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

THIS IS A SUMMARY OF THE OCCUPATIONAL HEALTH AND SAFETY ACT. 1993 (CHART) AND REGULATIONS (CHART 2). THE FULL ACT & REGULATIONS CAN BE FOUND AT WWW.LABOUR.GOV.ZA

(11 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

"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

eans 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 damage to a person or property.

"Department" means the Department of Manpowe

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

him but excludes a labour broker as defined in section 1(1I of the Labour Relations Act, 1956 (Act No 28of 1956). employers' organisation" means an employers' organisation as defined in section 1 of the Labour" Relations Act, 1956 (Act No.28of 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 ment 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 Labor Relations Act.

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

(a) the health of any person

(bl 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 ition 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. nspector" means a person designated under section 28.

"listed work" means any work declared to be listed work under section 11

"local authority" means-

"minister" means the Minister of Manpowe

(a) any institution or body contemplated in section 84(1)(f) of the Provincial Government Act 1961 (ActNo.32of1961);

(b) any regional services council established under section 3 of the Regional Services Councils Act, 798S(ActNo.109of7985);

(c) any other institution or body or the holder of any office declared by the Minister by notice in the $\emph{Gazette}$ 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 ontaining, 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

(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 nealth practitioner or, in prescribed cases, by an occupational medicine practitioner.

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

monitoring. holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical Dental and Supplementary Health Service Profess Act, 1974 (Act No. 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act 1978 (Act No. 50of 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 nealth 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 19741, who holds a qualification in occupational medicine or an equivalent qualification which qualification o equivalent is recognized as such by the South African Medical and Dental Council referred to in the

"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(1I of the Public Service Act 1984 (Act

'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

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. iction or advice supplied by the designer, manufacturer, importer, seller or supplier, as the cas

reasonably practicable" means practicable having regard to-

(a) the severity and scope of the hazard or risk conce (b) the state of knowledge reasonably available concerning that hazard or risk and of any means

(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 undersection 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 1/11 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.29of 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 standardization.

"substance" means any solid, liquid, vapor, 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. 28ofl956).

user" in relation to plant or machinery, means the person who uses plant or machinery for his owr" enefit 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 emp is deemed to be at work during the time that he is in the course of his employment, and a self employed person is deemed to be at work during such time as he devotes to work as a self-emplo

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 toa category of persons specified in the notice shall for the purposes of this Act or any provision thereof be deemed to be an mployee, 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 19911, ept in so far as that Act provides other

(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(1I 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 anyperson present on or in any such mine, mining area, works, ship, boat or crane.

(1) The chief inspector may direct-

(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 guidelines concerning the contents of the policy concerned.

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 equipment;

(c) making arrangements for ensuring, as far as is reasonably practicable, safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances;

(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 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 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

(h) enforcing such measures as may be necessary in the interest of health and safety; (ii ensuring that work is performed and that plant or machinery is used under the general 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

(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.

) 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.

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.

) Any person who erects or installs any article for use at work on or in any premises shall ensure, as far as it 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

(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

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 betaken 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.

Every employee shall at work-

(a) take reasonable care for the health and safety of himself and of other persons who may be

(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 or complied with;

(c) carry out any lawful order given to him, and obey the health and safety rules and procedu 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 circ that the reporting of the incident was not possible, in which case he shall report the incident as soon as practicable thereafter.

deemed to be the chief executive officer of that department

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

(1) Every chief executive officer shall as far as it 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 be subject to the provisions of section 37, relieve an employer of any responsibility or liability under this Act. (41 For the purpose of subsection (1), the head of department of any department of State shall be

(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 14days on an arbitrator, the employe 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 19651, 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 section thereof, as the case maybe 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 employee 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 an workplace or section thereof, including a workplace or section with 20 or fewer employees. nadequate, he may by notice in writing direct the employer to designate such number 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 it

7) All activities in connection with the designation, functions and training of health and safet 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.

(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;

(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), (bl, (c) or (d), or where such representations are unsuccessful, to a (f) make representations to the employer on general matters affecting the health or safety of the employees at the workplace;

(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) 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 workplac for which he has been designated be entitled to-(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 ive may reasonably require and as have been agreed u

(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.

(1) An employer shall in respect of each workplace where two or more health and safety esentatives have been designated, establish one or more health and safety committ 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

(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 com

(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

those committees; and (c) the number of persons nominated by an employer on any health and safety committee established in terms of this section should 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 ives 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 inspecto may by notice in writing direct the members of a health and safety committee to hold a meeting t 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 inspecto may by written notice that such a meeting be held.

(SI 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 knowledge of health or safety matters as an advisory member or as advisory member of the

(h) 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 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-

subsections (11 and (2)

(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 which any person was injured, became ill or died, and may in writing report on the incident to

aninspector; and (c) shall perform such other/unction as may be prescribed.

