

Please note that this Version includes the Occupational Health and Safety Act of 83 of 1993 and 8 of the main sets of Regulations applicable to the Electrical Industry as per

Contents  
( Third Edition)

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## OCCUPATIONAL HEALTH AND SAFETY ACT

Act 85 of 1993 as amended. The Act came into effect on 1 January 1994. It repealed the Machinery and Occupational Safety Act No 6 of 183 and its amendments. The Machinery and Occupational Safety Act replaced the Factories, Machinery and Building Work Act No 22 of 1941. This Act consists of 50 sections and 20 different sets of regulations.

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

Republic of South

Africa No. 85 of 1993:

Occupational Health and Safety Act

as amended by

Occupational Health and Safety Amendment

Act, No. 181 of 1993

## ACT

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

(English Text Signed By The State President)

(Assented To 23 June, 1993) BE IT ENACTED

by the State President and the Parliament of the Republic of South Africa, as follows—

**“Reproduced under Government Printer’s Copyright Authority No. 11455 dated 11<sup>th</sup> August 2009.”**

**PLEASE NOTE:** Every effort has been made to verify the accuracy of the text in this publication. However, in any legal process, the text of the Occupational Health & Safety Act no 85 of 1993 and its amendments prevail over the text in this publication.

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23. Certain deductions prohibited
 

No employer shall in respect of anything which he is in terms of this Act required to provide or to do in the interest of the health or safety of an employee, make any deduction from any employee's remuneration or require or permit any employee to make any payment to him or any other person. [S. 23 substituted by s. 6 of Act No. 181 of 1993.]
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The Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), the Machinery and Occupational Safety Amendment Act, 1989 (Act No. 40 of 1989), and the Machinery and Occupational Safety Amendment Act, 1991 (Act No. 97 of 1991), are hereby repealed.

## 50. Short title and commencement

## ■ 1. Definitions

**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;(xxiv)

“**approved inspection authority**” means an inspection authority approved by the chief inspector: Provided that an inspection authority approved by the chief inspector with respect to any particular service shall be an approved inspection authority with respect to that service only;

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

“**building**” includes—

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

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

“**chief inspector**” means the officer designated under section 27 as chief inspector, and includes any officer acting as chief inspector;

“**Council**” means the Advisory Council for Occupational Health and Safety established by section 2;

“**danger**” means anything which may cause injury or damage to persons or property;

“**Department**” means the Department of Manpower;

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

“**employer**” means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him, but excludes a labour broker as defined in section I (1) of the Labour Relations Act, 1956 (Act No. 28 of 1956);

“**employers' organization**” means an employers' organization as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956);

“**employment**” or “**employed**” means employment or employed as an employee;

“**explosives**” means any substance or article as listed in Class 1: Explosives in the South African Bureau of Standards Code of Practice for the Identification and Classification of Dangerous Substances and Goods, SABS 0228;

“**hazard**” means a source of or exposure to danger;

“**health and safety committee**” means a committee established under section 19;

“**health and safety equipment**” means any article or part thereof which is manufactured, provided or installed in the interest of the health or safety of any person;

“**health and safety representative**” means a person designated in terms of section 17 (1);

“**health and safety standard**” means any standard, irrespective of whether or not it has the force of law, which, if applied for the purposes of this Act, will in the opinion of the Minister promote the attainment of an object of this Act;

“**healthy**” means free from illness or injury attributable to occupational causes;

“**incident**” means an incident as contemplated in section 24 (1);

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

“**inspection authority**” means 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 whether for reward or otherwise, renders a service by making special findings, purporting to be objective findings, as to—

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

“**inspector**” means a person designated under section 28;

“**listed work**” means any work declared to be listed work under section II;

“**local authority**” means—

- (a) any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961);
- (b) any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- (c) any other institution or body or the holder of any office declared by the Minister by notice in the Gazette to be a local authority for the purposes of this Act;

“**machinery**” means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy;

“**major hazard installation**” means an installation—

- (a) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
- (b) where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident;

“**major incident**” means an occurrence of catastrophic proportions, resulting from the use of plant or 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 or periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner;

“**Minister**” means the Minister of Manpower;

“**occupational health**” includes occupational hygiene, occupational medicine and biological monitoring;

“**occupational health practitioner**” means an occupational medicine practitioner or a person who 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 Professions Act, 1974 (Act No. 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978);

“**occupational hygiene**” means the anticipation, recognition, evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons;

“**occupational medicine**” means the prevention, diagnosis and treatment of illness, injury and adverse health effects associated with a particular type of work;

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

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

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

“**organism**” means any biological entity which is capable of causing illness to persons;

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

“**premises**” includes any building, vehicle, vessel, train or aircraft; “**prescribed**” means prescribed by regulation;

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

“**reasonably practicable**” means practicable having regard to—

- (a) the severity and scope of the hazard or risk concerned;
- (b) the state of knowledge reasonably available concerning that hazard or risk and of any means of removing or mitigating that hazard or risk;
- (c) the availability and suitability of means to remove or mitigate that hazard or risk; and
- (d) the cost of removing or mitigating that hazard or risk in relation to the benefits deriving therefrom;

“**regulation**” means a regulation made under section 43;

“**remuneration**” means 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 I (1) of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983);

“**standard**” means any provision occurring—

- (a) in a specification, compulsory specification, code of practice or standard method as defined in section I of the Standards Act, 1993 (Act No. 29 of 1993); or

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

“**substance**” includes any solid, liquid, vapour, gas or aerosol, or combination thereof;

“**this Act**” includes any regulation;

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

“**user**”, in relation to plant or machinery, means the person who uses plant or machinery for his own benefit or who has the right of control over the use of plant or machinery, but does not include a lessor of, or any person employed in connection with, that plant or machinery;

“**work**” means work as an employee or as a self-employed person, and for such purpose an employee is deemed to be at work during the time that he is in the course of his employment, and a self-employed person is deemed to be at work during such time as he devotes to work as a self-employed person;

“**workplace**” means any premises or place where a person performs work in the course of his employment.

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

- (3) This Act shall not apply in respect of—

- (a) a mine, a mining area or any works as defined in the Minerals Act, 1991 (Act No. 50 of 1991), except in so far as that Act provides otherwise;
- (b) any load line ship (including a ship holding a load line exemption certificate), fishing boat, sealing boat and whaling boat as defined in section 2 (1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), or any floating

crane, whether or not such ship, boat or crane is in or out of the water within any harbour in the Republic or within the territorial waters thereof, (Date of commencement of para. (b) to be proclaimed.) or in respect of any person present on or in any such mine, mining area, works, ship, boat or crane.

## ■ 2. Establishment of Advisory Council for Occupational Health and Safety

There is hereby established an Advisory Council for Occupational Health and Safety.

### ■ 3. Functions of Council

- (1) The Council shall—
  - (a) advise the Minister with regard to—
    - (i) matters of policy arising out of or in connection with the application of the provisions of this Act;
    - (ii) any matter relating to occupational health and safety;
  - (b) perform the functions assigned to it by this Act or referred to it by the Minister.
- (2) The Council may—
  - (a) with a view to the performance of its functions, do such research and conduct such investigations as it may deem necessary;
  - (b) make rules relating to the calling of meetings of the Council, the determining of a quorum for and the procedure at such meetings, and generally relating to all matters which may be necessary for the effective performance of the functions of the Council or, subject to section 6, of a technical committee;
  - (c) advise the Department concerning—
    - (i) the formulation and publication of standards, specifications or other forms of guidance for the purpose of assisting employers, employees and users to maintain appropriate standards of occupational health and safety;
    - (ii) the promotion of education and training in occupational health and safety; and
    - (iii) the collection and dissemination of information on occupational health and safety.
- (3) The Council may for the purposes of the performance of any of its functions, with the approval of the Minister, and with the concurrence of the Minister of State Expenditure,

enter into an agreement for the performance of a particular act or particular work or for the rendering of a particular service, on such conditions and at such remuneration as may be agreed upon, with anybody who in the opinion of the Council is fit to perform such act or work or to render such service.

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

### ■ 4. Constitution of Council

- (1) The Council shall consist of 20 members, namely—
  - (a) the chief inspector, ex officio, who shall be the chairman;
  - (b) one officer serving in the Department;
  - (c) the Compensation Commissioner, or his nominee;
  - (d) one person nominated by the Minister for National Health and Welfare;
  - (e) one person nominated by the Minister of Mineral and Energy Affairs; six persons to represent the interests of employers from a list of the names of persons nominated by employers' organizations or federations of employers' organizations;
  - (f) [Substituted by s. 2 of Act No. 181 of 1993]
  - (g) six persons to represent the interests of employees from a list of the names of persons nominated by trade unions or federations of trade unions; [Para. (g) substituted by s. 2 of Act No. 181 of 1993.]
  - (h) one person who in the opinion of the Minister has knowledge of occupational safety matters;
  - (i) one person who in the opinion of the Minister has knowledge of occupational medicine and who was recommended by the Minister for National Health and Welfare;
  - (j) one person who in the opinion of the Minister has knowledge of occupational hygiene.
- (2) The members referred to in subsection (1) (b) up to and including (j) shall be appointed by the Minister.

### ■ 5. Period of office and remuneration of members of Council

- (1) The members of the Council referred to in section 4 (2) shall be appointed for a period of three years, and on such conditions as the Minister may determine with the concurrence of the Minister of State Expenditure.
- (2) Any person whose period of office as a member of the Council has expired shall be eligible for reappointment.
- (3) A member referred to in section 4 (1) (f), (g), (h), (i) or (j) who is not an officer may be paid from money appropriated for such purpose by Parliament such allowances as the Minister may determine with the concurrence of the Minister of State Expenditure.

### ■ 6. Establishment of technical committees of Council

- (1) The Council may with the approval of the Minister establish one or more technical committees to advise the Council on any matter regarding the performance by the Council of its functions.
- (2) A member of a technical committee shall be appointed by the Council by reason of his knowledge of the matter for which the committee is established, and such a member need not be a member of the Council.
- (3) A meeting of a technical committee shall be held at such time and place as may be determined by the chairman of the Council, and in accordance with rules approved by the Council.
- (4) A member of a technical committee who is not an officer may be paid from money appropriated for such purpose by Parliament such allowances as the Minister may determine with the concurrence of the Minister of State Expenditure.

### ■ 7. Health and safety policy

- (1) The chief inspector may direct—
  - (a) any employer in writing; and
  - (b) any category of employers by notice in the Gazette, to prepare a written policy concerning the protection of the health and safety of his employees at work, including a description of his organization and the arrangements for carrying out and reviewing that policy.

- (2) Any direction under subsection (1) shall be accompanied by 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, the 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 precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures;
  - (e) providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees;



- (f) as far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;
- (g) taking all necessary measures to ensure that tire requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is used;
- (h) enforcing such measures as may be necessary in the interest of health and safety;
- (i) ensuring that work is performed and that plant or machinery is 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; and
- (j) causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b).

#### ■ 9. General duties of employers and self-employed persons to persons other than their employees

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

#### ■ 10. General duties of manufacturers and others regarding articles and substances for use at work

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

when properly used and that it complies with all prescribed requirements.

- (2) Any person who erects or installs any article for use at work on or in any premises shall ensure, as far as is reasonably practicable, that nothing about the manner in which it is erected or installed makes it unsafe or creates a risk to health when properly used.
- (3) Any person who manufactures, imports, sells or supplies any substance for use at work shall—
  - (a) ensure, as far as is reasonably practicable, that the substance is safe and without risks to health when properly used; and
  - (b) take such steps as may be necessary to ensure that information is available with regard to the use of the substance at work, the risks to health and safety associated with such substance, the conditions necessary to ensure that the substance will be safe and without risks to health when properly used and the procedures to be followed in the case of an accident involving such substance.
- (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 firstmentioned person from the duty imposed upon him by this section to such an extent as may be reasonable having regard to the terms of the undertaking.

#### ■ 11. Listed work

- (1) The Minister may, subject to the provisions of subsections (2) and (3), by notice in the Gazette declare any work, under the conditions or circumstances specified in the notice, to be listed work.
- (2) (a) Before the Minister declares any work to be listed work, he shall cause to be published in the Gazette a draft of his proposed notice and at the same time invite interested persons to submit to him in writing within a specified period, comments and representations in connection with the proposed notice.

(b) A period of not less than three months shall elapse between the publication of the draft notice and the notice under subsection (1).

- (3) The provisions of subsection (2) shall not apply—
  - (a) if the Minister in pursuance of comments and representations received in terms of subsection (2) (a), decides to publish the notice referred to in subsection (1) in an amended form; and
  - (b) to any declaration in terms of subsection (1) in respect of which the Minister is of the opinion that the public interest requires that it be made without delay.
- (4) A notice under subsection (1) may at any time be amended or withdrawn by like notice.

#### ■ 12. General duties of employers regarding listed work

- (1) Subject to such arrangements as may be prescribed, every employer whose employees undertake listed work or are liable to be exposed to the hazards emanating from listed work, shall, after consultation with the health and safety committee established for that workplace—
  - (a) identify the hazards and evaluate the risks associated with such work constituting a hazard to the health of such employees, and the steps that need to be taken to comply with the provisions of this Act;
  - (b) as far as is reasonably practicable, prevent the exposure of such employees to the hazards concerned or, where prevention is not reasonably practicable, minimize such exposure; and
  - (c) having regard to the nature of the risks associated with such work and the level of exposure of such employees to the hazards, carry out an occupational hygiene programme and biological monitoring, and subject such employees to medical surveillance.
- (2) Every employer contemplated in subsection (1) shall keep the health and safety representatives designated for their workplaces or sections of the workplaces, informed of the actions taken under subsection (1) in their respective workplaces or sections thereof and of the results of such actions: Provided that individual results of biological monitoring and medical surveillance relating to the work of the employee, shall only

with the written consent of such employee be made available to any person other than an inspector, the employer or the employee concerned.

#### ■ 13. Duty to inform

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

- (a) as far as is reasonably practicable, cause every employee to be made conversant with the hazards to his health and safety attached to any work which he has to perform, any article or substance which he has to produce, process, use, handle, store or transport and any plant or machinery which he is required or permitted to use, as well as with the precautionary measures which should be taken and observed with respect to those hazards;
- (b) inform the health and safety representatives concerned beforehand of inspections, investigations or formal inquiries of which he has been notified by an inspector, and of any application for exemption made by him in terms of section 40; and
- (c) inform a health and safety representative as soon as reasonably practicable of the occurrence of an incident in the workplace or section of the workplace for which such representative has been designated.

#### ■ 14. General duties of employees at work

Every employee shall at work—

- (a) take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions;
- (b) as regards any duty or requirement imposed on his employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed or complied with;
- (c) carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health or safety;
- (d) if any situation which is unsafe or unhealthy comes to his attention, as soon as practicable report such situation to his employer or to the health and safety representative for his workplace or section thereof, as the case may

be, who shall report it to the employer; and  
(e) if he is involved in any incident which may affect his health or which has caused an injury to himself, report such incident to his employer or to anyone authorized thereto by the employer, or to his health and safety representative, as soon as practicable but not later than the end of the particular shift during which the incident occurred, unless the circumstances were such that the reporting of the incident was not possible, in which case he shall report the incident as soon as practicable thereafter.

#### ■ 15. Duty not to interfere with, damage or misuse things

No person shall intentionally or recklessly interfere with, damage or misuse anything which is provided in the interest of health or safety. [S. 15 substituted by s. 3 of Act No. 181 of 1993.]

#### ■ 16. Chief executive officer charged with certain duties

- (1) Every chief executive officer shall as far as is reasonably practicable ensure that the duties of his employer as contemplated in this Act, are properly discharged.
- (2) Without derogating from his responsibility or liability in terms of subsection (1), a chief executive officer may assign any duty contemplated in the said subsection, to any person under his control, which person shall act subject to the control and directions of the chief executive officer.
- (3) The provisions of subsection (1) shall not, subject to the provisions of section 37, relieve an employer of any responsibility or liability under this Act.
- (4) For the purpose of subsection (1), the head of department of any department of State shall be deemed to be the chief executive officer of that department.

#### ■ 17. Health and safety representatives

- (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 and safety representatives for such workplace, or for different sections thereof.

- (2) An employer and the representatives of his employees recognized by him or, where there are no such representatives, the employees shall consult in good faith regarding the arrangements and procedures for the nomination or election, period of office and subsequent designation of health and safety representatives in terms of subsection (1): Provided that if such consultation fails, the matter shall be referred for arbitration to a person mutually agreed upon, whose decision shall be final: Provided further that if the parties do not agree within 14 days on an arbitrator, the employer shall give notice to this effect in writing to the President of the Industrial Court, who shall in consultation with the chief inspector designate an arbitrator, whose decision shall be final. [Sub-s. (2) substituted by s. 4 of Act No. 181 of 1993.]
- (3) Arbitration in terms of subsection (2) shall not be subject to the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), and a failure of the consultation contemplated in that subsection shall not be deemed to be a dispute in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956): Provided that the Minister may prescribe the manner of arbitration and the remuneration of the arbitrator designated by the President of the Industrial Court. [Sub-s. (3) substituted by s. 4 of Act No. 181 of 1993.]
- (4) Only those employees employed in a full-time capacity at a specific workplace and who are acquainted with conditions and activities at that workplace or section thereof, as the case may be, shall be eligible for designation as health and safety representatives for that workplace or section.
- (5) The number of health and safety representatives for a workplace or section thereof shall in the case of shops and offices be at least one health and safety representative for every 100 employees or part thereof, and in the case of all other workplaces at least one health and safety representative for every 50 employees or part thereof: Provided that those employees performing work at a workplace other than that where they ordinarily report for duty, shall be

deemed to be working at the workplace where they so report for duty.

- (6) If an inspector is of the opinion that the number of health and safety representatives for any workplace or section thereof, including a workplace or section with 20 or fewer employees, is inadequate, he may by notice in writing direct the employer to designate such number of employees as the inspector may determine as health and safety representatives for that workplace or section thereof in accordance with the arrangements and procedures referred to in subsection (2).
- (7) All activities in connection with the designation, functions and training of health and safety representatives shall be performed during ordinary working hours, and any time reasonably spent by any employee in this regard shall for all purposes be deemed to be time spent by him in the carrying out of his duties as an employee.

#### ■ 18. Functions of health and safety representatives

- (1) A health and 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), (b), (c) or (d), or where such representations are unsuccessful, to an inspector;
  - (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  
(j) in his capacity as a health and safety representative attend meetings of the health and safety committee of which he is a member, in connection with any of the above functions.

- (2) A health and safety representative shall, in respect of the workplace or section of the workplace 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. [Sub-s. (2) substituted by s. 5 of Act No. 181 of 1993.]
  - (3) An employer shall provide such facilities, assistance and training as a health and safety representative may reasonably require and as have been agreed upon for the carrying out of his functions.
  - (4) A health and safety representative shall not incur any civil liability by reason of the fact only that he failed to do anything which he may do or is required to do in terms of this Act.
- #### ■ 19. Health and safety committees
- (1) An employer shall in respect of each workplace where two or more health and safety representatives have been designated, establish one or more health and safety committees and, at every meeting of such a committee as

- contemplated in subsection (4), consult with the committee with a view to initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of his employees at work.
- (2) A health and safety committee shall consist of such number of members as the employer may from time to time determine: Provided that—
- (a) if one health and safety committee has been established in respect of a workplace, all the health and safety representatives for that workplace shall be members of the committee;
- (b) if two or more health and safety committees have been established in respect of a workplace, each health and safety representative for that workplace shall be a member of at least one of those committees; and
- (c) the number of persons nominated by an employer on any health and safety committee established in terms of this section shall not exceed the number of health and safety representatives on that committee.
- (3) The persons nominated by an employer on a health and safety committee shall be designated in writing by the employer for such period as may be determined by him, while the health and safety representatives shall be members of the committee for the period of their designation in terms of section 17 (1).
- (4) A health and safety committee shall hold meetings as often as may be necessary, but at least once every three months, at a time and place determined by the committee: Provided that an inspector may by notice in writing direct the members of a health and safety committee to hold a meeting at a time and place determined by him: Provided further that, if more than 10 per cent of the employees at a specific workplace has handed a written request to an inspector, the inspector may by written notice direct that such a meeting be held.
- (5) The procedure at meetings of a health and safety committee shall be determined by the committee.
- (6) (a) A health and safety committee may co-opt one or more persons by reason of his or their particular knowledge of health or safety matters as an advisory member or as advisory

members of the committee.

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

## ■ 20. Functions of health and safety committees

- (1) A health and safety committee—
- (a) may make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector regarding any matter affecting the health or safety of persons at the workplace or any section thereof for which such committee has been established;
- (b) shall discuss any incident at the workplace or section thereof in which or in consequence of which any person was injured, became ill or died, and may in writing report on the incident to an inspector; and
- (c) shall perform such other functions as may be prescribed.
- (2) A health and safety committee shall keep record of each recommendation made to an employer 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.
- (4) An employer shall take the prescribed steps to ensure that a health and safety committee complies with the provisions of section 19 (4) and performs the duties assigned to it by subsections (1) and (2).

## ■ 21. General prohibitions

- (1) The Minister may by notice in the Gazette declare—
- (a) that no employer shall require or permit any employee belonging to a category of employees specified in the notice to perform

work on or in any premises on or in which an activity specified in the notice is carried out which in the opinion of the Minister is an activity which threatens or is likely to threaten the health or safety of an employee belonging to that category of employees, or that no employer shall require or permit any such employee to perform any work on or in such premises otherwise than on the conditions specified in the notice;

- (b) that no employer shall require or permit any employee to perform any work in connection with the carrying out of a process specified in the notice which in the opinion of the Minister is a process which threatens or is likely to threaten the health or safety of an employee, or that no employer shall require or permit an employee to perform any work in connection with the carrying out of such a process otherwise than on the conditions specified in the notice; and
- (c) that no employer shall require or permit any employee, otherwise than on the conditions specified in the notice, to perform any work on or in any premises where an article or substance specified in the notice is produced, processed, used, handled, stored or transported which in the opinion of the Minister is an article or substance which threatens or is likely to threaten the health or safety of an employee.
- (2) (a) The Minister shall, before he publishes a notice under subsection (1), cause a draft of his proposed notice to be published in the Gazette and at the same time invite interested persons to submit to him in writing, within a specified period, comments and representations in connection with the proposed notice.
- (b) The provisions of paragraph (a) shall not apply if the Minister, in pursuance of comments and representations received, decides to publish the notice referred to in subsection (1) in an amended form.
- (3) A notice under subsection (1) may at any time be amended or withdrawn by like notice.
- (4) A notice shall not be issued under subsection (1) or (3) unless the Minister for National Health and Welfare and the Council have been consulted.

