

FOR PSA MEMBERS: DEPARTMENT OF SMALL BUSINESS DEVELOPMENT (DSBD)

27-10-2022

## Feedback: Special Department Bargaining Chamber (DBC) - 27 October 2022

### Bringing children and adult visitors to work

The employer briefly tabled the matter in the DBC and requested indulgence from labour to defer the matter to the task team for further deliberations. The Department elaborated that it respects the rights of its employees to attend to parenting duties and other family obligations, and in particular the rights of employees with family responsibilities to full and equal opportunity and participation in the workplace. At the same time, the presence of children and or adult visitors presents distinct challenges for the Department, where children/adult visitors may be subject to risks and thereby present a liability to the safe and secure operation of the Department. Children can also disrupt the normal functioning of the workplace.

The Department allows children and social visitors in the workplace with limited exceptions as defined in this policy. This enables its employees to fulfill their obligations to family and their work-related commitments. The employer is required under work health and safety laws to provide a safe work environment, so far as is reasonably practicable for all workers and persons at the workplace. This extends to ensuring that there is no unnecessary risk of exposure to infectious diseases or other hazards at the workplace to its workers, or visitors. There is also a responsibility to ensure the safety of others who come into the workplace, including children and adult visitors. This is done to provide a framework to better define the balance between employment and family responsibilities regarding the presence of children and adult visitors in the DSBD work environment.

Labour noted the tabling of the policy and agreed to defer it to the task team meeting for further engagements. Members are urged to go through the *attached* policy and provide inputs to [aubrey.mabotsa@psa.co.za](mailto:aubrey.mabotsa@psa.co.za) or [SMalokaQ@dsbd.gov.za](mailto:SMalokaQ@dsbd.gov.za) not later than **2 November 2022**.

Members will be informed of developments.

Employees who want to join the PSA can visit the PSA's website ([www.psa.co.za](http://www.psa.co.za)), send an email to [ask@psa.co.za](mailto:ask@psa.co.za), or contact PSA Provincial Offices.

GENERAL MANAGER



**small business  
development**

Department:  
Small Business Development  
**REPUBLIC OF SOUTH AFRICA**

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## **BRINGING CHILDREN AND ADULT VISITORS TO WORKPLACE POLICY**

**APPROVED BY THE DIRECTOR-GENERAL**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**AUGUST 2022**

(i) Document History and Approvals

<b>File Name</b>	Bringing Children and Adult Visitors to Workplace Policy
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Version 1	July 2022	Directorate: Human Resources Management	First Version

Approval of Policy

<b>Quality Assurance By</b>	Acting Director: Human Resources Management Mr Leroy Koopman
<b>Recommendation By</b>	Chief Director: Corporate Management Ms Mbali Mbatha
<b>Approved By</b>	Director-General: <b>DSBD</b> Mr Lindokuhle Mkhumane
<b>Signature</b>	
<b>Approved this Date</b>	

Recipients

<b>No.</b>	<b>Recipient</b>
1.	Human Resources
2.	DBC members
3.	Department of Small Business Development (DSBD) Divisions / employees
4.	EXCO members

This policy is applicable to the Department of Small Business Development.

**Distribution:**

- a) Human Resources
- b) **DSBD** SharePoint
- c) **DSBD** Employees

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### A. Abbreviations

DPSA	Department of Public Service and Administration
DSBD	Department of Small Business Development
EHW	Employee Health and Wellness
ER	Employee Relations
HRM	Human Resources Management
DTIC	Department of Trade, Industry and Competition
DBC	Departmental Bargaining Council