(2) A health and safety committee shall keep a record of each recommendation made to an employee 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 Act.

complies with the provisions of section 19(4) and performs the duties assigned to it by

(4) An employer shall take the prescribed steps to ensure that a health and safety committee

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

(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 defector likely to be unable for a period of at least 14days either to work or to ontinue with the activity for which he was employed or is usually employed;

(c) the health or safety of any person was endangered and where-

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

(i) dangerous substance was spilled;

(iii) machinery or any part thereof fractured or failed resulting in flying, falling or uncontrolled (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 likel to die, or suffered the loss of a limb or part of a limb, no person shall without the consent of a inspector disturb the site at which the incident occurred or remove any article or substance

involved in the incident therefrom: Provided that such action may be taken as is necessary t prevent a further incident, to remove the injured or dead, or to rescue persons from dange (3) The provisions of subsections (11 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

(cl 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 subsectio

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

(1) No employer shall dismiss an employee, or reduce the rate of his remuneration, or alter the terms or conditions of his employment terms or conditions less favorable to him, or alter his positio relative to other employees employed by that employer to his disadvantage, by reason of the facor 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, requirem 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 alte the terms or conditions of his employment to terms or conditions less favorable to him, or alte his position relative to other employees employed by that employer to his disadvantage, b reason of the information that the employer has obtained regarding the results contemp 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, se aside or vary the decision or substitute for such decision any other deci 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 (11 or in the exercise of any power under this Act, may appeal against such decision to the Labour Court, and der the matter forming the subject of the 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. (4) Any person who wishes to appeal in terms of subsection (3), shall within 60 days after the chief

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

30(1)(a)or (bl shall not suspend the operation of such prohibitio

(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;

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

(b) it was not under any condition or in any circumstance within the scope of the authority of the

(2) The provisions of subsection (11 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 between them to ensure compliance by the mandatory with the provisions of this Act.

Whenever any employee or mandatary of any employer or user does or omits to do an act which 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 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 convicted and sentenced in respect thereof as if he were such an employer.

(5) Any employee or mandatary referred to in subsection (3) may be so convicted and sentenced in

addition to the employer or user. contravention of section 23, the court shall, when making an order under section 38(4), make

(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(11 or (2), 17(1), (21 or (5), 18(3), 19(1), 20(21 or (4), 22, 23, 24(11 or (2), 25, 26, 29(3), 30(2) or (6), 34or 36;

such an order against the employer and not against such employee or mandatary.

(b) contravenes or fails to comply with a direction or notice under section 17(6), 19(4) or (7), 21(1) or 30(1)(a), (b) or (cl 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 willfully

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 putto him (h) willfully furnishes to an inspector information which is false or misleading;

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

from further attendance:

employer or user:

(k) having been called under section 32, without sufficient cause (the onus of proof whereof shall restupon him)-(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 (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 regarding a book, document or thing to be produced by such a person before an inspector under section 32;

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 ar

(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 such a user: (p) willfully 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 actor omission have been guilty of the offence of culpable homicide had that act or omission caused the death of the said person, irrespective of ether or not the injury could have led to the death of such person, and on conviction be liable to a fine not exceeding RIO0 000 or to imprisonment for a period not exceeding two years or to

both such fine and such imprisonment. (3) 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.

(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 at (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

s) 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

(4) Whenever in any legal proceedings in terms of this Act it is proved that any untrue statement of entry is contained in any record kept by any person, he shall be presumed, until the contrary is

proved, willfully have falsified that record.

(a) Whenever 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 equipment contemplated in that section, it shall be presumed, until the contrary is proved, 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 (6) 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 docum 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 primacies proof of the facts stated therein.) 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.

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

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Provided that where specialized lighting is necessary for the performance of any varticular type of work, irrespective of whether that tie of work is listed in the Schedule or not, the employer of those employees who perform such work shall ensure that such

The chief inspector may, by $\,$ notice in the Gazette, from time to time modify the Schedule to these regulations as he deems necessary. With respect to the lighting to be provided in terms of sub regulation (I), the employers

(d) luminaires and lamps are kept clean and, when defective, are replaced or repaired forthwith:

forthwith.

4) With a view to the emergency evacuation of indoor workplaces without natural lighting 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 machinery or shut down plant or processes before evacuating the workplace, or where dangerous materials are present or dangerous processes are carried out, the illuminance shall be not less than 20 lux.

An employer shall ensure that the emergence is a second of the processes of the processes of the processes are carried out.

n 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

) will last long enough to ensure the safe evacuation of all indoor workplaces

more than three months; and
(d) where directional luminaires are installed, these are mounted at a height of not less
than two meters above floor level and are not aimed between 10° above and 45°
below the horizontal line on which they are installed.
6) An employer engaged in building work shall cause all rooms, stairways, passageways,
gangw, tys, basements and other pl, I ces where danger m, 1y exist through Inck of natural
light, to be lighted such that it will be safe.

windows in such a way that
(a) the total glazed area of such windows is not less than three fifths of the square root of the floor area of the room, both are measured in square meters;

(b) the windowsilis cfre not higher and the window heads are not lower than one c1nd c1 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 sub regulation (1) shall not apply under conditions where naturallight 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 judgment of texture or colour in a room has to be done under conditions of constant ghiting 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

) An employer shall ensure that every workplace in his undertaking is ventilated either by natural or mechanical means in such 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 ar eight-hour period, does not exceed one half per cent by volume of air; (c) the carbon dioxide content thereof does not at anytime exceed three per cent by

(d) the prescribed exposure limits for airborne substances there are not exceeded; and

(a) the prescribed exposure imins for amornic substances time are not exceeded, and (e) the concentration therein of any explosive or flammable gas, vapor or dust does not exceed the lower explosive limit of the gas vapor or dust. Where the measures. Prescribed by sub regulation (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 precautionary measures against excessive exposure.

