



Advanced Occupational Health and Safety Act

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CODE OF CONDUCT FOR PROSPECTIVE, EXISTING AND PAST STUDENTS

GENERAL

Students are expected and required to conduct themselves in accordance with accepted standards of social behaviour, to respect the rights of others, and to refrain from any conduct which tends to obstruct the work of NOSA or its employees or to be injurious to NOSA or its employees. The word “student”, refers to prospective, existing and/or past students.

MISCONDUCT

The follow actions, inter alia, constitute misconduct:

- a) Dishonesty, in connection with any NOSA activity. Acts of dishonesty include, but are not limited to:
 - The commitment of the acts of cheating, lying, stealing and deceit in any of their diverse forms is dishonest.
 - Cheating, plagiarism or other forms of academic dishonesty.
 - Knowingly furnishing false information to NOSA.
 - Knowingly aiding and abetting, directly or indirectly, other parties in committing dishonest acts is in itself
 - Dishonest.
 - Forgery, alteration or the unauthorised use of NOSA documents, records or identification.
 - Bribery or intimidation in relation to results of competency.
- b) Obstruction or disruption of any NOSA activity, or inciting, aiding or encouraging other persons to engage in such conduct.
- c) Physical or verbal abuse, threats, intimidation, harassment, coercion of any person and/or other conduct which threatens or endangers the health and safety of any other person, whether or not such conduct occurs on NOSA property.
- d) Theft or attempted theft of, or the unauthorised use or possession of, or the unauthorised exertion of control over, or causing damage to property of any kind belonging to NOSA, a member of NOSA, a visitor, or a person participating in a NOSA activity.
- e) Unauthorised entry or access to, or unauthorised use or occupancy of, any NOSA property.
- f) Use, possession, or distribution of narcotics or dangerous drugs, except as expressly permitted by law.
- g) Lewd, indecent, or obscene conduct or expression on NOSA property or in connection with a NOSA activity.
- h) Attempting to influence the impartiality of a member of NOSA.
- i) Deliberate destruction of, damage to, malicious use of, or abuse of property, wherever located, or the deliberate destruction, damage to or malicious use of public or private property.
- j) Any conduct which substantially threatens or interferes with the maintenance of appropriate order and discipline.
- k) The possession or use of alcoholic beverages in or on any NOSA property.
- l) The possession, use, or distribution of any explosives, guns, or other deadly or dangerous weapons.
- m) Actions which unreasonably interfere, obstruct or prevent the regular and essential operations of NOSA or infringe upon the rights of others to freely participate in its programs and services.
- n) Misconduct also includes, but is not limited to:
 - Being openly disruptive.
 - Engaging in verbal outbursts, and talking loudly to classmates independent of class discussion.
 - Talking in an openly abusive manner or disrespectful manner to the facilitator and/or to classmates.
 - Disregarding verbal and/or written instruction relative to expected conduct during classroom instruction.
 - Initiating or participating in inappropriate conduct that disrupts classroom activities.
 - Using any device to cause disturbance inside or outside the classroom during instruction.

SANCTIONS

The following sanctions may be imposed upon any student found to have violated the student code of conduct:

- a) Warning. Issuance of a written warning, admonition or reprimand.
- b) Restitution. Required reimbursement for damages to or misappropriation of property.
- c) Denial of access. Denial of rights to access NOSA premises or areas where NOSA conducts its activities, either permanently or for a specified period of time.
- d) Suspension. Denial of enrolment for a specified period of time after which the student is eligible to return, under specified conditions for re-enrolment.
- e) Expulsion. Permanent denial of enrolment at NOSA.
- f) Revocation of admission. Admission to a learning programme may be revoked for fraud, misrepresentation, or other violation of NOSA standards.
- g) Where appropriate, charges may be laid against students, or any person aiding or abetting a student in activities that violate the code of conduct.
- h) Certificates may be withheld should students not comply with NOSA requirements, such as, but not limited to, not making payments and not submitting required documentation.

Please sign the relevant section.

MODULE 1: LEGISLATION

SPECIFIC OUTCOME 1: DEMONSTRATE KNOWLEDGE AND UNDERSTANDING OF THE BASIC PRINCIPLES OF THE RELEVANT LEGISLATION

LEGISLATION

Legislation is law passed by a legislature or other governing body, i.e. a body of representatives that have been democratically or otherwise elected or appointed. This statutory law must be promulgated (enacted) by the given legislature and, thereafter, and in accordance with a prescribed date for promulgation and other legal requirements (for example, the assenting by the State President to an Act passed by the national legislature), it becomes binding law. 'Acts of Parliament', i.e. passed by the national legislature that sits in Cape Town, are not the only examples of legislation in South Africa. Legislation can also be enacted by the respective legislatures at the various provincial and municipal/metropolitan levels.

PRINCIPLES

The Occupational Health and Safety Act No 85 of 1993, is based on the Reasonable Person Principle which requires the employer to bring about and maintain, **as far as reasonably practicable**, a work environment that is safe and without risk to the health and safety of the workers. The emphasis on 'reasonably practicable' has its origins in the English legal principle of the 'reasonable person test', i.e. whereby a given act or omission is assessed against an assumption of what the 'reasonable' (ordinary and sane) person would have logically and most probably have done in the same situation.

However, it is not expected of the employer to take sole responsibility for health and safety in the workplace. The Act is also based on the principle that dangers in the workplace must be addressed through communication and cooperation between the workers and the employer. The workers and the employer must share the responsibility for health and safety in the workplace. Both parties must pro-actively identify dangers and develop control measures to make the workplace safe.

LIABILITY

Liability is legal responsibility, or responsibility before the law. Under law, liability can be incurred by either a 'natural person' (i.e. any Human being) or a 'legal' or 'juristic person' (i.e. a non-natural entity that exists only due to its legal persona, e.g. any corporation or private company or a government department or parastatal). Liability can be for either an act (what was done) or an omission (what was not done). In theory, all 'persons', whether natural or juristic, should be equal before the law.

CRIMINAL VS. CIVIL LIABILITY

There are different types of liability. Context is everything. In South African law, we can identify two main types of liability, namely:

- a) criminal liability (public law); and
- b) civil liability (private law).

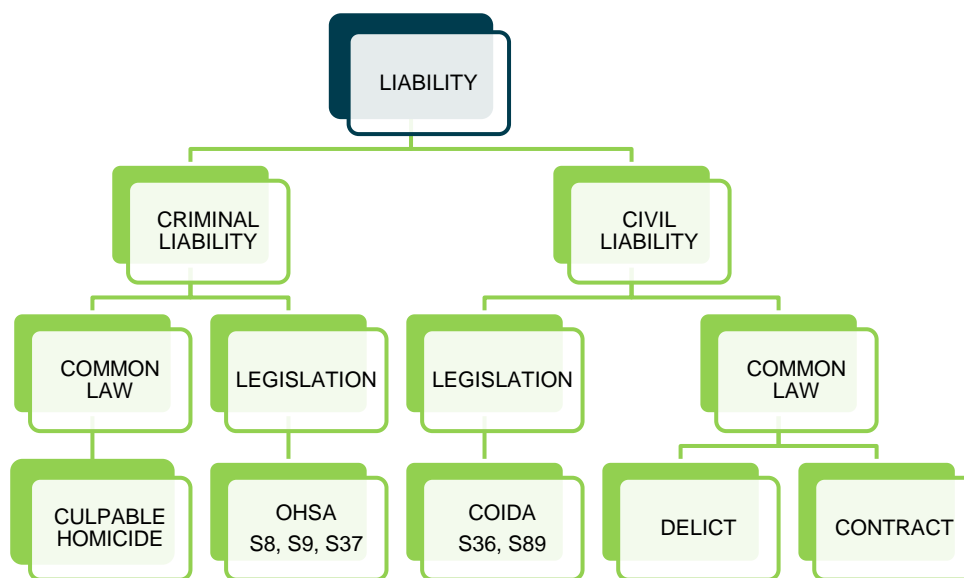
CRIMINAL LIABILITY

Criminal liability falls within the ambit of public law. In South Africa, the National Prosecution Authority (NPA), on behalf of the State, charges a subject (which can be either a natural person or a juristic/legal person) with a crime. One can incur either statutory or common law criminal liability.

CIVIL LIABILITY

Civil liability falls within the ambit of private law. Civil liability arises between two or more subjects or parties, whereby they litigate against each other. Where a person, for example, sues the Department of Safety and Security for wrongful arrest, it is still civil liability, although one of the parties is the State. The general rule is that the victim must bear his/her own harm.

The exception is much more common, whereby you can hold someone else responsible for the harm that you suffer, on the grounds of delict or contract. One can incur either statutory or common law civil liability.



COMMON LAW CRIMINAL LIABILITY

An example of common law criminal liability is culpable homicide, which involves the illegal killing of a person, either with or without an intention to kill, depending upon how a particular jurisdiction has defined the offence. It has its origins in Scottish law rather than English Law. In South Africa, culpable homicide has been defined as “the unlawful negligent killing of a human being.”