- (5) A notice issued or deemed to have been issued under section 13 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and which was in force immediately prior to the commencement of this Act, shall be deemed to have been issued under this section.

## ■ 22. Sale of certain articles prohibited

Subject to the provisions of section 10 (4), if any requirement (including any health and safety standard) in respect of any article, substance, plant, machinery or health and safety equipment or for the use or application thereof has been prescribed, no person shall sell or market in any manner whatsoever such article, substance, plant, machinery or health and safety equipment unless it complies with that requirement.

## ■ 23. Certain deductions prohibited

No employer shall in respect of anything which he is in terms of this Act required to provide or to do in the interest of the health or safety of an employee, make any deduction from any employee's remuneration or require or permit any employee to make any payment to him or any other person. [S. 23 substituted by s. 6 of Act No. 181 of 1993.]

## ■ 24. Report to inspector regarding certain incidents

- (1) Each incident occurring at work or arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequence of which—
- (a) any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes ill to such a degree that he is likely either to die or to suffer a permanent physical defect or likely to be unable for a period of at least 14 days either to work or to continue with the activity for which he was employed or is usually employed;
- (b) a major incident occurred; or
- (c) the health or safety of any person was endangered and where—
- (i) a dangerous substance was spilled;
- (ii) the uncontrolled release of any substance under pressure took place;
- (iii) machinery or any part thereof fractured or failed resulting in flying, falling or



(iv) machinery ran out of control, shall, within the prescribed period and in the prescribed manner, be reported to an inspector by the employer or the user of the plant or machinery concerned, as the case may be.

- (2) In the event of an incident in which a person died, or was injured to such an extent that he is likely to die, or suffered the loss of a limb or part of a limb, no person shall without the consent of an 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 to prevent a further incident, to remove the injured or dead, or to rescue persons from danger.
- (3) The provisions of subsections (1) and (2) shall not apply in respect of—
- a traffic accident on a public road;
  - an incident occurring in a private household, provided the householder forthwith reports the incident to the South African Police; or
  - any accident which is to be investigated under section 12 of the Aviation Act, 1962 (Act No. 74 of 1962).
- (4) A member of the South African Police to whom an incident was reported in terms of subsection (3) (b), shall forthwith notify an inspector thereof.

#### ■ 25. Report to chief inspector regarding occupational disease

Any medical practitioner who examines or treats a person for a disease described in the Second Schedule to the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), or any other disease which he believes arose out of that person's employment, shall within the prescribed period and in the prescribed manner report the case to the person's employer and to the chief inspector, and inform that person accordingly. [S. 25 substituted by s. 7 of Act No. 181 of 1993.]

#### ■ 26. Victimization forbidden

- (1) No employer shall dismiss an employee, or reduce the rate of his remuneration, or alter the terms or conditions of his employment to terms or conditions less favourable to him, or alter his

position relative to other employees employed by that employer to his disadvantage, by reason of the fact, or because he suspects or believes, whether or not the suspicion or belief is justified or correct, that that employee has given information to the Minister or to any other person charged with the administration of a provision of this Act which in terms of this Act he is required to give or which relates to the terms, conditions or circumstances of his employment or to those of any other employee of his employer, or has complied with a lawful prohibition, requirement, request or direction of an inspector, or has given evidence before a court of law or the industrial court, or has done anything which he may or is required to do in terms of this Act or has refused to do anything which he is prohibited from doing in terms of this Act.

- (2) No employer shall unfairly dismiss an employee, or reduce the rate of his remuneration, or alter the terms or conditions of his employment to terms or conditions less favourable to him, or alter his position relative to other employees employed by that employer to his disadvantage, by reason of the information that the employer has obtained regarding the results contemplated in section 12 (2) or by reason of a report made to the employer in terms of section 25. [Sub-s. (2) added by s. 8 of Act No. 181 of 1993.]

#### ■ 27. Designation and functions of chief inspector

- (1) The Minister shall designate an officer serving in the Department as chief inspector for the purposes of this Act.
- (2) The chief inspector shall perform his functions subject to the control and supervision of the Director-General of the Department and may perform any function assigned to an inspector by this Act.
- (3) (a) The chief inspector may delegate any power conferred upon him by this Act, excluding a power referred to in section 35 (1) or delegated to him under section 42, to any other officer or authorize any such officer to perform any duty assigned to him by this Act.
- (b) No delegation of a power under paragraph (a) shall prevent the exercise of such power by the chief inspector himself.

- (4) Whenever the chief inspector is absent or unable to perform his functions as chief inspector or whenever the designation of a chief inspector is pending, the Minister may designate any other officer serving in the Department to act as chief inspector during the chief inspector's absence or incapacity or until a chief inspector is designated.
- (5) Any person who immediately prior to the commencement of this Act was designated as chief inspector under section 19 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), shall be deemed to have been designated as chief inspector under subsection (1) of this section.

#### ■ 28. Designation of inspectors by Minister

- (1) The Minister may designate any person as an inspector to perform, subject to the control and directions of the chief inspector, any or all of the functions assigned to an inspector by this Act.
- (2) Each inspector designated under subsection (1) shall be furnished with a certificate signed by or on behalf of the Minister and stating that he has been designated as an inspector: Provided that if his designation as inspector is limited to any particular function or functions, his certificate shall state such limitation.
- (3) Whenever an inspector designated under subsection (1) performs a function under this Act in the presence of any person affected thereby the inspector shall on demand by such person produce to him the certificate referred to in subsection (2).
- (4) Any officer who immediately prior to the commencement of this Act was designated as an inspector under section 20 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), shall be deemed to have been designated as an inspector under subsection (1) of this section.

#### ■ 29. Functions of inspectors

- (1) An inspector may, for the purposes of this Act—
- without previous notice, at all reasonable times, enter any premises which are occupied or used by an employer or on or in which an employee performs any work or any plant or machinery is used, or which he suspects to be such premises;

- question any person who is or was on or in such premises, either alone or in the presence of any other person, on any matter to which this Act relates;
  - require from any person who has control over or custody of a book, record or other document on or in those premises, to produce to him forthwith, or at such time and place as may be determined by him, such book, record or other document;
  - examine any such book, record or other document or make a copy thereof or an extract therefrom;
  - require from such a person an explanation of any entry in such book, record or other document;
  - inspect any article, substance, plant or machinery which is or was on or in those premises, or any work performed on or in those premises or any condition prevalent on or in those premises or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
  - seize any such book, record or other document or any such article, substance, plant or machinery or a part or sample thereof which in his opinion may serve as evidence at the trial of any person charged with an offence under this Act or the common law: Provided that the employer or user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;
  - direct any employer, employee or user, including any former employer, employee or user, to appear before him at such time and place as may be determined by him and question such employer, employee or user either alone or in the presence of any other person on any matter to which this Act relates;
  - perform any other function as may be prescribed.
- (2) (a) An interpreter, a member of the South African Police or any other assistant may, when required by an inspector, accompany him when he performs his functions under this Act.

- (b) For the purposes of this Act an inspector's assistant shall, while he acts under the instructions of an inspector, be deemed to be an inspector.
- (3) When an inspector enters any premises under subsection (1) the employer occupying or using those premises and each employee performing any work thereon or therein and any user of plant or machinery thereon or therein, shall at all times provide such facilities as are reasonably required by the inspector to enable him and his assistant (if any) to perform effectively and safely his or their functions under this Act.
- (4) When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document as contemplated in subsection (1) (f) or (g), he shall issue a receipt to the owner or person in control thereof.

### ■ 30. Special powers of inspectors

- (1) (a) Whenever an employer performs an act or requires or permits an act to be performed, or proposes to perform an act or to require or permit an act to be performed, which in the opinion of an inspector threatens or is likely to threaten the health or safety of any person, the inspector may in writing prohibit that employer from continuing or commencing with the performance of that act or from requiring or permitting that act to be continued or commenced with, as the case may be.
- (b) Whenever a user of plant or machinery uses or proposes to use any plant or machinery, in a manner or in circumstances which in the opinion of an inspector threatens or is likely to threaten the health or safety of any person who works with such plant or machinery or who is or may come within the vicinity thereof, the inspector may in writing prohibit that user from continuing or commencing with the use of such plant or machinery or in that manner or those circumstances, as the case may be.
- (c) An inspector may in writing prohibit an employer from requiring or permitting an employee or any employee belonging to a category of employees specified in the prohibition to be exposed in the course of his employment for a longer period than a

period specified in the prohibition, to any article, substance, organism or condition which in the opinion of an inspector threatens or is likely to threaten the health or safety of that employee or the employee belonging to that category of employees, as the case may be.

(d) A prohibition imposed under paragraph (a), (b) or (c) may at any time be revoked by an inspector in writing if arrangements to the satisfaction of the inspector have been made to dispose of the threat which gave rise to the imposition of the prohibition.

- (2) In order to enforce a prohibition imposed under subsection (1) (a) or (b), an inspector may block, bar, barricade or fence off that part of the workplace, plant or machinery to which the prohibition applies, and no person shall interfere with or remove such blocking, bar, barricade or fence.
- (3) Whenever an inspector is of the opinion that the health or safety of any person at a workplace or in the course of his employment or in connection with the use of plant or machinery is threatened on account of the refusal or failure of an employer or a user, as the case may be, to take reasonable steps in the interest of such person's health or safety, the inspector may in writing direct that employer or user to take such steps as are specified in the direction within a specified period.
- (4) Whenever an inspector is of the opinion that an employer or a user has failed to comply with a provision of a regulation applicable to him, the inspector may in writing direct that employer or user to take within a period specified in the direction such steps as in the inspector's opinion are necessary to comply with the said provision, and are specified in the direction.
- (5) A period contemplated in subsection (3) or (4) may at any time be extended by an inspector by notice in writing to the person concerned.
- (6) An employer shall forthwith bring the contents of a prohibition, direction or notice under this section to the attention of the health and safety representatives and employees concerned.

### ■ 31. Investigations

- (1) An inspector may investigate the circumstances of any incident which has occurred at or originated from a workplace or in connection with the use of plant or machinery which has resulted, or in the opinion of the inspector could have resulted, in the injury, illness or death of any person in order to determine whether it is necessary to hold a formal investigation in terms of section 32.
- (2) After completing the investigation in terms of subsection (1) the inspector shall submit a written report thereon, together with all relevant statements, documents and information gathered by him, to the attorney-general within whose area of jurisdiction such incident occurred and he shall at the same time submit a copy of the report, statements and documents to the chief inspector.
- (3) Upon receipt of a report referred to in subsection (2), the attorney-general shall deal therewith in accordance with the provisions of the Inquests Act, 1959 (Act No. 58 of 1959), or the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as the case may be.
- (4) An inspector holding an investigation shall not incur any civil liability by virtue of anything contained in the report referred to in subsection (2).

### ■ 32. Formal inquiries

- (1) The chief inspector may, and he shall when so requested by a person producing prima facie evidence of an offence, direct an inspector to conduct a formal inquiry into any incident which has occurred at or originated from a workplace or in connection with the use of plant or machinery which has resulted, or in the opinion of the chief inspector could have resulted, in the injury, illness or death of any person.
- (2) For the purposes of an inquiry referred to in subsection (1) an inspector may subpoena any person to appear before him on a day and at a place specified in the subpoena and to give evidence or to produce any book, document or thing which in the opinion of the inspector has a bearing on the subject of the inquiry.

- (3) Save as is otherwise provided in this section, the law governing criminal trials in magistrates' courts shall mutatis mutandis apply to obtaining the attendance of witnesses at an inquiry under this section, the administering of an oath or affirmation to them, their examination, the payment of witness fees to them and the production by them of books, documents and things.
- (4) Any inquiry under this section shall be held in public: Provided that the presiding inspector may exclude from the place where the inquiry is held, any person whose presence is, in his opinion, undesirable or not in the public interest.
- (5) (a) The presiding inspector may designate any person to lead evidence and to examine any witness giving evidence at a formal inquiry.
- (b) Any person who has an interest in the issue of the formal inquiry may personally or by representative, advocate or attorney put such questions to a witness at the inquiry to such extent as the presiding inspector may allow.
- (c) The following persons shall have an interest as referred to in paragraph (b), namely—
- (i) any person who was injured or suffered damage as a result of the incident forming the subject of the inquiry;
  - (ii) the employer or user, as the case may be, involved in the incident;
  - (iii) any person in respect of whom in the opinion of the presiding inspector it can reasonably be inferred from the evidence that he could be held responsible for the incident;
  - (iv) a trade union recognized by the employer concerned or any trade union of which a person referred to in subparagraph (i) or (iii) is a member;
  - (v) any owner or occupier of any premises where the said incident occurred;
  - (vi) any other person who, at the discretion of the presiding inspector, can prove such interest.
- (6) (a) An inquiry may, if it is necessary or expedient, be adjourned at any time by the presiding inspector.
- (b) An inquiry adjourned under paragraph (a) may at any stage be continued by an inspector other than the inspector before whom the inquiry commenced, and may after an adjournment again be continued

by the inspector before whom the inquiry commenced.

- (7) An affidavit made by any person in connection with the incident in respect of which the inquiry is held, shall at the discretion of the presiding inspector upon production be admissible as proof of the facts stated therein, and the presiding inspector may, at his discretion, subpoena the person who made such an affidavit to give oral evidence at the inquiry or may submit written interrogatories to him for reply, and such interrogatories and any reply thereto purporting to be a reply from such person shall likewise be admissible in evidence at the inquiry: Provided that the presiding inspector shall afford any person present at the inquiry the opportunity to refute the facts stated in such document, evidence or reply.
- (8) (a) Whenever in the course of any inquiry it appears to the presiding inspector that the examination of a witness is necessary and that the attendance of such witness cannot be procured without a measure of delay, expense or inconvenience which in the circumstances would be unreasonable, the presiding inspector may dispense with such attendance and may appoint a person to be a commissioner to take the evidence of such witness, whether within or outside the Republic, in regard to such matters or facts as the presiding inspector may indicate.
- (b) Any person referred to in subsection (5) (b) may in person or through a representative, advocate or attorney appear before such commissioner in order to examine the said witness.
- (c) The evidence recorded in terms of this subsection shall be admissible in evidence at the inquiry.
- (9) At the conclusion of an inquiry under this section, the presiding inspector shall compile a written report thereon.
- (10) The evidence given at any inquiry under this section shall be recorded and a copy thereof shall be submitted by the presiding inspector together with his report to the chief inspector, and in the case of an incident in which or as a result of which any person died or was seriously injured or became ill, the inspector shall submit a copy of the said evidence and the report to

the attorney-general within whose area of jurisdiction such incident occurred.

- (11) Nothing contained in this section shall be construed as preventing the institution of criminal proceedings against any person or as preventing any person authorized thereto from issuing a warrant for the arrest of or arresting any person, whether or not an inquiry has already commenced.
- (12) Upon receipt of a report referred to in subsection (10), the attorney-general shall deal therewith in accordance with the provisions of the Inquests Act, 1959 (Act No. 58 of 1959), or the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as the case may be.
- (13) An inspector presiding at any formal inquiry shall not incur any civil liability by virtue of anything contained in the report compiled in terms of subsection (9).

### ■ 33. Joint inquiries

- (1) The provisions of section 32 shall not affect the provisions of any law requiring and regulating inquests or other inquiries in case of death resulting from other than natural causes, and in respect of each incident referred to in that section in which or in consequence of which any person has died there shall be held, in addition to an inquiry under the said section, such inquest or inquiry as is required by any such law, but an inquiry under the said section and an inquest held by a judicial officer under the Inquests Act, 1959 (Act No. 58 of 1959), may be held jointly.
- (2) At such a joint inquiry and inquest the judicial officer shall preside and thereupon the provisions of the Inquests Act, 1959, shall apply, but the inspector and the judicial officer shall each make the report required of them by section 32 (9) and that Act, respectively.

### ■ 34. Obstruction of investigation or inquiry or presiding inspector or failure to render assistance

No person shall, in relation to any investigation or inquiry held in terms of section 31 or 32—

- (a) without reasonable justification fail to comply with any lawful direction, subpoena, request or order issued or given by the presiding inspector;

- (b) refuse or fail to answer to the best of his knowledge any question lawfully put to him by or with the concurrence of the presiding inspector: Provided that no person shall be obliged to answer any question whereby he may incriminate himself;
- (c) in any manner whatsoever advise, encourage, incite, order or persuade any person who has been directed, subpoenaed, requested or ordered to do something by the presiding inspector, not to comply with such direction, subpoena, request or order or in any manner prevent him from doing so;
- (d) refuse or fail, when required thereto by the presiding inspector, to furnish him with the means or to render him the necessary assistance for holding such inquiry;
- (e) refuse or fail, when required thereto by the presiding inspector, to attend an inquiry; or
- (f) intentionally insult the presiding inspector or his assistant or intentionally interrupt the proceedings thereof.

### ■ 35. Appeal against decision of inspector

- (1) Any person aggrieved by any decision taken by an inspector under a provision of this Act may appeal against such decision to the chief inspector, and the chief inspector shall, after he has considered the grounds of the appeal and the inspector's reasons for the decision, confirm, set aside or vary the decision or substitute for such decision any other decision which the inspector in the chief inspector's opinion ought to have taken.
- (2) Any person who wishes to appeal in terms of subsection (1), shall within 60 days after the inspector's decision was made known, lodge such an appeal with the chief inspector in writing, setting out the grounds on which it is made.
- (3) Any person aggrieved by a decision taken by the chief inspector under subsection (1) or in the exercise of any power under this Act, may appeal against such decision to the industrial court, and the industrial court shall inquire into and consider the matter forming the subject of the appeal and confirm, set aside or vary the decision or substitute for such decision any other decision which the chief inspector in the opinion of the industrial 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 such appeal with the registrar of the industrial court in accordance with the rules of the industrial court.
- (5) An appeal under subsection (1) or (3) in connection with a prohibition imposed under section 30 (1) (a) or (b) shall not suspend the operation of such prohibition.

### ■ 36. Disclosure of information

No person shall disclose any information concerning the affairs of any other person obtained by him in carrying out his functions in terms of this Act, except—

- (a) to the extent to which it may be necessary for the proper administration of a provision of this Act;
- (b) for the purposes of the administration of justice; or
- (c) at the request of a health and safety representative or a health and safety committee entitled thereto.

### ■ 37. Acts or omissions by employees or mandataries

- (1) Whenever an employee does or omits to do any act which it would be an offence in terms of this Act for the employer of such employee or a user to do or omit to do, then, unless it is proved that—
- (a) in doing or omitting to do that act the employee was acting without the connivance or permission of the employer or any such user;
- (b) it was not under any condition or in any circumstance within the scope of the authority of the employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or omission charged; and
- (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 hereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.



- (2) The provisions of subsection (1) shall mutatis mutandis apply in the case of a mandatory of any employer or user, except if the parties have agreed in writing to the arrangements and procedures between them to ensure compliance by the mandatory with the provisions of this Act.
- (3) Whenever any employee or mandatory of any employer or user does or omits to do an act which it would be an offence in terms of this Act for the employer or any such user to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer or user.
- (4) Whenever any employee or mandatory 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 mandatory 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 mandatory referred to in subsection (3) may be so convicted and sentenced in addition to the employer or user.
- (6) Whenever the employee or mandatory of an employer is convicted of an offence consisting of a contravention of section 23, the court shall, when making an order under section 38 (4), make such an order against the employer and not against such employee or mandatory.

### ■ 38. Offences, penalties and special orders of court

- (1) Any person who—
- (a) contravenes or fails to comply with a provision of section 7, 8, 9, 10 (1), (2) or (3), 12, 13, 14, 15, 16 (1) or (2), 17 (1), (2) or (5), 18 (3), 19 (1), 20 (2) or (4), 22, 23, 24 (1) or (2), 25, 26, 29 (3), 30 (2) or (6), 34 or 36;
- (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 (c) or (3), (4) or (6);
- (c) contravenes or fails to comply with a condition of an exemption under section 40 (1);
- (d) in any record, application, statement or other document referred to in this Act wilfully furnishes information or makes a statement which is false in any material respect;

- (e) hinders or obstructs an inspector in the performance of his functions; 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;
- (f) deleted
- (g) refuses or fails to answer to the best of his ability any question which an inspector in the performance of his functions has put to him;
- (h) wilfully furnishes to an inspector information which is false or misleading;
- (i) gives himself out as an inspector;
- (j) 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;
- (k) having been called under section 32, without sufficient cause (the onus of proof whereof shall rest upon 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 put to him; or
- (iv) refuses to comply with a requirement to produce a book, document or thing specified in the subpoena or which he has with him;
- (l) tampers with or discourages, threatens, deceives or in any way unduly influences any person with regard to evidence to be given or with regard to a book, document or thing to be produced by such a person before an inspector under section 32;
- (m) prejudices, influences or anticipates the proceedings or findings of an inquiry under section 32 or 33;
- (n) tampers with or misuses any safety equipment installed or provided to any person by an employer or user;
- (o) fails to use any safety equipment at a workplace or in the course of his employment or in connection with the use of plant or machinery, which was provided to him by an employer or such a user;
- (p) wilfully or recklessly does anything at a workplace or in connection with the use of plant or machinery which threatens the health or safety of any person, shall be

guilty of an offence and on conviction be liable to a fine not exceeding R50000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

- (2) Any employer who does or omits to do an act, thereby causing any person to be injured at a workplace, or, in the case of a person employed by him, to be injured at any place in the course of his employment, or any user who does or omits to do an act in connection with the use of plant or machinery, thereby causing any person to be injured, shall be guilty of an offence if that employer or user, as the case may be, would in respect of that act or omission have been guilty of the offence of culpable homicide had that act or omission caused the death of the said person, irrespective of whether or not the injury could have led to the death of such person, and on conviction be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.
- (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.