A user of machinery shall provide and maintain sufficient clear and unobstru at every machine to enable work to be carried out without danger to persons

with the exclusion of workplaces where building work is performed, make at leas

keep every indoor workplace clean, orderly and free of materials, tools and similar thingswh1charenot necessary for the workdone in such work place;

(d) keep all floors, walkways, stairs, passages and gangways in a good state of repair skid-free and free of obstructions, waste or materials;

may be necessary under the circumstances to ensure the safety of persons, openings in floors, all hatchways and all stairways and any open sides of floors buildings through or from which persons are liable to fall: Provided that si boarding or guarding may be omitted or removed for the time and to the ext 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 areal fwork is being performed above such entrance, passageway, place or danger area and there is a possibility of persons being struck by falling objects.

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 maybe struck by falling objects.

1) In order to expedite the evacuation of a workplace in case of fire, every employer shall

ensureth, 11
(a) any emergency escape door from any room or passage or at a staircase shall, as far as is practicable, behung so as to open outwards;

(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 easy evacuration.

ircases and steps leading from one floor to another or to the ground shall be vided with substantial hand-raile:

cases intended to be used as fire escapes shall-

intended 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.

Having regard to the size, construction and locution of the workplace, und the amount and type of flammable articles uses, handled or stored on the premises, un employer shall provide on the premises an adequate supply of suitable fire-fighting equipment at strategic locations or as may be recommended by the fire chief of the local authority concerned, and such equipment shall be maintained in good working order.

(a) such facilities are freely and readily accessible; and (b) the facilities comply with the provisions of these Regulations as well as with SABS

d) the condition of such facilities.

3) Every employer shall-

n) provide every water closet pan designed to have a seat, with a seat

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 toilet soap or a similar cleansing agent to employees. 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 and impermeable, and that the floor thereof is slip-free and sloped for effective

ensure that showers are provided in a room with windows. Such windows are glazed

(5) In respect of each room in which there are closets, urinals, showers or washbasins every employers hull-

(a) provide a conspicuous sign outside the entrance to such a room to indicate the sex of the person for whom the room is intended;
(b) ventilate such rooms in accordance with the provisions of Part O of the National Building Regulations;

ary screen walls partitions or doors in order to ensure privacy; and nsure that water feeding to showers or washbasins on his premises which is otained from the water supply system of local authority, complies with SABS241.

he provisions of this regulation shall not apply in respect of activities for which specific spesor number of facilities for safekeeping are prescribed.

) 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. Every employer shall ensure that each employee referred to in sub-regulation(1) stores nis clothing and other personal items in his facility for safekeeping.

4.(HANGE-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(of SABS 0400).
 An employer contemplated in sub regulation (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 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 for the maximum number of employees that will be using such change-room at any onetime;

not store any materials, tools or other goods not related to the use of a change-room in such change-room or allows items to be stored therein;

(d) where a change-room has windows, glaze such windows in obscure glass or similar

persons for whom the change-room is intended;
(f) 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 the 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 withthe provisions of Part of the National Building Regulations; and

ensure that no employee referred to in sub regulation(1) changes his clothing at any other place at a workplace that in a change- room provided for him. ubject to the provisions of regulation 5 an employer may allow a change-room to be se for the partaking of meals provided that-(a) an obscure partition of at least two meters high is installed between showers and eating places; and

5. DINING-ROOMS

obtwithstanding the provisions of regulation4 (3), every employer of employees who a workplace: a) are exposed to a high risk substance in a quantity equal to or above the action level for such high-risk substance; (b) come into physical contact with any known poisonous substance which may cause

) 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 CO 5ABS 0400.

The employer referred to in sub regulation (1) shall-

(a) provide tables and chairs in every dining-room for the maximum number of employees that wellbeing 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-e or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;

store any materials tools or other goods not related to the use of a dining-room (d) ensure that every dining-room is naturally or artificially ventilated in accordance with the provisions of Part Oof the National Building Regulations.

6. PROHIBITION

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 (bl display conspicuous signs or notices at such workplaces prohibiting smoking, eating ordrinking.

(b) clearly und conspicuously mark us such, taps and pipes containing winter which is not fit for human consumption.

a) When reasonably practicable, provide a seat for every employee whose work can be efficiently performed while siting;

(c) provide seats with back rests where the nature of the work performed by employees is such that such seats can be used. 9 CONDITIONOFROOMS ANDFACILITIES

employer shall maintain all rooms and facilities which are prescribed or provided fo is of the provisions of these regulations, in a clean. Hygienic, safe, whole and leak-free ion, and in a good state of repair:

Provided that it an inspector may, by notice in writing, direct an employer to take such steps 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.