LEGAL PARAMETERS	CRIMINAL LIABILITY	CIVIL LIABILITY
LIABILITY TYPE	Public	Private
LEGAL ENTITIES	State is always the prosecuting authority (after all, only the State has the power to charge someone with a crime and send them to jail)	Action between two parties, whether the parties are natural or juristic persons or a combination of both
BURDEN OF PROOF	Beyond a reasonable doubt	On a balance of probabilities

LEGAL PARAMETERS	CRIMINAL LIABILITY	CIVIL LIABILITY
PENALTY INCURRED	Jail time or a fine or both	Damages (these are usually in monetary terms, although damages can also be in the form of restitution, i.e. where one party is ordered to rectify a given wrong or provide other means of non-financial redress to the other aggrieved party)

PROOF OF LIABILITY

Whether it is a criminal or a civil matter, liability or legal fault must be proven in order for a prosecution or legal action to be successful. One of the most important elements in proving liability is that of intent, i.e. a conscious decision to commit a given act or omission, e.g. the conscious intent to commit murder or the conscious intent to pollute a river. Where there appears to be a lack of intent, then the burden of proof would require either negligence or recklessness to be proven. Negligence is where a person did not take the necessary care that a reasonable person would have taken in the same circumstances, e.g. a supervisor not ensuring that a worker is using their safety harness while working at height.

Recklessness is where an accused is actually aware of the potentially adverse consequences of his or her actions, but decides to act in a manner that exposes a particular or unknown individual to the risk of suffering the foreseen harm but not actually desiring that the victim be hurt, e.g. a person speeding in a car may not have the intent to kill their passenger, but the excessive speed would be likely to cause an accident and, as such, the driver could be held liable for the death of a passenger due to their dangerous (reckless) speeding.

OTHER IMPORTANT TYPES OF LIABILITY

LEGISLATIVE LIABILITY

Legislation can incur liability upon a natural person, a juristic person or upon both. This liability can be either criminal or civil and the penalties incurred may either be prescribed by the legislation or be at the discretion of the court (i.e. the judge or judges presiding over the case). As is the case in many other countries, occupational health and safety legislation in South Africa is at times reliant on self-regulation. The law is not always prescriptive and thus the inference is that the employer must make and enforce its own rules in the interest of health and safety in the workplace.

That is not to say that all occupational health and safety law in South Africa is non-prescriptive: for example, the occupational exposure limits (OELs) for asbestos, lead, noise and many hazardous chemicals are expressly prescribed in the relevant Regulations to the Occupational Health and Safety Act No. 85 of 1993, (OHS Act).

The Act is also very specific on many appointments required, the role of the CEO in ensuring occupational health and safety, the number of health and safety representatives in a given industry type, and so forth. The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 (COID Act) could also be considered prescriptive in what it procedurally prescribes once an occupational injury, disease or death has occurred. Environmental law in South Africa has become far more prescriptive in the years following the promulgation of the National Environmental Management Act No. 107 of 1998 (NEMA) and the National Water Act No. 36 of 1998 (NWA). Although not as procedurally rigid as the COID Act or parts of

the OHS Act, environmental law has tightened up with regard to general environmental management, pollution prevention and management, air pollution, waste management, environmental impact assessments and biodiversity. In keeping with international trends, South African environmental law will no doubt become even more prescriptive and less self-regulatory in the years to come.

PERSONAL LIABILITY

This is whereby liability rests upon an individual. Various legislative provisions make individuals personally liable for contraventions. In terms of the OHS Act, for example, the following sections are relevant:

- Section 8: General duties of employers to their employees.
- Section 14: General duties of employees at work.
- Section 16: Chief executive officer charged with certain duties.
- Section 37: Acts or omissions by employees or mandataries.

In terms of the COIDA Act, the following section is relevant:

- Section 87: Failure to pay assessment or other moneys.

The majority of the OHS Act's provisions are aimed at the employer, which points to corporate liability as opposed to individual liability. The above sections, however, seem to give the prosecution the choice whether to prosecute the corporation or the individual.

Personal liability in respect of the environment can be established in terms of NEMA:

- Section 33: Private prosecution (reference made to Sections 9-17 of the Criminal Procedure Act 51 of 1977).
- Section 34: Criminal proceedings.

In terms of the NWA:

- Section 154: Offences in relation to employer and employee relationships.

VICARIOUS LIABILITY

This liability is incurred when one party is held liable for the acts or omissions of another party. Before the evolution of juristic persons, it is obvious that liabilities could only affix to natural persons. The development of corporations as separate legal entities with their own rights, obligations and liabilities necessitated the principle of vicarious liability, whereby corporations can be held liable for the acts and omissions of their employees. In certain cases, top executives or management can be held both personally and vicariously responsible for an act or omission of another, because they are said to be agents or representatives of the given corporation or entity.

JOINT AND SEVERAL LIABILITY

More than one party can be held liable for a given offence. Parties can be held liable both together as a group (jointly) and individually (known legally as severally). Different parties may be ascribed different penalties for the same offence, in accordance with their levels of culpability. This is normally at the discretion of the regulatory body or, should the offence be prosecuted (in a criminal trial) or actioned (in a civil suit), by the presiding court. The concept of joint and several liability has been particularly used within environmental law, which makes sense given that there can often be more than one offending party for a given environmental offence or harm.

STRICT LIABILITY

In this type of liability, there is no need to prove intent for a person's acts or omissions in order to make them liable. Committing the act or omission is *de facto* culpability. Strict liability applies in both criminal and civil law. Even being genuinely ignorant that one has broken the law is not a valid excuse from liability, e.g. driving at 80km per hour in an area with which one is unfamiliar, where the speed limit is set at 60km, would not prevent one from getting a fine.

LEGAL COMPLIANCE AND CORPORATE GOVERNANCE

WHAT IS THE PURPOSE OF LEGISLATION?

Legislation is law which has been promulgated by a legislature or other governing body, or the process of making it. The purpose of legislation is to make laws which satisfy ideals of justice and democracy and help keep society organised. The Occupational Health and Safety Act was developed to:

- safeguard the health and safety of persons at work;
- provide for the health and safety of persons in connection with the use of plant and machinery;
- protect persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; and
- to establish an advisory council for occupational health and safety.

Legal compliance

means conforming to stated legal requirements. At an organisational level, it is achieved through management processes which identify the applicable requirements, assess the state of compliance, assess the risks and potential costs of non-compliance, and hence prioritise, fund and initiate any corrective actions deemed necessary.

Corporate governance

refers to the way in which organisations are managed and controlled. It encompasses compliance with all legislative requirements relevant to an organisation and thus, legal compliance is imperative to good corporate governance.

THE OHS ACT AND REGULATIONS

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

The Act was promulgated to provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to establish an advisory council for occupational health and safety; and to provide for matters connected therewith.

The Occupational Health and Safety Act of 1993 (Act 85 of 1993) consists of 50 sections promulgated by Parliament. The act contains general provisions on occupational health and safety. Various regulations, on specific topics, fall under the Act. While the Act states what should be done in terms of occupational health and safety, the regulations provide detailed guidance on how to achieve good health and safety performance for specific issues.

NB – OHS Act provisions on duties of employer/CEO, employees and SHE Representatives are covered in the next module.

OHS ACT SECTION 3: FUNCTIONS OF COUNCIL

(1) An Advisory Council established by the Minister of the Department of Labour shall:

- a) advise the Minister with regard to
 - i. matters of policy arising out of or in connection with the application of the provisions of this Act;
 - ii. any matter relating to occupational health and safety; and
- b) perform the functions assigned to it by this Act or referred to it by the Minister.

(2) The Council may:

- a) with a view to the performance of its functions, do such research and conduct such investigations as it may deem necessary;
- b) make rules relating to the calling of meetings of the Council, the determining of a quorum for and the procedure at such meetings, and generally relating to all matters which may be necessary for the effective performance of the functions of the Council or, subject to section 6, of a technical committee;
- c) advise the Department concerning:
 - i. the formulation and publication of standards, specifications or other forms of guidance for the purpose of assisting employers, employees and users to maintain appropriate standards of occupational health and safety;
 - ii. the promotion of education and training in occupational health and safety; and
 - iii. the collection and dissemination of information on occupational health and safety.

(3) The Council may, for the purposes of the performance of any of its functions, with the approval of the Minister, and with the concurrence of the Minister of State Expenditure, enter into an agreement for the performance of a particular act or particular work or for the rendering of a particular service, on such conditions and at such remuneration as may be agreed upon, with anybody who in the opinion of the Council is fit to perform such act or work or to render such service.

(4) Subject to the laws governing the Public Service, the Minister shall provide the Council with such personnel as he may deem necessary for the effective performance of the functions of the Council, and such persons shall perform their functions subject to the control and directions of the chief inspector.

The Council may with the approval of the Minister establish one or more technical committees to advise the Council on any matter regarding the performance by the Council of its functions.

A member of a technical committee shall be appointed by the Council by reason of his knowledge of the matter for which the committee is established, and such a member need not be a member of the Council.

A meeting of a technical committee shall be held at such time and place as may be determined by the chairman of the Council, and in accordance with rules approved by the Council.

A member of a technical committee who is not an officer may be paid from money appropriated for such purpose by Parliament such allowances as the Minister may determine with the concurrence of the Minister of State Expenditure.

ENFORCEMENT OF THE OHS ACT

DESIGNATION OF CHIEF INSPECTOR AND OTHER INSPECTORS

The Occupational Health and Safety Act Section 27 provides for designation of a chief inspector by the Minister of the Department of Employment and Labour. In order to ensure the health and safety of workers, provincial offices have been established in all the provinces. To this end, occupational health and safety inspectors, designated under the Occupational Health and Safety Act Section 28, from these provincial offices carry out inspections and investigations at workplaces. Detailed functions of inspectors are provided for under Occupational Health and Safety Act Section 29.

INSPECTIONS

Inspections are usually planned on the basis of accident statistics, the presence of hazardous substances, such as the use of benzene in laundries, or the use of dangerous machinery in the workplace. Unplanned inspections, on the other hand, usually arise from requests or complaints by workers, employers, or members of the public. These complaints or requests are treated confidentially.