### ■ 39. Proof of certain facts

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

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

- (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 document contains the text of a health and safety standard incorporated in the regulations under section 44, any document purporting to be a statement by a person who in that statement alleges that he is an inspector and that a particular document contains the said text, shall on its mere production at those proceedings by any person be prima facie proof of the facts stated therein.
- (7) The records to be kept by a health and safety committee in terms of section 20 (2), including any document purporting to be certified by an inspector as a true extract from any such records, shall on their mere production at any legal proceedings by any person be admissible as evidence of the fact that a recommendation or report recorded in such records was made by a health and safety committee to an employer or inspector concerned.

#### ■ 40. Exemptions

- (1) The Minister may, for such period and on such conditions as may be determined by him, exempt any employer or user or any category of employers or users, generally or with respect to any particular employee or category of employees or users or with respect to any matter, from any of or all the provisions of this Act or the provisions of a notice or direction issued under this Act.
- (2) The period for which exemption may be granted under subsection (1) may commence on a date earlier than the date on which exemption is granted, but not earlier than the date on which application for such exemption was made to the Minister.
- (3) An exemption under subsection (1) shall—
- (a) in the case of the exemption of a particular employer or user, be granted by issuing to such employer or user a certificate of exemption in which his name and the scope,

period and conditions of the exemption are specified;

- (b) in the case of the exemption of a category of employers or of a category of such users, be granted by the publication in the Gazette of a notice in which that category of employers or users is described and the scope, period and conditions of the exemption are specified: Provided that the Minister may grant exemption—
- (i) to an organization of employers or an organization of users in accordance with the requirements of either paragraph (a) or paragraph (b);
- (ii) from any health and safety standard incorporated in the regulations under section 44, in any manner which he may deem expedient.
- (4) A certificate of exemption contemplated in subsection (3) (a) and a notice contemplated in subsection (3) (b) may at any time be amended or withdrawn by the Minister.
- (5) An exemption under subsection (1) shall lapse—
- (a) upon termination of the period for which it was granted;
- (b) upon withdrawal of the relevant certificate or notice under subsection (4).
- (6) Any exemption granted under section 32 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), to the extent to which it grants exemption from the operation of a provision similar to a provision in respect of which exemption may be granted under subsection (1) of this section, which exemption has at the commencement of this Act not lapsed as contemplated in subsection (5) of the said section 32, shall be deemed to have been granted under this section.

#### ■ 41. This Act not affected by agreements

Subject to the provisions of sections 10 (4) and 37 (2), a provision of this Act or a condition specified in any notice or direction issued thereunder or subject to which exemption was granted to any person under section 40, shall not be affected by any condition of any agreement, whether such agreement was entered into before or after the commencement of this Act or before or after the imposition of any such condition, as the case may be.

#### ■ 42. Delegation and assignment of functions

- (1) The Minister may delegate any power conferred upon him by or under this Act, except the power contemplated in section 43, to an officer.
- (2) A delegation under subsection (1) shall not prevent the exercise of the relevant power by the Minister himself.
- (3) The Minister may authorize any provincial administration or local authority to perform any function referred to in this Act.
- (4) An authorization under subsection (3) shall not prevent the performance of the relevant function by the Minister, the chief inspector or an inspector, as the case may be.

#### ■ 43. Regulations

- (1) The Minister may make regulations—
- (a) as to any matter which in terms of this Act shall or may be prescribed;
- (b) which in the opinion of the Minister are necessary or expedient in the interest of the health and safety of persons at work or the health and safety of persons in connection with the use of plant or machinery, or the protection of persons other than persons at work against risks to health and safety arising from or connected with the activities of persons at work, including regulations as to—
- (i) the planning, layout, construction, use, alteration, repair, maintenance or demolition of buildings;
- (ii) the design, manufacture, construction, installation, operation, use, handling, alteration, repair, maintenance or conveyance of plant, machinery or health and safety equipment;
- (iii) the training, safety equipment or facilities to be provided by employers or users, the persons to whom and the circumstances in which they are to be provided and the application thereof;
- (iv) the health or safety measures to be taken by employers or users;
- (v) the occupational hygiene measures to be taken by employers or users;
- (vi) any matter regarding the biological monitoring or medical surveillance of employees;

- (vii) the production, processing, use, handling, storage or transport of, and the exposure of employees and other persons to, hazardous articles, substances or organisms or potentially hazardous articles, substances or organisms, including specific limits, thresholds or indices of or for such exposure;
- (viii) the performance of work in hazardous or potentially hazardous conditions or circumstances;
- (ix) the emergency equipment and medicine to be held available by employers and users, the places where such equipment and medicine are to be held, the requirements with which such equipment and medicine shall comply, the inspection of such equipment and medicine, the application of first-aid and the qualifications which persons applying first-aid shall possess;
- (x) the compilation by employers of health and safety directives in respect of a workplace, the matters to be dealt with in such directives and the manner in which such directives shall be brought to the attention of employees and other persons at such a workplace;
- (xi) the registration of persons performing hazardous work or using or handling plant or machinery, the qualifications which such persons shall possess and the fees payable to the State in respect of such registration;
- (xii) the accreditation, functions, duties and activities of approved inspection authorities;
- (xiii) the consultations between an employer and employees on matters of health and safety;
- (xiv) subject to section 36, the provision of information by an employer or user to employees or the public on any matter to which this Act relates;
- (xv) the conditions under which any employer is prohibited from permitting any person to partake of food or to smoke on or in any premises where a specified activity is carried out;

- (xvi) the conditions under which the manufacture of explosives and activities incidental thereto may take place;
  - (c) as to the preventive and protective measures for major hazard installations with a view to the protection of employees and the public against the risk of major incidents;
  - (d) as to the registration of premises where employees perform any work or where plant or machinery is used and the fee payable to the State in respect of such registration;
  - (e) whereby provision is made for the continuation of any registration under this Act;
  - (f) as to the registration of plant and machinery and the fee payable to the State in respect of such registration;
  - (g) as to the establishment of one or more committees for the administration of a provision of the regulations, the constitution of such committees, the functions of such committees, the procedure to be followed at meetings of such committees, the allowances which may be paid to members of such committees from money appropriated by Parliament for such purpose and the person by whom such allowances shall be fixed;
  - (h) prescribing the records to be kept and the returns to be rendered by employers and users and the person or persons to whom such returns shall be rendered;
  - (i) as to the designation and functions of health and safety representatives and health and safety committees and the training of health and safety representatives;
  - (j) as to the activities of self-employed persons; and
  - (k) as to any other matter the regulation of which is in the opinion of the Minister necessary or desirable for the effective carrying out of the provisions of this Act.
- (2) No regulation shall be made by the Minister except after consultation with the Council, and no regulation relating to State income or expenditure or to any health matter shall be made by the Minister except after consultation also with the Minister of State Expenditure and the Minister for National Health and Welfare, respectively.

- (3) In making regulations the Minister may apply any method of differentiation that he may deem advisable: Provided that no differentiation on the basis of race or colour shall be made.
- (4) A regulation may in respect of any contravention thereof or failure to comply therewith prescribe a penalty of a fine, or imprisonment for a period not exceeding 12 months, and, in the case of a continuous offence, not exceeding an additional fine of R200 or additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.
- (5) A regulation made under section 35 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), which was in force immediately prior to the commencement of this Act and which could have been made under this section, shall be deemed to have been made under this section.

#### ■ 44. Incorporation of health and safety standards in regulations

- (1) The Minister may by notice in the Gazette incorporate in the regulations any health and safety standard or part thereof, without stating the text thereof, by mere reference to the number, title and year of issue of that health and safety standard or to any other particulars by which that health and safety standard is sufficiently identified.
- (2) No health and safety standard shall be incorporated in the regulations except after consultation with the Council.
- (3) Any health and safety standard incorporated in the regulations under subsection (1) shall for the purposes of this Act, in so far as it is not repugnant to any regulation made under section 43, be deemed to be a regulation, but not before the expiry of two months from the date of incorporation thereof.
- (4) Whenever any health and safety standard is at any time after the incorporation thereof as aforesaid, amended or substituted by the competent authority, the notice incorporating that health and safety standard shall, unless otherwise stated therein, be deemed to refer to that health and safety standard as so amended or substituted, as the case may be.

- (5) The chief inspector shall keep a register of particulars of every publication in which a health and safety standard incorporated in the regulations under subsection (1), and every amendment or substitution of any such health and safety standard, was published, and also of the place in the Republic where such publication is obtainable or otherwise available for inspection, and he shall make that register or an extract therefrom available free of charge to persons having an interest, for inspection.
- (6) The provisions of section 31 of the Standards Act, 1993 (Act No. 29 of 1993), shall not apply to any incorporation of a health and safety standard or of any amendment or substitution of a health and safety standard under this section.
- (7) Any safety standard which was immediately prior to the commencement of this Act incorporated under section 36 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), in the regulations made under that Act, shall be deemed to be a health and safety standard incorporated under this section.

#### ■ 45. Serving of notices

Unless another method is prescribed, a notice under this Act shall be served—

- (a) by delivering a copy thereof to the person upon whom it is to be served;
- (b) by leaving such a copy at the usual or last known place of residence or business of such a person; or
- (c) by sending such a copy by registered post to the usual or last known place of residence or business of such a person.

#### ■ 46. Jurisdiction of magistrates' courts

Notwithstanding anything to the contrary contained in any law—

- (a) a magistrate's court shall have jurisdiction to impose any penalty or to make any order provided for in this Act;
- (b) no magistrate's court shall be competent to pronounce upon the validity of any regulation made under this Act.

#### ■ 47. State bound

This Act shall bind the State.

#### ■ 48. Conflict of provisions

In so far as any provision of the Explosives Act, 1956 (Act No. 26 of 1956), is repugnant to a provision of this Act the provisions of this Act shall apply.

#### ■ 49. Repeal of laws

The Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), the Machinery and Occupational Safety Amendment Act, 1989 (Act No. 40 of 1989), and the Machinery and Occupational Safety Amendment Act, 1991 (Act No. 97 of 1991), are hereby repealed.

#### ■ 50. Short title and commencement

- (1) This Act shall be called the Occupational Health and Safety Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.
- (2) Different dates may be so fixed in respect of different provisions of this Act.

## Occupational Health and Safety Act, 1993

No. R. 1020 – 18 July 2003

**INCORPORATION OF SAFETY STANDARDS IN THE  
CONSTRUCTION REGULATIONS, 2003**

Under section 44 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), I Membathisi Mphumzi Sherpard Mdladlana, Minister of Labour, after consultation with the Advisory Council for Occupational Health and Safety, hereby incorporate in the Construction Regulations, 2003 the health and safety standards specified in the Schedule.

MMS MDLADLANA,  
Minister of Labour

**SCHEDULE****■ 1. Regulation 14(1)**

The South African Bureau of Standards' Code of Practice SABS 085, as amended, entitled "The Design, Erection, Use and Inspection of Access Scaffolding".

**■ 2. Regulation 15(2)(a)**

The South African Bureau of Standards' Specification SABS EN 1808, as amended, entitled "Safety Requirements on Suspended Access Equipment – Design calculations, stability criteria, construction-tests".

The South African Bureau of Standards' Standard Front-end Specification SABS 1903, as amended, entitled "Safety Requirements on Suspended Access Equipment – Design calculations, stability criteria, construction-tests".

R: 533 – 16 March 1990

**CERTIFICATE OF COMPETENCY REGULATIONS, 1990****■ 1. Definitions**

1. In these regulations, "the Act" means the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and unless the context otherwise indicates any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and—

"certificate of competency" or "certificate" means a certificate of competency as a mechanical or an electrical engineer, as the case may be, issued in terms of regulation 2(1);

"Commissioner of Examiners" or "Commission" means the commission established in terms of regulation 5(1);

**■ 2. Issue of certificates**

- (1) Certificates of competency shall be issued by the chief inspector in accordance with the recommendations of the Commission of Examiners.
- (2) A person to whom a certificate of competency has been issued in terms of subregulation (1) shall be deemed to be a certificated engineer as contemplated in regulation 1 of the General Machinery Regulations promulgated by Government Notice R. 1521 of 5 August 1988.
- (3) Any person wishing to obtain a certificate of competency shall apply therefor to the Commission of Examiners.
- (4) The Commission of Examiners shall not recommend the issuing of a certificate of competency unless the candidate has passed the qualifying examination or the Commission is satisfied that the candidate possesses sufficient knowledge of the design, assembly, erection, running and maintenance of machinery, apparatus and installations, and of the Act and regulations promulgated thereunder.

(5) A certificate of competency as mechanical engineer shall be in the form of Annexure 1 and a certificate of competency as electrical engineer shall be in the form of Annexure 2.

(6) Any certificate issued in terms of subregulation (1) on which anyone other than the chief inspector has made any amendment of erasure shall be rendered null and void.

**■ 3. Suspension or cancellation of certificates**

- (1) If the chief inspector at any time, by virtue of information submitted to him by anyone, and after investigation, is of the opinion that the holder of a certificate of competency was guilty of gross negligence or misconduct in the execution of his duties as holder of such certificate, he may forthwith suspend or cancel such certificate or he may as he may deem fit refer the matter to the Commission of Examiners for investigation and on the recommendation of the Commission he may suspend or cancel such certificate.
- (2) The chief inspector shall forthwith advise the holder of a certificate of competency of his decision in terms of subregulation (1).
- (3) A suspended or cancelled certificate shall be returned by the holder thereof to the chief inspector within one month of the date upon which the chief inspector advised him of the suspension or cancellation thereof.

**■ 4. Substitution of lost, damaged or destroyed certificates**

- (1) If a certificate issued in terms of regulation 2(1) has been lost, damaged or destroyed, the person to whom the certificate had been issued may apply to the chief inspector for a duplicate certificate.

- (2) Every application in terms of subregulation (1) shall be accompanied by an amount of R130 in the form of uncanceled revenue stamps affixed to the application. [R130 substituted by G.N.R.962 of 20 May 1994]
- (3) After proof that a certificate has been lost, damaged or destroyed has been submitted to the satisfaction of the chief inspector he shall issue a duplicate certificate.
- (4) The chief inspector shall ensure that on every duplicate certificate issued in terms of subregulation (3), the words 'duplicate/duplikaat' appear.

### ■ 5. Commission of examiners

- (1) The chief inspector shall after consultation with the Government Mining Engineer as defined in the Mines and Works Act, 1956 (Act No. 27 of 1956), and subject to the provisions of subregulation (4), appoint a Commission of Examiners.
- (2) (a) A member of the Commission of Examiners shall be appointed for the period laid down by the chief inspector on his appointment and a member whose term of office has expired may be reappointed.  
(b) The chief inspector may discharge any member of the Commission of Examiners.
- (3) The functions of the Commission of Examiners are—  
(a) to evaluate a candidate's suitability for a certificate of competency as contemplated in regulation 2(4);  
(b) to make recommendations to the chief inspector regarding the curricula referred to in subregulation (9) for the qualifying examinations;  
(c) to report to the chief inspector on its activities; and  
(d) to perform the other functions which are prescribed.
- (4) The Commission of Examiners shall be constituted as follows:  
(a) two inspectors designated in terms of section 20 of the Act;  
(b) two officers appointed in terms of section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967);

- (c) at least two persons holding certificates of competency as mechanical engineers issued in terms of these regulations or the regulations issued under the Mines and Works Act, 1956; and  
(d) at least two persons holding certificates of competency as electrical engineers issued in terms of these regulations or the regulations issued under the Mines and Works Act, 1956.
- (5) A meeting of the Commission of Examiners shall be held at 8 time and place fixed by the chief inspector, after consultation with the Government Mining Engineer.
- (6) A meeting of the Commission of Examiners shall take place under the chairmanship of one of the members of the Commission appointed for that purpose by the chief inspector after consultation with the Government Mining Engineer.
- (7) (a) A quorum of the Commission of Examiners consisting of the chairman and two members.  
(b) In the event of a difference of opinion arising in respect of any matter regarding the acceptance or examination of a candidate, or regarding the suspension or cancellation of a certificate, it shall be decided by a majority of votes of the members of the Commission present at such meeting: Provided that if there is a tie of votes, the chairman has a casting as well as an ordinary vote.
- (8) An officer of the Department, designated by the chief inspector shall serve as secretary to the Commission of Examiners and keep minutes of the proceedings of the Commission.
- (9) Directives for the guidance of the Commission of Examiners, rules regarding the acceptance for the qualifying examinations and the curricula for such examinations shall be drawn up and, if necessary, amended by the chief inspector in consultation with the Government Mining Engineer.
- (10)(a) A candidate may appeal to the chief inspector against any decision of the Commission of Examiners.  
(b) Any person who wishes to appeal to the chief inspector in terms of paragraph (a), shall lodge such appeal in writing with the chief inspector within 60 calendar days after the decision of the Commission of Examiners against which the appeal is being lodged.

- (c) In an appeal in terms of paragraph (a) the grounds of appeal shall be set out clearly and in full, together with any representations which the appellant wishes to lodge as to why the chief inspector should set aside or amend the decision of the Commission of Examiners.  
(d) The chief inspector shall confirm, set aside or amend the decision, or substitute for it such other decision as the Commission of Examiners, in the opinion of the chief inspector should have made.  
(e) The decision of the chief inspector in such an appeal is final.

### ■ 6. Qualifying examination

- (1) The qualifying examination shall be conducted by the Dept of Education and Culture at the times and places determined by that Department.
- (2) The rules for the conducting of qualifying examinations shall be determined by the Department of Education and Culture.
- (3) The qualifying examination shall be conducted in respect of the following two subjects:  
(a) Plant engineering; and  
(b) the Act and regulations issued thereunder or deemed to have been issued thereunder:  
Provided that the Commission of Examiners may, as it may deem fit, grant exemption to candidates from examination in any of these subjects.
- (4) No person may lodge with the Department of Education and Culture an application to be examined in the qualifying subjects unless he has been accepted as a candidate by the Commission of Examiners.
- (5) Any person who wishes to enter for the qualifying examination shall do so through the Department of Education and Culture to which the examination fees, as fixed by that Department from time to time, shall be paid.

### ■ 7. Acceptance as candidate

- (1) A person who applies in terms of regulation 2(3) to be accepted as a candidate for the qualifying examination shall not be accepted as a candidate unless he has provided satisfactory proof to the Commission of Examiners—  
(a) that he is at least 23 years of age; and

- (b) that he has the required practical experience, as provided for in the rules drafted under regulation 5(9).
- (2) Every application for acceptance as a candidate in terms of regulation 2.(3) shall be accompanied by an amount of R130 in the form of uncanceled revenue stamps affixed to the application form. [R130 substituted by G.N.R.962 of 20 May 1994]

### ■ 8. Withdrawal of regulations

The following regulations and Annexures are hereby withdrawn: Regulations E1, E2, E3, E4, E5, E6, E7, E8 and E9 and Annexures F26, F26(a), F27 and F27 (a) of the regulations published by Government Notice No. R.929 of 28 June 1963.

### ■ 9. Short title

These regulations shall be called the Regulations concerning the Certificate of Competency, 1990.



**ANNEXURE 1**

Republic of South Africa

DEPARTMENT OF MANPOWER

**MECHANICAL ENGINEER’S CERTIFICATE OF COMPETENCY**

(Issued in accordance with the provisions of the Machinery and Occupational Safety Act, 1983, and the Regulations framed thereunder)

This is to certify that

.....

having passed the prescribed examinations and having been recommended by the Commission of Examiners, is qualified in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

.....

Chief Inspector

PRETORIA ..... 19.....

**ANNEXURE 2**

Republic of South Africa

DEPARTMENT OF MANPOWER

**ELECTRICAL ENGINEER’S CERTIFICATE OF COMPETENCY**

(Issued in accordance with the provisions of the Machinery and Occupational Safety Act, 1983, and the Regulations framed thereunder)

This is to certify that

.....

having passed the prescribed examinations and having been recommended by the Commission of Examiners, is qualified in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

.....

Chief Inspector

PRETORIA ..... 19.....