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.EXPOSURETONOISE

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. 4. INFORMATIONANO TRAINING

) The content and scope of these regulations c) the potential risks to health and safety caused by exposure to noise; d) the measures taken by the employer to protect an employee against the detrimental effects of exposure to noise;

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 earpluss andearmuffs.

assessment of exposure, the purpose of noise monitoring; the necessity fo dical surveillance and the long-term benefits and limitations of undergoing such

in the indeer-lain limit on leading. Conservation and its inealing, in the procedures for reporting, correcting and replacing defective personal hearing protectors and for engineering noise control measures; it is the matters contemplated in regulation 5, the training contemplated in sub regulation (1) shall be conducted prior to the placement of the relevant employee. Refresher training shall be conducted annually or at intervals that maybe recommended by the health and safety committee and the health and safety representative.

the health and safety committee and the health and safety representative. I training contemplated in sub regulation (1), sh.:ill be provided by a person who is npetent to do so and who has inadequate personal practical experience and oretical knowledge of all aspects of the work carried out by the employee. employer or self-employed person shall ensure as far as is reasonably iriracticablethat or her mandatories or persons other than employees who may be affected by noise osure at the workplace are given adequate information, instruction and training. n employer shall keep a record of any training that is given to an employee in terms of

by person who is or maybe exposed to noise at OF above the noise-rating limit shall obey y lawful order given to him or her by the employer or self-employed person orby anyone thorized thereto by the employer or self-employed person, regarding-

(a) the use of measures adopted for noise control; the immediate reporting of defective, damaged or lost noise control equipment to the health and safety representative or the employer;

(c) 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 essment of noise exposure or a review of such assessment Indicates that any be exposed to noise at or above the noise-rating limit, an employer contemplated 2 shall ensure that a me<.1surement programme of noise exposure at that

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

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

а сасы розыми аз солиетріатес і п >ABSU63; 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 levels accontemplated in SAB5083; 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 regulation 10(1) shall apply. n employer shall ensure that the results of measurements as contemplated in bregulation (2)(() are recorded in the record required by regulation 11.

8 MEDICAL SURVEILLANCE An employer shall establish and maintain a system of medical surveillance for all employees exposed to noise at or above the noise-rating limit.

nemployer shall ensure that the medical surveillance contemplated in sub regulation consists of a baseline audiogram which is recorded

(i) in the case of a new employee. Before the employee common orwithin 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: wided that the baseline audiogram conducted in terms of that instruction applies to temployee for the rest of his or 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 B-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 toa maximum interval of one year; and

extended to a maximum interval or one year, and imployees who are regularly exposed to gunshots or other explosive event furing their working day shall undergo audiometric tests at time intervals in a coordance with subparagraph (I);

one 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 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% ormore loss of hearing that is not obviously due to medical causes, and that has been confirmed by a repeat audiogram.

(i) the relevant health and safety committee or the relevant health and Safety (ii) that employee is retrained and re-instructed as contemplated in regulations 4

(iv) such hearing loss is reported to the provincial director, on form WCL1/2, as counterploted in regulation 6 of the General Administrative Regulations. 9 NOISE ZONE

unereuns 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 person conservation.

In 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 above the noise-rating limit.

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 the exposure is below the noise-rating limit, of if the exposure is to rabove the noise-rating 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'll does not exceed the noise-rating limit.

ко помет ехрозите золнати сисея пот ехсеед the noise-rating limit.

In order to comply with sub regulation(l) an employer or self-employed person shall, as far as is reasonably practicable, reduce exposure to noise by implementing noise control measures in the following order of priority:

(a) Engineering control measures to eliminate or reduce noise at its source, or the modification of the routes by which noise reaches workplaces; (b) administrative control measures to limit the number of persons exposed and the duration of exposure; and

(c) the use of hearing protective equipment if en1.; lineering and administrative contro measures fail to reduce exposure below theno1se-ratinglimit. 12 HE I/RINGPROTECTIVE EQUIPMENT

Where hearing protective equipment is provided, un employer or self-employ person shall ensure thata) the equipment is capable of keeping the exposure below the noise-rating limit: of the equipment is correctly selected and properly used: employees receive the information, instruction, training and supervision that are necessary with regard to the use of the equipment; and

(d) the equipment is kept in good condition and efficient working order. ырлгал в керл in good condition and eniclent Working order. er orself-employed personshall, as far as is reasonably practicable-o reusable heiring protective equipment to any person, unless the ive equipment is properly decontaminated and, where appr

(b) provide separate containers or storage facilities for hearing protective equipmer whennot inuse; and (c) ensure that all hearing protective equipment not in use is stored only in the I place provided for It.

13. MAINTENANCE OFCONTROL MEASURES y employer or self-employed person shall ensure that anything that he or she provide ne 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 cleanliness.

available who has full knowledge of the hazards associated with the activities of the workplace to accompany him reordering the entire visit of the workplace. rtificate of exemption issued in terms of section 40 of the Act shall be signed by the

5 HEALTHANDSAFETY COMMITTEE

NEGOTIATIONS AND CONSULTATIONS BEFORE DESIGNATION OFHEALTH AND SAFETY REPRESENT The employer shall, in any workplace where there must be health and safety 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 registered trade unions of that workplace in order to consult or bargain in good faith and conclude an agreement concerning the—

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

 b) terms of office of health and safety representatives and the circumstances and the prescribed manner in which they may be removed as health and safety manner in which vacancies are to be filled: manner in which health and safety representatives must perform their functions in terms of the Act and

facilities, training and assistance that must be provided to a health and safety representative Interms of section 18(3)of the Act; 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 with regard to sub regulation (1). ment referred to in sub regulation (1) may include two or more employers as

parties to the agreement.

