# SUMMARY OF OCCUPATIONAL HEALTH AND SAFETY ACT (ACT NO. 85 OF 1993)

This is a summary of the Occupational Health and Safety Act, 1993 (chart1) and REGULATIONS (CHART 2). THE FULL ACT & REGULATIONS CAN BE FOUND AT WWW.LABOUR.GOV.ZA

#### 1. **DEFINITIONS**

(1) In this Act, unless the context otherwise indicates— "accident" means an accident arising out of and in the course of an employee's employment and resulting in a personal injury, illness or the death of the employee;

"approved inspection authority" means an inspection authority approved by the chief inspector: Provided that an inspection authority approved by the chief inspector with respect to any particular service shall be an approved inspection authority with respect to that service only.

"biological monitoring" means a planned programme of periodic collection and analysis of body fluid, tissues, excreta or exhaled air in order to detect and quantify the exposure to or absorption of any substance or organism by persons.

#### "building" includes— (a) any structure attached to the soil;

(b) building or such structure or part thereof which is in the process of being erected; or (c) any prefabricated building or structure not attached to the soil.

"chief executive officer" in relation to a body corporate or an enterprise conducted by the State, means the person who is responsible for the overall management and control of the business of such

body corporate or enterprise. "chief inspector" means the officer designated under section 27 as chief inspector, and includes any officer acting as chief inspector.

"Council" means the Advisory Council for Occupational Health and Safety established by section 2.

"danger" means anything which may cause injury or damage to persons or property. "Department" means the Department of Manpower.

"employee" means, subject to the provisions of subsection (2), any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person.

"employer" means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him, but excludes a labour broker as defined in section 1(1) of the Labour Relations Act, 1956 (Act No.

"employers" organisation" means an employers' organisation as defined in section 1 of the Labour Relations Act, 1956 (Act No.28 of 1956).

"employment" or "employed" means employment or employed as an employee.

"explosives" means any substance or article as listed in Class I: Explosives in the South African Bureau of Standards Code of Practice for the Identification and Classification of Dangerous Substances and Goods, SABS 0228.

"hazard" means a source of or exposure to danger.

"health and safety committee" means a committee established under section 19.

"health and safety equipment" means any article or part thereof which is manufactured, provided or installed in the interest of the health or safety of any person.

"health and safety representative" means a person designated in terms of section 17(1) "health and safety standard" means any standard, irrespective of whether or not it has the force of law, which, if applied for the purposes of this Act, will in the opinion of the Minister promote the attainment of an object of this Act.

"healthy" means free from illness or injury attributable to occupational causes. "incident" means an incident as contemplated in section 24(1).

"industrial court" means the industrial court referred to in section 17 of the Labour Relations Act, 1956 (Act No. 28 of 1956).

**"inspection authority"** means ny person who with the aid of specialized knowledge or equipment or after such investigations, tests, sampling or analyses as he may consider necessary, and whether for reward or otherwise, renders a service by making special findings, purporting to be objective findings, as to—

(a) the health of any person;

(b) the safety or risk to health of any work, article, substance, plant or machinery, or of any condition prevalent on or in any premises; or

(c) the question of whether any particular standard has been or is being complied with, with respect to any work, article, substance, plant or machinery, or with respect to work or a condition prevalent on or in any premises, or with respect to any other matter, and by issuing a certificate, stating such findings, to the person to whom the service is rendered.

"inspector" means a person designated under section 28.

"listed work" means any work declared to be listed work under section 11. "local authority" means—

(a) any institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961);

(b) any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);

(c) any other institution or body or the holder of any office declared by the Minister by notice in the *Gazette* to be a local authority for the purposes of this Act.

"machinery" means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy. "major hazard installation" means an installation—

(a) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or

(b) where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident;

'major incident" means an occurrence of catastrophic proportions, resulting from the use of plant and machinery, or from activities at a workplace;

"mandatary" includes an agent, a contractor or a subcontractor for work, but without derogating from his status in his own right as an employer or a user. "medical surveillance" means a planned programme of periodic examination (which may include

clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner. "minister" means the Minister of Manpower.

"occupational health" includes occupational hygiene, occupational medicine and biological

"occupational health practitioner" means n occupational medicine practitioner or a person who holds a qualification in occupational health recognised as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978).

**"occupational hygiene"** means the anticipation, recognition, evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons. "occupational medicine" means the prevention, diagnosis and treatment of illness and adverse health effects associated with a particular type of work.

"occupational medicine practitioner" means a medical practitioner as defined in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), who holds a qualification in occupational medicine or an equivalent qualification which qualification or equivalent is recognized as such by the South African Medical and Dental Council referred to in the said Act.

"office" means an office as defined in section 1(1) of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983).

"officer" means an officer or employee as defined in section 1(1) of the Public Service Act, 1984 (Act No. 111 of 1984).

"organism" means any biological entity which is capable of causing illness to persons.

"plant" includes fixtures, fittings, implements, equipment, tools and appliances, and anything which is used for any purpose in connection with such plant;

"premises" includes any building, vehicle, vessel, train or aircraft;

"prescribed" means prescribed by regulation.

"**properly used"** means used with reasonable care, and with due regard to any information, instruction or advice supplied by the designer, manufacturer, importer, seller or supplier, as the case

"reasonably practicable" means practicable having regard to — (a) the severity and scope of the hazard or risk concerned;

(b) the state of knowledge reasonably available concerning that hazard or risk and of any means of removing or mitigating that hazard or risk;

(c) the availability and suitability of means to remove or mitigate that hazard or risk; and (d) the cost of removing or mitigating that hazard or risk in relation to the benefits deriving

"regulation" means a regulation made under section 43. **"remuneration"** Any payment in money or in kind or both in money and in kind, made or owing to any person in pursuance of such person's employment.

"risk" means the probability that injury or damage will occur; "safe" means free from any hazard;

**"sell"** includes—

(a) offer or display for sale or import into the Republic for sale; or

(b) exchange, donate, lease or offer or display for leasing; "shop" means a shop as defined in section 1(1) of the Basic Conditions of Employment Act, 1983 (Act

"standard" means any provision occurring — (a) in a specification, compulsory specification, code of practice or standard method as defined in section 1 of the Standards Act, 1993 (Act No. 29 of 1993); or

(b) in any specification, code or any other directive having standardization as its aim and issued by an institution or organization inside or outside the Republic which, whether generally or with respect to any particular article or matter and whether internationally or in any particular

country or territory, seeks to promote standardisation. "substance" means any solid, liquid, vapour, gas or aerosol, or combination thereof. "this Act" includes any regulation

"trade union" means a trade union as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956).

"user" in relation to plant or machinery, means the person who uses plant or machinery for his own benefit or who has the right of control over the use of plant or machinery, but does not include a lessor of, or any person employed in connection with, that plant or machinery. "work" means work as an employee or as a self-employed person, and for such purpose an employee

is deemed to be at work during the time that he is in the course of his employment, and a selfemployed person is deemed to be at work during such time as he devotes to work as a self-employed "workplace" means any premises or place where a person performs work in the course of his

(2) The Minister may by notice in the *Gazette* declare that a person belonging to a category of persons specified in the notice shall for the purposes of this Act or any provision thereof be deemed to be an employee, and thereupon any person vested and charged with the control and supervision of the said person shall for the said purposes be deemed to be the employer of such person.

(3) This Act shall not apply in respect of — (a) a mine, a mining area or any works as defined in the Minerals Act, 1991 (Act No. 50 of 1991), except in so far as that Act provides otherwise;

(b) any load line ship (including a ship holding a load line exemption certificate), fishing boat, sealing boat and whaling boat as defined in section 2(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), or any floating crane, whether or not such ship, boat or crane is in or out of the water within any harbour in the Republic or within the territorial waters thereof, or in respect of any person present on or in any such mine, mining area, works, ship, boat or crane.

7. HEALTH AND SAFETY POLICY

The chief inspector may direct—

(a) employer in writing; and

(b) any category of employers by notice in the *Gazette*, to prepare a written policy concerning the protection of the health and safety of his employees at work, including a description of his organization and the arrangements for carrying out and reviewing that policy. 2) Any direction under subsection (1) shall be accompanied by guide-lines concerning the contents

(3) An employer shall prominently display a copy of the policy referred to in subsection (1), signed by the chief executive officer, in the workplace where his employees normally report for service.

#### **8. GENERAL DUTIES OF EMPLOYERS TO THEIR EMPLOYEES** (1) Every employer shall provide and maintain, as far as is reasonably practicable, a working

environment that is safe and without risk to the health of his employees. (2) Without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular—

(a) the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health;

(b) taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective (c) making arrangements for ensuring, as far as is reasonably practicable, the safety and absence

of risks to health in connection with the production, processing, use, handling, storage or (d) establishing, as far as is reasonably practicable, what hazards to the health or safety of persons

are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his business, and he shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures;

(e) providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees;

(f) as far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;

(g) taking all necessary measures to ensure that the requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is

(h) enforcing such measures as may be necessary in the interest of health and safety; i) ensuring that work is performed and that plant or machinery is u<mark>sed under the</mark> gene<mark>ral</mark> supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the employer are implemented;

(j) causing all employees to be informed regarding the scope of their authority as contemplated

## 9. GENERAL DUTIES OF EMPLOYERS AND SELF-EMPLOYED PERSONS TO PERSONS OTHER THAN THEIR **EMPLOYEES**

1) Every employer shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.

2) Every self-employed person shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that he and other persons who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.

# 10. GENERAL DUTIES OF MANUFACTURERS AND OTHERS REGARDING ARTICLES AND SUBSTANCES FOR USE AT

(1) Any person who designs, manufactures, imports, sells or supplies any article for use at work shall ensure, as far as is reasonably practicable, that the article is safe and without risks to health when

properly used and that it complies with all prescribed requirements. 2) Any person who erects or installs any article for use at work on or in any premises shall ensure, as far as is reasonably practicable, that nothing about the manner in which it is erected or installed makes it unsafe or creates a risk to health when properly used.

3) Any person who manufactures, imports, sells or supplies any substance for use at work shall — (a) ensure, as far as is reasonably practicable, that the substance is safe and without risks to health when properly used; and

(b) take such steps as may be necessary to ensure that information is available with regard to the use of the substance at work, the risks to health and safety associated with such substance, the conditions necessary to ensure that the substance will be safe and without risks to health when properly used and the procedures to be followed in the case of an accident involving

(4) Where a person designs, manufactures, imports, sells or supplies an article or substance for or to another person and that other person undertakes in writing to take specified steps sufficient to ensure, as far as is reasonably practicable, that the article or substance will comply with all prescribed requirements and will be safe and without risks to health when properly used, the undertaking shall have the effect of relieving the first-mentioned person from the duty imposed upon him by this section to such an extent as may be reasonable having regard to the terms of the undertaking.

# 13. DUTY TO INFORM

Without derogating from any specific duty imposed on an employer by this Act, every employer

(a) as far as is reasonably practicable, cause every employee to be made conversant with the hazards to his health and safety attached to any work which he has to perform, any article or substance which he has to produce, process, use, handle, store or transport and any plant or machinery which he is required or permitted to use, as well as with the precautionary measures which should be taken and observed with respect to those hazards;

(b) inform the health & safety representatives concerned beforehand of inspections, investigations or formal inquiries of which he has been notified by an inspector, and of any application for exemption made by him in terms of section 40; and

(c) inform a health and safety representative as soon as reasonably practicable of the occurrence of an incident in the workplace or section of the workplace for which such representative has been designated.