## Occupational Health and Safety Act, 1993

No. R. 84

7 February 2014

## CONSTRUCTION REGULATIONS, 2014

## SCHEDULE

## ■ 1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

**"agent"** means a competent person who acts as a representative for a client;

**"angle of repose"** means the steepest angle of a surface at which a mass of loose or fragmented material will remain stationary in a pile on the surface, rather than sliding or crumbling away;

**"bulk mixing plant"** means machinery, appliances or other similar devices that are assembled in such a manner so as to be able to mix materials in bulk for the purposes of using the mixed product for construction work;

**"client"** means any person for whom construction work is being performed;

**"competent person"** means a person who—

- (a) has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task;

Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualification Framework Act, 2000 (Act No.67 of 2000), those qualifications and that training must be regarded as the required qualifications and training; and

- (b) is familiar with the Act and with the

applicable regulations made under the Act;

**"construction manager"** means a competent person responsible for the management of the physical construction processes and the coordination, administration and management of resources on a construction site;

**"construction site"** means a work place where construction work is being performed;

**"construction supervisor"** means a competent person responsible for supervising construction activities on a construction site;

**"construction vehicle"** means a vehicle used as a means of conveyance for transporting persons or material, or persons and material, on and off the construction site for the purposes of performing construction work;

**"construction work"** means any work in connection with—

- (a) the construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure; or
- (b) the construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation system; or the moving of earth, clearing of land, the making of excavation, piling, or any similar civil engineering structure or type of work;

**"construction work permit"** means a document issued in terms of regulation 3;

**"contractor"** means an employer who performs construction work;

**"demolition work"** means a method to dismantle, wreck, break, pull down or knock down of a structure or part thereof by way of manual labour, machinery, or the use of explosives;

**"design"**

in relation to any structure, includes drawings, calculations, design details and specifications;

**"designer"** means—

- (a) a competent person who—
  - (i) prepares a design;
  - (ii) checks and approves a design;
  - (iii) arranges for a person at work under his or her control to prepare a design, including an employee of that person where he or she is the employer; or
  - (iv) designs temporary work, including its components;
- (b) an architect or engineer contributing to, or having overall responsibility for a design;
- (c) a building services engineer designing details for fixed plant;
- (d) a surveyor specifying articles or drawing up specifications;
- (e) a contractor carrying out design work as part of a design and building project; or
- (f) an interior designer, shop-fitter or landscape architect;

**"excavation work"** means the making of any man-made cavity, trench, pit or depression formed by cutting, digging or scooping;

**"explosive actuated fastening device"** means a tool that is activated by an explosive charge and that is used for driving bolts, nails and similar objects for the purpose of providing fixing;

**"fall arrest equipment"** means equipment used to arrest a person in a fall, including personal equipment, a body harness, lanyards, deceleration devices, lifelines or similar equipment;

**"fall prevention equipment"** means equipment used to prevent persons from falling from a fall risk position, including personal equipment, a body harness, lanyards, lifelines or physical equipment such as guardrails, screens, barricades, anchorages or similar equipment;

**"fall protection plan"** means a documented plan, which includes and provides for—

- (a) all risks relating to working from a fall risk position, considering the nature of work undertaken;
- (b) the procedures and methods to be applied in order to eliminate the risk of falling; and
- (c) a rescue plan and procedures;

**"fall risk"** means any potential exposure to falling either from, off or into;

**"health and safety file"** means a file, or other record containing the information in writing required by these Regulations;

**"health and safety plan"** means a site, activity or project specific documented plan in accordance with the client's health and safety specification;

**"health and safety specification"** means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work;

**"material hoist"** means a hoist used to lower or raise material and equipment, excluding passengers;

**"medical certificate of fitness"** means a certificate contemplated in regulation 7(8);

**"mobile plant"** means any machinery, appliance or other similar device that is able to move independently, and is used for the purpose of performing construction work on a construction site;

**"National Building Regulations"** means the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and promulgated by Government Notice No. R. 2378 of

30 July 1990, as amended by Government Notices No's R. 432 of 8 March 1991, R. 919 of 30 July 1999 and R. 547 of 30 May 2008;

"**person day**" means one normal working shift of carrying out construction work by a person on a construction site;

"**principal contractor**" means an employer appointed by the client to perform construction work;

"**Professional Engineer or Professional Certificated Engineer**" means a person holding registration as either a Professional Engineer or Professional Certificated Engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

"**Professional Technologist**" means a person holding registration as a Professional Engineering Technologist in terms of the Engineering Profession Act, 2000;

"**provincial director**" means the provincial director as defined in regulation 1 of the General Administrative Regulations, 2003;

"**scaffold**" means a temporary elevated platform and supporting structure used for providing access to and supporting workmen or materials or both;

"**shoring**" means a system used to support the sides of an excavation and which is intended to prevent the cave-in or the collapse of the sides of an excavation;

"**structure**" means—

- (a) any building, steel or reinforced concrete structure (not being a building), railway line or siding, bridge, waterworks, reservoir, pipe or pipeline, cable, sewer, sewage works, fixed vessels, road, drainage works, earthworks, dam, wall, mast, tower, tower crane, bulk mixing plant, pylon, surface and underground tanks, earth retaining structure or any structure designed to preserve or alter any natural feature, and any other similar structure;

- (b) any falsework, scaffold or other structure designed or used to provide support or means of access during construction work; or
- (c) any fixed plant in respect of construction work which includes installation, commissioning, decommissioning or dismantling and where any construction work involves a risk of a person falling;

"**suspended platform**" means a working platform suspended from supports by means of one or more separate ropes from each support;

"**temporary works**" means any falsework, formwork, support work, scaffold, shoring or other temporary structure designed to provide support or means of access during construction work;

"**the Act**" means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

"**tunneling**" means the construction of any tunnel beneath the natural surface of the earth for a purpose other than the searching for or winning of a mineral.

## ■ 2. Scope of Application

- (1) These Regulations are applicable to all persons involved in construction work.
- (2) Regulations 3 and 5 are not applicable where the construction work carried out is in relation to a single storey dwelling for a client who intends to reside in such dwelling upon completion thereof.

## ■ 3. Application for construction work permit

- (1) A client who intends to have construction work carried out, must at least 30 days before that work is to be carried out apply to the provincial director in writing for a construction work permit to perform construction work if the intended construction work will—
  - (a) exceed 180 days;
  - (b) will involve more than 1800 person days of construction work; or
  - (c) the works contract is of a value equal to or exceeding thirteen million rand or

Construction Industry Development Board (CIDB) grading level 6.

- (2) An application contemplated in subregulation (1) must be done in a form similar to Annexure 1.
- (3) The provincial director must issue a construction work permit in writing to perform construction work contemplated in subregulation (1) within 30 days of receiving the construction work permit application and must assign a site specific number for each construction site.
- (4) A site specific number contemplated in subregulation (3) must be conspicuously displayed at the main entrance to the site for which that number is assigned.
- (5) A construction work permit contemplated in this regulation may be granted only if—
  - (a) the fully completed documents contemplated in regulation 5(1)(a) and (b) have been submitted; and
  - (b) proof in writing has been submitted—
    - (i) that the client complies with regulation 5(5)
    - (ii) with regard to the registration and good standing of the principal contractor as contemplated in regulation 5(1)(j); and
    - (iii) that regulation 5(1)(c), (d), (e), (f), (g) and (h) has been complied with.
- (6) A client must ensure that the principal contractor keeps a copy of the construction work permit contemplated in subregulation (1) in the occupational health and safety file for inspection by an inspector, the client, the client's authorised agent, or an employee.
- (7) No construction work contemplated in subregulation (1) may be commenced or carried out before the construction work permit and number contemplated in subregulation (3) have been issued and assigned.

- (8) A site specific number contemplated in subregulation (3) is not transferrable.

## ■ 4. Notification of construction work

- (1) A contractor who intends to carry out any construction work other than work contemplated in regulation 3(1), must at least 7 days before that work is to be carried out notify the provincial director in writing in a form similar to Annexure 2 if the intended construction work will—
  - (a) include excavation work;
  - (b) include working at a height where there is risk of falling;
  - (c) include the demolition of a structure; or
  - (d) include the use of explosives to perform construction work.
- (2) A contractor who intends to carry out construction work that involves construction of a single storey dwelling for a client who is going to reside in such dwelling upon completion, must at least 7 days before that work is to be carried out notify the provincial director in writing in a form similar to Annexure 2.

## ■ 5. Duties of client

- (1) A client must—
  - (a) prepare a baseline risk assessment for an intended construction work project;
  - (b) prepare a suitable, sufficiently documented and coherent site specific health and safety specification for the intended construction work based on the baseline risk assessment contemplated in paragraph (a);
  - (c) provide the designer with the health and safety specification contemplated in paragraph (b);
  - (d) ensure that the designer takes the prepared health and safety specification into consideration during the design stage;
  - (e) ensure that the designer carries out all responsibilities contemplated in regulation 6;
  - (f) include the health and safety specification in the tender documents;

- (g) ensure that potential principal contractors submitting tenders have made adequate provision for the cost of health and safety measures;
- (h) ensure that the principal contractor to be appointed has the necessary competencies and resources to carry out the construction work safely;
- (i) take reasonable steps to ensure co-operation between all contractors appointed by the client to enable each of those contractors to comply with these Regulations;
- (j) ensure before any work commences on a site that every principal contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);
- (k) appoint every principal contractor in writing for the project or part thereof on the construction site;
- (l) discuss and negotiate with the principal contractor the contents of the principal contractor's health and safety plan contemplated in regulation 7(1), and must thereafter finally approve that plan for implementation;
- (m) ensure that a copy of the principal contractor's health and safety plan is available on request to an employee, inspector or contractor;
- (n) take reasonable steps to ensure that each contractor's health and safety plan contemplated in regulation 7(1)(a) is implemented and maintained;
- (o) ensure that periodic health and safety audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
- (p) ensure that a copy of the health and safety audit report contemplated in paragraph (o) is provided to the principal contractor within seven days after the audit;

- (q) stop any contractor from executing a construction activity which poses a threat to the health and safety of persons which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site;
  - (r) where changes are brought about to the design or construction work, make sufficient health and safety information and appropriate resources available to the principal contractor to execute the work safely; and
  - (s) ensure that the health and safety file contemplated in regulation 7(1)(b) is kept and maintained by the principal contractor.
- (2) Where a client requires additional work to be performed as a result of a design change or an error in construction due to the actions of the client, the client must ensure that sufficient safety information and appropriate additional resources are available to execute the required work safely.
  - (3) Where a fatality or permanent disabling injury occurs on a construction site, the client must ensure that the contractor provides the provincial director with a report contemplated in section 24 of the Act, in accordance with regulations 8 and 9 of the General Administrative Regulations, 2013, and that the report includes the measures that the contractor intends to implement to ensure a safe construction site as far as is reasonably practicable.
  - (4) Where more than one principal contractor is appointed as contemplated in subregulation (1)(k), the client must take reasonable steps to ensure co-operation between all principal contractors and contractors in order to ensure compliance with these Regulations.
  - (5) Where a construction work permit is required as contemplated in regulation 3(1), the client must, without derogating from his or her health and safety responsibilities or liabilities,

- appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed.
- (6) Where notification of construction work is required as contemplated in regulation 4(1), the client may, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed: Provided that, where the question arises as to whether an agent is necessary, the decision of an inspector is decisive.
  - (7) An agent contemplated in subregulations (5) and (6) must—
    - (a) manage the health and safety on a construction project for the client; and
    - (b) be registered with a statutory body approved by the Chief Inspector as qualified to perform the required functions;
  - (8) When the chief inspector has approved a statutory body as contemplated in subregulation (7)(b), he or she must give notice of that approval in the Gazette.
- **6. Duties of designer**
- (1) The designer of a structure must—
    - (a) ensure that the applicable safety standards incorporated into these Regulations under section 44 of the Act are complied with in the design;
    - (b) take into consideration the health and safety specification submitted by the client;
    - (c) before the contract is put out to tender, make available in a report to the client—
      - (i) all relevant health and safety information about the design of the

- relevant structure that may affect the pricing of the construction work;
  - (ii) the geotechnical-science aspects, where appropriate; and
  - (iii) the loading that the structure is designed to withstand;
- (d) inform the client in writing of any known or anticipated dangers or hazards relating to the construction work, and make available all relevant information required for the safe execution of the work upon being designed or when the design is subsequently altered;
  - (e) refrain from including anything in the design of the structure necessitating the use of dangerous procedures or materials hazardous to the health and safety of persons, which can be avoided by modifying the design or by substituting materials;
  - (f) take into account the hazards relating to any subsequent maintenance of the relevant structure and must make provision in the design for that work to be performed to minimize the risk;
  - (g) when mandated by the client to do so, carry out the necessary inspections at appropriate stages to verify that the construction of the relevant structure is carried out in accordance with his design: Provided that if the designer is not so mandated, the client's appointed agent in this regard is responsible to carry out such inspections;
  - (h) when mandated as contemplated in paragraph (g), stop any contractor from executing any construction work which is not in accordance with the relevant design's health and safety aspects: Provided that if the designer is not so mandated, the client's appointed agent in that regard must stop that contractor from executing that construction work;
  - (i) when mandated as contemplated in paragraph (g), in his or her final inspection of the completed structure in accordance with the National Building Regulations, include the health and safety aspects of the structure as far as reasonably practicable, declare the structure safe for use, and issue a completion certificate to the client and a copy thereof to the contractor; and



- (j) during the design stage, take cognisance of ergonomic design principles in order to minimize ergonomic related hazards in all phases of the life cycle of a structure.
- (2) The designer of temporary works must ensure that—
- (a) all temporary works are adequately designed so that it will be capable of supporting all anticipated vertical and lateral loads that may be applied;
  - (b) the designs of temporary works are done with close reference to the structural design drawings issued by the contractor, and in the event of any uncertainty consult the contractor;
  - (c) all drawings and calculations pertaining to the design of temporary works are kept at the office of the temporary works designer and are made available on request by an inspector; and
  - (d) the loads caused by the temporary works and any imposed loads are clearly indicated in the design.

#### ■ 7. Duties of principal contractor and contractor

- (1) A principal contractor must—
- (a) provide and demonstrate to the client a suitable, sufficiently documented and coherent site specific health and safety plan, based on the client's documented health and safety specifications contemplated in regulation 5(1)(b), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the principal contractor as work progresses;
  - (b) open and keep on site a health and safety file, which must include all documentation required in terms of the Act and these Regulations, which must be made available on request to an inspector, the client, the client's agent or a contractor; and
  - (c) on appointing any other contractor, in order to ensure compliance with the provisions of the Act—

- (i) provide contractors who are tendering to perform construction work for the principal contractor, with the relevant sections of the health and safety specifications contemplated in regulation 5(1)(b) pertaining to the construction work which has to be performed;
- (ii) ensure that potential contractors submitting tenders have made sufficient provision for health and safety measures during the construction process;
- (iii) ensure that no contractor is appointed to perform construction work unless the principal contractor is reasonably satisfied that the contractor that he or she intends to appoint, has the necessary competencies and resources to perform the construction work safely;
- (iv) ensure prior to work commencing on the site that every contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993;
- (v) appoint each contractor in writing for the part of the project on the construction site;
- (vi) take reasonable steps to ensure that each contractor's health and safety plan contemplated in subregulation (2)(a) is implemented and maintained on the construction site;
- (vii) ensure that the periodic site audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
- (viii) stop any contractor from executing construction work which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site or which poses

a threat to the health and safety of persons;

- (ix) where changes are brought about to the design and construction, make available sufficient health and safety information and appropriate resources to the contractor to execute the work safely; and
  - (x) discuss and negotiate with the contractor the contents of the health and safety plan contemplated in subregulation (2)(a), and must thereafter finally approve that plan for implementation;
  - (d) ensure that a copy of his or her health and safety plan contemplated in paragraph (a), as well as the contractor's health and safety plan contemplated in subregulation (2)(a), is available on request to an employee, an inspector, a contractor, the client or the client's agent;
  - (e) hand over a consolidated health and safety file to the client upon completion of the construction work and must, in addition to the documentation referred to in subregulation (2)(b), include a record of all drawings, designs, materials used and other similar information concerning the completed structure;
  - (f) in addition to the documentation required in the health and safety file in terms of paragraph (c)(v) and subregulation (2)(b), include and make available a comprehensive and updated list of all the contractors on site accountable to the principal contractor, the agreements between the parties and the type of work being done; and
  - (g) ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner in the form of Annexure 3.
- (2) A contractor must prior to performing any construction work—
- (a) provide and demonstrate to the principal contractor a suitable and sufficiently documented health and safety plan, based

- on the relevant sections of the client's health and safety specification contemplated in regulation 5(1)(b) and provided by the principal contractor in terms of subregulation (1)(a), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the contractor as work progresses;
  - (b) open and keep on site a health and safety file, which must include all documentation required in terms of the Act and these Regulations, and which must be made available on request to an inspector, the client, the client's agent or the principal contractor;
  - (c) before appointing another contractor to perform construction work be reasonably satisfied that the contractor that he or she intends to appoint has the necessary competencies and resources to perform the construction work safely;
  - (d) co-operate with the principal contractor as far as is necessary to enable each of them to comply with the provisions of the Act; and
  - (e) as far as is reasonably practicable, promptly provide the principal contractor with any information which might affect the health and safety of any person at work carrying out construction work on the site, any person who might be affected by the work of such a person at work, or which might justify a review of the health and safety plan.
- (3) Where a contractor appoints another contractor to perform construction work, the duties determined in subregulation (1)(b) to (g) that apply to the principal contractor apply to the contractor as if he or she were the principal contractor.
- (4) A principal contractor must take reasonable steps to ensure co-operation between all contractors appointed by the principal contractor to enable each of those contractors to comply with these Regulations.
- (5) No contractor may allow or permit any employee or person to enter any site, unless that

employee or person has undergone health and safety induction training pertaining to the hazards prevalent on the site at the time of entry.

- (6) A contractor must ensure that all visitors to a construction site undergo health and safety induction training pertaining to the hazards prevalent on the site and must ensure that such visitors have the necessary personal protective equipment.
- (7) A contractor must at all times keep on his or her construction site records of the health and safety induction training contemplated in subregulation (6) and such records must be made available on request to an inspector, the client, the client's agent or the principal contractor.
- (8) A contractor must ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner in the form of Annexure 3.

#### ■ 8. Management and supervision of construction work

- (1) A principal contractor must in writing appoint one full-time competent person as the construction manager with the duty of managing all the construction work on a single site, including the duty of ensuring occupational health and safety compliance, and in the absence of the construction manager an alternate must be appointed by the principal contractor.
- (2) A principal contractor must upon having considered the size of the project, in writing appoint one or more assistant construction managers for different sections thereof: Provided that the designation of any such person does not relieve the construction manager of any personal accountability for failing in his or her management duties in terms of this regulation.

- (3) Where the construction manager has not appointed assistant construction managers as contemplated in subregulation (2), or, in the opinion of an inspector, a sufficient number of such assistant construction managers have not been appointed, that inspector must direct the construction manager in writing to appoint the number of assistant construction managers indicated by the inspector, and those assistant construction managers must be regarded as having been appointed under subregulation (2).
- (4) No construction manager appointed under subregulation (1) may manage any construction work on or in any construction site other than the site in respect of which he or she has been appointed.
- (5) A contractor must, after consultation with the client and having considered the size of the project, the degree of danger likely to be encountered or the accumulation of hazards or risks on the site, appoint a full-time or part-time construction health and safety officer in writing to assist in the control of all health and safety related aspects on the site: Provided that, where the question arises as to whether a construction health and safety officer is necessary, the decision of an inspector is decisive.
- (6) No contractor may appoint a construction health and safety officer to assist in the control of health and safety related aspects on the site unless he or she is reasonably satisfied that the construction health and safety officer that he or she intends to appoint is registered with a statutory body approved by the Chief Inspector and has the necessary competencies and resources to assist the contractor.
- (7) A construction manager must in writing appoint construction supervisors responsible for construction activities and ensuring occupational health and safety compliance on the construction site.
- (8) A contractor must, upon having considered the size of the project, in writing appoint one or

more competent employees for different sections thereof to assist the construction supervisor contemplated in subregulation (7), and every such employee has, to the extent clearly defined by the contractor in the letter of appointment, the same duties as the construction supervisor: Provided that the designation of any such employee does not relieve the construction supervisor of any personal accountability for failing in his or her supervisory duties in terms of this regulation.

- (9) Where the contractor has not appointed an employee as contemplated in subregulation (8), or, in the opinion of an inspector, a sufficient number of such employees have not been appointed, that inspector must instruct the employer to appoint the number of employees indicated by the inspector, and those employees must be regarded as having been appointed under subregulation (8).
- (10) No construction supervisor appointed under subregulation (7) may supervise any construction work on or in any construction site other than the site in respect of which he or she has been appointed: Provided that if a sufficient number of competent employees have been appropriately designated under subregulation (7) on all the relevant construction sites, the appointed construction supervisor may supervise more than one site.

#### ■ 9. Risk assessment for construction work

- (1) A contractor must, before the commencement of any construction work and during such construction work, have risk assessments performed by a competent person appointed in writing, which risk assessments form part of the health and safety plan to be applied on the site, and must include—
- the identification of the risks and hazards to which persons may be exposed to;
  - an analysis and evaluation of the risks and hazards identified based on a documented method;
  - a documented plan and applicable safe work procedures to mitigate, reduce or

control the risks and hazards that have been identified;

- a monitoring plan; and
- a review plan.

- (2) A contractor must ensure that as far as is reasonably practicable, ergonomic related hazards are analyzed, evaluated and addressed in a risk assessment.
- (3) A contractor must ensure that all employees under his or her control are informed, instructed and trained by a competent person regarding any hazard and the related work procedures and or control measures before any work commences, and thereafter at the times determined in the risk assessment monitoring and review plan of the relevant site.
- (4) A principal contractor must ensure that all contractors are informed regarding any hazard that is stipulated in the risk assessment before any work commences, and thereafter at the times that may be determined in the risk assessment monitoring and review plan of the relevant site.
- (5) A contractor must consult with the health and safety committee or, if no health and safety committee exists, with a representative trade union or representative group of employees, on the monitoring and review of the risk assessments of the relevant site.
- (6) A contractor must ensure that copies of the risk assessments of the relevant site are available on site for inspection by an inspector, the client, the client's agent, any contractor, any employee, a representative trade union, a health and safety representative or any member of the health and safety committee.
- (7) A contractor must review the relevant risk assessment—
- where changes are effected to the design and or construction that result in a change to the risk profile; or
  - when an incident has occurred.

## ■ 10. Fall protection

- (1) A contractor must—
  - (a) designate a competent person to be responsible for the preparation of a fall protection plan;
  - (b) ensure that the fall protection plan contemplated in paragraph (a) is implemented, amended where and when necessary and maintained as required; and
  - (c) take steps to ensure continued adherence to the fall protection plan.
- (2) A fall protection plan contemplated in subregulation (1), must include—
  - (a) a risk assessment of all work carried out from a fall risk position and the procedures and methods used to address all the risks identified per location;
  - (b) the processes for the evaluation of the employees' medical fitness necessary to work at a fall risk position and the records thereof;
  - (c) a programme for the training of employees working from a fall risk position and the records thereof;
  - (d) the procedure addressing the inspection, testing and maintenance of all fall protection equipment; and
  - (e) a rescue plan detailing the necessary procedure, personnel and suitable equipment required to affect a rescue of a person in the event of a fall incident to ensure that the rescue procedure is implemented immediately following the incident.
- (3) A contractor must ensure that a construction manager appointed under regulation 8(1) is in possession of the most recently updated version of the fall protection plan.
- (4) A contractor must ensure that—
  - (a) all unprotected openings in floors, edges, slabs, hatchways and stairways are adequately guarded, fenced or barricaded or that similar means are used to

- safeguard any person from falling through such openings;
- (b) no person is required to work in a fall risk position, unless such work is performed safely as contemplated in subregulation (2);
- (c) fall prevention and fall arrest equipment are—
  - (i) approved as suitable and of sufficient strength for the purpose for which they are being used, having regard to the work being carried out and the load, including any person, they are intended to bear; and
  - (ii) securely attached to a structure or plant, and the structure or plant and the means of attachment thereto are suitable and of sufficient strength and stability for the purpose of safely supporting the equipment and any person who could fall; and
- (d) fall arrest equipment is used only where it is not reasonably practicable to use fall prevention equipment.
- (5) Where roof work is being performed on a construction site, the contractor must ensure that, in addition to the requirements set out in subregulations (2) and (4), it is indicated in the fall protection plan that—
  - (a) the roof work has been properly planned;
  - (b) the roof erectors are competent to carry out the work;
  - (c) no employee is permitted to work on roofs during inclement weather conditions or if any conditions are hazardous to the health and safety of the employee;
  - (d) all covers to openings and fragile material are of sufficient strength to withstand any imposed loads;
  - (e) suitable and sufficient platforms, coverings or other similar means of support have been provided to be used in such a way that the weight of any person passing across or working on or from fragile material is supported; and
  - (f) suitable and sufficient guard-rails, barriers and toe-boards or other similar means of protection prevent, as far as is reasonably

practicable, the fall of any person, material or equipment.