### 1. Glossary

1.1. Child/ Children	Means from new-born to official school leaving age, thus, anyone under 18 years of age
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1.2. Adult	Means a person who is 18 years and above of age, who is fully grown/developed.
1.3. Visitor	Means a person visiting someone in the DSBD premises, especially socially or as a tourist.
1.4. Workplace	All property owned by or the responsibility of the DSBD where employees of DSBD are involved in DSBD related work and any site an employee is attending for work purposes
1.5. The Head of Department	Means Accounting Officer of the DSBD.
1.6. The Designated Senior Manager	Means a member of the Senior Management Services (SMS) who is tasked with championing the Wellness Management programme within the Public Service workplace.
1.7. The Employee	Any person who is employed by the department on a permanent or contractual basis, including a person in a learnership or internship programme. Contractors / Consultants employed by the department are excluded.
1.8. The Health and Safety Committee	Is a committee that is established by the Director General to initiate, develop, promote, maintain, and review measures to ensure the wellness of employees at the workplace. This is a multi-disciplinary team consisting of relevant representatives as indicated by different Departments.
1.9. The Peer Educator / Wellness Buddy	Is an employee who is trained to work with his/her peers, sharing information and guiding a discussion using his/her peer experience and knowledge.
1.10. Unforeseen Circumstance	Something unexpected happening, hampering an activity or event or situation from continuing normally.
1.11. Emergency	An extraordinary situation in which there are serious and immediate threats to human life and well-being, or people are unable to meet their basic survival needs. An emergency may arise because of a crisis arising for instance, from a family member falling very ill, or being involved in an accident or an outbreak of a disaster, which threatens life and livelihoods, and emergency measures are taken to either prevent or limit the effects of the impact of the crisis.

## **2. Introduction**

The Department of Small Business Development (DSBD) respects the rights of its employees to attend to parenting duties and other family obligations, and in particular the rights of employees with family responsibilities to full and equal opportunity and participation in the workplace. At the same time, the presence of children and / or adult visitors presents distinct challenges for the Department, where children / adult visitors may be subject to risks and thereby present a liability to the safe and secure operation of the Department. As well, children can disrupt the normal functioning of the workplace.

The DSBD allows children and social visitors in the workplace with limited exceptions as defined in this Policy. This enables DSBD employees to fulfil their obligations to family and their work-related commitments.

The employer is required under work health and safety laws to provide a safe work environment, so far as is reasonably practicable for all workers and persons at the workplace. This extends to ensuring there is not an unnecessary risk of exposure to infectious diseases or other hazards in the workplace to its workers, or visitors at the workplace. There is also a responsibility to ensure the safety of others who come into the workplace, including adult visitors and children.

## **3. Policy Statement**

The DSBD recognizes employees have childcare responsibilities and acknowledges that be occasions when care arrangements break down or because of scheduled school holidays. Furthermore, the DSBD recognizes that employees may occasionally have an adult person, who wishes to visit them in their workplace. The DSBD will implement this policy to render necessary support to employees in this regard.

The approved DSBD hybrid - model working policy to take precedence over this policy. Thus, employees to take advantage of working mainly from home permitted and instructed by employer, to minimise as much as possible, aspect of bringing children and or adult visitors to the workplace. This is to minimise Occupational Health and Safety risks

associated with bringing children and or adults to the workplace. As soon as the DSBD reverts to working mainly from the office, this office will fully apply, thus it will take precedence over the Hybrid – model working policy, which will automatically be repealed.

#### **4. Purpose**

To provide a framework to better define the balance between employment and family responsibilities regarding the presence of children and / or adult visitors in the DSBD work environment.

#### **5. Aims and Objectives**

- 5.1 To promote employee wellness through bringing children and / or adult visitors to the workplace on occasional / infrequent basis.
- 5.2 To manage employee productivity and
- 5.3 To manage dispute / grievance procedures.

#### **6. Scope / Application**

The Bringing Children and adult Visitors to Workplace policy shall apply to all employees of the Department of Small Business Development. The policy applies to any employee intending to bring children or adult visitors onto the DSBD premises, for any legitimate reason, not related to annual campaigns such as take a Girl Child to Work or Men in the Making. The policy is also applicable to contract workers and to employees on learnership programme. The policy is also applicable/ covers dependent children or relatives of DSBD employees, contract workers and employees on learnership programme in the DSBD.