POWERS OF INSPECTORS

If an inspector finds dangerous or adverse conditions at the workplace, he or she may set requirements to the employer in the following ways:

- **Prohibition notice:** In the case of threatening danger, an inspector may prohibit a particular action, process, or the use of a machine or equipment, by means of a prohibition notice. No person may disregard the contents of such a notice and compliance must take place with immediate effect.
- **Contravention notice:** If a provision of a regulation is contravened, the inspector may serve a contravention notice on the workers or the employer. A contravention of the Act can result in immediate prosecution, but in the case of a contravention of a regulation, the employer may be given the opportunity to correct the contravention within a time limit specified in the notice, which is usually 60 days.
- **Improvement notice:** Where the health and safety measures which the employer has instituted do not satisfactorily protect the health and safety of the workers, the inspector may require the employer to bring about more effective measures. An improvement notice which prescribes the corrective measures is then served on the employer.
- **Other powers:** To enable the inspector to carry out his or her duties, he or she may enter any workplace or premises where machinery or hazardous substances are being used and question or serve a summons on persons to appear before him or her. The inspector may request that any documents be submitted to him or her, investigate and make copies of the documents, and demand an explanation about any entries in such documents. The inspector may also inspect any condition or article and take samples of it, and seize any article that may serve as evidence.

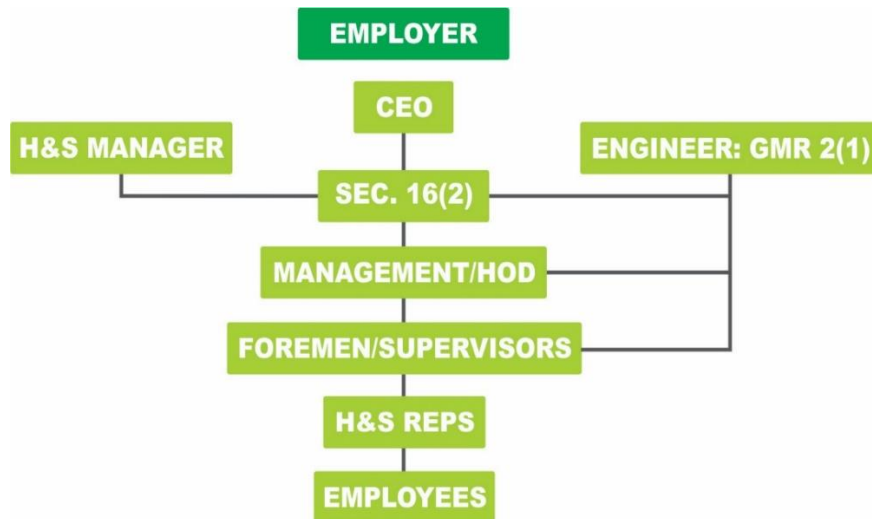
Note: The above-mentioned powers of inspectors are not absolute. Any person who disagrees with any decision taken by an inspector may appeal against that decision by writing to the chief inspector.

MODULE 2: APPOINTMENTS AND RESPONSIBILITIES

SPECIFIC OUTCOME 2: Explain the requirements for compliance as stipulated in the current legislation.

OHS ACT APPOINTMENTS AND RESPONSIBILITIES

THE BASIC OHS STRUCTURE



DUTIES OF THE EMPLOYER

The predominant emphasis on duties and responsibilities and, therefore, potential liability, within the OHS Act is clearly on the employer.

Section 8 of the OHS Act determines that every employer must, as far as is reasonably practicable, provide and maintain a workplace that is safe and without risk to the health of the employee. The term “reasonably practicable” is defined in the Act as meaning that appropriate steps must be taken, taking into account:

- the severity and scope of the hazard or risk concerned;
- the knowledge that is reasonably available on the risk or hazard and the means of removing or mitigating the hazard or risk;
- suitability and availability of the means to remove or mitigate the hazard or risk; and
- the costs involved in relation to the benefits.

Section 9 of the OHS Act determines that an employer has a duty towards persons other than employees to ensure that these non-employees are not exposed to hazards to their health and safety while on the employer’s site.

This is of utmost importance, because it extends the ambit of the OHS Act to people other than employees. Non-employees, which can include members of the public, can be exposed to the health and safety risks that arise from the activities and processes from a given site.

DUTIES OF THE CHIEF EXECUTIVE OFFICER

While corporations are juristic persons, they need natural persons to perform functions on their behalf. Corporations cannot perform risk assessments, give health and safety training and issue personal protective equipment. So, the question is whose task (and liability for failing to perform the task) is it to fulfil the requirements of the OHS Act? The legislator provides the CEO with a means to address this

responsibility through an appointment – the section 16 (2). The purpose of this section is to compel the CEO to ensure compliance with the OHS Act by his employer, although he may delegate his duties.

Remember: **the CEO remains ultimately responsible and accountable.**

There are also other appointments that are required in terms of the Regulations to the Act, as set out below. The Regulations do not stipulate that these people would be personally liable if the related duties are not discharged, but the appointment would be fairly useless if this is not the case. It can therefore be assumed that a construction supervisor could be personally liable if there is a construction-related injury, for example.

SECTION 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.

THE CEO

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.

DUTIES OF EMPLOYEES

Section 14 of the OHS Act covers the general duties of employees at work with respect to safety and health in the workplace. Just as it is the duty of the employer to provide suitable training, the employees have a corresponding duty to attend all scheduled health and safety training and ask for further training or assistance in any areas that are possibly not understood. Safety and health in the workplace entail that both the employer and employee share the responsibility for preventing incidents which could result in injury or occupational illness, disease or death.

In their workplace, employees must:

- be aware of and understand all the hazards and risks associated with their job and work area;
- cooperate and carry out all instructions given to prevent any incidents related to health and safety;
- follow safe work procedures as identified and implemented by the employer, for any hazardous tasks;
- report any high-risk conditions to the Health and Safety Representative (OHS Rep) as soon as possible;
- the OHS Rep in turn should report these to the employer;
- report any incident (an injury or anything which may affect health), to the OHS Rep as soon as possible, or before the end of the shift;
- assist the employer to establish and maintain a healthy and safe working environment.

Every employee has the responsibility and duty to take reasonable care of his or her own safety and health, as well as the safety and health of any other person who may be affected by his or her acts or omissions.

OHS 17 HEALTH AND SAFETY REPRESENTATIVES (OHS REPS)

OHS Reps are full-time workers nominated or elected and designated in writing by the employer after the employer and workers consulted one another and reached an agreement about who will be health and safety representatives. Further they must at least be familiar with the circumstances and conditions at that part of the workplace for which they are designated. Agreement must also be reached on the period of office and functions of the health and safety representative and must be settled among the employer and the workers.

How many health and safety representatives must be designated?

A representative must be designated for every workplace consisting of 20 or more workers. Therefore, where only 19 workers are employed, it is not necessary to designate a representative. In the case of shops and offices, one representative must be designated for every 100 workers or part thereof. For example, one representative must be designated in the case of 21 to 100 workers. But two representatives must be designated where 101 to 200 workers are employed, etc. In the case of other workplaces, one representative must be designated for every 50 workers or part thereof. For example, one representative must be designated in the case of 21 to 50 workers. But two representatives must be designated where 51 to 100 workers are employed.

Depending on circumstances, an inspector may require the designation of more representatives, even in the case where the number of workers is less than 20. For example, the layout of a plant may be of such a nature that the designation of only one representative for 50 workers is insufficient. The inspector may then require the designation of more representatives. However, if the employer and workers so agree, more than the prescribed number of representatives may be designated.

When must health and safety representatives be designated?

Within four months after the commencement of the employer's business. An employer with more than 20 workers, whose business is operative for less than four months, does not have to designate representatives. In the case where, for example, seasonal workers are employed on farms, causing the number of workers to exceed 20 for a period less than four months, the designation of representatives is also not necessary.

When must health and safety representatives perform their activities?

All activities regarding the designation, function and training of representatives must be performed during normal working hours.

What may health and safety representatives do?

Health and safety representatives are entitled to do the following:

HEALTH AND SAFETY AUDITS

Representatives may check the effectiveness of health and safety measures by means of health and safety audits.

- **Identify potential dangers:** Representatives may identify potential dangers in the workplace and report them to the health and safety committee or the employer.
- **Investigate incidents:** Representatives may, together with the employer, investigate incidents, investigate complaints from workers regarding health and safety matters, and report about it in writing.
- **Make representations:** Representatives may make representations regarding the safety of the workplace to the employer or the health and safety committee or, where the representations are unsuccessful, to an inspector.
- **Inspections:** As far as inspections are concerned, representatives may:
 - inspect the workplace after notifying the employer of the inspection;
 - participate in discussions with inspectors at the workplace and accompany inspectors on inspections;
 - inspect documents;
 - with the consent of his/her employer, be accompanied by a technical advisor during an inspection.

ATTEND COMMITTEE MEETINGS

Representatives may attend health and safety committee meetings.