## 14. GENERAL DUTIES OF EMPLOYEES AT WORK

Every employee shall at work—

(a) take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions;

(b) as regards any duty or requirement imposed on his employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed

(c) carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health or safety:

(d) if any situation which is unsafe or unhealthy comes to his attention, as soon as practicable report such situation to his employer, or to the health & safety representative for his workplace or section thereof, as the case may be, who should report it to the employer; and (e) if he is involved in any incident which may affect his health or which has caused an injury to

himself, report such incident to his employer or to anyone authorized thereto by the employer, or to his health and safety representative, as soon as practicable but not later than the end of the particular shift during which the incident occurred, unless the circumstances were such that the reporting of the incident was not possible, in which case he shall report the incident as soon as practicable thereafter.

#### 15. DUTY NOT TO INTERFERE WITH, DAMAGE OR MISUSE THINGS

No person shall intentionally or recklessly interfere with, damage or misuse anything which is provided in the interest of health or safety.

16. CHIEF EXECUTIVE OFFICER CHARGED WITH CERTAIN DUTIES (1) Every chief executive officer shall as far as is reasonably practicable ensure that the duties of his employer as contemplated in this Act, are properly discharged.

(2) Without derogating from his responsibility or liability in terms of subsection (1), a chief executive officer may assign any duty contemplated in the said subsection, to any person under his control, which person shall act subject to the control and directions of the chief executive officer.

(3) The provisions of subsection (1) shall not, subject to the provisions of section 37, relieve an employer of any responsibility or liability under this Act. (4) For the purpose of subsection (1), the head of department of any department of State shall be

# 17. HEALTH AND SAFETY REPRESENTATIVES

deemed to be the chief executive officer of that department.

(1) Subject to the provisions of subsection (2), every employer who has more than 20 employees in his employment at any workplace, shall, within four months after the commencement of this Act or after commencing business, or from such time as the number of employees exceeds 20, as the case may be, designate in writing for a specified period health & safety representatives for such workplace, or for different sections thereof.

(2) An employer and the representatives of his employees recognized by him or, where there are no such representatives, the employees shall consult in good faith regarding the arrangements and procedures for the nomination or election, period of office and subsequent designation of health and safety representatives in terms of subsection (1): Provided that if such consultation fails, the matter shall be referred for arbitration to a person mutually agreed upon, whose decision shall be final: Provided further that if the parties do not agree within 14 days on an arbitrator, the employer shall give notice to this effect in writing to the President of the Industrial Court, who shall in consultation with the chief inspector designate an arbitrator, whose decision shall be final.

(3) Arbitration in terms of subsection (2) shall not be subject to the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), and a failure of the consultation contemplated in that subsection shall not be deemed to be a dispute in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956): Provided that the Minister may prescribe the manner of arbitration and the remuneration of the arbitrator designated by the President of the Industrial Court.

(4) Only those employees employed in a full-time capacity at a specific workplace and who are acquainted with conditions and activities at that workplace or section thereof, as the case may be, shall be eligible for designation as health and safety representatives for that workplace or section. (5) The number of health and safety representatives for a workplace or section thereof shall in the case of shops and offices be at least one health and safety representative for every 100 employees or part thereof, and in the case of all other workplaces at least one health and safety representative for every 50 employees or part thereof: Provided that those employees performing work at a workplace other than that where they ordinarily report for duty, shall be

deemed to be working at the workplace where they so report for duty. (6) If an inspector is of the opinion that the number of health and safety representatives for any workplace or section thereof, including a workplace or section with 20 or fewer employees, is inadequate, he may by notice in writing direct the employer to designate such number of employees as the inspector may determine as health and safety representatives for that workplace or section thereof in accordance with the arrangements and procedures referred to in

subsection (2). (7) All activities in connection with the designation, functions and training of health and safety representatives shall be performed during ordinary working hours, and any time reasonably spent by any employee in this regard shall for all purposes be deemed to be time spent by him in the carrying out of his duties as an employee.

# 18. Functions of Health and Safety Representatives

(1) A health & safety representative may perform the following functions in respect of the workplace or section of the workplace for which he has been designated, namely—

(a) review the effectiveness of health and safety measures;

for which he has been designated be entitled to—

(b) identify potential hazards and potential major incidents at the workplace;

(c) in collaboration with his employer, examine the causes of incidents at the workplace; (d) investigate complaints by any employee relating to that employee's health or safety at work; (e) make representations to the employer or a health and safety committee on matters arising from paragraphs (a), (b), (c) or (d), or where such representations are unsuccessful, to an

(f) make representations to the employer on general matters affecting the health or safety of the (g) inspect the workplace, including any article, substance, plant, machinery or health and safety equipment at that workplace with a view to the health and safety of employees, at such

intervals as may be agreed upon with the employer: Provided that the health and safety representative shall give reasonable notice of his intention to carry out such an inspection to the employer, who may be present during the inspection;

h) participate in consultations with inspectors at the workplace and accompany inspectors on inspections of the workplace; (i) receive information from inspectors as contemplated in section 36; and

(j) in his capacity as a health and safety representative attend meetings of the health and safety committee of which he is a member, in connection with any of the above functions. (2) A health and safety representative shall, in respect of the workplace or section of the workplace

(a) visit the site of an incident at all reasonable times and attend any inspection in loco; (b) attend any investigation or formal inquiry held in terms of this Act; (c) in so far as it is reasonably necessary for performing his functions, inspect any document

which the employer is required to keep in terms of this Act; (d) accompany an inspector on any inspection; (e) with the approval of the employer (which approval shall not be unreasonably withheld), be accompanied by a technical adviser, on any inspection; and

(f) participate in any internal health or safety audit. (3) An employer shall provide such facilities, assistance and training as a health and safety representative may reasonably require and as have been agreed upon for the carrying out of his

4) A health and safety representative shall not incur any civil liability by reason of the fact only that he failed to do anything which he may do or is required to do in terms of this Act.

# 19. HEALTH AND SAFETY COMMITTEES

(1) An employer shall in respect of each workplace where two or more health and safety representatives have been designated, establish one or more health and safety committees and, at every meeting of such a committee as contemplated in subsection (4), consult with the committee with a view to initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of his employees at work. (2) A health and safety committee shall consist of such number of members as the employer may

from time to time determine: Provided that— (a) if one health and safety committee has been established in respect of a workplace, all the health and safety representatives for that workplace shall be members of the committee;

(b) if two or more health and safety committees have been established in respect of a workplace, each health and safety representative for that workplace shall be a member of at least one of

(c) the number of persons nominated by an employer on any health and safety committee established in terms of this section shall not exceed the number of health and safety representatives on that committee. (3) The persons nominated by an employer on a health and safety committee shall be designated in

writing by the employer for such period as may be determined by him, while the health and safety representatives shall be members of the committee for the period of their designation in terms of 4) A health and safety committee shall hold meetings as often as may be necessary, but at least once

every three months, at a time and place determined by the committee: Provided that an inspector may by notice in writing direct the members of a health and safety committee to hold a meeting at a time and place determined by him: Provided further that, if more than 10 per cent of the employees at a specific workplace has handed a written request to an inspector, the inspector may by written notice direct that such a meeting be held.

(5) The procedure at meetings of a health and safety committee shall be determined by the

(6) (a) A health and safety committee may co-opt one or more persons by reason of his or their particular knowledge of health or safety matters as an advisory member or as advisory members of the committee.

(b) An advisory member shall not be entitled to vote on any matter before the committee. 7) If an inspector is of the opinion that the number of health and safety committees established for any particular workplace is inadequate, he may in writing direct the employer to establish for such workplace such number of health and safety committees as the inspector may determine.

# 20. FUNCTIONS OF HEALTH AND SAFETY COMMITTEES

(1) A health and safety committee—

(a) make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector regarding any matter affecting the health or safety of persons at the workplace or any section thereof for which such committee has been established;

(b) shall discuss any incident at the workplace or section thereof in which or in consequence of which any person was injured, became ill or died, and may in writing report on the incident to an inspector; and

(c) shall perform such other functions as may be prescribed.

2) A health and safety committee shall keep record of each recommendation made to an employe in terms of subsection (1)(a) and of any report made to an inspector in terms of subsection (1)(b). (3) A health and safety committee or a member thereof shall not incur any civil liability by reason of the fact only that it or he failed to do anything which it or he may or is required to do in terms of this

(4) An employer shall take the prescribed steps to ensure that a health and safety committee complies with the provisions of section 19(4) and performs the duties assigned to it by subsections (1) and (2).

# 23. CERTAIN DEDUCTIONS PROHIBITED

No employer shall in respect of anything which he is in terms of this Act required to provide or to do in the interest of the health or safety of an employee, make any deduction from any employee's remuneration or require or permit any employee to make any payment to him or any other person.

# 24. REPORT TO INSPECTORS REGARDING CERTAIN INCIDENTS

(1) Each incident occurring at work or arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequence of which— (a) any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes ill to such a degree that he is likely either to die or to suffer a permanent physical defect or likely to be unable for a period of at least 14 days either to work or to continue with the activity for which he was employed or is usually employed;

(b) a major incident occurred; or (c) the health or safety of any person was endangered and where— (i) dangerous substance was spilled;

(iii<mark>) mach</mark>inery or any part thereof fractured or failed resulting in flying, falling or uncontrolled moving objects; or

(ii) the uncontrolled release of any substance under pressure took place;

(iv) machinery ran out of control, shall, within the prescribed period and in the prescribed manner, be reported to an inspector by the employer or the user of the plant or machinery concerned, as the case may be. (2) In the event of an incident in which a person died, or was injured to such an extent that he is likely to die, or suffered the loss of a limb or part of a limb, no person shall without the consent of an involved in the incident therefrom: Provided that such action may be taken as is necessary to

prevent a further incident, to remove the injured or dead, or to rescue persons from danger. 3) The provisions of subsections (1) and (2) shall not apply in respect of— (a) a traffic accident on a public road; (b) an incident occurring in a private household, provided the householder forthwith reports the

incident to the South African Police; or (c) any accident which is to be investigated under section 12 of the Aviation Act, 1962 (Act No. 74 (4) A member of the South African Police to whom an incident was reported in terms of subsection

# (3)(b), shall forthwith notify an inspector thereof.

**26. VICTIMIZATION FORBIDDEN** (1) No employer shall dismiss an employee, or reduce the rate of his remuneration, or alter the term: or conditions of his employment to terms or conditions less favourable to him, or alter his position relative to other employees employed by that employer to his disadvantage, by reason of the fact, or because he suspects or believes, whether or not the suspicion or belief is justified or correct, that that employee has given information to the Minister or to any other person charged with the administration of a provision of this Act which in terms of this Act he is required to give or which relates to the terms, conditions or circumstances of his employment or to those of any other employee of his employer, or has complied with a lawful prohibition, requirement, request or direction of an inspector, or has given evidence before a court of law or the industrial court, or has done anything which he may or is required to do in terms of this Act or has refused to do anything

which he is prohibited from doing in terms of this Act. 2) No employer shall unfairly dismiss an employee, or reduce the rate of his remuneration, or alter the terms or conditions of his employment to terms or conditions less favourable to him, or alter his position relative to other employees employed by that employer to his disadvantage, by reason of the information that the employer has obtained regarding the results contemplated in

#### section 12(2) or by reason of a report made to the employer in terms of section 25. **35. APPEAL AGAINST DECISION OF INSPECTOR**

(1) Any person aggrieved by any decision taken by an inspector under a provision of this Act may appeal against such decision to the chief inspector, and the chief inspector shall, after he has considered the grounds of the appeal and the inspector's reasons for the decision, confirm, set aside or vary the decision or substitute for such decision any other decision which the inspector in the chief inspector's opinion ought to have taken.