The conditions applicable to collective agreements in terms of the Labour Relations Act, read with the changes required by the context, shall apply to agreements concluded in terms of sub regulation (1).

A dispute shall exist if no agreement in terms of sub regulation (1) is concluded on the arrangement and procedures for the nomination and the election of health and safety representatives at a workflable.

representatives at a workplace.

(5) If a dispute exists in terms of sub regulation (4), any party to the dispute may refer the dispute to the CCMA or Bargaining Council.

(6) If a dispute is referred to the CCMA or Bargaining Council under sub regulation (5), the CCMA shall attempt to resolve it through conciliation.

(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

the Act and the proposals of the parties, determine the arrangement and procedur for the nomination or the election of the health and safety representatives. 7. DESIGN,\TION OFHEALTH /,ND SAFETY REPRESENTATIVES

employer shall ensure that the designation of health and safety representatives is in ordance withthei.1greementcontempli.1tedin regulation 6. 8. REPORTING OF INCIDENTS AND OCCUPATIONAL DISEASES

) An employer or user, as the case maybe, shall-(a) within seven days of any incident referred to in section 24(I)(a) of the Act, give notice thereof to the provincial director in the form of WCLI or WCL 2;and (b) where a person, in consequence of such an incident, dies, becomes unconscious, suffers the loss of a limb or part of a limb, or is otherwise injured or becomes III 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 24(1)(b) and (c) of the Act, shall forthwith also be reporter! to the provincial director by telephone, facsimile or similar means of commination.

If an injured person dies after notice of the incident in which he or she was injured was given In terms of sub regulation (1), the employer or user, as the case may be, shall orthwith notify the provincial director of his or her death.

Whenever an incident arising out of or in connection with the activities of persons a work occur to persons other than employees, the user, employer or self-employee person, as the case may be, shall forth with notify the provincial director by facsimile o similar means of communication asto 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 name of contact person

(ii) where it happened (place); (iii) when it happened{date and time); (iv) how it happened; (v) why it happened; and

(h) names of witnesses. Any other person for a disease contemplated in section 25 of the Act, give notice thereof to the chief inspector and the employer in the form ofWCL22.

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.

9. RECORDINGANDINVESTIGATIONOFINCIDENTS

An employer or user shall keep at a workplace or section of a workplace, as the ca report in terms or 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 o sub regulation (1), to be investigated by the employer, a person appointed by him o, hereby health and safety representative or a member of a health and safety committee within 7 days from the date of the incident and finalized as soon as is reasonably practicable, or within the constructed period in the Cuse of constructed workers.

3) The employer or user shall cause the findings of the Investigation contemplated in upregulation (2) to be entered in Annexure 1 immediately alter completion of such investigation.

An employer shall cause every record contemplated in sub regulation (1) to be examined by the health and safety committee for that workplace or section of the workplace at its next meeting and shall ensure that necessary actions, as may reasonable practicable. Are implemented and followed up to prevent the recurrence of such incident.

When an inspector is directed to hold a formal inquiry into an incident in terms osection 32(1) of the Act, he or she shall notify the employer or user concerned of the date, time and place of such inquiry. tate, lime and pakes statiniquity.

The employer or user shall forthwith advise in writing those persons who witnessed a incident, the union recognized by him or her and any other person specified by the inspector, of such date, time and place, and that their presence shall be required at the

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

A subpoena issued in terms of section 32(2) of the Act shall be in the form of A nnexure

n employer or a user shall on demand furnish the inspector with such returns as may be quired for the purposes of the administration of the Act.

2. PERSONAL SAFETYEQUIPMENT ANDFACILITIES 2.PERSONAL SAFETYCOUPMENT AND FACILITIES 1) Subject to the provisions of paragraphs (f),(g), (h) and (f) of regulation 5 of the General Administrative Regulations published under Government Notice R. 2206of 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 course of their employment or in connection with the use of machinery are exposed, 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 suc condition or situation safe. (Replaced by GAR, 1994 by Government Notice R.17403 of September 1996.

Neptember, 1996. Where it is not practicable to safeguard the condition or situation contemplated in su egulation (1), the employer or user of machinery, as the case may be, shall take step o reduce the risk as much as is practicable, and shall provide free of charge an maintain in a good and clean condition such safety equipment and facilities as may be ecessary to ensure that any person exposed to any such condition or situation at workplace or in the course of his employment or on premises where machinery is uses spendered set.

derogating from the general duties imposed on employers and users of machinery by sub regulations (1) and (2), the safety equipment and facilities contemplated in suf regulation (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, chain mail garments, waders, fire retardant or flame-protect the wearer thereof against harm;
(c) helts harmesses, left all presets life lines safety books or any similar equipment.

belts, harnesses, nets, fall arresters, life lines, safety hooks, or any similar equipment of a type that while effectively protect persons against falls:

(c) belts, namesses, nets, fall arresters, life lines, safety hooks, or any similar equipment of a type that while 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 persons concerned safe. persons concerned safe.