ACTIVITY 2A: COMPLETE THE TABLE BELOW

DESIGNATION	DUTY	TRUE/FALSE
EMPLOYER	Designate OHS Rep appointment in writing	
EMPLOYEE	Attend health and safety committee meetings	
OHS REP	Discharge duties of the employer	
CEO	Assign OHS duties to persons under his control	

OTHER OHS ACT APPOINTMENTS

SECTION/ REGULATION	APPOINTMENT	RESPONSIBLE PERSON	COMPETENCY REQUIREMENTS
OHSA 16(2)	Assignment by CEO	CEO	(Express or implied)
OHSA 17	Health and Safety Representative	Employer	(Express or implied)
OHSA 19	OHS Committee	Employer	(Express or implied)
GMR 2(1)	Machinery supervisor	Employer	See definition of competent person in relation to machinery (GMR1 – definitions)
LEPCR 6(1)	Person or firm to inspect lifts	User	Refers back GMR 1 definition

SECTION/ REGULATION	APPOINTMENT	RESPONSIBLE PERSON	COMPETENCY REQUIREMENTS
PER 11	Stream generator/pressure vessel inspector	User	Approved inspection authority or competent person by virtue of training, knowledge and experience in operation, maintenance, inspection and testing
PER 19(2)	Someone to fill, recharge, recondition, modify, inspect or test portable fire extinguishers	User	Authorised person employed by a permit holder
GSR 8(1) (a)	Stacking supervisor	Employer	Holder of a permit issued by SABS in terms of SABS 1475
DMR 17(2)	Goods hoist inspector	User	Person with knowledge and experience of erection and maintenance of goods hoist
DMR 18 (5)	Inspector of lifting machinery, lifting tackle and forklifts	User	Knowledge and experience of the erection and maintenance of the machine
DMR 18 (11)	Operator of lifting machinery, lifting tackle and forklifts	User	Specifically trained for the type of lifting machine Certificate of training by approved person/authority for: - Lift trucks lifting capacity > 750kg - Jib cranes lifting capacity > 5000kg
EMR 9 (8)	Inspector of classified electrical equipment	User	Person competent to express an opinion on the safety of electrical machinery in a hazardous location
EIR 4 (1)	Master installation electrician	Person in control of Work	AIA for electrical installation inspection, test or investigation
GSR 3(4)	First aider	Employer	Valid certificate of competency in first aid by - SA Red Cross Society - St John's Ambulance - SA First Aid League - Approved organisation/person
GSR 5 (1)	Confined space inspector	Employer or User	Air must be tested and evaluated by a person who is competent to pronounce on the safety thereof
CR 4(1)(c)	Principal contractor for each phase or project	Client	Competent with necessary resources
CR 5	Principal contractor for each phase or project	Client	Competent with necessary resources
CR 7(1) (c)	Contractor	Principal Contractor	Competent with necessary resources
CR 8(1)	Construction manager	Contractor	Competent + full-time

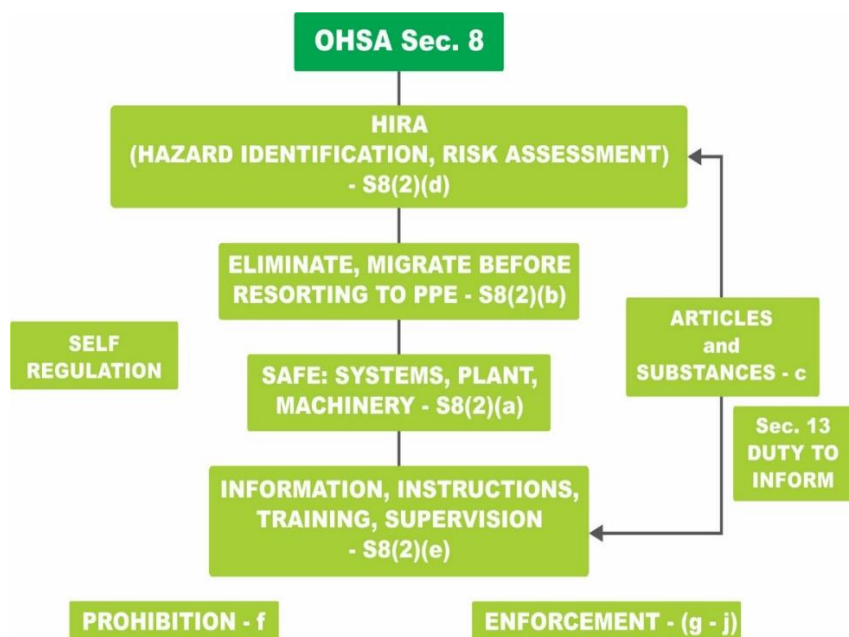
SECTION/ REGULATION	APPOINTMENT	RESPONSIBLE PERSON	COMPETENCY REQUIREMENTS
CR 8(2)	Assistant construction managers (if necessary)	Contractor	Competent with necessary resources
CR 8(5)	Health and safety officer (if necessary). Depending on size of project, degree of dangers and hazards and risks on site	Contractor	Competent with necessary resources
CR 8(7)	Construction supervisor (if necessary)	Contractor	Competent with necessary resources
CR 9(1)	Person to carry out risk assessment	Contractor	Competent person
CR 10(1)(a)	Fall protection planner	Contractor	Competent person
CR 12 (1)	Temporary work designer	Contractor	Competent person
CR 11(2)(a)	Structure inspector	Contractor	Competent person
CR 13(1)(a)	Excavation supervisor	Contractor	Competent person
CR 14 (1)	Supervisor demolition work	Contractor	Competent person
CR 16 (1)	Scaffold supervisor	Contractor	Competent person
CR 17(1)	Suspended platform supervisor	Contractor	Competent person
CR 18(1)(a)	Rope access supervisor	Contractor	Competent person
CR 19(8)(a)	Material hoist inspector	Contractor	Competent person
CR 20(1)	Batch plant supervisor	Contractor	Competent person
CR20(2)(g)(i)	Person to control and do the issuing and collection of cartridges and nails/studs	Contractor	Competent person
CR 21(1)(k)	Construction vehicle and mobile plants inspector	Contractor	Competent person
CR 24(e)	Temporary electrical installations Inspector and controller	Contractor	Competent person
CR 28(a)	Stacking and storage supervisor	Contractor	Competent person
CR 29(h)	Fire equipment inspector	Contractor	Competent person

CLASS DISCUSSION

Why do you think legislators have made so many legal appointments mandatory in the Construction Regulations? Why the construction industry in particular? Do you think all these appointments are necessary or not? Do you think they ensure better occupational health and safety on a construction site?

MODULE 3: CONTROLS TO ACHIEVE COMPLIANCE

SPECIFIC OUTCOME 3: DETERMINE THE MANAGEMENT CONTROLS REQUIRED UNDER LEGISLATION TO ACHIEVE COMPLIANCE

EMPLOYER OBLIGATIONS FOR A SAFE WORKPLACE

Employer has the obligation to provide financial and other resources to ensure that all provisions of the OHS Act in the diagram above are met. The employer must:

- identify potential hazards which may be present while work is being done, something is being produced, processed, used, stored or transported, and any equipment is being used;
- establish the precautionary measures that are necessary to protect his or her workers against the identified hazards and provide the means to implement these precautionary measures;
- provide the necessary information, instructions, training and supervision while keeping the extent of workers' competence in mind. In other words, what they may do and may not do;

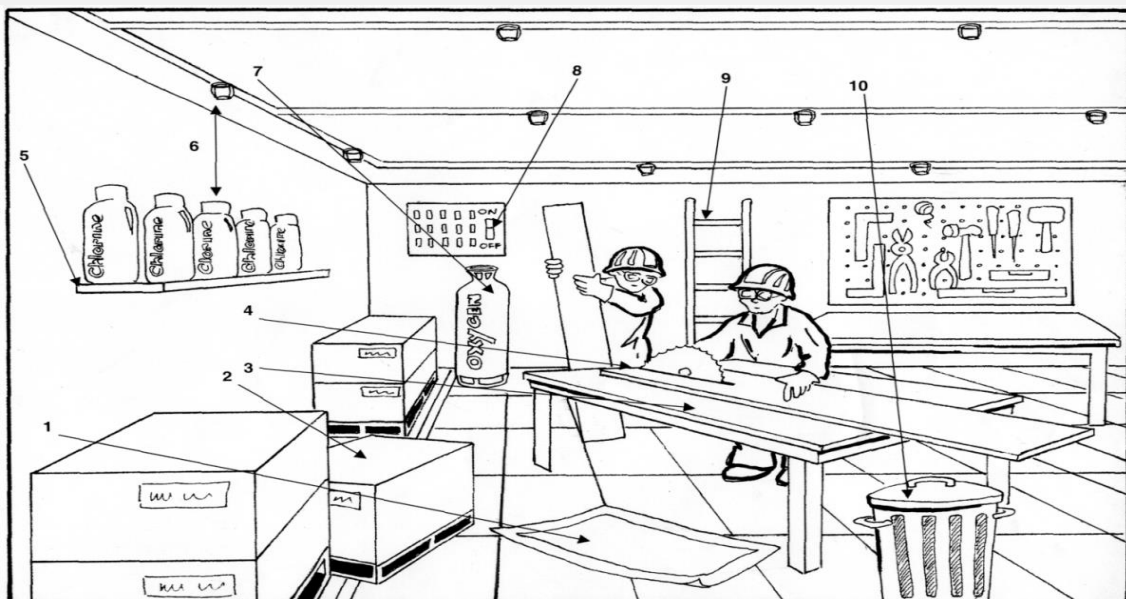
- not permit anyone to carry on with any task unless the necessary precautionary measures have been taken;
- take steps to ensure that every person under his or her control complies with the requirements of the Act;
- enforce the necessary control measures in the interest of health and safety and monitor to ascertain their effectiveness;
- see to it that the work being done and the equipment used, is under the general supervision of a worker who has been trained to understand the hazards associated with the work;
- such a worker must ensure that the precautionary measures are implemented and maintained.