(2) Any person who wishes to appeal in terms of subsection (1), shall within 60 days after the inspector's decision was made known, lodge such an appeal with the chief inspector in writing, setting out the grounds on which it is made. (3) Any person aggrieved by a decision taken by the chief inspector under subsection (1) or in the

exercise of any power under this Act, may appeal against such decision to the Labour Court, and the Labour Court shall inquire into and consider the matter forming the subject of the appeal and confirm, set aside or vary the decision or substitute for such decision any other decision which the chief inspector in the opinion of the Labour Court ought to have taken.

inspector's decision was given, lodge the appeal with the registrar of the Labour Court in accordance with the Labour Relations Act, 1995, and the rules of the Labour Court. 5) An appeal under subsection (1) or (3) in connection with a prohibition imposed under section

(4) Any person who wishes to appeal in terms of subsection (3), shall within 60 days after the chief

#### 30(1)(a) or (b) shall not suspend the operation of such prohibition. **37.** ACTS OR OMISSIONS BY EMPLOYEES OR MANDATARIES

1) Whenever an employee does or omits to do any act which it would be an offence in terms of this Act for the employer of such employee or a user to do or omit to do, then, unless it is proved that— (a) in doing or omitting to do that act the employee was acting without the connivance or

permission of the employer or any such user;

(b) it was not under any condition or in any circumstance within the scope of the authority of the employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or (c) all reasonable steps were taken by the employer or any such user to prevent any act or omission of

the kind in question, the employer or any such user himself shall be presumed to have done or

omitted to do that act, and shall be liable to be convicted and sentenced in respect thereof; and the

fact that he issued instructions forbidding any act or omission of the kind in question shall not, in

itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) The provisions of subsection (1) shall mutatis mutandis apply in the case of a mandatary of any employer or user, except if the parties have agreed in writing to the arrangements and procedures

between them to ensure compliance by the mandatary with the provisions of this Act. (3) Whenever any employee or mandatary of any employer or user does or omits to do an act which it would be an offence in terms of this Act for the employer or any such user to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer or user. 4) Whenever any employee or mandatary of the State commits or omits to do an act which would be

(5) Any employee or mandatary referred to in subsection (3) may be so convicted and sentenced in addition to the employer or user.

convicted and sentenced in respect thereof as if he were such an employer.

(6) Whenever the employee or mandatary of an employer is convicted of an offence consisting of a contravention of section 23, the court shall, when making an order under section 38(4), make such an order against the employer and not against such employee or mandatary.

## **38. OFFENCES, PENALTIES AND SPECIAL ORDERS OF COURT**

(b) contravenes or fails to comply with a direction or notice under section 17(6), 19(4) or (7), 21(1)

an offence in terms of this Act, had he been the employee or mandatary of an employer other than

the State and had such employer committed or omitted to do that act, he shall be liable to be

(1) Any person who—

(a) contravenes or fails to comply with a provision of section 7, 8, 9, 10(1), (2) or (3), 12, 13, 14, 15, 16(1) or (2), 17(1), (2) or (5), 18(3), 19(1), 20(2) or (4), 22, 23, 24(1) or (2), 25, 26, 29(3), 30(2) or (6),

or 30(1)(a), (b) or (c) or (3), (4) or (6); (c) contravenes or fails to comply with a condition of an exemption under section 40(1);

(d) in any record, application, statement or other document referred to in this Act wilfully furnishes information or makes a statement which is false in any material respect; (e) hinders or obstructs an inspector in the performance of his functions:

(f) refuses or fails to comply to the best of his ability with any requirement or request made by an inspector in the performance of his functions;

(g) refuses or fails to answer to the best of his ability any question which an inspector in the

performance of his functions has put to him; (h) wilfully furnishes to an inspector information which is false or misleading;

(i) gives himself out as an inspector; (i) having been subpoenaed under section 32 to appear before an inspector, without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend on the day and at the place

from further attendance; (k) having been called under section 32, without sufficient cause (the onus of proof whereof shall

rest upon him)—

put to him; or

(i) refuses to appear before the inspector; (ii) refuses to be sworn or to make affirmation as a witness after he has been directed to do so; (iii) refuses to answer, or fails to answer to the best of his knowledge and belief, any question

specified in the subpoena, or fails to remain in attendance until the inspector has excused him

(iv) refuses to comply with a requirement to produce a book, document or thing specified in the subpoena or which he has with him: (I) tampers with or discourages, threatens, deceives or in any way unduly influences any person with regard to evidence to be given or with regard to a book, document or thing to be

produced by such a person before an inspector under section 32; (m) prejudices, influences or anticipates the proceedings or findings of an inquiry under section 32 or section 33; (n) tampers with or misuses any safety equipment installed or provided to any person by an

employer or user; (o) fails to use any safety equipment at a workplace or in the course of his employment or in connection with the use of plant or machinery, which was provided to him by an employer or (p) wilfully or recklessly does anything at a workplace or in connection with the use of plant or

machinery which threatens the health or safety of any person, shall be guilty of an offence and

on conviction be liable to a fine not exceeding R50 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment. (2) Any employer who does or omits to do an act, thereby causing any person to be injured at a workplace, or, in the case of a person employed by him, to be injured at any place in the course of his employment, or any user who does or omits to do an act in connection with the use of plant or machinery, thereby causing any person to be injured, shall be guilty of an offence if that employer or user, as the case may be, would in respect of that act or omission have been guilty of the offence of culpable homicide had that act or omission caused the death of the said person, irrespective of whether or not the injury could have led to the death of such person, and on conviction be liable

to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment. ) Whenever a person is convicted of an offence consisting of a failure to comply with a provision of this Act or of any direction or notice issued thereunder, the court convicting him may, in addition

to any punishment imposed on him in respect of that offence, issue an order requiring him to comply with the said provision within a period determined by the court. (4) Whenever an employer is convicted of an offence consisting of a contravention of a provision of section 23, the court convicting him shall inquire into and determine the amount which contrary to the said provision was deducted from the remuneration of the employee concerned or recovered from him and shall then act with respect to the said amount mutatis mutandis in

accordance with sections 28 and 29 of the Basic Conditions of Employment Act, 1983 (Act No. 3 of

# 1983), as if such amount is an amount underpaid within the meaning of those sections.

39. Proof of Certain Facts (1) Whenever in any legal proceedings in terms of this Act it is proved that any person was present on or in any premises, that person shall, unless the contrary is proved, be presumed to be an

(2) In the absence of satisfactory proof of age, the age of any person shall, in any legal proceedings in terms of this Act, be presumed to be that stated by an inspector to be in his opinion the probable age of the person; but any person having an interest who is dissatisfied with that statement of opinion may, at his own expense, require that the person whose age is in question appear before and be examined by a district surgeon, and a statement contained in a certificate by a district surgeon who examined that person as to what in his opinion is the probable age of that person shall, but only for the purpose of the said proceedings, be conclusive proof of the age of that

B) In any legal proceedings in terms of this Act, any statement or entry contained in any book or document kept by any employer or user or by his employee or mandatary, or found on or in any premises occupied or used by that employer or user, and any copy or reproduction of any such statement or entry, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer or user or by any employee or mandatary of that employer or user within the scope of his authority.

4) Whenever in any legal proceedings in terms of this Act it is proved that any untrue statement or entry is contained in any record kept by any person, he shall be presumed, until the contrary is proved, wilfully to have falsified that record. (5) (a) Whenever at the trial of any person charged with a contravention of section 22 it is proved that the accused sold or marketed any article, substance, plant, machinery or health and safety

that such article, substance, plant, machinery or health and safety equipment did not at the time of the sale or marketing thereof comply with the said requirements. (b) At any trial any document purporting to be a certificate or statement by an approved inspection authority and in which it is alleged that the article, substance, plant, machinery or health and safety equipment forming the subject of the charge complies with the requirements prescribed in respect thereof or with any particular standard, shall on its mere production at that trial by or on behalf of the accused be accepted as prima facie proof of the

equipment contemplated in that section, it shall be presumed, until the contrary is proved,

facts stated therein. i) Notwithstanding the provisions of section 31(3) of the Standards Act, 1993 (Act No. 29 of 1993), whenever in any legal proceedings in terms of this Act the question arises whether any document contains the text of a health and safety standard incorporated in the regulations under section 44, any document purporting to be a statement by a person who in that statement alleges that he is an inspector and that a particular document contains the said text, shall on its mere production at

those proceedings by any person be *prima facie* proof of the facts stated therein.

7) The records to be kept by a health and safety committee in terms of section 20(2), including any document purporting to be certified by an inspector as a true extract from any such records, shall on their mere production at any legal proceedings by any person be admissible as evidence of the fact that a recommendation or report recorded in such records was made by a health and safety committee to an employer or inspector concerned.

# **45. SERVING OF NOTICES**

Unless another method is prescribed, a notice under this Act shall be served— (a) by delivering a copy thereof to the person upon whom it is to be served;

(b) by leaving such a copy at the usual or last known place of residence or business of such a

(c) by sending such a copy by registered post to the usual or last known place of residence or business of such a person.

**REVISED 2020** 

# SUMMARY OF OCCUPATIONAL HEALTH AND SAFETY ACT REGULATIONS (ACT No. 85 OF 1993)

the Act and the proposals of the parties, determine the arrangement and procedures

8. REPORTING OF INCIDENTS AND OCCUPATIONAL DISEASES.

notice thereof to the provincial director in the form of WCL1 or WCL2; and

by telephone, facsimile or similar means of communication.

(b) where a person, in consequence of such an incident, dies, becomes unconsciou

accordance with the agreement contemplated in regulation 6

1) An employer or user, as the case may be, shall—

similar means of communication as to the —

(c) name of the user, employer or self-employed person;

(d) address of the user, employer or self-employed person

(e) telephone number of the user, employer or self-employed person;

the reof to the chief in spector and the employer in the form of WCL 22.