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 in 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. 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 regulation.

The provisions of this regulation shall not be construed as derogating from the prov1sionsof any specific regulation prescribing specific safety equipment or facilities. 2A.INTOXICATION ect to the provisions of sub regulation (3), an employer or a user as the case not permit any person who is or who appears to be under the influicating liquor or drugs, to enter or remain at a workplace.

Subject to the provisions of sub regulation (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 to the provision of the provisi medicines, only allow such person to perform duties at the workplace if the side effect of such medicine do not constitute a threat to the health or safety of the personnermed or other persons at such workplace.

28.DISPLA'{OF SUBSTITUTEDNOTICES ANDSIGNS oloyer or by a user at a workplace, the employer or user may, in lieu thereof, display a esponding symbolic sign, as contained in a safety standard incorporated for this oose into these regulations under section 44 of the Act, in which case the employer or r shall be deemed to have complied with such provisions.

2C ADMITTANCE OFFERSONS An employer or a user, as the case may be, shall, if he deems it necessary in the interests of health and safety, post up a notice at every entrance to a workplace prohibiting the entry of unauthorized 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 maybe.

3.FIRST AID,EMERGENCY EQUIPMENT ANDPROCEDURES An employer shall take all reas/OTable sleps 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 suck Employees shall provide a first aid box or boxes at or near the workplace which shall be availableand accessible for the treatment of injured persons at that workplace. (all 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-regulation (2) contain suitable first aid equipment which include at least the equipment listed in the Annexure hereto.

Such an employer shall make sure that only articles and equipment contemplated or regulation (a) or other similar equipment or medicine is kept in the first aid box or boxe.) 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 SO employees at that work. Place, or in the case of a shop or an office as contemplated in the Basic Conditions of

(a) the SA Red Cross Society: (b) the St. John Ambulance

(b) the St. John Ambulance;
(c) the SA First Aid league; or
(d) a person or organisation approved by the chief inspector for this purpose.
An employer shall at a workplace where a high risk substance or toxic, corrosive or similihezardous substances are used, handled, processed or manufactured, ensure that the first aid worker contemplated in sub regulation (4) is trained in the first aid procedure that are necessary for the treatment of injuries that may result from such activitie including the acute detrimental effects of exposure to such substances, and in the emergency procedures which are necessary in the case of accidental leakage of dumping of such substances.

An employee with an open wound, cut, sore or any similar injury, who works in a

Where an employee is exposed or can be exposed to a potential hazard of injury to the eye through contact with a biological or chemical substance, the employer concerned shall make sure that there is an eyewash fountain or any similar facilities, in the immediate vicinity of the workplace of such employee and that the employee is trained inthe use thereof. use thereof.

re an employee at a workplace is exposed or can be exposed to a potential hazar

jury to or absorption through the skin as a result of sudden contact with a larg
unt of toxic, corrosive, high risk or similar hazardous substance, the employe

emed shall make sure that there is a fast-reacting deluge-shower with clean wate

similar facility in the immediate vicinity of the workplace of such employee and the

mployee is trained in the use thereof.

6. WORKINELEVATED POSITIONS 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 a adder or scaffolding, or from a position where such person has been made as safe as if he were working from scaffolding.

No employer shall require or permit any person to, and no person shall, enter any place from or into which solid or p.:irt1cui..itematerial is being discharged where a danger exists of a person being engulfed by such solid or particulate material, unless
(a) such a person is provided with and properly uses a safety belt an drope;

(b) at least one other person who has been properly instructed, is and remains i attendance outside such place to keep the persons therein under continuou observation in order to render assistance in case of emergency; and (c) the precautions prescribed by regulation 5 of these regulations a dangerous gas, fumes, dust or vapour may be presenting such a place

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(a) is fitted with non-skid devices .:it the bottom ends and hooks or similar devices at 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.

Noem player shall use a ladder, or permit it to be used, if it-

(a) (i) his rungs fastened to the stiles only by means of nails, screws, spikes or in like (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 in to 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 is longer than 9m; and

(b) 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 sub regulation 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

(b) theladdersc free 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 dear varnish or wood preservative. When work is done from a ladder, the employer shall-

(a) take special precautionary measures to prevent articles from falling off; and งอะแหนงอะน.

An employer shall ensure that a fixed ladder which exceeds5 min length and is attached to a vertical structure with an inclination to the horizontal level of 75 and more(a) has its rungs at least 150 mm away from the structure to which the ladder is attached; and

(ii) shall afford firm support along its whole length for the back of the person climbing 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 (bl shall nor apply if platform which are spaced not more than 8 m apart ,1ncl suit,1ble for persons to rest on, a

An employer shall ensure that every ramp-(a) is constructed in accordance with accepted technical standards: c) has an inclination to the horizontal level of not more than 34° or one vertical to one

An employer shall ensure that every rampthe inclination of which renders additional foothold necessary, in every α the inclination is more than 14° or one vertical to four horizontal, is provided by the 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 interrupted over a width not exceeding 230 mm to facilitate the movement of barrows; and
(b) which is higher than 2 m and is provided on both sides with-รูป อนาน 2 กา นาน าย provided on born sides with-) substantial guardrallswhichareatleast900mmandnot exceeding 1 000 mm li height, and

(ii) toe-boards which are at least 150 mm high and so affixed that no open space exists between the toe-board and the ramp. ANNEXURE-MINIMUMCONTENTSOF AFIRST AIDBOX (REGULATION 3) se of shops and offices, the quantities stated under items I, 8,9, 10, 14, 15,17, and e reduced by half.