#### **7. Legislative Framework**

- 7.1 Basic Conditions of Employment Act, 1997, Act No. 75 of 1997.
- 7.2 Occupational Health & Safety Act (OHSA), Act No. 85 of 1993.
- 7.3 DPSCA Guideline for childcare facilities in the Public Service
- 7.4 Constitution of the Republic of South Africa Act No. 108 of 1993
- 7.5 Employment Equity Act, 1998 (Act No. 55 of 1998)

- 7.6 Health Act, 1977 (Act No. 63 of 1977)
- 7.7 Labour Relations, 1995 (Act No. 66 of 1995), Schedule 8 (Res No. 7 of 2000 paragraph 3.31)
- 7.8 National Disaster Management Framework
- 7.11. Public Service Act, 1994 (Proclamation No.103 of 1994)
- 7.12. Public Service Regulations, 2001
- 7.13. Employee Health and Wellness Strategic Framework for the Public Service (2008)
- 7.14. DSBD Travel Policy

## **8. CHALLENGES ASSOCIATED WITH BRINGING CHILDREN TO WORKPLACE**

The Bringing Children and Adult Visitors to Workplace policy to be implemented taking into consideration the following aspects:

### **8.1 Occupational Safety Risks**

The presence of children and adult visitors presents distinct challenges for the Department, this where children may be subject to risks and thereby present a liability to the safe and secure operation of the Department.

### **8.2 Distraction by children to workers**

Children and adult visitor's presence in the workplace can disrupt the normal functioning of the workplace when running or moving around. The work of the employee who brought the child and others (adult visitors) in the workplace may be inhibited by the presence of the child / adult visitor.

### **8.3 Sick Children**

A child who has an infectious illness or disease may not be brought to the department under any circumstances. Employees should utilise family responsibility leave to attend to their sick children. The latter statement applies to adult visitors intending to visit the DSBD workplace.

## **9. MANAGEMENT OF THE ASPECT OF BRINGING CHILDREN TO WORKPLACE**

**In consideration of risks and challenges associated with bringing children and / or adult visitors to the workplace, the following rules shall apply:**



### **9.1. Child supervision**

When a child is brought onto the DSBD workplace environment, they must be accompanied and appropriately always supervised by an adult. At all times children present on the departmental premises remain the sole responsibility of their parent/caregiver. Furthermore, visitors present on the DSBD premises remain the sole responsibility of the employee they are visiting. Employees are fully responsible for the behaviour and actions of their children whilst at the department and must ensure that they remain at a visual range. After obtaining permission from their supervisor, the employee must ensure that the child is admitted in the premises as an official guest/visitor by signing the register book at the security main entrances of the building. The employer has a duty to protect persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; however, the department cannot be held responsible for any injury or death of a child/children /adult visitors brought to the workplace where such child/children/ adult visitors failed or ignored to adhere to employers' notices warning of any danger or hazardous zone/area. The Department will hold employees liable for any damage or injury caused by their children or their adult visitors while on its premises.

### **9.2. Employee - Supervisor Communications**

The employee should speak to his or her supervisor to discuss available options. The Department will make every reasonable effort to accommodate family responsibilities through applicable policy prescripts such as Leave policy, e.g., Annual or family responsibility including Flexi-Time Procedure, which is included in the DSBD leave policy.

When there is no alternative, such as in an emergency, a staff member may request that his or her supervisor grant permission allowing a child or an adult visitor to be present in the workplace. Such exceptions will be granted for only so long as is necessary and are expected to be of brief duration, thus permission to be granted once in three months. If another emergency occurs within the stipulated time frame, the affected employee must implement other means of attending to family-related (parenting) responsibilities, including utilisation of family responsibility or annual leave. Such exceptions are subject to the rules and restrictions below.

### **9.3. Provision of Workplace Support for a Woman's "mother-work"**

An arrangement is in place between the DSBD EHW and dtic wellness centre/ clinic, to provide breastfeeding facilities. Through coordination by the EHW Unit, DSBD breastfeeding employees are at liberty to use available private room at the dtic clinic for breastmilk pumping purposes, while at work. Breastfeeding employees are utilising this workplace support service. Several benefits are realised when employer provide workplace support for breastfeeding employees, for instance, 1) when children are healthier, productivity goes up because parents miss fewer workdays, worry less, and concentrate more and in their work. 2) If a woman knows that her employer supports breastfeeding, she may come back sooner after maternity leave, thus reducing the employer's retraining and replacement costs. 3) Workplace support for a woman's "mother-work" gives her a compelling reason for loyalty to her employer. Enhanced reputation as a company concerned for the welfare of its employees and their families, thus, a caring employer.