Q RECORDING AND INVESTIGATION OF INCIDENTS

An employer or user shall keep at a workplace or section of a workplace, as the case may be, a record in the form of Annexure 1 for a period of at least three years, which record

shall be open for inspection by an inspector, of all incidents which he or she is require to report in terms of section 24 of the Act and also of any other incident which resulted

in the person concerned having had to receive medical treatment other than first aid

(2) An employer or user shall cause every incident which must be recorded in terms of

within 7 days from the date of the incident and finalised as soon as is reasonably

The employer or user shall cause the findings of the investigation contemplated i

An employer shall cause every record contemplated in subregulation (1) to be

When an inspector is directed to hold a formal inquiry into an incident in terms of

) The employer or user shall forthwith advise in writing those persons who witnessed ar

incident, the union recognised by him or her and any other person specified by the

) The employer or user concerned shall ascertain which of the persons he or she has

forthwith advise the inspector of the names and addresses of such persons in for the

) A subpoena issue<mark>d in terms of section 32(2) of the Act shall be in t</mark>he form of Annexure 2

Provided that, when a subpoena is served personally on a person, the service of such subpoena may be effected by any person authorised thereto by the inspector who has

An employer or a user shall on demand furnish the inspector with such returns as may be

SUMMARY OF GENERAL SAFETY REGULATIONS, 1986

nspector, of such date, time and place, and that their presence shall be required at the

section 32(1) of the Act, he or she shall notify the employer or user concerned of the

ulation (2) to be entered in Annexure 1 immediately after completion of suc

practicable, or within the contracted period in the case of contracted workers.

(a) name of the injured person;

(f) name of contact person;

(i) What happened;

(iv) how it happened;

(h) names of witnesses.

(v) why it happened; and

date, time and place of such inquiry.

inspector to subpoena such persons.

(ii) where it happened (place);

(iii) when it happened (date and time);

(g) details of incident:

(b) address of the injured person:

## SUMMARY OF ENVIRONMENTAL REGULATIONS FOR WORKPLACES, 1987

- 3 LIGHTING (1) Every employer shall cause every workplace in his undertaking to be lighted in accordance with the illuminance values specified in the Schedule to these regulations: Provided that where specialised lighting is necessary for the performance of any particular type of work, irrespective of whether that type of work is listed in the that such specialized lighting is available to and is used by such employees. (2) The chief inspector may, by notice in the Gazette, from time to time modify the Schedule
- to these regulations as he deems necessary. (3) With respect to the lighting to be provided in terms of subregulation (1), the employers (a) the average illuminance at any floor level in a workplace within five meters of a task is not less than one fifth of the average illuminance on that task; (b) glare in any workplace is reduced to a level that does not impair vision
- (c) lighting on rotating machinery in such that the hazard of stroboscopic effects is (d) Juminaires and lamps are kept clean and, when defective, are replaced or repaired
- (4) With a view to the emergency evacuation of indoor workplaces without natural ng or in which persons habitually work at night, every employer shall, in such workplaces, provide emergency sources of lighting which are such that, when activated, an illuminance of not less than 0.3 lux is obtained at floor level to enable employees to evacuate such workplaces: Provided that where it is necessary to stop hinery or shut down plant or processes before evacuating the workplace, or who dangerous materials are present or dangerous processes are carried out, the
- (5) An employer shall ensure that the emergency sources of lighting prescribed by (a) are capable of being activated within 15 seconds of the failure of the lighting
- (b) will last long enough to ensure the safe evacuation of all indoor workplaces: (c) are kept in good working order and tested for efficient operation at intervals of not more than three months; and (d) where directional luminaires are installed, these are mounted at a height of not less
- below the horizontal line on which they are installed. (6) An employer engaged in building work shall cause all rooms, stairways, passageways gangways, basements and other places where danger may exist through lack of natural light, to be lighted such that it will be safe.
- 4. WINDOWS (1) In order to effect visual contact with areas outside a workplace, where employees work the majority of their shift in a room of which the floor area is less than 100 square meters, the employer of such employees shall cause every such room to be provided with windows in such a way that –
- (a) the total glazed area of such windows is not less than three fifths of the square root :hefloor area of the room, both areas measured in square meters; (b) the window sills are not higher and the window heads are not lower than one and a half meters above the floor level of the room; and (c) such windows are glazed with transparent material.
- (2) Unless an inspector otherwise directs, the provisions of subregulation (1) shall not apply under conditions where natural light will have an adverse effect on the process or material used in a room, or where the process in a room has to be conducted under critical conditions of light, temperature, humidity or air movement, or where the judgement of texture or colour in a room has to be done under conditions of constant lighting quality and intensity, or where, for reasons of safety, privacy or security, compliance with the intended provisions becomes impracticable. (3) Where the penetration of direct sunlight into any workplace may pose a threat to the safety of persons in such workplace, the employer concerned shall ensure that such workplace is screened to avoid such penetration, but retaining, as far as is practicable,

#### (1) An employer shall ensure that every workplace in his undertaking is ventilated either by natural or mechanical means in súch a way that —

- (a) the air breathed by employees does not endanger their safety; (b) the time-weighted average concentration of carbon dioxide therein, taken over an
- eight-hour period, does not exceed one half per cent by volume of air: (c) the carbon dioxide content thereof does not at any time exceed three per cent by (d) the prescribed exposure limits for airborne substances therein are not exceeded; and
- (e) the concentration therein of any explosive or flammable gas, vapour or dust does not exceed the lower explosive limit of that gas, vapour or dust (2) Where the measures prescribed by subregulation (1) are not practicable, or where there is a danger of unsafe air in the breathing zone of an employee, the employer shall provide every such employee with, and ensure that he correctly uses, respiratory protective equipment of a type that reduces the exposure of the employee to a safe level and the employer shall, further, inform him of the dangers of and the
- The provisions of subregulation (1) (b) and (c) shall not apply in respect of workplaces where the ambient pressure differs by more than 20 percent from atmospheric

## (1) A user of machinery shall provide and maintain sufficient clear and unobstructed space at every machine to enable work to be carried out without danger to persons.

- (2) An employer shall (a) with the exclusion of workplaces where building work is performed, make at least 2.25 square meters of effective open floor area available for every employee working in an indoor workplace; (b) make available and maintain an unimpeded work space for every employee;
- (c) keep every indoor workplace clean, orderly and free of materials, tools and similar (d) keep all floors, walkways, stairs, passages and gangways in a good state of repair, skid-free and free of obstructions, waste or materials;
- (e) keep the roof and walls of every indoor workplace sound and leak-free (f) board over or fence, or enclose with rails or guards, or take other measures which may be necessary under the circumstances to ensure the safety of persons, all openings in floors, all hatchways and all stairways and any open sides of floors or ouildings through or from which persons are liable to fall. Provided that such coarding or guarding may be omitted or removed for the time and to the extent necessary for the access of persons or the movement of material; and
- (g) erect a catch platform or net above an entrance or passageway or above a place where persons work or pass, or fence off the danger area if work is being performed above such entrance, passageway, place or danger area and there is a possibility of persons being struck by falling objects.

# (3) No employer shall require or permit any person to, and no person shall, dispose of any article from a high place except by hoist or chute unless arrangements have been made to secure the safety who may be struck by falling objects. 9 FIRE PRECALITIONS AND MEANS OF EGRESS

as is practicable, be hung so as to open outwards;

# (1) In order to expedite the evacuation of a workplace in case of fire, every employer shall (a) any emergency escape door from any room or passage or at a staircase shall, as far

- (b) every door of a room in which persons may be present, and every door of a passage or at a staircase serving as a means of exit from such room, shall be kept clear and capable of being easily and rapidly opened from inside so as to ensure quick and
- (c) the provisions of paragraphs (a) and (b) shall also be complied with in respect of the outer escape exit from the workplace; (d) staircases and steps leading from one floor to another or to the ground shall be
- provided with substantial hand-rails; (e) staircases intended to be used as fire escapes shall— (i) be constructed of non-combustible material:
- (ii) be kept clear of any material or other obstruction; and (iii) not terminate in an enclosed area;
- (f) staircases, passages and exits intended for escape purposes shall be of a width and of a gradient which will facilitate the quick and safe egress of the number of persons
- ntended to make use of them; and (g) having regard to the size, construction and location of a workplace, the number of persons, and the activity therein, such workplace is provided with at least two
- means of egress situated as far apart as is practicable. (2) Having regard to the size, construction and location of the workplace, and the amount shall provide on the premises an adequate supply of suitable fire-fighting equipmer concerned, and such equipment shall be maintained in good working order.

# SUMMARY OF FACILITIES REGULATIONS 1988

- (1) Every employer shall provide sanitary facilities at the workplace in accordance with the provision's of Parts F, P and Q of the National Building Regulations. (2) Notwithstanding the provisions of subregulation (1), an employer may, where less than 11 persons are employed on one premises, make written arrangements for such persons to use closets and washbasins on adjoining premises: Provided that —
- (a) such facilities are freely and readily accessible; and (b) the facilities comply with the provisions of these Regulations as well as with SABS 0400 with respect to –
- (c) the total number of employees who will be using the facilities; and (d) the condition of such facilities.
- (3) Every employer shall —
- (a) make to ilet paper available to employees (b) provide every water closet pan designed to have a seat, with a seat; (c) supply a towel to every employee for his sole use or disposable paper towels or hot
- air blowers or clean portions of continuous cloth towels, at the washbasins; and (d) provide to ilet so apor a similar cleansing agent to employees. (4) Every employer shall, under the circumstances contemplated in Table 4 of Part P of SABS 0400, provide showers for the use of his employees, and he shall — (a) provide running hot and cold or premixed hot and cold water for the washbasins
- (b) ensure that the walls of that part of a room in which there are showers, are smooth id impermeable, and that the floor thereof is slip-free and sloped for effective drainage; and
- $(c) \ \ ensure that where showers are provided in a room with windows, such windows are$ glazed in obscure glass or similar material. (5) In respect of each room in which there are closets, urinals, showers or washbasins every
- (a) provide a conspicuous sign outside the entrance to such a room to indicate the sex of the persons for whom the room is intended;
- (b) ventilate such rooms in accordance with the provisions of Part O of the National Building Regulations; (c) provide the necessary screen walls partitions or doors in order to ensure privacy; and (d) ensure that water feeding to showers or washbasins on his premises which is not obtained from the water supply system of a local authority, complies with SABS 241.

- 3. FACILITIES FOR SAFEKEEPING 1) An employer in a factory shall provide every employee in his service, excluding office workers, with a personal facility for safekeeping in which clothes and other personal items of the employee can be kept safely and in good condition. Fivery employer shall ensure that each employee referred to in sub-regulation (1) stores
- is clothing and other personal items in his facility for safekeeping. The provisions of this regulation shall not apply in respect of activities for which specific rypes or numbers of facilities for safekeeping are prescribed 4. CHANGE-ROOMS

# (a) for whom showers are prescribed, or

- (b) who need to undress, the employer shall provide separate change-rooms for males and females respectively, in accordance with the provisions of Part Cof SABS 0400. An employer contemplated in subregulation (1) shall — (a) ensure that a change-room is not connected directly by means of a door or any
- other opening to any room in which the exposure to a high risk substance is equal to or above the action level for such high-risk substance or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored; b) provide adequate seating in the form of chairs or benches in every change-room fo the maximum number of employees that will be using such change-room at any
- ) not store any materials, tools or other goods not related to the use of a changeroom in such change-room or allow such items to be stored (d) where a change-room has windows, glaze such windows in obscure glass or similar
- (e) screen the entrance to every change-room in order to afford privacy; provide a conspicuous sign at the entrance to a change- room to indicate the sex of the persons for whom the change-room is intended
- provide a conspicuous sign at the entrance to a change-room to indicate the sex of the persons for whom the change-room is intended; g) provide facilities for the drying of wet clothes, if clothes of the employees for whom a change-room has been provided, may become wet in the course of their work;

h) ensure that every change-room is naturally or artificially ventilated in accordance

- with the provisions of Part O of the National Building Regulations; and ensure that no employee referred to in subregulation (1) changes his clothing at any other place at a workplace that in a change-room provided for him Subject to the provisions of regulation 5 an employer may allow a change-room to be ısed for the partaking of meals provided that – (a) an obscure partition of at least two meters high is installed between showers and
- 5. DINING-ROOMS Notwithstanding the provisions of regulation 4 (3) , every employer of employees who at a workplace: a) are exposed to a high risk substance in a quantity equal to or above the action level

(b) there is no direct communication between the change-room and toilet facilities.