Description
Wound cleaner / antiseptic(IOOml)

Cotton wool for padding(100g) Sterile gauze(minimum quantity 10) 1pairofforceps(for splinters) 1rollofelusticadhesive(2Smmx3m)

2CPR mouth pieces or similar devices

2pairs large and 2pairs n

1 non-allergenic adhesive strip(25 mm x 3 m)

Swabs for cleaning wounds

In order to ensure that the provisions of the Act and these Regulations in relation

The chief inspector may, subject to such conditions as he may impose, permit an employer or user of machinery to designate more than one person in terms of sub regulation (1). Subject to the provisions of this regulation, an employee designated in terms of sub regulation (1) shall be a competent person.

(ii) any such sum is 3000 kW or more, the person so designated shall be a person as referred to in paragraph (c) or (d) of the said definition. (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 rated evaporative capacity (in kg of water per hour at 100°() by 21 or, in the absence of any such rated evaporative capacity, by multiplying the heating surface of that

If, in the case where machinery on or in the premises in question is used solely for the

(a) the maximum demand over any continuous period of 30 minutes is 3000 kVA or less the person designated in terms of sub-regulation (1) shall be u person as

 (b) any such demand exceeds 3000 kVA, but is less than 10000 kVA the employee sidesignated shall be a person as referred to in paragraph (b), (c) or (d) of the said definition. (cl any such demand is 10000 kVA u, more, the employee□ □C! designated shall be a

assist a person designated in terms of sub regulation (1).

The chief inspector maybe written notice direct any employer or user of machinery 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 sub regulation(1).

except with the approval of an inspector, no person designated in terms of subsequiations (1) or (7)shall supervise machinery on or in any premises other than the

When an employer or user of machinery design, 1tes a person referred to in sut regulations (4) {a),(5) (b)or(c), he shall forthwith forward to the divisional inspector a copy of the letter of appointment of that person. by different and appointment of interperson;

i) Notwithstanding the provisions of sub regulation (1), no employer or user of machinery needs to designate a person in terms of that sub regulation in respect of machinery needs to designate a person in terms of that sub regulation in respect of any elevator, goods elevator, escalator or electrical installation in any shop or office 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

by any such employer or user or machinery.

The chief inspector maybe written notice direct any employer or user of mach referred to in paragraph. (a) to designate within the period specified 111 the not person holding the qualt flicat fons so specified in terms of sub regulation (1), ny employer or user of machinery who applies for exemption from the provisios regulation under section 32 of the Act shall furnish the Minister with the follo

a) the groundfire application;

te nature of the work performed on or in the premises in question; he number and type of incidents reported in terms of section 17 (1) of the Act uring the preceding three years;

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 chiefinspector 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 competent person' may be used in the absence of any: such person for a period ne 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 it the opinion of an inspector, impracticable to comply with the provisions of this regulation. Provided that a person referred to in paragraph (a) of the said definition shall in writing be designated to supervise the machinery in question during such absence.

SAPEGUARUMSOFMACHINERY
 Every employer or user of machinery shall (a) ensure that all machinery used by him, is suitable for the purpose for which it is used, and that it is installed, operated and maintained in such manner as to prevent the exposure of persons to hazardous or potentially hazardous conditions or circumstances:

 b) 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. 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;
(c) ensure that all safety equipment is kept in a good working condition and is properly under the difference of the processor of the contraction.

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 danger to persons, the employer or user of machinery concerned shi.111cause the premises in question to be enclosed, and where such properties are that: designated entrances to such premises shall be kept closed and locked.

A. OPERATION OF MACHINERY

A. OPERATION OF MACH

loyer or user of machinery shall ensure that any machinery which re tattention in order to avoid accidents is under the supervision of a shift

the permission of his superior, authorize any other person to clothes 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
machinery concerned shall take all reasonable precautionary measures in order to
ensure that such machinery cannot be so set in motion or made electrically alive, and
any person intending to set such machinery in motion or made it electrically alive shall
take all reasonable precautionary measures in order to ensure that the safety of a
person is not threatened or likely to be threatened.

5) 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 suchmacil nery or cause it to be stopped.

5. WORKINGONMOVINGOR ELECTRICALLY ALIVEMACHINERY

operation of machinery under the general supervision of a shiftsman.

An employer or user of machinery shall in respect of work performed on or near 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 inspector 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 jewelry 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.

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

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 switch. or machinery concerned snail 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 berestarted

(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. REPORTINGOF INCIDENTS IN CONNECTIONWITHMACHINERY Each incident in which-(a) the fracture or failure of any part of machinery resulted in a falling or flying obje-

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

(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 $\overset{\circ}{(1)}$ is discontinued, the employer or user of machinery shall forthwith notify the divisional inspector thereof in writing. 9. INFORMATIONREGARDING REGULATIONS An employer or user of machinery shall furnish each person designated in terms of regulation 2 (1), free of charge, with a copy of the Act and the regulations made thereunder.