Examples of hazards, control measures and monitoring methods are given in the table below:

HAZARD	CONTROL MEASURE	MONITORING METHOD
Chemical fumes	Extractor fan	Fume level measurements
Noise	Enclosing source with acoustic material	Noise level measurements
Dust	Respirator	PPE inspections
Wet floor	Keeping floor dry	Workplace inspections
Unguarded rotary blade	Install guard on blade	Equipment inspections
High humidity	Ventilation system	Ventilation equipment inspections

ACTIVITY 3

Identify hazards in the table below and suggest control measures and how you would monitor in order to ensure that control measures are working effectively.



	HAZARD	CONTROL MEASURE	MONITORING METHOD
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

MODULE 4: DOCUMENTS AND RECORDS

SPECIFIC OUTCOME 4: DEMONSTRATE KNOWLEDGE AND UNDERSTANDING OF RECORD KEEPING REQUIRED BY LEGISLATION

RETENTION OF RECORDS

The retention of documents is a critical aspect of document control. Document retention is a general term referring to the process of deciding which records to keep permanently and which records to destroy after they no longer serve a useful purpose. In HSE management there are express legislative requirements regarding how long certain documents should be retained. An organisation's HSE documentation retention schedule should list the types of records maintained by each department and specify a period of time after which destruction is authorised as a matter of policy.

A document retention schedule will provide information on how long a record must be retained, whether it be for legal, evidentiary or operational purposes. A document retention schedule also specifies when a record may be disposed of or destroyed. A proper schedule will differentiate between the different formats in which records must be retained such as electronic or hard copy.

The retention periods are indicated on the file plan next to the subject to which they refer. This document retention schedule should have three major objectives:

- Prompt disposal of documents whose retention period has lapsed.
- Storage of documents which must be temporarily retained after they are no longer needed in active use
- Preservation of documents with SHE-related value, whether legal or otherwise.

The OHS Act 7 (3) requires an employer to prominently display an OHS policy signed by the CEO in the workplace.

The OHS Act 17 requires designation of health and safety representative(s) in writing.

The table below summarises other records required by regulations under the OHS Act.

TABLE 2		
REGULATIONS	RECORD	RETENTION PERIOD
General Administrative Regulations (GAR)	OHS committee recommendations Report on incidents to inspector Copy of the OHS Act Returns of subpoenas	3 years 3 years
Major Hazard Installation Regulations (MHIR)	Copy of latest risk assessment Record of emergency plan Record of all near misses	Not specified
Regulations for Hazardous Biological Agents (RHBA)	Risk assessment Monitoring results Medical surveillance report Examination and tests of engineering controls	40 years 40 years 40 years 3 years
Explosive Regulations (ER)	Entries and exits of explosives Yearly Tests and examination of lightning protection system	Not specified
Asbestos Abatement Regulations (AAR)	Exposure assessment results Measurement and results of airborne asbestos fibre exposure Written work procedures for the prevention of asbestos dust release: Medical surveillance 24-Monthly tests and investigations on control measures: 3 years Training records	40 years 40 years 3 years as long as employee is employed
Construction Regulations (CR)	Copy of principal contractor H&S plan Contractor H&S plan H&S file List of all contractors on site Copies of all contracts Details of all work being done Construction safety officer inputs Risk assessment Fall protection plan Design inspections Structural drawings Structural inspections Structural maintenance records Design, support work and formwork drawings Support work and formwork inspection records Excavation inspection records Equipment inspection records Material hoist inspection and maintenance records Batch plant maintenance and repair records Cartridges and nails/studs register Construction vehicles and mobile plants inspection records Temporary electrical installations and electrical machinery inspection records Fire equipment inspection records	Not specified

TABLE 2

REGULATIONS	RECORD	RETENTION PERIOD
Commercial Diving Regulations (CDR)	Particulars of dive in diving operations logbook within 24 hours: Complete record of all diving operations undertaken Records of all incidents	2 years after last entry
Regulations for Hazardous Chemical Agents (RHCA)	Measurement programme of airborne concentrations of HCS by AIA Results of assessments, air monitoring Medical surveillance reports NB – After termination of employment records handed to regional director DEL Record of investigations, tests and repairs on engineering control measures SDS	Not specified 30 years 30 years Reviewed every 5 years
Lead Regulations (LR)	Assessments and air monitoring results Medical surveillance reports: NB – After termination of employment records handed to regional director Record of investigations, tests and repairs on engineering control measures Training records	40 years 40 years 3 years As long as employee is employed
Noise Induced Hearing Loss regulations (NIHLR)	Assessments and noise monitoring results: Medical surveillance reports NB - After termination of employment records handed to regional director DEL Record of investigations, tests and repairs on engineering control measures Training records	40 years 40 years Not specified As long as employee is employed
Driven Machinery Regulations (DMR)	Transportation plant performance testing records Hoisting rope and hooks/load-attaching devices records Goods hoist inspection record Lifting machinery performance testing, examination and repair records Lifting tackle inspections records	Not specified
Lift, Escalator and Passenger Conveyor (LEPCR)	Logbook of lift, escalator or passenger conveyor	10 years
Pressure Equipment Regulations (PER)	Record of inspections, tests, modifications and repairs	Not specified

MODULE 5: HSE TRAINING AND COMMUNICATION

SPECIFIC OUTCOME 5: EXPLAIN THE LEGAL OBLIGATION OF THE EMPLOYER IN TERMS OF TRAINING AND COMMUNICATION

HSE TRAINING

OHS Act Section 8(2)(e) requires that an employer provides the necessary information, instructions, training and supervision to ensure safe and healthy practices in the workplace.

This means that the employer must ensure that the workplace is free of hazards that can cause injury, damage or disease. Where this is not possible, the employer must inform workers of these dangers, how they may be prevented, and how to work safely, and provide other protective measures for a safe workplace.

Just as all employees are responsible for the quality of the results of their work activities, so they are responsible for their own and everybody else's safety and health, and for protecting the environment. To make the HSE system work, all personnel must be competent in performing their work, where such work activities may impact on HSE.

Competency is often important at both the technical and non-technical levels. Thus, training needs must be identified on an ongoing basis and provided when and where necessary. This is most effectively achieved with the use of a training needs analysis. Furthermore, awareness of HSE principles and issues are vitally important for all personnel and other relevant people who may be affected by an organisation's processes and activities and, therefore, all must be made aware of the following:

- The importance of conformance with the HSE management policy and procedures and with the requirements of the HSE management system.
- Their roles and responsibilities in achieving such conformance.
- The potential consequences of departure from the HSE policy and procedures and requirements of the HSE system.
- The significant HSE hazards to which they are exposed.
- The potential consequences of departure from specified operating procedures.
- The emergency preparedness and response requirements.

As best practice with regard to training, an organisation should also:

- Provide a HSE booklet (or similar document) for new employees, which contains the HSE policy, legal requirements, HSE rules, and the requirements for medical surveillance.
- Ensure that on-the-job training is provided by supervisors, which includes the HSE aspects of the job. All employees must be able to understand and explain the hazards and risks as well as the exposure controls related to their job and tasks.
- Arrange for specialist input regarding health awareness and exposure to sources of occupational diseases provided by the Occupational Health Nurse.
- Provide the following additional training for OHS Representatives:
 - OHS Representative course, training in HIRA and training on the organisation's HSE standards.
 - Ensure ongoing practical in-house training from the HSE Coordinator or the responsible departmental manager.

- Practical incident investigation training should be considered for those employees who may be involved in incident investigation.
- Specific training on the properties and hazards and risks associated with HCAs and associated waste on the site.

HSE COMMUNICATION

HSE communication is both internal and external. Both types of HSE-related communication are extremely important for ensuring a HSE management system's efficacy and success. Thus, channels for sending out and receiving, as well as responding to, communication from employees and external interested and affected parties must be in place and kept updated and relevant at all times. The success of the HSE system is absolutely dependent on the HSE knowledge, attitudes and the behaviour of people. It is therefore important to put proper HSE awareness/promotion and training processes in place.

Internal communication must ensure that employees are:

- Involved in the development and review of policies and procedures to manage HSE risks.
- Informed of the HSE hazards and risks they are exposed to, or have an influence over.
- Consulted where there are any changes that affect the workplace and the environment.
- Represented on HSE-related matters.
- Kept informed, at all times, of HSE-related incidents within the organisation.
- Advised of their various HSE-related rights and responsibilities within the workplace.
- Informed of relevant trends in HSE so that the workplace is well-informed and knowledgeable about HSE issues.
- Informed as to who their employee OHS representative(s) and specified management appointee may be.
- Motivated by the placement of visual media (posters, etc.) with awareness information at selected places in the workplace and other media such as videos, the HSE newsletter/bulletins and competitions.
- Made aware of the organisation's HSE performance by the placement of an HSE experience board (e.g. the NOSA star grading board) at the main entrance or other conspicuous place to ensure greater general awareness of the current HSE performance status. The board may have the following information:
 - Date of previous grading.
 - Current road safety experience.
 - The target for injury-free hours or shifts.
 - Health statistics.
 - Environmental indicators.
 - Number of days worked without a disabling incident or motor vehicle accident.
 - Current safety experience.

External communication should ensure that interested and affected parties are:

- an integral part of the organisation's overall HSE communication strategy;
- considered at all times in which the organisation's activities and processes could have an impact on them;
- kept informed of all HSE related risks from the organisation that may be considered important to the external parties;

- consulted with on HSE issues as required by both statutory and best practice requirements;
- replied to in a timely manner in all matters of correspondence and other communication they may have with the organisation; and
- valued and respected at all times for their inputs, including complaints relating to HSE issues.