- o) come into physical contact with any known poisonous substance which may cause c) are exposed to dirt, dust, soot or similar filth: Provided that when the question arises as to what constitutes dirt, dust, soot or similar filth, the decision of an inspector
- d) handle or process untanned hides or skins, or unwashed wool or mohair, shall provide a separate dining-room or eating place on the premises which in respect of the maximum number of employees who will be using it at any one time, shall be in accordance with part C of SABS 0400. The employer referred to in subregulation (1) shall —
- (a) provide tables and chairs in every dining-room for the maximum number of employees that will be using the dining-room at any one time; b) ensure that a dining-room or eating place is not connected directly by means of a door or any other opening with any room in which the exposure to a high-risk substance is equal to, or above the action level for such high-risk substance or in which untanned hides or skins or unwashed wool or mohair are treated, processed
- (c) not store any materials tools or other goods not related to the use of a dining-room in such dining-room or allow such items to be stored therein; and (d) ensure that every dining-room is naturally or artificially ventilated in accordance with the provisions of Part O of the National Building Regulations.
- Every employer shall (a) prohibit smoking and the consumption of food or drink at all work places contemplated in regulation 5(1) and shall ensure that no person smokes, eats or drinks in any such place; and (b) display conspicuous signs or notices at such workplaces prohibiting smoking,
- 7. Drinking water Every employer shall – (a) make available an adequate supply of drinking water for his employees at their (b) clearly and conspicuously mark as such, taps and pipes containing water which is not fit for human consumption.

eating or drinking.

(a) where reasonably practicable, provide a seat for every employee whose work can be efficiently performed while sitting; (b) where reasonably practicable, permit an employee whose work is ordinarily performed standing to take advantage of any opportunity for sitting which may occur, and for this purpose the employer shall provide seating facilities; and

(c) provide seats with back rests where the nature of the work performed by

Every employer shall maintain all rooms and facilities which are prescribed or provided for in terms of the provisions of these regu<mark>lations, in a clean, hygienic, safe, whole and leak-free</mark>

#### ition, and 'in a good state of repair Provided that an inspector may, by notice i<mark>n writing, direct an employer to take such ste</mark> as the inspector deems necessary for the employer to comply with this regulation and the decision of an inspector in this regard shall be conclusive.

#### SUMMARY OF NOISE-INDUCED HEARING LOSS REGULATIONS, 2003 2. SCOPE OF APPLICATION These regulations shall apply to an employer or self-employed person who, at any workplace under his or her control, carries out work that may expose any person at that

- workplace to noise at or above the noise-rating limit. 3. EXPOSURE TO NOIS
- Subject to regulations 9 and 10, no employer or self-employed person shall require or permit any person to enter any workplace under his or her control where such person will be exposed to noise at or above the 85 dBA noise rating limit.
- ) An employer shall, after consultation with the health and safety committee established in respect of a workplace under his or her control and the health and safety representative designated for that workplace or for different sections thereof, establish or all employees who may be exposed to noise at or above the noise-rating limit a
- ing programme that incorporates the following a) The content and scope of these regulations; (b) the potential sources of exposure to noise;
- (c) the potential risks to health and safety caused by exposure to noise:

(a) the use of measures adopted for noise control;

- (d) the measures taken by the employer to protect an employee against the (e) the precautions to be taken by the employees to protect themselves against the health risks associated with the exposure, including the wearing and use of earplugs and earmuffs;
- the necessity, correct use, maintenance and limitations of hearing protectors, facilities and engineering control measures provided g) the assessment of exposure, the purpose of noise monitoring; the necessity for medical surveillance and the long-term benefits and limitations of undergoing
- h) the noise-rating limit for hearing conservation and its meaning; the procedures for reporting, correcting and replacing defective personal hearing protectors and for engineering noise control measures; and
- the matters contemplated in regulation 5, The training contemplated in subregulation (1) shall be conducted prior to the Refresher training shall be conducted annually or at intervals that may be recommended by the health and safety committee and the health and safety representative.
- 1) The training contemplated in subregulation (1), shall be provided by a person who is competent to do so and who has adequate personal practical experience and heoretical knowledge of all aspects of the work carried out by the employee.
- 5) An employer or self-employed person shall ensure as far as is reasonably practicable that his or her mandatories or persons other than employees who may be affected by noise exposure at the workplace are given adequate information, instruction and training. (6) An employer shall keep a record of any training that is given to an employee in terms of this regulation.

#### Duties of Persons who may be exposed to noise Any person who is or may be exposed to noise at OF above the noise-rating limit shall obey any lawful order given to him or her by the employer or self-employed person or by anyone authorized thereto by the employer or self-employed person, regarding —

- (b) the immediate reporting of defective, damaged or lost noise control equipment to the health and safety representative or the employer: the use of personal hearing protectors where provided;
- (d) a prohibition to enter or remain in an area where personal hearing protectors are required unless the person is authorized to do so and is wearing the required hearing e) co-operation with the employer in his or her task of determining the employee's noise exposure, which may include the wearing of personal sound exposure meters; (f) the reporting for medical surveillance as required by regulation 8; and
- 7. Noise monitoring Where an assessment of noise exposure or a review of such assessment indicates that any employee may be exposed to noise at or above the noise-rating limit, an employer contemplated in regulation 2 shall ensure that a measurement programme of noise

(g) information and training received as contemplated in regulation 4.

- a) carried out in accordance with the provisions of these regulations; b) carried out only after the relevant health and safety representative or relevant health and safety committee has been informed thereof and given a reasonable period, as mutually agreed upon, to comment thereon; c) carried out by an approved noise inspection authority; and
- d) representative of the employees' exposure to noise, in accordance with subregulation (2). In order to comply with subregulation (1)(d), an employer shall ensure — (a) that the measurement programme, in the case where a number of employees work in an are of approximately equal noise level, makes provision for the selection of not less than three locations which are representative of the positions occupied by employees well distributed over the area under investigation, and for the taking of measurements

- at each position as contemplated in SABS 083; (b) that the measurement programme, in the case of an employee working at an approximately fixed location relative to the noise source, makes provision for the measurement to be taken at the approximate position of the person's ear that receives
- the higher noise level as contemplated in SABS 083; and that representative measurements are carried out at least every 24 months: Provided that whenever the noise is at or above the noise-rating limit, the provisions of
- (3) An employer shall ensure that the results of measurements as contemplated in subregulation (2)(C) are recorded in the record required by regulation 11
- 1) An employer shall establish and maintain a system of medical surveillance for all employees exposed to noise at or above the noise-rating limit. ) An employer shall ensure that the medical surveillance contemplated in subregulation (a) consists of a baseline audiogram which is recorded —
- (i) in the case of a new employee, before the employee commences employmen or within 30 days of commencement of such employment; or (ii) in the case of all other employees in the employment of the employer, before 16 (iii) in accordance with the requirements of Instruction No. 171:

Provided that the baseline audiogram conducted in terms of that instruction applies to

- nat employee for the rest of his or her working career; ) consists of a periodic audiogram which is conducted in accordance with SABS 083 and which, during the first three years of employment, is obtained at least annually and thereafter at intervals which may be extended to a maximum period of two years if no referral threshold shift is evident: Provided that —
- (i) employees working in, or required to enter, noise zones where the noise exposure equals or exceeds an 8-hour rating level of 105 dBA shall undergo audiometric testing at 6-monthly intervals until it is established that no referral threshold shift is evident and thereafter the interval between tests may be extended to a maximum interval of one year; and ii) employees who are regularly exposed to gunshots or other explosive events during their working day shall undergo audiometric tests at time intervals in accordance with subparagraph (I);
- (c) consists of an exit audiogram, conducted in accordance with SABS 083, which is obtained for every employee whose employment is terminated or who is permanently transferred to another workplace in respect of which audiometric tests are not required: Provided that an audiogram conducted within six months prior to termination of employment or transfer shall meet his requirement; and (d) is performed by a competent person: Provided that if it is impossible for the competent person to establish a baseline audiogram for an employee as contemplated in paragraph (a), the employee must be referred to an audiologist who may establish baseline-hearing levels by using other techniques, such as
- speech reception thresholds. (3) An employer shall ensure that — (a) copies of the audiograms contemplated in subparagraphs (2)(a), (3) and (c) are entered into the employee's record of medical surveillance; (b) a copy of each audiogram contemplated in subparagraphs (2)(a) and (c) is given to
- the employee when he or she leaves the employment of that employer; (c) new employees provide him or her with their baseline audiograms, exit audiograms or most recent audiograms and the percentage of loss of hearing calculated in accordance with Instruction No. 171; and (d) in the case of an employee whose percentage loss of hearing has deteriorated by 10% or more since the baseline audiogram was recorded or an employee for whom no baseline audiogram is available but who has a 10% or more loss of hearing that is
- not obviously due to medical causes, and that has been confirmed by a repeat the relevant health and safety committee or the relevant health an! Safety representative is informed of the finding; (ii) the employee is retrained and re-instructed as contemplated in regulations
- (iii) noise control measures are reassessed; and (iv) such hearing loss is reported to the provincial director, on form WCL1/2, as
- An employer or self-employed person shall ensure that -(a) in any workplace or part of such workplace under his or her control, where the ure to noise is at or above the noise-rating limit, that workplace or part thereof is zoned as a noise zone; (b) a noise zone is clearly demarcated and identified by a notice indicating that the
- relevant area is a noise zone and that hearing protective equipment as contemplated in regulation 12 must be worn (c) no person enters or remains in a noise zone unless he or she wears the required
- hearing protective equipment; and (d) the reason why noise exposure is at or above the noise-rating limit is identified and that action is taken, as soon as is reasonably practicable, by means other than the use of hearing protective equipment, to lower the noise level so that it is not at or
- required for the purposes of the administration of the Act. An employer or self-employed person shall ensure that the exposure of a person to noise is either prevented or, where this is not reasonably practicable, adequately controlled: Provided that the control of the exposure shall be regarded as adequate if ne exposure is below the noise-rating limit, or if the exposure is at or above the noise ating limit but the reason has been identified and action is taken as soon as is reasonably practicable, by means other than the use of hearing protective equipment, to lower exposure so that it does not exceed the noise-rating limit.