## ■ 11. Structures

- (1) A contractor must ensure that—
  - (a) all reasonably practicable steps are taken to prevent the uncontrolled collapse of any new or existing structure or any part thereof, which may become unstable or is in a temporary state of weakness or instability due to the carrying out of construction work;
  - (b) no structure or part of a structure is loaded in a manner which would render it unsafe; and
  - (c) all drawings pertaining to the design of the relevant structure are kept on site and are available on request to an inspector, other contractors, the client and the client's agent or employee.
- (2) An owner of a structure must ensure that—
  - (a) inspections of that structure are carried out periodically by competent persons in order to render the structure safe for continued use;
  - (b) that the inspections contemplated in paragraph (a) are carried out at least once every six months for the first two years and thereafter yearly;
  - (c) the structure is maintained in such a manner that it remains safe for continued use;
  - (d) the records of inspections and maintenance are kept and made available on request to an inspector.

## ■ 12. Temporary works

- (1) A contractor must appoint a temporary works designer in writing to design, inspect and approve the erected temporary works on site before use.
- (2) A contractor must ensure that all temporary works operations are carried out under the supervision of a competent person who has been appointed in writing for that purpose.

- (3) A contractor must ensure that—
  - (a) all temporary works structures are adequately erected, supported, braced and maintained by a competent person so that they are capable of supporting all anticipated vertical and lateral loads that may be applied to them, and that no loads are imposed onto the structure that the structure is not designed to withstand;
  - (b) all temporary works structures are done with close reference to the structural design drawings, and where any uncertainty exists the structural designer should be consulted;
  - (c) detailed activity specific drawings pertaining to the design of temporary works structures are kept on the site and are available on request to an inspector, other contractors, the client, the client's agent or any employee;
  - (d) all persons required to erect, move or dismantle temporary works structures are provided with adequate training and instruction to perform those operations safely;
  - (e) all equipment used in temporary works structure are carefully examined and checked for suitability by a competent person, before being used;
  - (f) all temporary works structures are inspected by a competent person immediately before, during and after the placement of concrete, after inclement weather or any other imposed load and at least on a daily basis until the temporary works structure has been removed and the results have been recorded in a register and made available on site;
  - (g) no person may cast concrete, until authorization in writing has been given by the competent person contemplated in paragraph (a);
  - (h) if, after erection, any temporary works structure is found to be damaged or weakened to such a degree that its integrity is affected, it is safely removed or reinforced immediately;
    - (i) adequate precautionary measures are taken in order to—

- (i) secure any deck panels against displacement; and
  - (ii) prevent any person from slipping on temporary works due to the application of release agents;
  - (j) as far as is reasonably practicable, the health of any person is not affected through the use of solvents or oils or any other similar substances;
  - (k) upon casting concrete, the temporary works structure is left in place until the concrete has acquired sufficient strength to safely support its own weight and any imposed load, and is not removed until authorization in writing has been given by the competent person contemplated in paragraph (a);
  - (l) the foundation conditions are suitable to withstand the loads caused by the temporary works structure and any imposed load in accordance with the temporary works design.
  - (m) provision is made for safe access by means of secured ladders or staircases for all work to be carried out above the foundation bearing level;
  - (n) a temporary works drawing or any other relevant document includes construction sequences and methods statements;
  - (o) the temporary works designer has been issued with the latest revision of any relevant structural design drawing;
  - (p) a temporary works design and drawing is used only for its intended purpose and for a specific portion of a construction site; and
  - (q) the temporary works drawings are approved by the temporary works designer before the erection of any temporary works.
- (4) No contractor may use a temporary works design and drawing for any work other than its intended purpose.

### ■ 13. Excavation

- (1) A contractor must—

- (a) ensure that all excavation work is carried out under the supervision of a competent person who has been appointed in writing for that purpose; and
  - (b) evaluate, as far as is reasonably practicable, the stability of the ground before excavation work begins.
- (2) A contractor who performs excavation work—
- (a) must take reasonable and sufficient steps in order to prevent, as far as is reasonably practicable, any person from being buried or trapped by a fall or dislodgement of material in an excavation;
  - (b) may not require or permit any person to work in an excavation which has not been adequately shored or braced: Provided that shoring and bracing may not be necessary where—
    - (i) the sides of the excavation are sloped to at least the maximum angle of repose measured relative to the horizontal plane; or
    - (ii) such an excavation is in stable material: Provided that—
      - (aa) permission has been given in writing by the appointed competent person contemplated in subregulation (1) upon evaluation by him or her of the site conditions; and
      - (bb) where any uncertainty pertaining to the stability of the soil still exists, the decision from a professional engineer or a professional technologist competent in excavations is decisive and such a decision must be noted in writing and signed by both the competent person contemplated in subregulation (1) and the professional engineer or technologist, as the case may be;
  - (c) must take steps to ensure that the shoring or bracing contemplated in paragraph (b) is designed and constructed in a manner that renders it strong enough to support the sides of the excavation in question;

- (d) must ensure that no load, material, plant or equipment is placed or moved near the edge of any excavation where it may cause its collapse and consequently endangers the safety of any person, unless precautions such as the provision of sufficient and suitable shoring or bracing are taken to prevent the sides from collapsing;
- (e) must ensure that where the stability of an adjoining building, structure or road is likely to be affected by the making of an excavation, steps are taken to ensure the stability of such building, structure or road and the safety of persons;
- (f) must cause convenient and safe means of access to be provided to every excavation in which persons are required to work, and such access may not be further than six meters from the point where any worker within the excavation is working;
- (g) must ascertain, as far as is reasonably practicable, the location and nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must before the commencement of excavation work that may affect any such service, take the steps that are necessary to render the circumstances safe for all persons involved;
- (h) must ensure that every excavation, including all bracing and shoring, is inspected—
  - (i) daily, prior to the commencement of each shift;
  - (ii) after every blasting operation;
  - (iii) after an unexpected fall of ground;
  - (iv) after damage to supports; and
  - (v) after rain,
 by the competent person contemplated in subregulation (1), in order to ensure the safety of the excavation and of persons, and those results must be recorded in a register kept on site and made available on request to an inspector, the client, the client's agent, any other contractor or any employee;

- (i) must cause every excavation which is accessible to the public or which is adjacent to public roads or thoroughfares, or whereby the safety of persons may be endangered, to be—
  - (i) adequately protected by a barrier or fence of at least one metre in height and as close to the excavation as is practicable; and
  - (ii) provided with warning illuminants or any other clearly visible boundary indicators at night or when visibility is poor, or have resort to any other suitable and sufficient precautionary measure where subparagraphs (i) and (ii) are not practicable;
- (j) must ensure that all precautionary measures stipulated for confined spaces as determined in the General Safety Regulations, 2003, are complied with by any person entering any excavation;
- (k) must, where the excavation work involves the use of explosives, appoint a competent person in the use of explosives for excavation, and must ensure that a method statement is developed by that person in accordance with the applicable explosives legislation; and
- (l) must cause warning signs to be positioned next to an excavation within which or where persons are working or carrying out inspections or tests.

### ■ 14. Demolition work

- (1) A contractor must appoint a competent person in writing to supervise and control all demolition work on site.
- (2) A contractor must ensure that before any demolition work is carried out, and in order to ascertain the method of demolition to be used, a detailed structural engineering survey of the structure to be demolished is carried out by a competent person and that a method statement on the procedure to be followed in demolishing the structure is developed by that person.
- (3) During a demolition, the competent person contemplated in subregulation (1) must check



the structural integrity of the structure at intervals determined in the method statement contemplated in subregulation (2), in order to avoid any premature collapses.

- (4) A contractor who performs demolition work must—
- (a) with regard to a structure being demolished, take steps to ensure that—
    - (i) no floor, roof or other part of the structure is overloaded with debris or material in a manner which would render it unsafe;
    - (ii) all reasonably practicable precautions are taken to avoid the danger of the structure collapsing when any part of the framing of a framed or partly framed building is removed, or when reinforced concrete is cut; and
    - (iii) precautions are taken in the form of adequate shoring or other means that may be necessary to prevent the accidental collapse of any part of the structure or adjoining structure;
  - (b) ensure that no person works under overhanging material or a structure which has not been adequately supported, shored or braced;
  - (c) ensure that any support, shoring or bracing contemplated in paragraph (b), is designed and constructed so that it is strong enough to support the overhanging material;
  - (d) where the stability of an adjoining building, structure or road is likely to be affected by demolition work on a structure, take steps to ensure the stability of such structure or road and the safety of persons;
  - (e) ascertain as far as is reasonably practicable the location and nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must before the commencement of demolition work that may affect any such service, take the steps that are necessary to render circumstances safe for all persons involved;
  - (f) cause every stairwell used and every floor where work is being performed in a

- building being demolished, to be adequately illuminated by either natural or artificial means;
- (g) cause convenient and safe means of access to be provided to every part of the demolition site in which persons are required to work; and
  - (h) erect a catch platform or net above an entrance or passageway or above a place where persons work or pass under, or fence off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons are kept safe where there is a danger or possibility of persons being struck by falling objects.
- (5) A contractor must ensure that no material is dropped to any point, which falls outside the exterior walls of the structure, unless the area is effectively protected.
- (6) No person may dispose of waste and debris from a high place by a chute unless the chute—
- (a) is adequately constructed and rigidly fastened;
  - (b) if inclined at an angle of more than 45 degrees to the horizontal, is enclosed on its four sides;
  - (c) if of the open type, is inclined at an angle of less than 45 degrees to the horizontal;
  - (d) where necessary, is fitted with a gate at the bottom end to control the flow of material; and
  - (e) discharges into a container or an enclosed area surrounded by barriers.
- (7) A contractor must ensure that every chute used to dispose of rubble is designed in such a manner that rubble does not free-fall and that the chute is strong enough to withstand the force of the debris travelling along the chute.
- (8) A contractor must ensure that no equipment is used on floors or working surfaces, unless such floors or surfaces are of sufficient strength to support the imposed loads.

- (9) Where a risk assessment indicates the presence of asbestos, a contractor must ensure that all asbestos related work is conducted in accordance with the Asbestos Regulations, 2001, promulgated by Government Notice No. R. 155 of 10 February 2002.
- (10) Where a risk assessment indicates the presence of lead, a contractor must ensure that all lead related work is conducted in accordance with the Lead Regulations, 2001, promulgated by Government Notice No. R.236 of 28 February 2002.
- (11) Where the demolition work involves the use of explosives, a method statement must be developed in accordance with the applicable explosives legislation, by an appointed person who is competent in the use of explosives for demolition work and all persons involved in the demolition works must adhere to demolition procedures issued by the appointed person.
- (12) A contractor must ensure that all waste and debris are as soon as reasonably practicable removed and disposed of from the site in accordance with the applicable legislation.

#### ■ 15. Tunnelling

No person may enter a tunnel, which has a height dimension of less than 800 millimetres.

#### ■ 16. Scaffolding

- (1) A contractor must appoint a competent person in writing who must ensure that all scaffolding work operations are carried out under his or her supervision and that all scaffold erectors, team leaders and inspectors are competent to carry out their work.
- (2) A contractor using access scaffolding must ensure that such scaffolding, when in use, complies with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act.

#### ■ 17. Suspended platforms

- (1) A contractor must appoint a competent person in writing who must ensure that all suspended platforms work operations are carried out under his or her supervision and that all suspended platform erectors, operators and inspectors are competent to carry out their work.
- (2) No contractor may use or permit the use of a suspended platform, unless—
  - (a) the design, stability and construction thereof comply with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act;
  - (b) he or she is in possession of a certificate of system design issued by a professional engineer, certificated engineer or a professional technologist for the use of the suspended platform system; and
  - (c) he or she is, before the commencement of the work, in possession of an operational compliance plan developed by a competent person based on the certificate of system design contemplated in subparagraph (b) and applicable to the environment in which the system is being used, which operational compliance plan must include proof of the—
    - (i) appointment of the competent person contemplated in subregulation (1);
    - (ii) competency of erectors, operators and inspectors;
    - (iii) operational design calculations, which must comply with the requirements of the system design certificate;
    - (iv) performance test results;
    - (v) sketches indicating the completed system with the operational loading capacity of the platform;
    - (vi) procedures for and records of inspections having been carried out; and
    - (vii) procedures for and records of maintenance work having been carried out.
- (3) A contractor making use of a suspended platform system must submit a copy of the certificate of system design contemplated in

- subregulation (2) (b), including a copy of the operational design calculations contemplated in subregulation 2(c)(iii), sketches and test results, to the provincial director before commencement of the use of the system and must further indicate the intended type of work that the system will be used for.
- (4) A contractor must submit a copy of the certificate of system design in the manner contemplated in subregulation (3) for every new project.
- (5) A contractor must ensure that the outriggers of each suspended platform—
- are constructed of material of adequate strength and have a safety factor of at least four in relation to the load it is to carry; and
  - have suspension points provided with stop devices or other effective devices at the outer ends to prevent the displacement of ropes.
- (6) A contractor must ensure that—
- the parts of the building or structure on which the outriggers of a suspended platform are supported, are checked by means of calculations to ensure that the required safety factor is adhered to without risk of damage to the building or structure;
  - the suspension wire rope and the safety wire rope are separately connected to the outrigger;
  - each person on a suspended platform is provided with and wears a body harness as a fall prevention device, which must at all times be attached to the suspended platform;
  - the hand or power driven machinery to be used for the lifting or lowering of the working platform of a suspended platform is constructed and maintained in such a manner that an uncontrolled movement of the working platform cannot occur;
  - the machinery referred to in paragraph (d) is so situated that it is easily accessible for inspection;

- the rope connections to the outriggers are vertically above the connections to the working platform; and
  - when the working platform is suspended by two ropes only, the connections of the ropes to the working platform are of a height above the level of the working platform to ensure the stability of the working platform.
- (7) A contractor must ensure that a suspended platform—
- is suspended as near as possible to the structure to which work is being done to prevent as far as is reasonably practicable horizontal movement away from the face of the structure;
  - is fitted with anchorage points to which workers must attach the lanyard of the safety harness worn and used by the worker, and such anchorage connections must have sufficient strength to withstand any potential load applied to it; and
  - is fitted with a conspicuous notice easily understandable by all workers working with the suspended platform, showing—
    - the maximum mass load;
    - the maximum number of persons; and
    - the maximum total mass load, including load and persons, which the suspended platform can carry.
- (8) A contractor must cause—
- the whole installation and all working parts of a suspended platform to be thoroughly examined by a competent person in accordance with the manufacturer's specification;
  - the whole installation to be subjected to a performance test as determined by the standard to which the suspended platform was manufactured;
  - the performance test contemplated in paragraph (b) to be done by a competent person appointed in writing, with the knowledge and experience of erection and maintenance of suspended platforms or similar machinery, and who must determine the serviceability of the

- structures, ropes, machinery and safety devices before they are used, every time suspended platforms are erected; and
- the performance test contemplated in paragraph (b) of the whole installation of the suspended platform to be subjected to a load equal to that prescribed by the manufacturer or, in the absence of such load, to a load of 110 per cent of the rated mass load, at intervals not exceeding 12 months and in such a manner that every part of the installation is stressed accordingly.
- (9) A contractor must, in addition to subregulation (8), cause every hoisting rope, hook or other load-attaching device which forms part of the suspended platform to be thoroughly examined in accordance with the manufacturer's specification by the competent person contemplated in subregulation (8) before they are used every time they are assembled, and, in cases of continuous use, at intervals not exceeding three months.
- (10) A contractor must ensure that the suspended platform supervisor contemplated in subregulation (1), or the suspended platform inspector contemplated in subregulation (8)(c), carries out a daily inspection of all the equipment prior to use, including establishing whether—
- all connection bolts are secure;
  - all safety devices are functioning;
  - all safety devices are not tampered with or vandalized;
  - the total maximum mass load of the platform is not exceeded;
  - the occupants in the suspended platform are using body harnesses which have been properly attached;
  - there are no visible signs of damage to the equipment; and
  - all reported operating problems have been attended to.
- (11) A contractor must ensure that all inspection and performance test records are kept on the construction site at all times and made available

- to an inspector, the client, the client's agent or any employee upon request.
- (12) A contractor must ensure that all employees required to work or to be supported on a suspended platform are—
- medically fit to work safely in a fall risk position or such similar environment by being in possession of a medical certificate of fitness;
  - competent in conducting work related to suspended platforms safely;
  - trained or received training, which includes at least—
    - how to access and egress the suspended platform safely;
    - how to correctly operate the controls and safety devices of the equipment;
    - information on the dangers related to the misuse of safety devices; and
    - information on the procedures to be followed in the case of—
      - an emergency;
      - the malfunctioning of equipment; and
      - the discovery of a suspected defect in the equipment; and
  - instructions on the proper use of body harnesses.
- (13) A contractor must ensure that where the outriggers of a suspended platform are to be moved, only persons trained and under the supervision of the competent person effect such move, within the limitation stipulated in the operational compliance plan contemplated in subregulation (2)(c), and that the supervisor must carry out an inspection and record the result thereof prior to re-use of the suspended platform.
- (14) A contractor must ensure that the suspended platform is properly isolated after use at the end of each working day in such a manner that no part of the suspended platform presents a danger to any person thereafter.
- **18. Rope access work**
- (1) A contractor must—

- (a) appoint a competent person in writing as a rope access supervisor with the duty of supervising all rope access work on the site, including the duty of ensuring occupational health and safety compliance in relation to rope access work: Provided that the appointment of any such person does not relieve the construction manager of any personal accountability for failing in his management duties in terms of this regulation;
  - (b) ensure that all rope access work on the construction site is carried out under the supervision of a competent person; and
  - (c) ensure that all rope access operators are competent and licensed to carry out their work.
- (2) No contractor may use or allow the use of rope access work unless—
- (a) the design, selection and use of the equipment and anchors comply with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act; and
  - (b) he or she is in possession of a site specific fall protection plan developed by a competent person applicable to the specific work and environment prior to the commencement of the work, including records of maintenance and inspections of all the equipment used for the work operations.
- (3) A contractor must ensure that adequate measures are in place to allow rescue procedures to commence immediately in the event of a fall incident taking place.
- **19. Material hoists**
- (1) A contractor must ensure that every material hoist and its tower have been constructed in accordance with the generally accepted technical standards and are strong enough and free from defects.
- (2) A contractor must ensure that the tower of every material hoist is—
- (a) erected on firm foundations and secured to the structure or braced by steel wire guy ropes, and extends to a distance above the highest landing to allow a clear and unobstructed space of at least 900 millimetres for over travel;
  - (b) enclosed on all sides at the bottom, and at all floors where persons are at risk of being struck by moving parts of the hoist, except on the side or sides giving access to the material hoist, with walls or other effective means to a height of at least 2100 millimetres from the ground or floor level; and
  - (c) provided with a door or gate at least 2100 millimetres in height at each landing, and that door or gate must be kept closed except when the platform is at rest at such a landing.
- (3) A contractor must cause—
- (a) the platform of every material hoist to be designed in a manner that it safely contains the loads being conveyed and that the combined mass of the platform and the load does not exceed the designed lifting capacity of the hoist;
  - (b) the hoisting rope of every material hoist which has a remote winch to be effectively protected from damage by any external cause to the portion of the hoisting rope between the winch and the tower of the hoist; and
  - (c) every material hoist to be provided with an efficient brake capable of holding the platform with its maximum load in any position when power is not being supplied to the hoisting machinery.
- (4) No contractor may require or permit trucks, barrows or material to be conveyed on the platform of a material hoist and no person may so convey trucks, barrows or material unless those articles are secured or contained in a manner that displacement thereof cannot take place during movement.

