

MEDIA RELEASE	PSA calls for transformation of Office of Health Standards Compliance to Chapter-9 institution
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The Public Servants Association (PSA), as the only Union representing employees of the Office of Health Standards Compliance (OHSC), calls on the independence of the OHSC by elevating it to a Chapter-9 institution to strengthen independence and ensure enforcement of healthcare standards without political interference.

Such a move will elevate the OHSC to the same Constitutional standard as the Public Protector and the Auditor-General, giving it more credibility and authority. The OHSC was established in terms of the *National Health Amendment Act 12 of 2013*. The OHSC's mandate is to ensure safe, quality healthcare by inspecting, certifying, and monitoring public and private health establishments against set norms and standards. It investigates complaints, advises the Minister of Health, and enforces compliance to protect patient rights.

At present, the OHSC reports to the Minister of Health, who is responsible for health establishments in South Africa, which the OHSC must inspect to ensure compliance with health standards. This structural arrangement is flawed and compromises the OHSC's ability to operate independently, without fear, favour, or prejudice. No oversight body can be effective when it remains subject to the control or influence of those it is required to hold accountable.

The PSA is committed to the protection of public servants and the strengthening of democratic institutions. The PSA believes that the elevation of the OHSC to a Chapter-9 institution is necessary and overdue. Such a transformation will guarantee full structural and operational independence from the Ministry of Health, provide constitutional protection against political pressure or interference by allowing it to regulate health establishments without fear of reprisal.

The OHSC's powers to enforce are limited because it requires approval or concurrence by the Minister of Health, which confirms that the current legislative framework has failed. With the current arrangement, it is unlikely for the Minister of Health to approve or concur with recommendations that have a negative indictment on his portfolio, such as closure of a health facility. If the OHSC is transformed into a Chapter-9 institution, it will be directly accountable to Parliament, ensuring transparent oversight of health compliance. This will reduce the risks of corruption, cover-ups or manipulations of inspection outcomes.



Such transformation will also reinforce the right to healthcare in terms of section 27 of the *Constitution* as citizens will have confidence that health facilities are monitored by an independent, constitutionally mandated body.

Chapter-9 institutions often receive dedicated funding through parliamentary processes. The OHSC has not been spared from budget cuts for the current financial year, which hampers its ability to reach its targets in terms of its Annual Performance Plan. Chapter-9 institutions also have stronger legal standing in terms of enforcing compliance rather than relying on a Ministerial discretion.

The PSA calls upon the President for the OHSC be elevated to a Chapter-9 institution to secure its constitutional independence and protection. The PSA further calls on Parliament to initiate the necessary constitutional amendments and legislative reforms to formally entrench the OHSC under Chapter 9 of the *Constitution* to enable it as a more effective guardian of healthcare standards in South Africa.

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