(c) employees receive the information, instruction, training and supervision that are necessary with regard to the use of the equipment; and

(a) issue no reusable hearing protective equipment to any person, unless the hearing

(b) provide separate containers or storage facilities for hearing protective equipment

c)ensure that all hearing protective equipment not in use is <mark>stored only in the I place</mark>

Every employer or self-employed person shall ensure that anything that he or she <mark>provides</mark>

or the benefit of employees in compliance with his or her duties under these regulations

(b) is maintained in an efficient state, in good working order and in good repair and

SUMMARY OF GENERAL ADMINISTRATIVE REGULATIONS, 2003

No person shall refuse an inspector entry into his or her premises to perform his or her

2) An inspector or his or her assistant may require an employer or user to make a person

A certificate of exemption issued in terms of section 40 of the Act shall be signed by the

Every employer with five or more persons in his employ shall have a copy of the Act and the relevant regulations readily available at the work place: Provided that, where the total

number of employees is less than five, the employer shall, on request of an employee, make

Where a health and safety committee has been established in terms of section 19 of the Act,

(b) ensure that the records, as contemplated in section 20(2) of the Act, are kept for a

representative in terms of section 17(1) of the Act and within four months after the

commencement of these regulations or after commencing business, meet with the

(b) terms of office of health and safety representatives and the circumstances and the

(d) manner in which health and safety representatives must perform their functions in

(e) facilities, training and assistance that must be provided to a health and safety

Provided that, where there is no registered trade union, the employer shall enter into

consultation with all employee representatives in that workplace in order to conclude

.) An agreement referred to in subregulation (1) may include two or more employers as

(3) The conditions applicable to collective agreements in terms of the Labour Relations

(4) A dispute shall exist if no agreement in terms of subregulation (1) is concluded on the

(5) If a dispute exists in terms of subregulation (4), any party to the dispute may refer the

6) If a dispute is referred to the CCMA or Bargaining Council under subregulation (5), the

(7) If a dispute remains unresolved, any party to the dispute may request that it be resolved through arbitration, in which case the CCMA shall, taking into account the objectives of

Act, read with the changes required by the context, shall apply to agreements concluded in terms of subregulation (1).

arrangement and procedures for the nomination and the election of health and safety representatives at a workplace.

prescribed manner in which they may be removed as health and safety

5. HEALTH AND SAFETY COMMITTEE

(a) make available a suitable meeting place to such committee; and

(a) nomination or election of health and safety representatives;

representative in terms of section 18(3) of the Act;

(c) manner in which vacancies are to be filled:

an agreement with regard to subregulation (1)

dispute to the CCMA or Bargaining Council.

CCMA shall attempt to resolve it through conciliation.

workplace to accompany him or her during the entire visit of the workplace.

available who has full knowledge of the hazards associated with the activities of the

functions unless that person is authorized to do so by any other law.

protective equipment is properly decontaminated and, where appropriate,

(b) the equipment is correctly selected and properly used;

when not in use: and

(a) is fully and properly used; and

a copy of the Act available to that employee.

representatives:

parties to the agreement.

terms of the Act; and

provided for it.

(d) the equipment is kept in good condition and efficient working order

(2) An employer or self-employed person shall, as far as is reasonably practicable —

- Subject to the provisions of paragraphs (f), (g), (h) and (i) of regulation 5 of the General Administrative Regulations published under Government Notice R. 2206 of 5 October 1984, every employer and every user of machinery shall make an evaluation of the risk attached to any condition or situation which may arise from the activities of such employer or user, as the case may be, and to which persons at a workplace or in the In order to comply with subregulation (1) an employer or self-employed person shall, as course of their employment or in connection with the use of machinery are exposed and he shall take such steps as may under the circumstances be necessary to make such control measures in the following order of priority: (a) Engineering control measures to eliminate or reduce noise at its source, or the ition or situation safe. (Replaced by GAR, 1994 by Government Notice R. 17403 of 6
- (b) administrative control measures to limit the number of persons exposed and the ) Where it is not practicable to safeguard the condition or situation contemplated in steps to reduce the risk as much as is practicable, and shall provide free of charge and (c) the use of hearing protective equipment if engineering and administrative control maintain in a good and clean condition such safety equipment and facilities as may be measures fail to reduce exposure below the noise-rating limit.
- necessary to ensure that any person exposed to any such condition or situation at a workplace or in the course of his employment or on premises where machinery is used ) Where hearing protective equipment is provided, an employer or self-employed person shall ensure that — (3) Taking into account the nature of the hazard that is to be countered, and without (a) the equipment is capable of keeping the exposure below the noise-rating limit;
  - derogating from the general duties imposed on employers and users of machinery by ) and (2), the safety equipment and facilities contemplated i subregulation (2) shall include, as may be necessary — (a) suitable goggles, spectacles, face shields, welding shields, visors, hard hats.
  - protective helmets, caps, gloves, gauntlets, aprons, jackets, capes, sleeves, leggings, spats, gaiters, protective footwear, protective overalls, or any similar safety equipment or facility of a type that will effectively prevent bodily injury; (b) waterproof clothing, high-visibility clothing, chemical-resistant clothing, lo temperature clothing, chain mail garments, waders, fire retardant or flame-proof clothing, ice-jackets, or any similar safety equipment of a type that will effectively protect the wearer thereof against harm
  - (c) belts, harnesses, nets, fall arresters, life lines, safety hooks, or any similar equipment of a type that will effectively protect persons against falls: (d) mats, barriers, locking-out devices, safety signs, or any similar facility that will effectively prevent slipping, unsafe entry or unsafe conditions, (e) protective ointments, ear-muffs, ear-plugs, respirators, breathing apparatus, masks; air lines, hoods, helmets, or any similar safety equipment or facility of a type that will effectively protect against harm;
  - (f) suitable insulating material underfoot where persons work on a floor made of metal stone, concrete or other similar material; and (g) generally, such safety equipment or facilities as may be necessary to render the ) An employer or a user of machinery, as the case may be, shall take steps to ensure that ■no safety equipment or facility provided as required by this or any other regulation is removed from a workplace or from premises where machinery is used, except for purposes of cleaning, repair, maintenance, modification, mending or replacement, and no person shall remove any such safety equipment or facility from a workplace or premises where machinery is used, except for the aforesaid purposes.
  - An employer shall instruct his employees in the proper use, maintenance and limitations of the safety equipment and facilities provided. (6) An employer shall not require or permit any employee to work unless such an employee uses the required safety equipment or facility provided in terms of this or any other 7) The provisions of this regulation shall not be construed as derogating from the provisions of any specific regulation prescribing specific safety equipment or facilities.
  - Subject to the provisions of subregulation (3), an employer or a user, as the case may be shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace. 2) Subject to the provisions of subregulation (3), no person at a workplace shall be under
  - the influence of or have in his or her possession or partake of or offer any other person intoxicating liquor or drugs. (3) An employer or a user, as the case may be, shall, in the case where a person is taking medicines, only allow such person to perform duties at the workplace if the side effects of such medicine do not constitute a threat to the health or safety of the person
- (1) The employer shall, in any workplace where there must be a health and safety f the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer or by a user at a workplace, the employer or user may, in lieu thereof, display a corresponding symbolic sign, as contained in a safety standard incorporated for this registered trade unions of that workplace in order to consult or bargain in good faith and conclude an agreement concerning the rpose into these regulations under section 44 of the Act, in which case the employer or user shall be deemed to have complied with such provisions.
  - Subject to section 8 of the Act, an employer or user, as the case may be, shall not permit a person to enter a workplace where the health or safety of such person is at risk or may be at risk, unless such person enters such workplace with the express or implied ermission of and subject to the conditions laid down by such employer or user Provided that such express or implied permission shall not apply in respect of a person ntitled by law to enter such workplace or premises. An employer or a user, as the case may be, shall, if he deems it necessary in the interes
  - 3 FIRST AID, EMERGENCY FOUIPMENT AND PROCEDURES ) An employer shall take all reasonable steps that are necessary under the circumstances, to ensure that persons at work receive prompt first aid treatment in case of injury or emergency. ) Where more than five employees are employed at a workplace, the employer of such employees shall provide a first aid box or boxes at or near the workplace which shall be available and accessible for the treatment of injured persons at that workplace. (a) Taking into account the type of injuries that are likely to occur at a workplace, the nature of the activities performed and the number of employees employed at such workplace, the employer shall make sure that the first aid box or boxes contemplated in sub-regula

(b) Such an employer shall make sure that only articles and equipment contemplated in

Where more than 10 employees are employed at a workplace, the employer of such

employees shall take steps to ensure that for every group of up to 50 employees at that workplace, or in the case of a shop or an office as contemplated in the Basic Conditions of

subregulation (a) or other similar equipment or medicine is kept in the first aid box or boxes.