- (5) A contractor must cause a notice, indicating the maximum mass load which may be carried at any one time and the prohibition of persons from riding on the platform of the material hoist, to be affixed around the base of the tower and at each landing.
  - (6) A contractor of a material hoist may not require or permit any person to operate a hoist, unless the person is competent in the operation of that hoist.
  - (7) No contractor may require or permit any person to ride on a material hoist.
  - (8) A contractor must ensure that every material hoist—
    - (a) is inspected on daily basis by a competent person appointed in writing by the contractor and such competent person must have the experience pertaining to the erection and maintenance of material hoists or similar machinery;
    - (b) inspection contemplated in paragraph (a), includes the determination of the serviceability of the entire material hoist, including guides, ropes and their connections, drums, sheaves or pulleys and all safety devices;
    - (c) inspection results are entered and signed in a record book by a competent person, which book must be kept on the premises for that purpose;
    - (d) is properly maintained and the maintenance records in this regard are kept on site.
- **20. Bulk mixing plant**
- (1) A contractor must ensure that the operation of a bulk mixing plant is supervised by a competent person who has been appointed in writing and is—
- (a) aware of all the dangers involved in the operation thereof; and
  - (b) conversant with the precautionary measures to be taken in the interest of health and safety.
- (2) No person supervising or operating a bulk mixing plant may authorize any other person to operate the plant, unless that person is competent to operate a bulk mixing plant.
- (3) A contractor must ensure that the placement and erection of a bulk mixing plant complies with the requirements set out by the manufacturer and that such plant is erected as designed.
- (4) A contractor must ensure that all devices to start and stop a bulk mixing plant are provided and that those devices are—
- (a) placed in an easily accessible position; and
  - (b) constructed in a manner to prevent accidental starting.
- (5) A contractor must ensure that the machinery and plant selected is suitable for the mixing task and that all dangerous moving parts of a mixer are placed beyond the reach of persons by means of doors, covers or other similar means.
- (6) No person may remove or modify any guard or safety equipment relating to a bulk mixing plant, unless authorized to do so by the appointed person contemplated in subregulation (1).
- (7) A contractor must ensure that all precautionary measures stipulated for confined spaces as determined in the General Safety Regulations, 2003, are complied with when entering any silo.
- (8) A contractor must ensure that a record is kept of all repairs or maintenance to a bulk mixing plant and that the record is available on site to an inspector, the client, the client's agent or any employee.
- **21. Explosive actuated fastening device**
- (1) No contractor may use or permit any person to use an explosive actuated fastening device, unless—
- (a) the user is provided with and uses suitable protective equipment;
  - (b) the user is trained in the operation, maintenance and use of such a device;

- (c) the explosive actuated fastening device is provided with a protective guard around the muzzle end, which effectively confines any flying fragments or particles; and
  - (d) the firing mechanism is so designed that the explosive actuated fastening device, will not function unless—
    - (i) it is held against the surface with a force of at least twice its weight; and
    - (ii) the angle of inclination of the barrel to the work surface is not more than 15 degrees from a right angle.
- (2) A contractor must ensure that—
- (a) only cartridges suited for the relevant explosive actuated fastening device, and the work to be performed, are used;
  - (b) an explosive actuated fastening device is cleaned and examined daily before use and as often as may be necessary for its safe operation by a competent person who has been appointed for that purpose;
  - (c) the safety devices of an explosive actuated fastening device are in good working order prior to use;
  - (d) when not in use, an explosive actuated fastening device and its cartridges are locked up in a safe place, which is inaccessible to unauthorized persons;
  - (e) an explosive actuated fastening device is not stored in a loaded condition;
  - (f) a warning notice is displayed in a conspicuous manner in the immediate vicinity wherever an explosive actuated fastening device is used; and
  - (g) the issuing and collection of cartridges and nails or studs of an explosive actuated fastening device are—
    - (i) controlled and done in writing by a person having been appointed in writing for that purpose; and
    - (ii) recorded in a register by a competent person and that the recipient has accordingly signed for the receipt thereof as well as the returning of any spent and unspent cartridges.

### ■ 22. Cranes

A contractor must, in addition to compliance with the Driven Machinery Regulations, 1988 ensure that where tower cranes are used—

- (a) they are designed and erected under the supervision of a competent person;
- (b) a relevant risk assessment and method statement are developed and applied;
- (c) the effects of wind forces on the crane are taken into consideration and that a wind speed device is fitted that provides the operator with an audible warning when the wind speed exceeds the design engineer's specification;
- (d) the bases for the tower cranes and tracks for rail-mounted tower cranes are firm, level and secured;
- (e) the tower crane operators are competent to carry out the work safely; and
- (f) the tower crane operators have a medical certificate of fitness to work in such an environment, issued by an occupational health practitioner in the form of Annexure 3.

### ■ 23. Construction vehicles and mobile plant

- (1) A contractor must ensure that all construction vehicles and mobile plant—
  - (a) are of an acceptable design and construction;
  - (b) are maintained in a good working order;
  - (c) are used in accordance with their design and the intention for which they were designed, having due regard to safety and health;
  - (d) are operated by a person who—
    - (i) has received appropriate training, is certified competent and in possession of proof of competency and is authorised in writing to operate those construction vehicles and mobile plant;
    - (ii) has a medical certificate of fitness to operate those construction vehicles and mobile plant, issued by an occupational health practitioner in the form of Annexure 3;
  - (e) have safe and suitable means of access and egress;

- (f) are properly organized and controlled in any work situation by providing adequate signalling or other control arrangements to guard against the dangers relating to the movement of vehicles and plant, in order to ensure their continued safe operation;
  - (g) are prevented from falling into excavations, water or any other area lower than the working surface by installing adequate edge protection, which may include guardrails and crash barriers;
  - (h) are fitted with structures designed to protect the operator from falling material or from being crushed should the vehicle or mobile plant overturn;
  - (i) are equipped with an acoustic warning device which can be activated by the operator;
  - (j) are equipped with an automatic acoustic reversing alarm; and
  - (k) are inspected by the authorised operator or driver on a daily basis using a relevant checklist prior to use and that the findings of such inspection are recorded in a register kept in the construction vehicle or mobile plant.
- (2) A contractor must ensure that—
- (a) no person rides or is required or permitted to ride on a construction vehicle or mobile plant otherwise than in a safe place provided thereon for that purpose;
  - (b) every construction site is organized in such a way that, as far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health;
  - (c) the traffic routes are suitable for the persons, construction vehicles or mobile plant using them, are sufficient in number, in suitable positions and of sufficient size;
  - (d) every traffic route is, where necessary, indicated by suitable signs;
  - (e) all construction vehicles and mobile plant left unattended at night, adjacent to a public road in normal use or adjacent to construction areas where work is in progress, have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, in order to

- identify the location of the vehicles or plant;
- (f) all construction vehicles or mobile plant when not in use, have buckets, booms or similar appendages, fully lowered or blocked, controls in a neutral position, motors stopped, wheels chocked, brakes set and ignition secured;
- (g) whenever visibility conditions warrant additional lighting, all mobile plant are equipped with at least two headlights and two taillights when in operation;
- (h) tools, material and equipment are secured and separated by means of a physical barrier in order to prevent movement when transported in the same compartment with employees;
- (i) vehicles used to transport employees have seats firmly secured and adequate for the number of employees to be carried; and
- (j) all construction vehicles or mobile plant traveling, working or operating on public roads comply with the requirements of the National Road Traffic Act, 1996.

### ■ 24. Electrical installations and machinery on construction sites

A contractor must, in addition to compliance with the Electrical Installation Regulations, 2009, and the Electrical Machinery Regulations, 1988, promulgated by Government Notice No. R. 1593 of 12 August 1988, ensure that—

- (a) before construction commences and during the progress thereof, adequate steps are taken to ascertain the presence of and guard against danger to workers from any electrical cable or apparatus which is under, over or on the site;
- (b) all parts of electrical installations and machinery are of adequate strength to withstand the working conditions on construction sites;
- (c) the control of all temporary electrical installations on the construction site is designated to a competent person who has been appointed in writing for that purpose;
- (d) all temporary electrical installations used by the contractor are inspected at least once a week by a competent person and the inspection findings are recorded in a register kept on the construction site; and



- (e) all electrical machinery is inspected by the authorized operator or user on a daily basis using a relevant checklist prior to use and the inspection findings are recorded in a register kept on the construction site.

#### ■ 25. Use and temporary storage of flammable liquids on construction sites

A contractor must, in addition to compliance with the provisions for the use and storage of flammable liquids in the General Safety Regulations, 2003, ensure that—

- (a) where flammable liquids are being used, applied or stored at the workplace concerned, it is done in a manner that does not cause a fire or explosion hazard, and that the workplace is effectively ventilated;
- (b) no person smokes in any place in which flammable liquid is used or stored, and the contractor must affix a suitable and conspicuous notice at all entrances to any such areas prohibiting such smoking;
- (c) an adequate amount of efficient fire-fighting equipment is installed in suitable locations around the flammable liquids store with the recognized symbolic signs;
- (d) only the quantity of flammable liquid needed for work on one day is taken out of the store for use;
- (e) all containers holding flammable liquids are kept tightly closed when not in actual use and, after their contents have been used up, are removed from the construction site and safely disposed of;
- (f) where flammable liquids are decanted, the metal containers are bonded and earthed; and
- (g) no flammable material, including cotton waste, paper, cleaning rags or similar material is stored together with flammable liquids.

#### ■ 26. Water environments

- (1) A contractor must ensure that where construction work is done over or in close proximity to water, provision is made for—

- (a) preventing persons from falling into water; and
  - (b) the rescuing of persons in danger of drowning.
- (2) A contractor must ensure that where a person is exposed to the risk of drowning by falling into the water, the person is provided with and wears a lifejacket.

#### ■ 27. Housekeeping and general safeguarding on construction sites

A contractor must, in addition to compliance with the Environmental Regulations for Workplaces, 1987, promulgated by Government Notice No. R. 2281 of 16 October 1987, ensure that suitable housekeeping is continuously implemented on each construction site, including—

- (a) the proper storage of materials and equipment;
- (b) the removal of scrap, waste and debris at appropriate intervals;
- (c) ensuring that materials required for use, are not placed on the site so as to obstruct means of access to and egress from workplaces and passageways;
- (d) ensuring that materials which are no longer required for use, do not accumulate on and are removed from the site at appropriate intervals;
- (e) ensuring that waste and debris are not disposed of from a high place with a chute, unless the chute complies with the requirements set out in regulation 14(6);
- (f) ensuring that construction sites in built-up areas adjacent to a public way are suitably and sufficiently fenced off and provided with controlled access points to prevent the entry of unauthorized persons; and
- (g) ensuring that a catch platform or net is erected above an entrance or passageway or above a place where persons work or pass under, or fencing off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons are kept safe in the case of danger or possibility of persons being struck by falling objects.

#### ■ 28. Stacking and storage on construction sites

A contractor must, in addition to compliance with the provisions for the stacking of articles in the General Safety Regulations, 2003, ensure that—

- (a) a competent person is appointed in writing with the duty of supervising all stacking and storage on a construction site;
- (b) adequate storage areas are provided;
- (c) there are demarcated storage areas; and
- (d) storage areas are kept neat and under control.

#### ■ 29. Fire precautions on construction sites

A contractor must, in addition to compliance with the Environmental Regulations for Workplaces, 1987, ensure that—

- (a) all appropriate measures are taken to avoid the risk of fire;
- (b) sufficient and suitable storage is provided for flammable liquids, solids and gases;
- (c) smoking is prohibited and notices in this regard are prominently displayed in all places containing readily combustible or flammable materials;
- (d) in confined spaces and other places in which flammable gases, vapours or dust can cause danger—
  - (i) only suitably protected electrical installations and equipment, including portable lights, are used;
  - (ii) there are no flames or similar means of ignition;
  - (iii) there are conspicuous notices prohibiting smoking;
  - (iv) oily rags, waste and other substances liable to ignite are without delay removed to a safe place; and
  - (v) adequate ventilation is provided;
- (e) combustible materials do not accumulate on the construction site;
- (f) welding, flame cutting and other hot work are done only after appropriate precautions have been taken to reduce the risk of fire;
- (g) suitable and sufficient fire-extinguishing equipment is placed at strategic locations or as may be recommended by the Fire Chief or local authority concerned, and that such

equipment is maintained in a good working order;

- (h) the fire equipment contemplated in paragraph (g) is inspected by a competent person, who has been appointed in writing for that purpose, in the manner indicated by the manufacturer thereof;
- (i) a sufficient number of workers are trained in the use of fire-extinguishing equipment;
- (j) where appropriate, suitable visual signs are provided to clearly indicate the escape routes in the case of a fire;
- (k) the means of escape is kept clear at all times;
- (l) there is an effective evacuation plan providing for all—
  - (i) persons to be evacuated speedily without panic;
  - (ii) persons to be accounted for; and
  - (iii) plant and processes to be shut down; and
- (m) a siren is installed and sounded in the event of a fire.

#### ■ 30. Construction employees' facilities

- (1) A contractor must, in addition to the construction site provisions in the Facilities Regulations, 2004, promulgated by Government Notice No. R. 924 of 3 August 2004, provide at or within reasonable access of every construction site, the following clean, hygienic and maintained facilities:
  - (a) Shower facilities after consultation with the employees or employees representatives, or at least one shower facility for every 15 persons;
  - (b) at least one sanitary facility for each sex and for every 30 workers;
  - (c) changing facilities for each sex; and
  - (d) sheltered eating areas.
- (2) A contractor must provide reasonable and suitable living accommodation for the workers at construction sites who are far removed from their homes and where adequate transportation between the site and their homes, or other suitable living accommodation, is not available.

### ■ 31. Construction health and safety technical committee

- (1) The chief inspector must establish a construction health and safety technical committee which must consist of—
  - (a) a person who is to be the chairperson;
  - (b) two persons designated by the Chief Inspector from the employees of the Department of Labour;
  - (c) two persons to represent the Department of Public Works, one each designated by the Built Environmental Council and the Construction Industry Development Board;
  - (d) one person to represent Higher Education in the field of construction and related studies designated by the Director General of the Department of Higher Education;
  - (e) one person designated by the South African Property Owners Association;
  - (f) two persons designated by employer's organizations to represent employers who are directly involved in the construction industry;
  - (g) two persons designated by employees organizations to represent the unions who are directly involved in the construction industry;
  - (h) one person to represent consultants who are directly involved in the construction industry; and
  - (i) persons who are competent in respect of the matters to be dealt with by the construction health and safety technical committee who have been co-opted by the committee with the authorization of the chief inspector.
- (2) The chief inspector must appoint the members of the Construction Health and Safety Technical Committee for the period that he or she may determine at the time of appointment: Provided that the chief inspector may after having afforded a member a reasonable opportunity to respond, discharge him or her at any time, for reasons

that are fair and just, and appoint a new member in his or her place.

- (3) The Construction Health and Safety Technical Committee must—
  - (a) advise the chief inspector on construction related codes, standards and training requirements: Provided that any accredited or approved training must be in accordance with South African Qualifications Authority standards;
  - (b) designate persons in writing to examine safety systems and safety records of companies who have high incident rates and provide recommendations to the chief inspector of occupational health and safety on the findings;
  - (c) make recommendations and submit reports to the chief inspector of occupational health and safety regarding any matter to which these Regulations relate;
  - (d) advise the chief inspector of occupational health and safety regarding any matter referred to the Construction Regulations Technical Committee by the chief inspector of occupational health and safety;
  - (e) perform any other function for the administration of a provision of these Regulations that may be requested by the chief inspector of occupational health and safety;
  - (f) conduct its work in accordance with the instructions and rules of conduct framed by the chief inspector of occupational health and safety; and
  - (g) refer appeals against decisions of the Construction Regulations Technical Committee to the chief inspector of occupational health and safety.
- (4) Any person affected by any decision of the Construction Health and Safety Technical Committee may appeal against such decision to the chief inspector within 60 days of such decision becoming known and the chief inspector shall, after having considered the grounds of the appeal and the Construction

Health and Safety Technical Committee's reasons for the decision, confirm, set aside or vary the decision or substitute for such decision any other decision which the Construction Health and Safety Technical Committee's in the chief inspector's opinion ought to have taken.

- (5) Any person aggrieved by a decision taken by the chief inspector under subregulation (4) may, within 60 days after the chief inspector's decision was given appeal against such decision to the Labour court.

### ■ 32. Approved Inspection Authority

- (1) The chief inspector may approve as an Inspection Authority any organisation that has been accredited in terms of the provision of the Act and these Regulations.
- (2) The Approved Inspection Authority will perform its functions as prescribed by the guidance document issued by the Department of Labour for Approved Inspection Authorities.
- (3) The chief inspector may at any time withdraw any approval granted to an approved inspection authority, subject to section 35 of the Act.

### ■ 33. Offences and penalties

Any person who contravenes or fails to comply with any provision of regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, is guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum of 12 months and, in the case of a continuous offence, not exceeding an additional fine of R200 or additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment will not exceed 90 days.

### ■ 34. Repeal of regulations and commencement

- (1) The Construction Regulations, 2003, promulgated by Government Notice No. R. 1010 of 18 July 2003, are hereby repealed.
- (2) Regulation 3 and 5 (7)(b) will come into effect 18 months after the commencement of these Regulations.

### ■ 35. Short title

These Regulations are called the Construction Regulations, 2014.



13.

.....  
Signature of Client/Client's Agent

14.

.....  
Signature of the Principal Contractor

**FOR OFFICE ONLY**

Authorization/ Unique No.	LABOUR CENTRE	OFFICIAL APPROVAL STAMP

15. Date of application : .....

16. Submitted documents prescribe in Construction Regulation 5(4)

CR 5(1)(a)	CR 5(1)(b)		CR 5(1); (C-S)	
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17. Result of the application (Please Tick "☑" Approved  Declined

18. Reason for declining the application:.....  
.....  
.....  
.....  
.....  
.....

19.

.....  
Signature of the Supervisor

20.

.....  
Signature of revoking Officer / Inspector

Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)  
Regulations  
Construction Regulations, 2014  
Annexures  
**Annexure 2 : Notification of Construction Work**

*(Regulation 4 of the Construction Regulations, 2014)*

1. (a) Name and postal address of principal contractor:  
.....
- (b) Name and tel. no of principal contractor's contact person:  
.....
2. Principal contractor's compensation registration number:  
.....
3. (a) Name and postal address of client:  
.....
- (b) Name and tel. no of client's contact person or agent:  
.....
4. (a) Name and postal address of designer(s) for the project:  
.....
- (b) Name and tel. no of designer(s) contact person:  
.....



5. Name and telephone number of principal contractor's construction supervisor on site appointed in terms of regulation 8(1).

.....

6. Name/s of principal contractor's sub-ordinate supervisors on site appointed in terms of regulation 8(2).

.....

7. Exact physical address of the construction site or site office:

.....

.....

.....

8. Nature of the construction work:

.....

.....

.....

.....

9. Expected commencement date :

.....

10. Expected completion date:

.....

11. Estimated maximum number of persons on the construction site:

Total :..... Male:..... Female:.....

12. Planned number of contractors on the construction site accountable to principal contractor:

.....

13. Name(s) of contractors already selected:

.....

.....

.....

.....

.....

.....

Principal Contractor

.....

Date

.....

Client's Agent (where applicable)

.....

Date

.....

Client

.....

Date

- THIS DOCUMENT IS TO BE FORWARDED TO THE OFFICE OF THE DEPARTMENT OF LABOUR PRIOR TO COMMENCEMENT OF WORK ON SITE.

**Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)**  
**Regulations**  
**Construction Regulations, 2014**  
**Annexures**

**Annexure 3 : Medical Certificate of Fitness**

Name of Employee.....ID Number.....Co. Number.....

	*Possible Exposures e.g. noise, heat, fall risk, confined space etc.	*Job Specific Requirements e.g. Operating Mobile Crane, Digging Trenches, Erecting Formwork and Supportwork etc.	*Protective Equipment e.g. Dust Respirator (Light Duty), Welding Gloves etc.
*Occupation  e.g. General Worker, Welder, Bricklayer, Steel fixer, Mobile Crane Operator, etc			
<p><b>*The Employer to complete the information in the spaces marked with an * before sending the Employee for a medical examination</b></p> <p><b>Declaration by the Medical Examiner:</b></p> <p>I certify that I have, by examination and testing, using the above criteria specified by the employer, satisfied myself that the abovementioned employee is fit to perform the duties as described by the employer in the matrix above.</p> <p>Occupational Medicine Practitioner/Occupational Health Nursing Practitioner: (Please Print Name:)</p> <p>Signature: _____ Practice                      Number: _____ Date: _____</p> <p>Address: _____</p>			

**Occupational Health and Safety Act, 1993**  
**No. R. 242 - 6 March 2009**  
**ELECTRICAL INSTALLATION REGULATIONS**

**SCHEDULE**

■ **1. Definitions**

In these regulations, “the Act” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and any word or expression to which a meaning has been assigned in the Act has such meaning and, unless the context otherwise indicates “**accreditation authority**” means the South African National Accreditation System (SANAS) established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

“**certificate of compliance**” means

- (a) a certificate with a unique number obtainable from the chief inspector, or a person appointed by the chief inspector, in the form of Annexure 1 J and issued by a registered person in respect of an electrical installation or part of an electrical installation or part of an electrical installation; or
- (b) a certificate of compliance issued under the Electrical Installation Regulations, 1992;

“**electrical contractor**” means a person who undertakes to perform electrical installation work on behalf of any other person, but excludes an employee of such first-mentioned person;

“**electrical installation**” means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an electrical installation irrespective of whether or not it is part of the electrical circuit, but excluding

- (a) any machinery of the supplier related to the supply of electricity on the premises;
- (b) any machinery which transmits electrical energy in communication, control circuits, television or radio circuits;
- (e) an electrical installation on a vehicle, vessel, train or aircraft; and

(d) control circuits of 50 V or less between different parts of machinery or system components, forming a unit, that are separately installed and derived from an independent source or an isolating transformer;

“**Electrical Installation Regulations, 1992**” means the Electrical Installation Regulations, 1992, promulgated by Government Notice No. R. 2920 of 23 October 1992;

“**electrical tester for single phase**” means a person who has been registered as an electrical tester for single phase in terms of regulation 11 (2) for the verification and certification of the construction, testing and inspection of electrical installations supplied by a single-phase electricity supply at the point of control, excluding specialised electrical installations;

“**Engineering Profession Act, 2000**” means the Engineering Profession Act, 2000 (Act No. 46 of 2000);

“**general control**” in relation to electrical installation work that is being carried out, includes instruction, guidance and supervision in respect of that work;

“**General Machinery Regulations**” means the General Machinery Regulations, 1988, promulgated by Government Notice No. R. 1521 of 5 August 1988;

“**installation electrician**” means a person who has been registered as an installation electrician in terms of regulation 11 (2) for the verification and certification of the construction, testing and inspection of any electrical installation, excluding specialised electrical installations;

“**installation work**” means

- (a) the installation, extension, modification or repair of an electrical installation;
- (b) the connection of machinery at the supply terminals of such machinery; or

(c) the inspection, testing and verification of electrical installations for the purpose of issuing a certificate of compliance;

“**master installation electrician**” means a person who has been registered as a master installation electrician in terms of regulation 11 (2) for the verification and certification of the construction, testing and inspection of any electrical installation;

“**point of consumption**” means any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: Provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

“**point of control**” means the point at which an electrical installation on or in any premises can be switched off by a user or lessor from the electricity supplied from the point of supply, or the point at which a particular part of an electrical installation on or in any premises can be switched off where different users occupy different portions of such premises;

“**point of outlet**” means any termination of an electrical installation which has been provided for connecting any electrical machinery without the use of tools;

“**point of supply**” means the point at which electricity is supplied to any premises by a supplier;

“**provincial director**” means the provincial director as defined in regulation 1 of the General Administrative Regulations promulgated by Government Notice No. R. 929 of 25 June 2003;

“**registered person**” means a person registered in terms of

- (a) regulation 11; or
- (b) regulation 9 of the Electrical Installation Regulations, 1992, as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

“**specialised electrical installations**” means electrical installations in

- (a) explosive atmospheres as contemplated in SANS10086-1;

- (b) the petroleum industry as contemplated in SANS 1 0089-2;
- (c) hazardous locations as contemplated in SANS 10108; or
- (d) medical locations as contemplated in SANS1 0142-1, published by Standards South Africa;

“**supplier**” in relation to a particular electrical installation, means any person who supplies or contracts or agrees to supply electricity to that electrical installation;

“**supply terminals**” in relation to machinery installed as a complete unit, means the terminals or connection clamps on such machinery where the external conductors supplying the machinery with electricity are terminated or connected.