A further example of external communication is the Annual HSE Report. Organisations make use of the annual report to formally report to interested and affected parties on the HSE performance of the company. It should normally include:

- progressive incident statistics and trend analyses. Incidents include all injuries, occupational disease, environmental incidents, damage, theft, etc.;
- a cost breakdown of all incident costs, including the medical claims costs; and
- where applicable, each discipline specialist (e.g. Occupational Health Sister, environmental coordinator, etc.) must provide meaningful contributions to the report.

Increasingly, proactive and forward-thinking organisations are providing their HSE-related reporting by means of a sustainability report or integrated report, in which HSE reporting is included within a framework of triple bottom line reporting. This inclusion of non-financial reporting in a company's annual report (which used to only include financial reporting) is testament to the growth of sustainability issues across all industry sectors and the importance attached thereto by the top management of many organisations today.

DAY 2

SPECIFIC OUTCOME 2: EXPLAIN THE REQUIREMENTS FOR COMPLIANCE DETAILED PROVISIONS OF THE OHS ACT AND REGULATIONS

The Occupational Health and Safety Act (OHSA, also referred to as the OHS Act) is supported by subordinated legislation, regulations and codes of practice, which provide practical guidelines on how to manage health and safety issues

The OHS Act comprises of:

- 50 sections (applicable to most workplaces. *See OHSA s1 definitions of a workplace*)

In terms of the Act, all employees (including all management) have obligations with which they must comply. Twenty-two sets of regulations form an inseparable part of the Occupational Health and Safety act. These regulations provide specifications and requirements pertaining to the area they govern.

Not all OHSA regulations are applicable to every workplace. It is important to look at and understand the scope of application of the specific regulation to ensure you are legally complying.

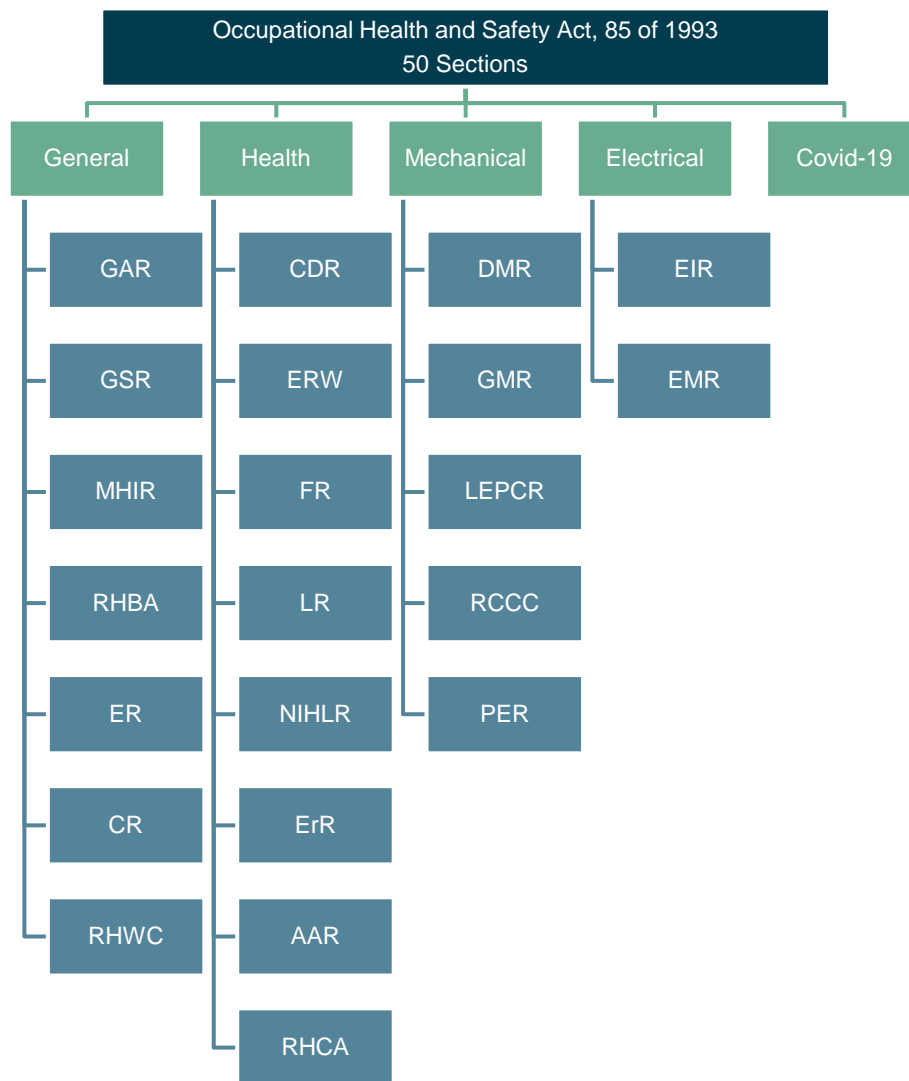
Understanding and implementing the necessary regulations is showing legal proactiveness in the workplace.

The below table highlights the 50 sections of the OHS act, that was explained in your Introduction to the OHS act course:

Arrangement of sections			
1. Definitions	14. General duties of employees	27. Designation and functions of inspectors by Minister	40. Exemptions
2. Establishment of Advisory council for OHS	15. Duty not to interfere with or damage things	28. Designation of inspectors by Minister	41. This Act not affected by agreements
3. Functions of council	16. CEO charged with certain duties	29. Functions of inspectors	42. Delegation and assignment of functions
4. Constitution of council	17. OHS Representatives	30. Special powers of inspectors	43. Regulations
5. Period of office and remuneration of members of council	18. Functions of OHS Representatives	31. Investigations	44. Incorporated of OHS standards in regulations
6. Establishment of technical committee of council	19. OHS committees	32. Formal inquiries	45. Serving of notices
7. Health and safety policy	20. Functions of OHS committees	33. Joint enquiries	46. Jurisdiction of magistrate's courts
8. General duties of employers to their employees	21. General prohibitions	34. Obstruction of investigation or enquiry	47. State bound
9. General duties of employers and self-employed persons to others	22. Sale of certain articles prohibited	35. Appeal against decision of inspector	48. Conflict of provisions
10. General duties of manufacturers	23. Certain deductions prohibited	36. Disclosure of information	49. Repeal of laws
11. Listed work	24. Report to inspector regarding certain incidents	37. Acts or omissions by employees or mandataries	50. Short title and commencement
12. General duties of employers regarding listed work	25. Report to inspection regarding certain occupational diseases	38. Offences, penalties and special orders of court	
13. Duty to inform	26. Victimisation forbidden	39. Proof of certain facts	

It is important you are familiar with these 50 sections, as they are applicable to every workplace (apart from those workplaces defined in OHSA s1 definition of a workplace)

The below table provides an overview of the OHS Act, the twenty-two regulations and the Covid-19 directions (2021):



The twenty-two regulations are split into four broad categories, namely:

- General
- Health
- Mechanical and
- Electrical

Organisations could develop self-assessment check lists to ensure they are complying with the specific applicable regulations.

Below is a summary of all twenty-two regulations:

General Regulations:

General Administrative Regulations (2003)

General Regulations	Scope of application	Arrangement of Regulations	
General Administrative Regulations, 2003	In general, these Regulations refer to documents that must be kept on site, including a copy of the OHS Act, records of OHS committee meetings and records of incidents	1. Definitions	8. Reporting and investigations of incidents
		2. Access to premises	9. Recording and investigations of incidents
		3. Exemption	10. Witness at inquiry
		4. Copy of the Act	11. Returns
		5. OHS committee	12. Offences and penalties
		6. Negotiations for OHS Reps	13. Repeal of regulation
		7. Designation of OHS Reps	

General Safety Regulations (1986)

General Regulations	Scope of application	Arrangement of Regulations	
General Safety Regulations, 1986	These regulations refer to general health and safety matters or requirements set for the work environment	1. Definitions	10. Operating trains
		2. Personal safety equipment and facilities	11. <i>Repealed</i>
		2A. Intoxication	12. <i>Repealed</i>
		2B. Display of substituted notices and signs	13. <i>Repealed</i>
		2C. Admittance of persons	13A. ladders
		3. First aid and equipment	13B. Ramps
		4. Use and storage of flammable liquids	14. Offences and penalties
		5. Work in confined space	15. Withdrawal of Regulations
		6. Work in elevated positions.	16. Short title
		7. Working in danger of engulfment	Annexure – <i>Minimum contents of a first Aid box</i>
		8. Stacking of articles	
		9. Welding, flame cutting, soldering and similar operations	

Major Hazardous Installation Regulations (2001)

General Regulations	Scope of application	Arrangement of Regulations	
Major Hazard Installation Regulations, 2001	These regulations shall apply to employers, self-employed persons and users, who have on their premises, either permanently or temporarily a major hazard installation or a quantity of a substance that may pose a risk that could affect the health and safety of employees and the public	1. Definitions	7. Reporting of risk and emergencies
		2. Scope of application	8. General duties of suppliers
		3. Notification of installation	9. General duties of local government
		4. Temporary installations	10. Closure
		5. Risk assessment	11. Offences and penalties
		6. On-site emergency plan	

Regulations for Hazardous Biological Agents (2022)