- employment Act, 1983 (Act No. 3 of 1983), for every group of up to 100 employees, at least one person is readily available during normal working hours, who is in possession of a valid certificate of competency in first aid, issued by — (a) the SA Red Cross Society;
- An employer shall ensure that the designation of health and safety representatives is in (c) the SA First Aid League; or (d) a person or organisation approved by the chief inspector for this purpose. (a) within seven days of any incident referred to in section 24(1)(a) of the Act, give
- suffers the loss of a limb or part of a limb, or is otherwise injured or becomes ill to such a degree that he or she is likely either to die or to suffer a permanent physical defect, such incident, including any other incident contemplated in section emergency procedures which are necessary in the case of accidental leakage o dumping of such substances. 24(1)(b) and (c) of the Act, shall for thwith also be reported to the provincial director 6) An employer shall affix a prominent notice or sign in a conspicuous place at 2) If an injured person dies after notice of the incident in which he or she was injured wa
- given in terms of subregulation (1), the employer or user, as the case may be, shall forthwith notify the provincial director of his or her death. workplace where a substance contemplated in subregulation 5 is used, handled processed or manufactured, shall report such injury to his employer forthwith. The ) Whenever an incident arising out of or in connection with the activities of persons at employer may not permit such employee to continue working before the injury habeen cleaned with soap and water or with a diluted disinfectant. work occur to persons other than employees, the user, employer or self-employed person, as the case may be, shall forthwith notify the provincial director by facsimile or (8) Where an employee is exposed or can be exposed to a potential hazard of injury to the
  - immediate vicinity of the workplace of such employee and that the employee is trained amount of toxic, corrosive, high risk or similar hazardous substance, the employ concerned shall make sure that there is a fast-reacting deluge-shower with clean wate or a similar facility in the immediate vicinity of the workplace of such employee and tha
- Any registered medical practitioner shall, within 14 days of the examination of treatment of a person for a disease contemplated in section 25 of the Act, give notice No employer shall require or permit any person to, and no person shall, enter any place from or into which solid or particulate material is being discharged where a danger exi a person being engulfed by such solid or particulate material, unless — 5) Any other person not contemplated in this regulation may in writing give notice of any disease contemplated in section 25 of the Act, to the employer and chief inspector. (a) such a person is provided with and properly uses a safety belt and rope;
  - attendance outside such place to keep the persons therein under continuous observation in order to render assistance in case of emergency; and (c) the precautions prescribed by regulation 5 of these regulations are taken if dangerous gas, fumes, dust or vápour may be present in such a place.
  - egulation (1), to be investigated by the employer, a person appointed by him or by a health and safety representative or a member of a health and safety committee ded that suitable safety belts attached to the structure or any similar effectiv
- (1) An employee shall ensure that every ladder is constructed of sound material and is suitable for the purpose for which it is used, and workplace at its next meeting and shall ensure that necessary actions, as may be (a) is fitted with non-skid devices at the bottom ends and hooks or similar devices a the upper ends of the stiles which shall ensure the stability of the ladder during (b) is so lashed, held or secured whilst being used as to ensure the stability of the ladder under all conditions and at all times.
  - (ii) has rungs which have not been properly let into the stiles: Provided that in the case of welded ladder or ladders of which the rungs are bolted or riveted to the stiles, the rungs need not be let into the sides; or
  - (b) has damaged stiles, or damaged or missing rungs. No employer may permit that -(a) a ladder which is required to be leaned against an object for support be used which except with the approval of an inspector, the reach of a ladder be extended by
  - fastening together two or more ladders: Provided that the provisions of this subregulation shall not apply to extension of free-standing ladders. (4) In the case of wooden ladders the employer shall ensure that — (a) the ladders are constructed of straight grained wood, free from defects, and with the grain running in the length of the stiles and rungs; and
  - (5) When work is done from a ladder, the employer shall— (a) take special precautionary measures to prevent articles from falling off; and
  - (b) provide suitable sheaths or receptacles in which hand tools shall be kept when not 6) An employer shall ensure that a fixed ladder which exceeds 5 m in length and is attached to a vertical structure with an inclination to the horizontal level of 75 or more
  - (i) extends from a point not exceeding 2.5 m from the lower level to a height of at least 900 mm above the top level served by the ladder; and (ii) shall afford firm support along its whole length for the back of the person climbin
  - the ladder, and for which purpose no part of the cage shall be more than 700 mm away from the level of the rungs: Provided that the foregoing provisions of paragraph (b) shall nor apply if platform
  - 1) An employer shall ensure that every ramp -(a) is constructed in accordance with accepted technical standards;
  - <mark>employer shall ensure</mark> that every ramp —
  - the inclination is more than 14° or one vertical to four horizontal, is provided with stepping laths which — (i) are placed at suitable intervals; and (ii) extend the full width of the ramp: Provided that the stepping laths may be
  - (b) which is higher than 2 m and is provided on both sides with (i) substantial guard rails which are at least 900 mm and not exceeding 1 000 mm in i) toe-boards which are at least 150 mm high and so affixed that no open space
  - Description Wound cleaner/antiseptic (100 ml) Swabs for cleaning wounds Cotton wool for padding (100 g)
  - 1 pair of forceps (for splinters) 1 pair of scissors (minimum size 100 mm) 1 set of safety pins 4 triangular bandages 4 roller bandages (75 mm x 5m) 4 roller bandages (100 mm x 5m)
- 1 non-allergenic adhesive strip (25 mm x 3 m) 1 packet of adhesive dressing strips (minimum quantity, 10 assorted sizes) 4 first aid dressings (75 mm x 100 mm) concerned or other persons at such workplace. 4 first aid dressings (150 mm x 200 mm) 2 straight splints
  - 2 CPR mouth pieces or similar devices **2C.** ADMITTANCE OF PERSONS 1) In order to ensure that the provisions of the Act and these Regulations in relation to
- of health and safety, post up a notice at every entrance to a workplace prohibiting the entry of unauthorised persons to such workplace and no person shall enter or remain at such workplace without the permission of the employer or user, as the case may be.
  - (i) the sum of the power generated by machinery on or in the premises in question and the power derived from other sources, including the generation of steam for process purposes, exceeds 1200 kW, but is less than 3000 kW, the person designated in terms of subregulation (1) shall be a person as referred to i paragraph (b), (c) or (d) of the definition of "competent person"; referred to in paragraph (c) or (d) of the said definition

- (b) the St. John Ambulance:
- An employer shall at a workplace where a high risk substance or toxic, corrosive or sim hazardous substances are used, handled, processed or manufactured, ensure that the irst aid worker contemplated in subregulation (4) is trained in the first aid procedures that are necessary for the treatment of injuries that may result from such activities ncluding the acute detrimental effects of exposure to such substances, and in the
- workplace, indicating where the first aid box or boxes are kept as well as the name of the person in charge of such first aid box or boxes. ) An employee with an open wound, cut, sore or any similar injury, who works in a
- rough contact with a biological or chemical substance, the employer concerne shall make sure that there is an evewash fountain or any similar facilities, in the
- (9) Where an employee at a workplace is exposed or can be exposed to a potential hazard of injury to or absorption through the skin as a result of sudden contact with a large
- the employee is trained in the use thereof. No employer shall require or permit any person to work in an elevated position, and no person shall work in an elevated position, unless such work is performed safely from adder or scaffolding, or from a position where such person has been made as safe as if he
- (b) at least one other person who has been properly instructed, is and remains in
- Every employer shall provide, and cause to be used, suitable roof ladders or duck-boards o ling-boards for persons required to work on any roof that has an unsafe pitch o urface, or that is covered or is to be covered with material through which a person coul equipment may be used in place of roof-ladders, duck-boards or crawling boards or
- No employer shall use a ladder, or permit it to be used, if it— (a) (i) has rungs fastened to the stiles only by means of nails, screws, spikes or in like
- (b) the ladders are not painted or covered in any manner, unless it has been established
- that there are no cracks or other inherent weaknesses: Provided that ladders may be treated with oil or covered with clear varnish or wood preservative.
- (a) has its rungs at least 150 mm away from the structure to which the ladder is
- which are spaced not more than 8 m apart and suitable for persons to rest on, are
- (b) has a safety factor of at least two with respect to the load it is expected to carry Provided that the design makes sufficient provision for the load on the ramp as a result of the turning, braking and acceleration of vehicles, if the ramp is used for
- has an inclination to the horizontal level of not more than 34° or one vertical to one (a) the inclination of which renders additional foothold necessary, in every case where
- interrupted over a width not exceeding 230 mm to facilitate the movement of
- exists between the toe-board and the ramp. ANNEXURE - MINIMUM CONTENTS OF A FIRST AID BOX (REGULATION 3) In the case of shops and offices, the quantities stated under items 1, 8, 9, 10, 14, 15, 17, and Sterile gauze (minimum quantity 10)
- 1 roll of elastic adhesive (25 mm x 3 m)
- 2 pairs large and 2 pairs medium disposable latex gloves
- regulation, in writing designate a person in a full-time capacity in respect of every premises on or in which machinery is being used. 2) The chief inspector may, subject to such conditions as he may impose, permit a employer or user of machinery to designate more than one person in terms of 3) Subject to the provisions of this regulation, an employee designated in terms of

machinery are complied with, an employer or user of machinery shall, subject to the

(ii) any such sum is 3000 kW or more, the person so designated shall be a person as (b) For the purpose of paragraph (a), the power derived from the generation of steam by any particular boiler shall be calculated in kW by dividing the manufacturer's ated evaporative capacity (in kg of water per hour at 100°C) by 21 or, in the absence f any such rated evaporative capacity, by multiplying the heating surface of that

- referred to in paragraph (a) of the definition of "competent person" and registered as an installation electrician in terms of regulation 11 (1) of the Electrical Installation Regulations, promulgated under Government Notice R.2270 of 11 October 1985;
- (b) any such demand exceeds 3000 kVA, but is less than 10000 kVA the employee so designated shall be a person as referred to in paragraph (b), (c) or (d) of the said (c) any such demand is 10000 kVA or more, the employee so designated shall be a person as referred to in paragraph (c) or (d) of the said de
- Notwithstanding the provisions of subregulations (3) (4) and (5) the chief inspector may, subject to such conditions as he may impose, permit an employer or user of machinery to designate a person who holds any qualification other than that of a competent person in terms of subregulation ( (7) (a) An employer or user of machinery may designate one or more competent persons
- o assist a person designated in terms of subregulation (1): (b) The chief inspector may by written notice direct any employer or user of machiner to designate within the period specified in the notice the number of persons so specified holding the qualifications so specified to assist a person designated in terms of subregulation (1
- Except with the approval of an inspector, no person designated in terms of subregulations (1) or (7) shall supervise machinery on or in any premises other than the premises in respect of which he had been designated. ) When an employer or user of machinery designates a person referred to in subregulations (4) (a), (5) (b) or (c), he shall forthwith forward to the divisional inspector
- a copy of the letter of appointment of that person. (a) Notwithstanding the provisions of subregulation (1), no employer or user of machinery needs to designate a person in terms of that subregulation in respect of any elevator, goods elevator, escalator or electrical installation in any shop or office ergonomic risks; or on, or in, any domestic premises, any domestic appliance used as such, any machinery used in connection with building work, any vehicle or earth moving plant or any refrigeration, cooling, air-conditioning or freezing plant inspected and maintained by a duly qualified person in pursuance of an agreement entered into
- by any such employer or user of machinery. (b) The chief inspector may by written notice direct any employer or user of machines referred to in paragraph (á) to designate within the period specified in the notice a person holding the qualifications so specified in terms of subregulation (1). Any employer or user of machinery who applies for exemption from the provis this regulation under section 32 of the Act shall furnish the Minister with the following particulars, namely —
- (a) the grounds for the application; (b) the number of employees employed on or in the premises in question; (c) the nature of the work performed on or in the premises in question:
- (d) the number and type of incidents reported in terms of section 17 (1) of the Act during the preceding three years; (e) the safety management system in force in respect of the premises in question: and (f) such other particulars as the chief inspector may require. 2) Notwithstanding the provisions of this regulation, machinery required to be supervised by a person referred to in paragraph (b), (c) or (d) of the definition of exceeding one month in any continuous period of six months if it is due to
- circumstances beyond the control of the employer or user of machinery concerned or in the opinion of an inspector, impracticable to comply with the provisions of this shall in writing be designated to supervise the machinery in question during such

(1) Every employer or user of machinery shall —

used, and that it is installed, operated and maintained in such a manner as to prevent the exposure of persons to hazardous or potentially hazardous conditions ) in particular cause every exposed and dangerous part of machinery which is within the normal reach of a person to be effectively safeguarded by means of insulation, fencing, screening or guarding, except where an inspector has granted written permission for the omission of such safeguarding:

(a) ensure that all machinery used by him, is suitable for the purpose for which it is

- used; and (d) ensure that the quality of material used in, and the construction, of the machinery or safety equipment is suitable for the purpose for which it was intended (2) Where machinery constitutes a danger to persons, the employer or user of machinery concerned shall cause the premises in question to be enclosed, and where such premises are unattended the designated entrances to such premises shall be kept
- (3) Unless he has been authorised thereto by the employer or user of machinery, no persor shall remove any safety equipment which relates to the machinery in question. (1) An employer or user of machinery shall ensure that every person authorised to operate machinery is fully aware of the dangers attached thereto and is conversant with the precautionary méasures to be taken or observed to obviate such dangers.
- (2) If a person operates any machinery which requires constant attention in order to avoid accidents, he shall under no circumstances leave his post while such machinery is in operation, unless he is relieved by a person who is authorised and competent to operate such machinery. (3) An employer or user of machinery shall ensure that any machinery which requires constant attention in order to avoid accidents is under the supervision of a shiftsman,
- who shall at all times be present on the premises while such machinery is in operation and no person shall attend to or operate such machinery, except under the general supervision of a shiftsman. (4) No person supervising machinery and no person operating machinery shall, without the permission of his superior, authorise any other person to do his work. (5) If machinery threatens or is likely to threaten the safety of persons when it is unexpectedly set in motion or made electrically alive, the employer or user of
- ery concerned shall take all reasonable p ensure that such machinery cannot be so set in motion or made electrically alive, an any person intending to set such machinery in motion or make it electrically alive shal take all reasonable precautionary measures in order to ensure that the safety of a person is not threatened or likely to be threatened. (6) If machinery in operation threatens or is likely to threaten the safety of persons, the
- person supervising or operating such machinery or the employer or user of machinery concerned shall stop such machinery or cause it to be stopped. (1) No employer or user of machinery shall permit or require any person other than a competent person or a person who has been trained to the satisfaction of an inspector to do any work on or near moving or electrically alive machinery if such work may endanger him: Provided that this subregulation shall not apply in respect of the operation of machinery under the general supervision of a shifts man.
- An employer or user of machinery shall in respect of work performed on or machinery which is in motion or is electrically alive including the operation of such machinery, take all reasonable precautionary measures in order to ensure that persons who perform such work are not injured. Provided that an inspector may at any time require of the employer or user of machinery to take such further precautionary measures as that in spector may deem necessary in the interest of safety.