Any employer or user of machinery shall affix(a) in respect of a boiler, a notice in the form setout in Schedule C to these Regulations

or

(b) in respect of any machinery other than a boiler, a notice in the form set out in Schedule to these Regulations, In both official languages and In legible form In a conspicuous place on or in the premises In question.

Any employer or user of machinery shall cause any notice referred to in subregulation (2) to be explained to all employees who are not conversant with an official langu,1ge.

(a) any employer or self-employed person who carries out work at a workplace, which may expose any person to ergonomic risks in that workplace; and
(b) a designer, manufacturer, importer or supplier of machinery, plant or work systems for use at a workplace.

3. INFORMATION, INSTRUCTION ANDTRAINING (1) An employer must, after consultation with the health and s.:ifety committee established in respect of a workplace under such employer's control or the health and

(a) The content and scope of these Regulations; the potential sources of exposure to ergonomic risks:

by the potential sources of exposure to engoliment issue;
the nature of ergonomic risks;
the nature of ergonomic risks;
the control measures that are in place to prevent exposure to ergonomic risks;
the procedure for reporting ergonomic risks to the health and safety representative or emphases.

ergonomic risks; and h) the assessment of exposure, the necessity for medical surveillance and the long-term benefits of undergoing such surveillance. The employer must conduct the training contemplated in subregulation(I) prior to the clacement of the relevant employee in the workplace. placement of therelevant 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 OFFERSONS WHOMAY BE ATRISKO =EXPOSURE TOERGONOMICRISKS

(a) the use of measures adopted to control ergonomic risks 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 surveillances required by regulation 8:and (e) information, instruction and training received as contemplated in regulation 3. s DUTIES OFDESIGNERS, MANUFACTURERS.IMPORTERS ANDSUPPUERS
, manufacturer, importer or supplier of machinery, plant or work systems for

optimizing human well-being and overall system performance.

(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 optimizes human well-being and overall system performance;

(cl 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 stems;

(d) as far as is reasonably practicable, install machinery, plant or work systems to achieve optimal human well-being and overall system Performance needs; and

(e) provide information to potential users on the appropriate maintenance of machinery, plant or work systems to ensure safe operation and use.

(ii) the identification of all persons who maybe 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 prioritization of ergonomic risks.

(v) the prioritization of ergonomic risks.

(vi) the prioritization of ergonomic risks assessment in the subregulation (1) life-

(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;
(d) there has been a change in-(i) the work methods; (ii) the type of work carried out; or

(iii) the type of equipment used to control the exposure: and

an incident occurs or medical surveillance reveals an adverse health effect, where
ergonomic risks are identified as a contributing factor.

8 MEDICAL SURVEILLANCE An employer must ensure that an employee is placed under medical sur a) the ergonomic risk assessment referred to in regulation6 indicates the need for the employee to be placed under medical surveillance; or

(b) an occupational health practitioner recommends that relevant employees must be under medical surveillance, in which case the employer may call upon an occupational medicine practitioner to ratify the appropriateness of such recommendation. An employer must ensure that the medical surveillance contemplated in subregulation (1) consists of-

(a) in the case of a new employee, an initial health examination before the employee commences employment on this 30days of commencement of such employment; (b) a periodic health examination informed by the ergonomic risk assessment, at intervals specified by an occupational medicine practitioner, but not exceeding two (c) an exit health examination informed by the ergonomic risk assessment. 9. MAINTENANCE OFCONTROLS

9. MAINTENANCE OF CONTROLS

every employer or self-employed person must, as far as is reasonably practicable, ensure nat 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. (a) keep records of documents contemplated in regulations 3, 6, 7, 8(2) and 9; (b) keep records for a minimum period of-

(ii) three years for records contemplated in regulations 7 and 9; (iii) the length of time the employee remains at the workplace for records (c) make available to-

(i) the relevant health and safety representative, health and safety committee or to

(ii) any person, the records contemplated in regulation 8(2), subject to forma (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 informations of the employee:

(iv) name of spouse or closest relative; and (v) where available, permanent residential address and postal code The chief inspector must, after consultation with the Minister, establish an ergonomics health and safety technical committee which must consist of-

(d) three persons designated by employees' organisations to represent the federation of unions;
 (e) one person to represent a professional body recognized by the chief inspector;

(g) one person from the field of ergonomics representing a higher educational

(h) one person representing occupational medicine.

The chief inspectora) must appoint members of the ergonomics health and safety technical committee (b) may, after having afforded a member a reasonable opportunity to respond, charge such a member at any time, for reasons that are fair and just: and

in may appoint a new member in the place of a member who is discharged in terms of paragraph (b). (a) Advise the chief inspector on ergonomics related matters, including, but not limited to, codes, standards and training requirements;
(b) make recommendations and submit reports to the chief inspector regarding any matter to which these Regulations apply;

perform any other function for the administration of a provision of these Regulations that may be requested by the chief inspector; and

(e) conduct its work in accordance with the instructions and rules of conduct framed

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