General Regulations	Scope of application	Arrangement of Regulations	
Regulations for Hazardous Biological Agents, 2022	These regulations shall apply to every employer and self-employed person at a workplace where: a. HBA is deliberately produced, processed, used, handled, stored or transported or, b. Exposure to an HBA may occur	1. Definitions	12. Maintenance and verification of control measures
		2. Scope of application	13. Prohibitions
		3. Classification of biological agents	14. Labelling, packaging, transporting and storage
		4. Information, instructions and training	15. Disposal of HBA's
		5. Duties of persons exposed to HBA's	16. OHS technical committee
		6. Risk assessments for HBA's	17. Offences and penalties
		7. Exposure monitoring of HBA's	18. Withdrawal of regulations
		8. Medical surveillance	19. Short title
		9. Records	Annexure A – <i>Categorisation of biological agents according to risk group</i>
		10. Prevention and control of exposure	Annexure B – <i>Biohazard sign</i>
		11. Personal protective equipment and facilities	

Explosives Regulations (2003)

General Regulations	Scope of application	Arrangement of Regulations	
Explosives Regulations, 2003	These regulations shall apply to any employer, self employed person or user who operates an explosives workplace for the purpose of manufacturing, testing, storing or using explosives	1. Definitions	12. Supervision of explosives workplace
		2. Scope of application	13. Safe handling of explosives
		3. Classifications of explosives for manufacturing	14. Emergencies
		4. Licensing of explosives workplaces	15. Incidents
		5. Non-detonable and non-sensitised explosives	16. Closure of explosives workplaces
		6. Danger area	17. National explosives council
		7. Danger buildings	18. Approved inspection authorities
		8. Safeguarding of explosives workplaces	19. Standards of training
		9. Design, constructions and manufacture	20. Offences and penalties
		10. Importation of explosives	21. Short title
		11. Safety distances	Annexure 1 – <i>Explosive Regulations</i>

Construction Regulations

General Regulations	Scope of application	Arrangement of Regulations	
Construction Regulations, 2014	These regulations are applicable to all persons involved in construction work. Regulations 3 and 5 are not applicable where the construction work carried out is in relation to a single-story dwelling for a client who intends to reside in such dwelling upon completion thereof.	1. Definitions	20. Bulk mixing plants
		2. Scope of application	21. Explosive actuated fastening device
		3. Application for construction work permit	22. Cranes
		4. Notification of construction work	23. Construction vehicles and mobile plant
		5. Duties of client	24. Electrical installations and machinery on construction sites
		6. Duties of designer	25. Use and temporary storage of flammable liquids
		7. Duties of principal contractor and contractor	26. Water environments
		8. Management and supervision of construction work	27. Housekeeping and general safeguarding
		9. Risk assessment for construction work	28. Stacking and storage
		10. Fall protection	29. Fire precautions
		11. Structures	30. Construction employees facilities
		12. Temporary works	31. Construction OHS technical committee
		13. Excavation	32. Approved Inspection Authorities
		14. Demolition work	33. Offences and penalties
		15. Tunnelling	34. Repeal of regulations and commencement
		16. Scaffolding	35. Short title
		17. Suspended platforms	Annexure 1 – <i>Application for a permit to do construction work</i>
		18. Rope access work	Annexure 2 – <i>Notification of construction work</i>

Regulations on Hazardous Work by Children in South Africa

General Regulations	Scope of application	Arrangement of Regulations	
Regulations on Hazardous Work by Children, 2010	These regulations are in place to prohibit or place conditions upon the work that may be required, expected or permitted to be performed by child workers, and which is not prohibited in terms of any law.	1. Definitions	9. Work in noisy environment
		2. Purpose and interpretation	10. Power tools and cutting or grinding equipment
		3. Risk assessment	11. Report to department of social development
		4. Respiratory hazards	12. Offences and penalties
		5. Work in elevated position	13. Summary
		6. Lifting of heavy weights	14. Short title and commencement
		7. Work in cold environment	Schedule 1 – <i>Guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers</i>
		8. Work in hot environment	Schedule 2 – <i>Summary of regulations on the health and safety of children at work and on hazardous work by children</i>

Health Regulations:

Commercial Diving Regulations (2022)

Health Regulations	Scope of application	Arrangement of Regulations	
Commercial Diving Regulations, 2022	These regulations shall apply to all diving operations and all persons engaged in diving operations in the Republic of South Africa or in territorial waters thereof.	1. Definitions	19. Life support technician and life support supervisor
		2. Scope of application	20. Systems technician
		3. Registration	21. Recompression chamber operations
		4. Withdrawal of registration	22. Records
		5. Plant and machinery	23. Notification of commercial diving projects
		6. Risk assessment	24. Diving technical committee
		7. Medical surveillance	25. Prohibitions
		8. Designated medical practitioners	26. Fees payable
		9. Information, instruction and training	27. Offences and penalties
		10. Control of commercial diving operations	28. Repeal
		11. Training standards, assessment criteria and codes of practice	29. Short title and commencement
		12. Duties of client	Annexure A – Minimum details for personnel logbooks
		13. Duties of employer	Annexure B – <i>Minimum details of the diving operations records</i>
		14. Duties of registered commercial diving schools	Annexure C – <i>Minimum details for training records</i>
		15. Duties of persons involved in commercial diving	Annexure D – <i>Diving operations, minimum personnel required</i>
		16. Commercial diving supervisor and instructor	Annexure E – <i>Notification of diving project</i>
		17. Commercial diver	Annexure F – <i>Registration form</i>
		18. Line attendant	

Environmental Regulations for Workplaces (1987)

Health Regulations	Scope of application	Arrangement of Regulations	
Environmental Regulations for Workplaces, 1987	These regulations in general refer to physical conditions of the work environment.	1. Definitions	8. Precautions against flooding
		2. Thermal requirements	9. Fire precautions and means of egress
		3. Lighting	10. Offences and penalties
		4. Windows	11. Withdrawal of regulations
		5. Ventilation	12. Short title
		6. Housekeeping	Schedule – <i>Minimum average values of maintained illuminance</i>
		7. Noise	

Facilities Regulations (2004)

Health Regulations	Scope of application	Arrangement of Regulations	
Facilities Regulations, 2004	These regulations in general refer to sanitary facilities, toilets, bathrooms, showers, dining facilities, drinking water, certain prohibitions as well as the conditions of these facilities that form part of the work environment	1. Definitions	7. Drinking water
		2. Sanitation	8. Seats
		3. Facilities for safekeeping	9. Condition of rooms and facilities
		4. Changing rooms	10. Offences and penalties
		5. Dining rooms	11. Repeal of regulations
		6. Prohibition	12. Short title

Lead Regulations (2002)

Health Regulations	Scope of application	Arrangement of Regulations	
Lead Regulations, 2002	These regulations shall apply to an employer and self-employed person at a workplace where lead is produced, processed, used, handled or stored in a form in which it can be inhaled, ingested or absorbed by any person in that workplace.	1. Definitions	13. Cleanliness of premises and plant
		2. Scope of application	14. Maintenance of control measures
		3. Exposure to airborne lead	15. Prohibitions
		4. Information and training	16. Labelling, packaging, transportation and storage
		5. Duties of persons who may be exposed	17. Disposal of lead waste
		6. Assessment of potential exposure	18. Offences and penalties
		7. Air monitoring	19. Repeal of regulations
		8. Medical surveillance	20. Short title
		9. Respirator zone	Annexure A – Regulation 8(2)(b)(i)
		10. Records	Annexure B – Regulation 8(2)(b)(ii)
		11. Control of exposure to lead	Annexure C – Regulation 8(d)
		12. Personnel protective equipment and facilities	Annexure A – Regulation 8(3)(b)

Noise Induced Hearing Loss (2003)

Health Regulations	Scope of application	Arrangement of Regulations	
Noise Induced Hearing Loss Regulations, 2003	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	1. Definitions	9. Noise zone
		2. Scope of application	10. Control of noise exposure
		3. Exposure to noise	11. Record
		4. Information and training	12. Hearing protective equipment
		5. Duties of person who may be exposed	13. Maintenance of control measures
		6. Assessment of potential exposure	14. Offences and penalties
		7. Noise monitoring	15. Withdrawal of regulations
		8. Medical surveillance	

Ergonomics Regulations (2019)

Health Regulations	Scope of application	Arrangement of Regulations	
Ergonomics Regulations, 2019	These regulations shall apply to any employer or self-employed person who carries out work at a workplace, which may expose any person to ergonomic risks in that workplace.	1. Definitions	8. Medical surveillance
		2. Scope of application	9. Maintenance of controls
		3. Information, instruction and training	10. Records
		4. Duties of exposed persons to ergonomic risks	11. Ergonomics health and safety technical committee
		5. Duties of designers, manufacturers, importers and suppliers	12. Offences and penalties
		6. Risk assessment	13. Short title and commencement
		7. Risk control	

Asbestos Abatement Regulations (2020)

Health Regulations	Scope of application	Arrangement of Regulations	
Asbestos Abatement Regulations, 2020	These regulations shall apply to every employer and self-employed person who carries out work at a workplace that may expose any person to asbestos dust at that workplace.	1. Definitions	16. Air monitoring
		2. Scope of application	17. Medical surveillance
		3. Identification of asbestos in place	18. Regulated asbestos area
		4. Inventory of asbestos in place	19. Personal protective equipment and facilities
		5. Risk Assessment	20. Labelling and signage
		6. Asbestos management plan	21. Disposal of asbestos
		7. Information, instruction and training	22. Asbestos clearance certificate
		8. Duties of persons who may be exposed	23. Records
		9. Control of exposure to asbestos	24. Prohibition
		10. Notification of asbestos work	25. Offences and penalties
		11. Duties of asbestos client for asbestos work	26. Repeal of regulations
		12. Duties of registered asbestos contractor for asbestos work	27. Short title
		13. Duties of approved inspection authorities for asbestos work	Annexure 1 – Asbestos warning labels and signs
		14. Disputes	Annexure 2 – Notification of asbestos work
		15. Plan of work	