#### No person working in close proximity to moving machinery shall wear, or be permitted by the employer or user of machinery concerned to wear any loosely fitting outer clothing, any jewellery or ornament; any watch or key-chain, any long loose-hanging hair or anything which may be caught up in the moving parts of such machinery. 6. DEVICES TO START AND STOP MACHINERY

- (1) An employer or user of machinery shall provide devices to start and stop machinery, and (a) be in a position where they can readily and conveniently be reached by the person who operates such machinery; and (b) be so constructed and arranged as to prevent the accidental starting of such
- (2) An employer or user of machinery shall provide positive means for rendering the controls of machinery driven by an electric motor inoperative while repairs or adjustments are being made, and such means shall not only be the mere tripping of a (3) If machinery is simultaneously operated by two or more persons, the employer or user of machinery concerned shall provide such machinery –

(a) at every operation point with a stopping device which locks out when it is used and

- requiring manual resetting before such machinery can be restarted; and (b) with an audible warning device to be sounded before the machinery is set in motion: Provided that an inspector may grant written permission for alternative precautionary measures whereby the safety of those persons is ensured. 7. REPORTING OF INCIDENTS IN CONNECTION WITH MACHINERY
- Each incident in which (a) the fracture or failure of any part of machinery resulted in a falling or flying object (b) machinery ran out of control as a result of the failure of a control or safety or in such machinery or had been in the vicinity thereof; or

# shall be reported forthwith to an inspector by the employer or user of machinery (1) An employer or user of machinery who has any substance set out in column 1 of Schedule A of these Regulations or any mixture thereof, in a quantity which at any time

his premises in a single fixed storage vessel, shall forthwith notify the divisional

(c) the fracture or failure of any part of machinery in which gas is under pressure

) When the use of any substance referred to in subregulation (1) is discontinued, the employer or user of machinery shall forthwith notify the divisional inspector thereof in An employer or user of machinery shall furnish each person designated in terms of

is equal to or in excess of the quantity specified opposite that substance in colu

nspector thereof on the form set out in Schedule B of these Regulations.

thereunder.

(2) Any employer or user of machinery shall affix —

for use at a workplace.

(a) in respect of a boiler, a notice in the form set out in Schedule C to these Regulations; (b) in respect of any machinery other than a boiler, a notice in the form set out in b) make recommendations and submit reports to the chief inspector regarding any Schedule D to these Regulations, in both official languages and in legible form in a conspicuous place on or in the premises in question.

regulation 2 (1), free of charge, with a copy of the Act and the regulations made

#### 2. SCOPE OF APPLICATION These Regulations will apply to-(a) any employer or self-employed person who carries out work at a workplace, which

(b) a designer, manufacturer, importer or supplier of machinery, plant or work systems

(2) to be explained to all employees who are not conversant with an official language.

SUMMARY ERGONOMICS REGULATIONS, 2019

) If, in the case where machinery on or in the premises in question is used solely for the 3. INFORMATION, INSTRUCTION AND TRAINING (1) An employer must, after consultation with the health and safety committee (a) the maximum demand over any continuous period of 30 minutes is 3000 kVA or established in respect of a workplace under such employer's control or the health and less, the person designated in terms of sub-regulation (1) shall be a person as

may expose any person to ergonomic risks in that workplace; and

- safety representatives designated for that workplace or for different sections thereof, establish for all employees and mandatories or persons other than employees who may be affected or potentially exposed to ergonomic risks a training programme that
- ncorporates the following: (a) the content and scope of these Regulations; (b) the potential sources of exposure to ergonomic risks:
- (c) the nature of ergonomic risks: (d) the potential risk to health associated with ergonomic risks;
- (e) the control measures that are in place to prevent exposure to ergonomic risks; (f) the procedure for reporting ergonomic risks to the health and safety representative (g) the precautions to be taken by an employee to protect himself or herself against
- ergonomic risks; and (h) the assessment of exposure, the necessity for medical surveillance and the longterm benefits of undergoing such surveillance. The employer must conduct the training contemplated in subregulation (1) prior to the
- placement of the relevant employee in the workplace. . The employer must conduct refresher training at intervals that may be recommended by the health and safety committee or the health and safety representative. 4. DUTIES OF PERSONS WHO MAY BE AT RISK OF EXPOSURE TO ERGONOMIC RISKS
- Any person who is exposed or may be exposed to ergonomic risks must obey any lawful instruction given to him or her by the employer or self-employed person or by anyone authorised by the employer or self-employed person, regarding-(a) the use of measures adopted to control ergonomic risks:
- (b) cooperation with the employer in determining the employee's exposure to (c) the reporting of potential ergonomic risks to the health and safety representative or
- (d) reporting for medical surveillance as required by regulation 8; and (e) information, instruction and training received as contemplated in regulation 3 5. DUTIES OF DESIGNERS, MANUFACTURERS, IMPORTERS AND SUPPLIERS Any designer, manufacturer, importer or supplier of machinery, plant or work systems for
- (a) as far as is reasonably practicable, ensure that machinery, plant or work systems (b) as far as is reasonably practicable, supply machinery, plant or work systems that can be transported, received, stored and handled in a manner that optimises human
- well-being and overall system performance; (c) provide information, instruction and training as deemed necessary to allow potential users to achieve optimal human well-being and overall system performance during use of machinery, plant or work systems; (d) as far as is reasonably practicable, install machinery, plant or work systems to
- achieve optimal human well-being and overall system performance; and (e) provide information to potential users on the appropriate maintenance of machinery, plant or work systems to ensure safe operation and use. (a) An employer must, before the commencement of any work that may expose employees to ergonomic risks, have an ergonomic risk assessment performed by a
- (b) The ergonomic risk assessment contemplated in paragraph (a) must be performed after consultation with the health and safety committee established in respect of a workplace under the employer's control or the health and safety representatives designated for that workplace or for different sections thereof. The ergonomic risk assessment contemplated in subregulation (1) must-

competent person.

(d) there has been a change in-

- (a) be conducted at intervals not exceeding two years; and (b) include-(i) a complete hazard identification; (ii) the identification of all persons who may be affected by the ergonomic risks;
- (iii) how employees may be affected by the ergonomic risks: (iv) the analysis and evaluation of the ergonomic risks; and (v) the prioritisation of ergonomic risks. ensure that all safety equipment is kept in a good working condition and is properly An employer must review the relevant ergonomic risk assessment made in accordance
  - with subrégulation (1) if-(a) such assessment is no longer valid; (b) control measures are no longer effective; (c) technological or scientific advances allow for more effective control methods;
  - (i) the work methods: (ii) the type of work carried out; or (iii) the type of equipment used to control the exposure; and (e) an incident occurs or medical surveillance reveals an adverse health effect, where
  - $ergonomic {\it risks} \, are \, identified \, as \, a \, contributing \, factor. \,$ An employer or self-employed person must ensure that the exposure of a person to ergonomic risks is prevented or, where this is not reasonably practicable, adequately controlled.
  - (2) In order to comply with subregulation (1) an employer or self-employed person must as far as is reasonably practicable, remove or reduce exposure to ergonomic risks by implementing control measures in accordance with the hierarchy of controls. 8. MEDICAL SURVEILLANCE An employer must ensure that an employee is placed under medical surveillance, which is overseen by an occupational medicine practitioner, if—

(a) the ergonomic risk assessment referred to in regulation 6 indicates the need for the

(b) an occupational health practitioner recommends that relevant employees must be wnich case the emp medicine practitioner to ratify the appropriateness of such recommendation  $\Omega$  ) An employer must ensure that the medical surveillance contemplated in subregulation (a) in the case of a new employee, an initial health examination before the employee commences employment or within 30 days of commencement of such employment;

employee to be placed under medical surveillance; or

- (b) a periodic health examination informed by the ergonomic risk assessment, at ntervals specified by an occupational mediciné practitioner, but not exceeding two vears: and (c) an exit health examination informed by the ergonomic risk assessment.
- Every employer or self-employed person must, as far as is reasonably practicable, ensure that any control provided for the benefit of employees (a) complies with these Regulations; (b) is fully and appropriately implemented; and (c) is maintained in good working order.
- 10. RECORDS (1) An employer or self-employed person must– (a) keep records of documents contemplated in regulations 3, 6, 7, 8(2) and 9; (b) keep records for a minimum period of – (i) 40 years for records contemplated in regulations 6 and 8(2);
- (ii) three years for records contemplated in regulations 7 and 9; (iii) the length of time the employee remains at the workplace for records
- (i) the relevant health and safety representative, health and safety committee or to an inspector, the records contemplated in regulations 3, 6, 7 and 9; (ii) any person, the records contemplated in regulation 8(2), subject to formal written consent of the employee. (a) If the employer ceases activities, the employer must hand over or forward by registered post all records to the relevant chief director: provincial operations.

(b) The records referred to in paragraph (a) must contain at least the following

(i) surname and forenames; (ii) aender: (iii) date of birth; (iv) name of spouse or closest relative; and

(v) where available, permanent residential address and postal code.

epartment of Employment and Labour;

The chief inspector –

- The chief inspector must, after consultation with the Minister, establish an ergonomics health and safety technical committee which must consist of – b) two persons designated by the chief inspector from the employees of the
- three persons designated by employer's organisations to represent employers; (d) three persons designated by employees' organisations to represent the federation (e) one person to represent a professional body recognised by the chief inspector; (f) persons who are competent in respect of the matters to be dealt with by the
- ergonomics health and safety technical committee who have been co-opted by the committee with the authorisation of the chief inspector; (g) one person from the field of ergonomics representing a higher educational institution; and (h) one person representing occupational medicine.
- (a) must appoint members of the ergonomics health and safety technical committee for a period that he or she may determine at the time of the appointment; b) may, after having afforded a member a reasonable opportunity to respond, discharge such a member at any time, for reasons that are fair and just; and
- (c) may appoint a new member in the place of a member who is discharged in terms of The ergonomics health and safety technical committee must (a) advise the chief inspector on ergonomics related matters, including, but not limited to, codes, standard's and training requirements
- (c) advise the chief inspector regarding any matter referred to the ergonomics health and safety technical committee by the chief inspector; (3) Any employer or user of machinery shall cause any notice referred to in subregulation (d) perform any other function for the administration of a provision of these Regulations that may be requested by the chiefinspector; and (e) conduct its work in accordance with the instructions and rules of conduct framed

matter to which these Regulations apply;

by the chief in spector.

