Health & Hygiene	Petrochemicals	Agriculture/ Services	Total for month
October 2008			48	22	26	27	191
November 2008							
December 2008							
January 2009							
February 2009							
March 2009							
April 2009							
May 2009							
June 2009							
July 2009							
August 2009							
September 2009							
Yearly total for unit	519						
Inspections / Audits: GRAND TOTAL: 2402							

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Table 9 lecture Activities for the Respective OSHA Units

ACTIVITY: Lectures Conducted							
PERIOD	Units of the OSH Agency						Total for month
	Construction	Manufacturing	Oil and Gas	Health & Hygiene	Petrochemicals	Agriculture/ Services	
October 2008	0	1	1	1	5	10	18
November 2008	2	1	2	1	0	9	15
December 2008	0	1	0	0	0	0	1
January 2009	1	1	0	1	1	0	4
February 2009	0	1	3	0	1	3	8
March 2009	2	1	2	1	2	8	16
April 2009	2	3	2	13	0	14	34
May 2009	1	1	1	3	2	1	9
June 2009	1	0	1	4	2	10	18
July 2009	1	1	1	2	2	4	11
August 2009	0	3	1	3	1	1	9
September 2009	1	1	1	4	1	9	17
yearly total for unit	11	15	15	33	17	69	160
Lectures Conducted : GRAND TOTAL = 160							

Appendix 5

STRATEGIC PLAN