## ■ 2. Responsibility for electrical installations

- (1) Subject to subregulation (3), the user or lessor of an electrical installation, as the case may be, shall be responsible for the safety, safe use and maintenance of the electrical installation he or she uses or leases.
- (2) The user or lessor of an electrical installation, as the case may be, shall be responsible for the safety of the conductors on his or her premises connecting the electrical installation to the point of supply in the case where the point of supply is not the point of control.
- (3) Where there is a written undertaking between a user or lessor and a lessee whereby the responsibility for an electrical installation has been transferred to the lessee, the lessee shall be responsible for that installation as if he or she were the user or lessor.

## ■ 3. Approved inspection authorities for electrical installations

- (1) The chief inspector may approve any person that has been accredited by the accreditation authority as an approved inspection authority for electrical installations.
- (2) An application to be an approved inspection authority shall be made to the chief inspector in the form of Annexure 2 together with
  - (a) a certified copy of the accreditation certificate issued by the accreditation authority; and
  - (b) the fee prescribed by regulation 14.

- (3) An approved inspection authority for electrical installations shall inform the chief inspector of any change affecting its approval in terms of these Regulations within 14 days after such change.

## ■ 4. Functions of approved inspection authorities for electrical installations

- (1) An approved inspection authority for electrical installations may enter premises and conduct an inspection, test or investigation only when
  - (a) contracted by the chief inspector or provincial director for a specific electrical installation; or
  - (b) requested by the user or lessor of an electrical installation to do so.
- (2) An approved inspection authority for electrical installations may not operate as an electrical contractor.

## ■ 5. Design and construction

- (1) No person may authorise, design, install or permit or require the installation of an electrical installation, other than in accordance with a health and safety standard incorporated into these Regulations under section 44 of the Act.
- (2) No person may use components within an electrical installation unless those components comply with the standards referred to in the relevant incorporated standard referred to in subregulation (1), and proof of compliance shall be identifiable on the components or certification shall be available from the manufacturer or supplier of the materials or components in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act NO.5 of 2008).
- (3) Items of an electrical installation not covered by an incorporated health and safety standard, and the conductors between the point of supply and the point of control, shall be installed in accordance with the by-laws or regulations of the supplier concerned.
- (4) A registered person shall exercise general control over all electrical installation work being carried out, and no person may allow such work without such control.
- (5) Where the voltage exceeds 1 kV, a person deemed competent in terms of paragraphs (b), (c) or (d) of the definition of a competent

person in regulation 1 of the General Machinery Regulations, 1988, or a person registered in a professional category in terms of the Engineering Profession Act, 2000, shall approve the design of that part of an electrical installation.

- (6) Where the intention is to supply five or more users from a new point of supply, the user shall appoint an approved inspection authority for electrical installations or a person deemed competent in terms of paragraph (b), (c) or (d) of the definition of a competent person in regulation 1 of the General Machinery Regulations, 1988, or a person registered in a professional category in terms of the Engineering Profession Act, 2000, who shall ensure the compliance contemplated in subregulation (1) from the commencement to the commissioning of the electrical installation.
- (7) No supplier may restrict the application of a health and safety standard referred to in subregulation (1) when an electrical installation is installed, except where the distribution system of the supplier may be adversely affected by the application thereof.

## ■ 6. Electrical contractor

- (1) No person may do electrical installation work as an electrical contractor unless that person has been registered as an electrical contractor in terms of these Regulations.
- (2) Any person who does electrical installation work as an electrical contractor shall register annually in the form of Annexure 3 with the chief inspector or a person appointed by the chief inspector.
- (3) An application for registration as referred to in subregulation (2) shall be accompanied by the fee prescribed by regulation 14.
- (4) The chief inspector or a person appointed by the chief inspector shall register any person referred to in subregulation (1) as an electrical contractor and enter such registration into the national database: Provided that such person
  - (a) has a fixed address and a telephone; and
  - (b) employs a registered person in a full-time capacity, or is himself or herself a registered person.

## ■ 7. Certificate of compliance

- (1) Subject to the provisions of subregulation (3), every user or lessor of an electrical installation, as the case may be, shall have a valid certificate of compliance for that installation in the form of Annexure 1, which shall be accompanied by a test report in the format approved by the chief inspector, in respect of every such electrical installation.
- (2) Subject to the provisions of subregulation (3), every user or lessor of an electrical installation, as the case may be, shall on request produce the certificate of compliance for that electrical installation to an inspector, a supplier or, subject to regulation 4(1), an approved inspection authority for electrical installations.
- (3) Subregulation (1) shall not apply to an electrical installation that existed prior to 23 October 1992, and where there was no change of ownership after 1 March 1994: Provided that, if any addition or alteration is effected to such an electrical installation, the user or lessor of the electrical installation, as the case may be, shall obtain a certificate of compliance for the whole electrical installation, whereafter the provisions of subregulation (1) shall be applicable to such electrical installation.
- (4) Where any addition or alteration has been effected to an electrical installation for which a certificate of compliance was previously issued, the user or lessor of such electrical installation shall obtain a certificate of compliance for at least the addition or alteration.
- (5) Subject to the provisions of section 10(4) of the Act, the user or lessor may not allow a change of ownership if the certificate of compliance is older than two years.
- (6) The relevant supplier may at any reasonable time inspect or test any electrical installation: Provided that the supplier shall not charge any fee for such an inspection or test unless the inspection or test is carried out at the request of the user or lessor.
- (7) If an inspector, an approved inspection authority for electrical installations or supplier has carried out an inspection or test and has detected any fault or defect in any electrical installation, that inspector, approved inspection authority for electrical installations or supplier may require

the user or lessor of that electrical installation to obtain a new certificate of compliance: Provided that if such fault or defect in the opinion of the inspector, approved inspection authority for electrical installations or supplier constitutes an immediate danger to persons, that inspector, approved inspection authority for electrical installations or supplier shall forthwith take steps to have the supply to the circuit in which the fault or defect was detected, disconnected: Provided further that where such fault or defect is of such a nature that it may indicate negligence on the part of a registered person, the inspector, approved inspection authority for electrical installations or supplier shall forthwith report those circumstances in writing to the chief inspector.

## ■ 8. Commencement and permission to connect installation work

- (1) No person shall commence installation work which requires a new supply or an increase in electricity supply capacity unless the supplier has been notified thereof in the form of Annexure 4: Provided that the supplier may waive this requirement in respect of such types of work as it may specify.
- (2) No person shall connect or permit the connection of any completed or partially completed electrical installation to the electricity supply unless it has been inspected and tested by a registered person and a certificate of compliance for that electrical installation has been issued: Provided that the supplier may on request connect the supply to the electrical installation for the purpose of testing and the completion of the certificate of compliance by a registered person: Provided further that this subregulation shall not apply in a case where the electricity was disconnected for the non-payment of the electricity account or where there has been a change of tenant but not of ownership.

## ■ 9. Issuing of certificate of compliance

- (1) No person other than a registered person may issue a certificate of compliance.
- (2) A registered person may issue a certificate of compliance accompanied by the required test report only after having satisfied himself or herself by means of an inspection and test that

- (a) a new electrical installation complies with the provisions of regulation 5(1) and was carried out under his or her general control; or
  - (b) an electrical installation which existed prior to the publication of the current edition of the health and safety standard incorporated into these Regulations in terms of regulation 5(1), complies with the general safety principles of such standard; or
  - (c) an electrical installation referred to in paragraph (b), to which extensions or alterations have been effected, that the existing part of the electrical installation complies with the general safety principles of such standard and is reasonably safe, and the extensions or alterations effected comply with the provisions of regulation 5(1) and were carried out under his or her general control.
- (3) If at any time prior to the issuing of a certificate of compliance any fault or defect is detected in any part of the electrical installation, the registered person shall refuse to issue such certificate until that fault or defect has been rectified: Provided that if such fault or defect in the opinion of the registered person constitutes an immediate danger to persons in a case where electricity is already supplied, he or she shall forthwith take steps to disconnect the supply to the circuit in which the fault or defect was detected and notify the chief inspector thereof.
  - (4) Any person who undertakes to do electrical installation work shall ensure that a valid certificate of compliance is issued for that work.
  - (5) No person may amend a certificate of compliance.

## ■ 10. Disputes

- (1) Should a dispute arise over the interpretation of a health and safety standard referred to in regulation 5(1) between a user, a registered person, an electrical contractor, an approved inspection authority for electrical installations or a supplier, as the case may be, an affected person may appeal against that interpretation to the chief inspector.
- (2) A person who refers a dispute referred to in subregulation (1) shall serve a notice of dispute, setting out fully the nature and grounds of the dispute, on both the chief inspector and the person whose interpretation he or she is

- disputing, by personally delivering the notice of dispute or sending it by registered post.
- (3) The person whose interpretation is disputed shall within 14 working days of the date on which he or she received the notice of dispute, forward a notice setting out the reasons for his or her interpretation to the chief inspector.
  - (4) The chief inspector shall, after having considered the grounds and the cause of the dispute, confirm, set aside or vary the interpretation of the safety standard in question or substitute it for the interpretation, which in the opinion of the chief inspector, ought to have been given.

## ■ 11. Application for registration as a registered person

- (1) An application for registration as a registered person shall be made to the chief inspector in the form of Annexure 5 together with the registration fee prescribed by regulation 14.
- (2) Any natural person who satisfies the chief inspector that he or she—
  - (a) has sufficient knowledge of the rules applicable to electrical installations in the category for which the application is being made; and
  - (b) has appropriate practical experience in respect of the electrical installation, verification and certification of the construction, testing and inspection of the type of electrical installation for which application is being made,
 shall be registered as an electrical tester for single phase, an installation electrician, or a master installation electrician, as the case may be.
- (3) The chief inspector shall furnish a registered person with the appropriate certificate of registration and enter such registration into the national database.
- (4) A registered person shall on request produce his or her certificate of registration to an inspector, an approved inspection authority for electrical installations, a supplier or any person to whom he or she intends to issue a certificate of compliance.
- (5) A registered person shall inform the chief inspector of any changes affecting his or her registration within 14 days after such change.



## ■ 12. Withdrawal of registration and approval

- (1) Subject to the provisions of subregulation (2), the chief inspector may withdraw an approval issued to an approved inspection authority, a registration issued to an electrical contractor or a certificate of registration issued to a registered person if such person
  - (a) no longer complies with any of the conditions referred to in regulation 3(2)(a), 6(4) or 11(2), respectively; or
  - (b) is convicted of an offence referred to in regulation 15.
- (2) The chief inspector may not withdraw a registration or an approval unless he or she has
  - (a) informed the holder of such registration or approval of the intended withdrawal thereof and of the grounds upon which it is based; and
  - (b) afforded such holder a reasonable opportunity to state his or her case and, if the holder is a person contemplated in subregulation (1)(a), afforded such holder an opportunity to comply with those conditions within the period specified by the chief inspector.
- (3) The chief inspector shall, in writing, inform the person concerned of the reasons for his or her decision.
- (4) Any person adversely affected by a decision of the chief inspector may, in writing, appeal to the Director-General against such decision.
- (5) An appeal referred to in subregulation (4) shall
  - (a) be lodged within sixty days from the date on which the decision was made known; and
  - (b) set out the grounds of appeal.
- (6) After considering the grounds of appeal and the chief inspector's reasons for his or her decision, the Director-General shall as soon as practicable confirm, set aside or amend the decision.

## ■ 13. Substitution of lost, damaged or destroyed certificate

- (1) If any registration certificate issued in terms of these regulations to an electrical contractor or a registered person is lost, damaged or destroyed, the person to whom the certificate was issued may apply to the chief inspector for a duplicate

certificate in the form of Annexure 6, together with the relevant registration fee prescribed by regulation 14.

- (2) After proof that a certificate referred to in subregulation (1) has been lost, damaged or destroyed has been submitted to the satisfaction of the chief inspector, the chief inspector shall issue a duplicate thereof on which the word "duplicate" shall appear.

## ■ 14. Fees payable

The fees payable in respect of an application in terms of regulation 3(2), 6(3) and 11 (1) or a duplicate certificate of registration in terms of regulation 13(1) shall be R120,00 and shall be payable in the form of uncanceled revenue stamps affixed to the application form when payable to the chief inspector.

## ■ 15. Offences and penalties

Any person who contravenes or fails to comply with any of the provisions of regulations 3(3), 4, 5,6(1), 7, 8, 9, 11 (4) and 11 (5) shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum period of 12 months and, in the case of a continuous offence, to an additional fine of R200,00 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.

## ■ 16. Repeal of regulations

The Electrical Installation Regulations, 1992, promulgated by Government Notice R. 2920 of 23 October 1992, as amended by Government Notice No. R. 962 of 20 May 1994, are hereby repealed.

## ■ 17. Short title and commencement

These Regulations shall be called the Electrical Installation Regulations, 2009, and shall come into effect on 1 May 2009: Provided that regulation 5(6) shall come into effect on 1 April 2010.

**ANNEXURE 1**  
**DEPARTMENT OF LABOUR**  
**Occupational Health and Safety act, 1993**  
**CERTIFICATE OF COMPLIANCE**

**Certificate of compliance in accordance with regulation 7(1) of the Electrical Installation Regulations, 2009**

Certificate Type (Tick Appropriate Block).....  
 Certificate No: ..... Certificate Type: (Tick appropriate block).....  
 Initial Certificate: ..... Supplementary Certificate: .....  
 Supplement No: ..... to Initial Certificate No: ..... as issued on: .....

**Identification of the relevant electrical installation**

(Address or other unique reference, where applicable)

Physical address: .....  
 Name of building: ..... GPS Coordinates: .....  
 Suburb/Township: ..... Pole number: .....  
 District/Town/City: ..... Erf/Lot No: .....

**Declaration by registered person.....**

I ..... (IDNo .....),  
 a registered person, declare that I have personally carried out the inspection and testing of the electrical installation described in the attached test report as per the requirements of: (Tick the appropriate box)  
 electrical installation regulations 9(2)(a) (new electrical installation; or .....  
 electrical installation regulations 9(2)(b) (existing electrical installation; or .....  
 electrical installation regulations 9(2)(c) (new part to existing electrical installation .....  
 and deem the electrical installation to be reasonably safe when properly used.

I have entered the number of this certificate on the attached test report(s): .....

I declare that the persons responsible for the design, specification, procurement, construction, commissioning and inspection and test have completed the relevant sections of the test report.

Registered person registration number: ..... Date of Registration: .....  
 Type of Registration: (Tick appropriate block)  
 Electrical tester for single phase: .....  
 Installation electrician: ..... Master installation electrician: .....  
 Signature: ..... Date: .....

Contact details of registered person:

Fax No: ..... Cell No: .....  
 Email: .....  
 Address: .....  
 .....

**Declaration by user or lessor**

I declare that I am aware of my responsibilities in terms of regulation 12 of the Electrical Machinery Regulations and undertake to operate and maintain the electric fence system in a safe manner.

Recipient Name: .....  
 Signature: ..... Date: .....

**ANNEXURE 2**  
**DEPARTMENT OF LABOUR**  
 Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)  
**APPLICATION FOR APPROVAL AS APPROVED INSPECTION**  
**AUTHORITY FOR ELECTRICAL INSTALLATIONS**

**Department of Labour**  
**Occupational Health and Safety**  
**Private Bag X117**  
**Pretoria**  
**0001**

Sir/Madam  
 I hereby apply to be approved as an approved inspection authority for electrical installations in terms of regulation 3(2) of the Electrical Installation Regulations, 2009. I declare that the particulars given hereunder are, to the best of my knowledge and belief, correct.

**1. Particulars of applicant**

Surname of applicant: .....  
 Name of applicant: .....  
 Id no of applicant: .....  
 Registered name: .....  
 Trading name: .....  
 State whether the business is a **sole proprietorship/partnership/company/ close corporation**  
 (delete whichever is not applicable).  
 Business registration no.: .....  
 In which province is your business situated?: .....  
 Physical address: .....  
 Postal code: .....  
 Postal address: .....  
 Postal code: .....  
 Tel no: ..... cell. No: .....  
 Fax no: ..... email: .....

**2. Scope of approval** (tick appropriate block(s)):

(A) electrical tester for single phase: .....  
 (B) installation electrician: .....  
 (C) master installation electrician: .....

**3. In support of this application, please submit the following:**

- (A) certified copy of your id or registered person(s).
- (B) certified copy of business registration no.
- (C) certified copy of a registration certificate of registered persons (both sides)
- (d) Certified copy of accreditation certificate from accreditation authority.

Signature of the application: ..... Date: .....

**For office use only**

Application: approved/not approved .....  
 Reason/s for Refusal: .....  
 Signature: ..... Designation: .....  
 Registration No: ..... Renewal date: .....  
 Date: .....

**ANNEXURE 3**  
**DEPARTMENT OF LABOUR**  
**Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)**  
**APPLICATION FOR REGISTRATION AS**  
**ELECTRICAL CONTRACTOR**

**Department of Labour**  
**Occupational Health and Safety**  
**Private Bag X117**  
**Pretoria**  
**0001**

Sir/Madam  
 I hereby apply to be approved as an approved inspection authority for electrical installations in terms of regulation 6(2) of the Electrical Installation Regulations, 2009. I declare that the particulars given hereunder are, to the best of my knowledge and belief, correct.

**1. Particulars of applicant**

Surname of applicant: .....  
 Name of applicant: .....  
 Id no of applicant: .....  
 Registered name: .....  
 Trading name: .....  
 State whether the business is a **sole proprietorship/partnership/company/ close corporation** (delete whichever is not applicable).  
 Business registration no.: .....  
 In which province is your business situated?: .....  
 Physical address: .....  
 Postal code: .....  
 Postal address: .....  
 Postal code: .....  
 Tel no.: ..... Cell. No: .....  
 Fax no.: ..... Email: .....

**2. State type of registration you have:**

(A) electrical tester for single phase      yes/no.....  
 Etsp no .....  
 (B) installation electrician                      yes/no.....  
 Ie no .....  
 (C) master installation electrician              yes/no.....  
 Mie no: .....

**3. Where registered person(s) is/are employed on a full-time basis, complete the following:** (section 3 can be filled in as many times as the number of registered person/s employed by the business). Notify the chief inspector in case of any changes.

Surname of registered person: .....  
 Name/s of registered person: .....  
 Id number of registered person: .....  
 Type of registration: tsp/ie/mie (delete which is not applicable)  
 Registration number: .....                      date issued: .....

**3. In support of this application, please submit the following:**

(A) certified copy of your id or registered person(s).  
 (B) certified copy of business registration no.  
 (C) certified copy of a registration certificate of registered persons (both sides)  
 Signature of the application: .....                      date: .....

**For office use only**

Application: approved/not approved .....  
 Reason/s for refusal: .....  
 Signature: .....                      designation: .....  
 Registration no: .....                      renewal date: .....  
 Date: .....

**ANNEXURE 4**

**DEPARTMENT OF LABOUR**

Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)

Regulation 8(1) of the Electrical Installation Regulations, 2009

**NOTICE OF COMMENCEMENT OF INSTALLATION WORK**

Name of Supplier: .....  
 Address of supplier: .....  
 .....

I hereby advise that electrical installation work will commence at –  
 ERF No: ..... Township: .....  
 Street address: .....  
 Name of building: ..... Floor: .....  
 Name of tenant/occupier/owner: .....  
 Note: Farms and agricultural holdings, full description as per title deed is required.

Description of proposed work: .....

Date of commencement of installation work: .....

New electrical installation: .....

Extension: .....

Modification: .....

Estimated capacity of electrical installation: ..... kVA

Electrical Contractor/Registered person\*: ..... (block letters)

Fixed address: .....

Contractor's/Registered person's Registration Certificate No.\* .....

Signature: ..... Office Telephone number: .....

Fax No: ..... Cell No: .....

Name of signatory: .....

Competent person / Approved Inspection Authority\*: ..... (block letters)

Fixed address: .....

.....

Approved Inspection Authority Certificate No\*: .....

Signature: .....

Office Telephone Number: .....

Fax No: .....

Cell No: .....

Name of signatory: .....

.....

\*Delete whichever is not applicable

**ANNEXURE 5**

**DEPARTMENT OF LABOUR**

Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)

Regulation 11(1) of the Electrical Installation Regulations, 2009

**APPLICATION FOR REGISTRATION AS A REGISTERED PERSON**

**Department of Labour**  
**Occupational Health and Safety**  
**Private Bag X117**  
**Pretoria**  
**0001**

Sir/Madam

I hereby, in terms of regulation 11(1) of the Electrical Installation Regulations, 2009, apply to be registered as electrical tester for single phase\*/installation electrician\*/master installation electrician\* and hereby declare that the particulars given hereunder are, to the best of my knowledge and belief, correct. I further declare that I know of no reason why I should not be regarded as being physically able to inspect and test electrical installations.

(\*Delete whichever is not applicable)

I attach two photographs of myself as required by the chief inspector.

Yours faithfully

Signature: ..... Date: .....

Notes:

The applicant must also sign this form in the three spaces provided for specimen signatures at the end of this form.

The chief inspector requires the submission of two clear identical photographs of 40 mm by 30 mm showing the face and shoulders of the applicant.

(The photographs required are similar to those required for a passport and can be obtained from any photographer who renders such a service).