Regulations for Hazardous Chemical Agents (2021)

Health Regulations	Scope of application	Arrangement of Regulations	
Regulations for Hazardous Chemical Agents, 2021	These regulations shall apply to an employer or a self-employed person who carries out work at a workplace that may expose any person to the intake of an HCA at the workplace, and a manufacturer, importer, supplier or retailer of an HCA that is intended for use at a workplace.	1. Definitions	14. Classification of HCA's
		2. Scope of application	14A. Safety data sheets
		3. Information, instruction and training	14B. Labelling of HCA's
		4. Duties of exposed person to HCA's	14C. Packaging of HCA's
		5. Assessment of exposure	14D. Disclosure of ingredient identity
		6. Air monitoring	15. Disposal of HCA's
		7. Medical surveillance	16. Offences and penalties
		8. Respirator work	17. Repeal of regulations
		9. Records	18. Short title and commencement
		10. Control of exposure to HCA's	Annexure 1 – <i>GHS Hazard classes</i>
		11. Personal protective equipment and facilities	Annexure 2 – <i>Prohibited HCA's</i>
		12. Maintenance of control measures	Annexure 3 – <i>HCA guidelines</i>
		13. Prohibitions	

Mechanical Regulations:

Driven Machinery Regulations (2015)

Mechanical Regulations	Scope of application	Arrangement of Regulations	
Driven Machinery Regulations, 2015	These regulations shall apply to every employer, employee and self-employed person who carries out work whilst using driven machinery at a workplace.	1. Definitions	14. Washing machines, centrifugal extractors, etc
		2. Scope of application	15. Air compressors
		3. Revolving machinery	16. Refrigeration and air conditioning installations
		4. Circular saws	17. Transportation plants
		5. Band saws and band knives	18. Lifting machines, hand powered lifting devices and lifting tackle
		6. Wood-planing machines	19. Approval and registration of lifting entity
		7. Wood moulding and mortising machines	20. Approval and registration of training providers
		8. Sanding machines	21. Withdrawal of approval and registration of lifting machinery entity or training provider
		9. Grinding machines	22. Offences and penalties
		10. Shears, guillotines and presses	23. Repeal of regulations and transitional provisions
		11. Slitting machines	24. Short title and commencement
		12. Mixing, agitating and similar machines	Annexure A – <i>Application form for registrations as a lifting machinery entity</i>
		13. Rolls and calendar rolls	

General Machinery Regulations (1988)

Mechanical Regulations	Scope of application	Arrangement of Regulations	
General Machinery Regulations, 1988	These regulations shall apply to every employer, employee and self-employed person who carries out work whilst using machinery at a workplace.	1. Definitions	9. Information regarding regulations
		2. Supervision of machinery	10. Offences and penalties
		3. Safeguarding of machinery	11. Repeal of regulations
		4. Operation of machinery	12. Short title
		5. Working on moving or electrically alive machinery	Annexure A – <i>Notifiable substances</i>
		6. Devices to start and stop machinery	Annexure B – <i>Notice regarding notifiable substances</i>
		7. Reporting of incidents in connection with machinery	Annexure C – <i>Notice in respect of boilers under regulation 9(2)</i>
		8. Notifiable substances	Annexure D – <i>Notice in respect of machinery other than a boiler under regulation 9(2)</i>

Lift, Escalator and Passenger Conveyor Regulations (2010)

Mechanical Regulations	Scope of application	Arrangement of Regulations	
Lift Escalator and Passenger Conveyor Regulations, 2010	These regulations shall apply to every employer and self-employed person who installs, uses and has lifts, escalators and passenger conveyors in their workplace.	1. Definitions	8. Record keeping
		2. Scope of application	9. Approved inspection authority
		3. Permission to install and use	10. Offences and penalties
		4. Design and construction	11. Repeal of regulations and savings
		5. Particulars of lifts, escalators and passenger conveyors	12. Short title and commencement
		6. Inspection and tests	Annexure 1 – <i>Notice of installation of a lift/escalator/passenger conveyor</i>
		7. Maintenance	

Regulations Concerning the Certificate of Competency (1990)

Mechanical Regulations	Scope of application	Arrangement of Regulations	
Regulations Concerning the Certificate of Competency, 1990	Certificate of competency: A certificate of competency as a mechanical or electrical engineer. Certificate will be issued by the Chief Inspector with recommendations of the commission of examiners.	1. Definitions	7. Acceptance as candidate
		2. Issuing of certificates	8. Withdrawal of regulations
		3. Suspension or cancellation of certificates	9. Short title
		4. Substitution of lost, damaged or destroyed certificates	Annexure 1 – <i>Mechanical engineers' certificate of competency</i>
		5. Commission of examiners	Annexure 2 – <i>Electrical engineers' certificate of competency</i>
		6. Qualifying examination	

Pressure Equipment Regulations (2009)

Mechanical Regulations	Scope of application	Arrangement of Regulations	
Pressure Equipment Regulations, 2009	These regulations shall apply to the design, manufacture, operation, repair, modification, maintenance, inspection, and testing of pressure equipment with a design pressure equal to or greater than 50kPa, in terms of the relevant health and safety standard incorporated into these regulations.	1. Definitions	13. Repairs and modifications
		2. Scope of application	14. Records
		3. General requirements	15. Access
		4. Duties of manufacturers	16. Door interlocks
		5. Duties of importers and suppliers	17. Gas reticulation equipment and systems
		6. Duties of users	18. Transportable gas containers
		7. Approval and duties of approved inspection authorities	19. Fire extinguishers
		8. Registration of a steam generator	20. Offences and penalties
		9. Pressure equipment marking	21. Repeal of regulations and annexures
		10. Pressure and safety accessories	22. Short title
		11. Inspection and test	Annexure 1 – <i>Certificate of conformity for gas installations</i>
		12. Risk based inspection	Annexure 2 – <i>Registration of a steam generator</i>

Electrical Regulations:

Electrical Installation Regulations (2009)

Electrical Regulations	Scope of application	Arrangement of Regulations	
Electrical Installation Regulations, 2009	These regulations shall apply to every user or lessor of an electrical installation as well as approved inspection authorities.	1. Definitions	13. Substitution of lost, damaged or destroyed certificate
		2. Responsibility for electrical installations	14. Fees payable
		3. Approved inspection authorities for electrical installations	15. Offences and penalties
		4. Functions of approved inspection authorities for electrical installations	16. Repeal of regulations
		5. Design and construction	17. Short title and commencement
		6. Electrical contractor	Annexure 1 – <i>Certificate of compliance</i>
		7. Certificate of compliance	Annexure 2 – <i>Application for approval as approved inspection authority for electrical installations</i>
		8. Commencement and permission to connect installation work	Annexure 3 – <i>Application for registration as electrical contractor</i>
		9. Issuing of certificate of compliance	Annexure 4 – <i>Notice of commencement of installation work</i>
		10. Disputes	Annexure 5 – <i>Application for registration as registered person</i>
		11. Application for registration as a registered person	Annexure 6 – <i>Application for duplicate certificate issued</i>
		12. Withdrawal of registration and approval	

Electrical Machinery Regulations (2011)

Electrical Regulations	Scope of application	Arrangement of Regulations	
Electrical Machinery Regulations, 2011	These regulations shall apply to every employer, employee and self-employed person who carries out work whilst using electrical machinery at a workplace.	1. Definitions	16. Substitution of lost, damaged or destroyed certificate of registration
		2. Scope of application	17. Inspection authorities
		3. Personal protective equipment	18. Earthing
		4. Work on disconnected electrical machinery	19. Overhead power lines
		5. Notice	20. Service connections
		6. Switchgear and transformer premises	21. Overhead line crossings
		7. Electrical control gear	22. Bare conductors on premises
		8. Switchboards	23. Fees payable
		9. Electrical machinery in hazardous locations	24. Offences and penalties
		10. Portable electrical tools	25. Repeal of regulations
		11. Portable electric lights	26. Short title
		12. Electric fences	Annexure 1 – <i>Electric fence system certificate of compliance</i>
		13. Issuing of electric fence system certificate	Annexure 2 – <i>Application for registration as an electric fence system installer</i>
		14. Application for registration as a registered person	Annexure 3 – <i>Application for approval as an approved inspection authority for electrical machinery</i>
		15. Withdrawal of registration and approval	

Covid-19 Directions:

Covid-19 Directions (2021)

Covid-19 Directions	Scope of application	Arrangement of Regulations	
Covid-19 Directions, 2021	These directions apply to employers and workers in workplaces who are permitted to continue or commence operation under the Regulations (Disaster Management Act 57 of 2002)	1. Definitions	13. Worker obligations
		2. Application	14. Refusal to work due to exposure to SARS-CoV-2 virus infection
		3. Risk assessment and plans for protective measures	15. No deduction from employee's remuneration
		4. Administrative measures	16. Monitoring and enforcing Directions
		5. Social distancing measures	17. Sectoral protocols and guidelines
		6. Symptom screening	18. Amendment of footnotes to Annexure A and C
		7. Sanitisers, disinfectants and washing of hands	19. Withdrawal of Directions
		8. Cloth masks	20. Commencement of Directions
		9. Measures in respect of workplaces to which public has access	Annexure A – <i>DEL Links</i>
		10. Ventilation	Annexure B – <i>Sectoral guidelines</i>
		11. Specific personal protective equipment	Annexure C – <i>Guidelines if an employer makes vaccination mandatory</i>
		12. Small businesses	