#### **9.4. Health and Safety Measures**

Whether or not with an adult, a child and an adult visitor is not permitted to enter or remain in areas where there are safety hazards, including:

- conference or board rooms
- food preparation areas.
- construction areas.
- printing or maintenance workshops.
- areas where chemicals are stored.
- Car parking
- Confined space e.g., pipes, manholes, storage bin etc
- areas where machinery is used; or
- any other areas designated to be hazardous by the Zone Occupational Health and Safety Committee.

The DSBD reserves the right to require parents / employees to remove from its premises children and / or adult visitors who are in violation of any of the above requirements, or disruptive in any way to the work of other staff, official visitors, or contractors on site, or otherwise at risk.

#### **10. Roles and Responsibilities**

**10.1. The employee shall:**

- 10.1.1 Obtain prior approval from supervisor, to bring child/children / an adult visitor to the workplace. In case bringing a child / adult visitor to work was unplanned for, parent / the affected employee to immediately inform supervisor.
- 10.1.2 Obtain prior approval from any of the DG's direct reports, to transport non-DSBD employees. Approval will be considered and granted provided the driver is a DSBD official with a valid driver's license. The names of passengers must appear on the Travel Requisition Form at the time of authorization.
- 10.1.3 Continually assess the risks to which their children / adult visitors are/could be subjected and take all necessary steps to minimize such risks.
- 10.1.4 Consider that children and adult visitors will be unfamiliar with the working environment.
- 10.1.5 Ahead of time, explain any safety or courtesy rules applicable to the areas in which their children / adult visitors will be present, and ensure that such rules are observed.
- 10.1.6 Accompany adult visitors around the premises.
- 10.1.7 Accompany and always directly supervise their children (keeping children within "sight and sound" at all times). This is because children do not have the same capacities, skills, training, and experience as adults. They are unlikely to have knowledge or judgement about workplace hazards and lack the maturity to respond appropriately in unexpected or dangerous situations. As such, their ability to assess risks to health and safety is limited.
- 10.1.8 Be sensitive and respect the needs of other employees.
- 10.1.9 Not expect / not ask other employees to care for and/or supervise for the child.
- 10.1.10 Take responsibility for the behaviour and the safety of the child / adult visitor while in the DSBD premises.
- 10.1.11 Ensure the child / adult visitor does not act in an unsafe way or interrupt the work of others through their actions or noise levels.
- 10.1.11 The accompanying parent / employee must ensure that other users of the workplace are not unreasonably inconvenienced by the child / adult visitor.

**10.2. The Head of Department shall:**

**10.2.1. Ensure a Safe and Healthy Environment for employees**

10.2.1.1 Establish and maintain a safe and healthy environment for employees and visitors, including children, according to the provisions of regulation E, Part VI, Chapter 1 of the Public Service Regulations, 2001.

**10.3. The Designated Manager shall:**

10.3.1 Grant prior approval for an employee to bring a child/ children / adult visitor to workplace.

10.3.2 Be aware and take note of employee/s within their supervision who brings a child/ children / adult visitor to workplace in an unforeseen circumstance.

**10.4. The Employee Health and Wellness Practitioner shall:**

10.4.1 In conjunction with employee and manager, Employee Relations Unit and Director: Human Resources Management, address issues raised by other employees regarding children / adult visitors who are in the workplace.

**10.5 The Peer Educator / Wellness Buddy shall:**

10.5.1 Act as a referral agent of employees to the EHW Unit regarding issues raised by other employees in relation to child/children / adult visitors brought to the workplace.

**11. Monitoring and Evaluation**

Monitoring, intervention and resolution of any problems or disputes rests with the employee and the supervisor. If the matter is unresolved, the relevant HR/ER practitioner may be involved to conciliate the matter, in consultation with the relevant supervisor. Furthermore, the implementation of the **DSBD** Policy on Bringing Children and adult visitors to the Workplace will be monitored on an annual basis, by the Chief Director: Corporate Management.

**12. Dispute Resolution**

Any dispute about the interpretation or application of this policy shall be resolved in terms of the dispute resolution of the Departmental Bargaining Council (DBC).

**13. Policy Review**

This policy shall be reviewed as and when there are new developments or after three years.