Surname (block letters): .....

First names (block letters): .....

Postal address: .....

Code: .....

Telephone No. (W)..... (H).....

(Fax) ..... (Cell) .....

Date of Birth: ..... Place of birth: .....

Identity number (immigration permit number) .....

Details of training appropriate to installation work:

**Note** – Where paragraph (a) hereunder is applicable, applicant must submit with the application, testimonials from employers stating the duration and nature of training.

(a) Training other than under a contract of apprenticeship in terms of the Manpower Training Act, 1982, or the Skills Development act, 1998, in a trade appropriate to electrical installation work.



**ANNEXURE 6**  
**DEPARTMENT OF LABOUR**  
Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)  
**APPLICATION FOR DUPLICATE CERTIFICATE**  
**ISSUED IN TERMS OF**  
**THE ELECTRICAL INSTALLATION REGULATIONS, 2009**

Name and address of employer: .....  
From: ..... To: .....

(b) Apprenticeship or training in terms of the Manpower Training Act, 1981, or the Skills Development Act, 1998, in a trade appropriate to installation work.  
No. of contract: ..... Trade in which trained: .....

Name and address of employer: .....  
From: ..... To: .....  
Capacity in which employed: .....

(c) Details of practical experience, other than that referred to in paragraph 6 (documentary proof, such as certificates of service, to be submitted).

Name and address of employer: .....  
From: ..... To: .....  
Capacity in which employed: .....

(d) Details of certificates or diplomas held. (If you have passed a qualifying trade test and subjects such as Technical-electrical, Electrical Trade Theory, Installation Rules, etc., this should be stated and proof thereof submitted).

.....  
.....  
.....

**Specimen signature of applicant**

Note – The specimen signatures should be the normal signature of the applicant and should be carefully completed. One specimen will be affixed to any certificate of registration that may be issued.

1 .....  
2 .....  
3 .....

**FOR OFFICE USE ONLY**

Application: APPROVED/NOT APPROVED .....  
Reason/s for refusal: .....  
Temporary Registration No: .....  
Signature: ..... Designation: .....

**Department of Labour**  
**Occupational Health and Safety**  
**Private Bag X117**  
**Pretoria**  
**0001**

Sir/Madam

I hereby apply for a duplicate certificate of registration issued to me in terms of regulation 13(2), of the Electrical Installation Regulations, 2009. I declare that the particulars given hereunder are, to the best of my knowledge and belief, correct.

(\*delete which is not applicable).

**1. Particulars of applicant:**

Surname of applicant: .....  
Name of applicant: .....  
Id no of applicant: .....  
Physical address: .....  
Postal code: .....  
Postal address: .....  
Postal code: .....  
Tel no: ..... cell no: .....  
Fax no: ..... email: .....

**2. Scope of approval:**

- (A) regulation 11(2): electrical tester for single phase
- (B) regulation 11(2):..... installation electrician
- (C) regulation 11(2): master installation electrician

**3. In support of this application, please submit the following:**

- (A) certified copy of id.
- (A) two clear identical photographs of 40 mm by 30 mm showing face and shoulders of applicant.
- (A) number of the lost, damaged or destroyed certificate.

Signature of applicant: ..... date: .....

## 4. Affidavit

## FOR OFFICE USE ONLY

Application: APPROVED/NOT APPROVED .....

Reason/s for Refusal: .....

Signature: ..... Designation: .....

Registration No. .... Renewal date .....

Date: .....

## Occupational Health and Safety Act, 1993

No. R 243 – 6 March 2009

INCORPORATION OF SAFETY STANDARDS INTO  
ELECTRICAL INSTALLATION THE REGULATIONS, 2009

I, MMS MDLADLANA, Minister of Labour, after consultation with the Advisory Council for Occupational Health and Safety, hereby, under section 44 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), incorporate into the Electrical Installation Regulations, 2009 the safety standards specified in the Schedule.

MMS MDLADLANA,  
Minister of Labour

## SCHEDULE

## ■ Standards of South Africa

SANS 10086-1: The installation, inspection and maintenance of electrical equipment used in explosive atmospheres Part 1: Installations including surface installations on mines;

SANS 10089-2: The petroleum industry - Part 2: Electrical and other installations in the distribution and marketing sector.

SANS 10108: The classification of hazardous locations and the selection of apparatus for use in such locations; and

SANS 10142-1: The wiring of premises Part 1: Low voltage installations

## Occupational Health and Safety Act, 1993

No 1225. – 11 December 2015

INCORPORATION OF SAFETY STANDARDS INTO  
ELECTRICAL INSTALLATION THE REGULATIONS, 2009

I, T. Szana, appointed as the chief inspector in terms of section 27(1) of the said Act, and by virtue of the powers delegated to me by the Minister of Labour in terms of section 42(1) of the Act, after consultation with the Advisory Council for Occupational Health and Safety, hereby, under section 44 of the Occupational Health and Safety Act (Act No. 85 of 1993), as amended, incorporate into the Electrical Installation Regulations, 2009, the safety standard specified in the Schedule and shall come into effect on 1 April 2016.

Tibor Szana (Chief Inspector)

## SCHEDULE

## ■ Standards of South Africa

SANS 10142-2: The wiring of premises Part 2: Medium-voltage installations above 1 kV a.c. not exceeding 22 kV a.c. and up to and including 3 MVA installed capacity

## Occupational Health and Safety Act, 1993

No. R. 250— 25 March 2011

## ELECTRICAL MACHINERY REGULATIONS, 2011A

## SCHEDULE

## ■ 1. Definitions

In these Regulations, “the Act” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates—

“**accreditation authority**” means the South African National Accreditation System (SANAS) established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

“**circuit**” means an arrangement of conductors for the purpose of carrying electrical energy;

“**conductor**” means an electrical conductor so arranged as to be electrically connected to a source of electrical energy;

“**confined space**” means an enclosed, restricted or limited space in which, because of its construction, location or contents, or any work activity carried on therein, a hazardous substance may accumulate or an oxygen deficient atmosphere may occur, and includes any chamber, tunnel, pipe, pit, sewer, container, valve, pump, sump or similar construction, equipment, machinery or object in which a dangerous liquid or a dangerous concentration of gas, vapour, dust or fumes may be present;

“**dead**” means at or about zero potential and isolated from any live system;

“**earthed**” means connected to the general mass of earth in such a manner as will ensure at all times an immediate safe discharge of electrical energy;

“**electric fence**” means an electrified barrier consisting of one or more bare conductors erected against the trespass of persons or animals;

“**electric fence energiser**” means electrical machinery arranged so as to deliver a periodic non-lethal amount of electrical energy to an electric fence connected to it;

“**electric fence system**” means an electric fence and an electric fence energiser;

“**insulated**” means covered with insulating material of such thickness and properties that it will prevent the flow of electrical energy between the object so covered and its surroundings or any external object in contact with it;

“**live**” or “**alive**” means electrically charged;

“**miniature substation**” means a substation that a person cannot enter;

“**portable electric tool**” means any electrically operated implement, with the exception of ordinary household electrical appliances, which is designed for use with—

- (a) flexible cord at the supply end and which is intended for use by hand and which is to be carried by hand at the place of work; or
- (b) a flexible cable at the supply end and which is intended for use by hand and which is to be moved by hand at the place of work;

“**registered person**” means a person registered in terms of regulation 14 as an electric fence system installer;

“**supplier**”, means any person who supplies or contracts or agrees to supply electricity.

## ■ 2. Scope of application

- (1) These Regulations shall apply to the designers, manufacturers, installers, sellers, users, employers and suppliers who design, manufacture, install, sell, generate or use electrical machinery.
- (2) These Regulations shall apply to users who generate, transmit or distribute electricity whether overhead or underground to the point of supply.

### ■ 3. Personal protective equipment

An employer or user shall provide free of charge and maintain in good condition such protective equipment as may be necessary to prevent incidents, for use by persons engaged in working on or in close proximity to live electrical machinery or dead electrical machinery which may become live.

### ■ 4. Work on disconnected electrical machinery

Without derogating from any specific duty imposed on employers or users of machinery by the Act, an employer or user shall, whenever work is to be carried out on any electrical machinery which has been disconnected from all sources of electrical energy, but which is liable to acquire or to retain an electrical charge, as far as is practicable, cause precautions to be taken by earthing or other means to discharge the electrical energy to earth from such electrical machinery or any adjacent electrical machinery if there is danger there from before it is handled and to prevent any electrical machinery from being charged or made live while persons are working thereon.

### ■ 5. Notice

An employer or user shall cause notices to be displayed within, and at all designated entrances to premises, as the case may be, where generating plant and transforming, switching or linking apparatus are situated, which notices shall—

- (a) prohibit unauthorized persons from entering such premises;
- (b) prohibit unauthorized persons from handling or interfering with electrical machinery;
- (c) contain directions of procedure in case of fire; and
- (d) contain directions on how to resuscitate persons suffering from the effects of electric shock:

Provided that this regulation shall not apply to miniature substations and distribution boxes, on condition that their access doors can be locked or bolted and that only authorized persons are permitted to open them and work thereon.

### ■ 6. Switchgear and transformer premises

- (1) An employer or user shall cause enclosed premises housing switchgear and transformers—

- (a) to be of an ample size so as to provide clear working space for operating and maintenance staff;
- (b) to be sufficiently ventilated to maintain the equipment at a safe working temperature;
- (c) to be, as far as is practicable, constructed so as to be proof against rodents, leakage, seepage and flooding;
- (d) to be provided with lighting that will enable all equipment, thoroughfares and working areas to be clearly distinguished and all instruments, labels and notices to be easily read;
- (e) to have doors or gates, which can be readily opened from the inside, opening outwards;
- (f) to be provided with fire extinguishing appliances or systems which are suitable for use on electrical machinery and which are maintained in good working order: Provided that, in the case of unattended premises, suitable fire extinguishing appliances be made available at such premises only when work is in progress thereon or therein; and
- (g) to be of such construction that persons cannot reach in and touch bare conductors or exposed live parts of the electrical machinery.

- (2) No person other than a person authorized thereto by the employer or user shall enter, or be required or permitted by the employer or user to enter, premises housing switchgear or transformers, unless all live conductors are insulated against inadvertent contact or are screened off: Provided that the person so authorized may be accompanied by any other person acting under his control.

### ■ 7. Electrical control gear

- (1) An employer or user shall provide all electrical machinery with controlling apparatus and protective devices which shall, as far as is reasonably practicable, be capable of automatically isolating the power supply in the event of a fault developing on such machinery.
- (2) No employer or user shall place a switch, circuit breaker or fuse in the neutral conductor of a polyphase alternating current or three-wire direct current distribution system unless such switch, circuit breaker or fuse is so arranged as to isolate all phase conductors and the neutral conductor simultaneously: Provided that this

shall not include an isolating link on the neutral conductor installed for test purposes or to prevent circulating currents.

- (3) The employer or user shall, whenever reasonably practicable, provide switchgear with an interlocking device so arranged that the door or cover of the switch cannot be opened unless the switch is in the 'off' position and cannot be switched on unless the door or cover is locked.
- (4) The employer or user shall mark or label all controlling apparatus permanently so as to identify the system or part of the system or the electrical machinery which it controls, and where such control apparatus is accessible from the front and the back these markings shall be on both the front and the back.
- (5) The employer or user shall post a notice at switchgear or control gear which has been switched off or locked out to enable persons to work on electrical machinery or other machinery operated by electricity and controlled by such switchgear or control gear, warning against reclosing such switchgear or control gear.
- (6) No person shall act contrary to a warning in terms of subregulation (5).

### ■ 8. Switchboards

- (1) An employer or user shall provide an unobstructed space for operating and maintenance staff at the back and front of all switchboards, and the space at the back shall be kept closed and locked except for the purpose of inspection, alteration or repair: Provided that the requirements of this regulation with respect to the unobstructed space at the back of the switchboard shall not apply in the case of—
  - (a) switchboards which have no uninsulated conductors accessible from the back;
  - (b) switchboards the switchgear of which is of a totally enclosed construction;
  - (c) switchboards, the backs of which are accessible only through an opening in the wall or partition against which they are placed, such openings being kept closed and locked; and
  - (d) switchboards which can be safely and effectively maintained from the front and which have all parts accessible from the front.

- (2) The employer or user shall ensure that all switchboards are selected, designed, manufactured, installed and maintained in accordance with sound engineering practice.

### ■ 9. Electrical machinery in hazardous locations

- (1) Every employer or user shall identify all hazardous locations and classify them in accordance with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act.
- (2) No person may use electrical machinery in locations where there is danger of fire or explosion owing to the presence, occurrence or development of explosive or flammable articles, or where explosive articles are manufactured, handled or stored, unless such electrical machinery, with regard to its construction relating to the classification of the hazardous locations in which it is to be used, meets the requirements of the safety standard incorporated for this purpose in these Regulations under section 44 of the Act.
- (3) Every employer or user referred to in subregulation (1) shall be in possession of a certificate in a form acceptable to the chief inspector, which has been issued by an approved inspection authority and in which it is certified that the electrical machinery referred to in subregulation (2) has been manufactured and tested for the groups of dangerous articles in accordance with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act: Provided that in lieu of such certificate an inspector may approve permanent labelling on such machinery, which label shall contain all the relevant information.
- (4) When diverse items of electrical machinery such as motors, cables and control apparatus are used together to form a system, the employer or user shall ensure that the selection, arrangement, installation, protection, maintenance and working of the system results in no less a degree of safety than when the individual items of such machinery are used separately.
- (5) The employer or user shall use electrical machinery to which this regulation applies only under such conditions and in such surroundings

as prescribed in the health and safety standard referred to in subregulation (2).

- (6) No employer or user shall effect repairs or adjustments to or otherwise work on electrical machinery under conditions envisaged by subregulation (2) unless such machinery has been rendered dead and effective measures have been taken to ensure that such machinery remains dead.
- (7) Wherever there is a possibility of the formation of static electricity under working conditions, the employer or user shall earth all metallic structures, machine parts, pneumatic conveyor ducts and pipelines conveying flammable articles and the like, or take such other measures as may be necessary to prevent the formation of electric sparks.
- (8) The employer or user shall cause all electrical machinery in a hazardous location to be visually inspected and tested at intervals not exceeding two years, or any other interval approved by the chief inspector after a risk assessment has been conducted by a person who is competent to express an opinion on the safety thereof: Provided that installed intrinsically safe equipment may in lieu of a test be verified in terms of the approved design.
- (9) The person carrying out the examination referred to in subregulation (8) shall enter, sign and date the results of each examination in a record book which shall be kept by the employer or user for this purpose.

#### ■ 10. Portable electric tools

- (1) No person shall use or permit the use of a portable electric tool with an operating voltage that exceeds 50 V to earth unless—
- (a) it is connected to a source of electrical energy incorporating an earth leakage protection device, the construction of which meets the requirements of the relevant health and safety standard incorporated into these Regulations under section 44 of the Act; or
- (b) it is connected to a source of electrical energy through the interposition between each tool and the source of an individually double-wound isolating transformer, the secondary winding of which is not earthed at any point and the construction of which meets the

requirements of the relevant health and safety standard incorporated into these Regulations under section 44 of the Act; or

- (c) it is connected to a source of high frequency electrical energy derived from a generator which is used solely for supplying energy to such portable electric tool and which arrangement is approved by the chief inspector; or
- (d) it is clearly marked that it is constructed with double or reinforced insulation.
- (2) No person shall sell a portable electric tool constructed with double or reinforced insulation referred to in subregulation (1)(d) unless—
- (a) it is clearly marked that it is constructed with such insulation; and
- (b) its insulation is constructed in accordance with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act.
- (3) No employer or user shall use or permit the use of a portable electric tool which is not fitted with a switch to allow for easy and safe starting and stopping of the tool.
- (4) The employer or user shall maintain every portable electric tool, together with its flexible cord and plug, in good working order.

#### ■ 11. Portable electric lights

- (1) No employer or user shall use or permit the use of a portable light where the operating voltage exceeds 50 V unless—
- (a) it is fitted with a substantial handle which is made of non-hygroscopic, non-conducting material;
- (b) all live metal parts or parts which may become live owing to a faulty circuit are completely protected against accidental contact;
- (c) the lamp is protected by means of a substantial guard firmly fixed to the insulated handle; and
- (d) the cable lead-in is such that the insulation can withstand rough use.
- (2) No employer or user shall use or permit the use of a portable electric light in wet or damp conditions or in confined spaces inside metal vessels or when the person is in contact with large masses of metal, unless, subject to the provisions of subregulation (1)—

- (a) the lamp is connected to a source of electrical energy incorporating an earth leakage protection device the construction of which meets the requirements of the relevant safety standard incorporated into these Regulations under section 44 of the Act; or
- (b) the operating voltage of the lamp does not exceed 50 V, and where this electrical energy is derived from a transformer, such transformer shall have separate windings.

#### ■ 12. Electric fences

- (1) No person shall design, manufacture, sell, install or use an electric fence or electric fence energiser other than in accordance with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act: Provided that electric fences or electric fence energisers installed in accordance with the Electrical Machinery Regulations, 1988, prior to the coming into force of these Regulations shall be deemed to comply with this regulation.
- (2) The seller, importer and manufacturer of an electric fence energiser shall prove compliance with SANS 60335-2-76 by producing a certificate issued by an accredited test laboratory recognized by the accreditation authority.
- (3) In the case of an electric fence energiser which receives its energy from a battery charged by means of a charging apparatus which receives its power from an electric supply, the user or lessor shall ensure that the charging apparatus is of double-wound isolation construction.
- (4) Subject to the provisions of subregulation (5), every user or lessor of an electric fence system shall have an electric fence system certificate in the form of Annexure 1 in respect of such electric fence system: Provided that such certificate shall be transferable.
- (5) Subregulation (4) shall not apply to an electric fence system that existed prior to the coming into force of these Regulations: Provided that if—
- (a) any addition or alteration is effected to such electric fence system; or
- (b) there is a change of ownership of the premises on which such electric fence system exists after 1 October 2012,
- the user or lessor shall obtain an electric fence system certificate for the electric fence system,

whereafter the provisions of subregulation (4) shall be applicable.

#### ■ 13. Issuing of electric fence system certificate

- (1) Only a registered person may issue an electric fence system certificate in the form of Annexure 1, after having satisfied himself or herself by means of an inspection and test that—
- (a) the new electric fence system complies with the provisions of regulation 12(1);
- (b) an electric fence system which existed prior to the incorporation of the relevant health and safety standard contemplated in regulation 12(1) into these Regulations complies with the general safety principles of such standard; or
- (c) an electric fence system which existed prior to the incorporation of the relevant health and safety standard contemplated in regulation 12(1) into these Regulations and to which extensions or alterations have been effected, that—
- (i) the affected part of the system complies with the general safety principles of such standard, and
- (ii) the extensions or alterations effected comply with the provisions of regulation 12(1):
- Provided that a user of a pet-shock system or strip-grazing electric fence system, who is competent to install such a system, may issue an electric fence certificate for a pet-shock system or strip-grazing electric fence system, as the case may be.
- (2) If at any time prior to the issuing of an electric fence system certificate in terms of regulation 13(1), any fault or defect is detected in any part of the system, the registered person shall refuse to issue such certificate: Provided that if such fault or defect in the opinion of the registered person constitutes an immediate danger to persons in the case where electricity is already supplied, he or she shall forthwith notify the user or lessor, as the case may be, in writing.
- (3) Any person who undertakes to install, alter or extend an electric fence system shall ensure that an electric fence system certificate is issued for that work.



- (4) No person shall amend an electric fence system certificate issued by a registered person.

#### ■ 14. Application for registration as registered person

- (1) Application for registration as a registered person shall be made to the chief inspector in the form of Annexure 2, and shall be accompanied by the registration fee prescribed by regulation 23.
- (2) Any natural person who satisfies the chief inspector that he or she has sufficient knowledge of the safety standards applicable to electric fence systems may be registered by the chief inspector as a registered person.
- (3) The chief inspector shall furnish a registered person with a certificate of registration, and enter such registration into the national database.
- (4) A registered person shall on request produce his or her certificate of registration to any inspector and any supplier or any person for whom he or she intends to install an electric fence system and issue an electric fence certificate.

#### ■ 15. Withdrawal of registration and approval

- (1) Subject to the provisions of subregulation (2), the chief inspector may withdraw a registration or an approval issued to an approved inspection authority or to a registered person if such a person—
- (a) no longer complies with any of the conditions referred to in regulation 14(2) or 17(1), respectively; or
- (b) is convicted of an offence referred to in regulation 24.
- (2) The chief inspector may not withdraw a registration or an approval unless he or she has—
- (a) informed the holder of such registration or approval of the intended withdrawal thereof and of the grounds upon which it is based; and
- (b) afforded such holder a reasonable opportunity to state his or her case and, if the holder is a person referred to in subregulation (1)(a), afforded such holder an opportunity to comply with those conditions within the period specified by the chief inspector.

- (3) The chief inspector shall, in writing, inform the person concerned of the reasons for his or her decision.
- (4) Any person adversely affected by a decision of the chief inspector may, in writing, appeal to the Director-General against such decision.
- (5) An appeal referred to in subregulation (4) shall—
- (a) be lodged within 60 days from the date on which the decision was made known; and
- (b) set out the grounds of appeal.
- (6) After considering the grounds of appeal and the chief inspector's reasons for his or her decision, the Director-General shall as soon as practicable confirm, set aside or amend the decision.

#### ■ 16. Substitution of lost, damaged or destroyed certificate of registration

- (1) A registered person whose registration certificate issued in terms of regulation 14 has been lost, damaged or destroyed, may apply for a duplicate in the form of Annexure 2.
- (2) The application referred to in subregulation (1) shall be accompanied by the fee prescribed by regulation 23.
- (3) After submission of proof that a certificate of registration has been lost, damaged or destroyed, the chief inspector shall issue a substitute therefor on which the word "duplicate" shall appear.

#### ■ 17. Inspection authorities

- (1) On application, the chief inspector may approve as an inspection authority any person that has been accredited by the accreditation authority to be an approved inspection authority for performing the prescribed functions with regard to the manufacture or testing of electrical machinery.
- (2) An application referred to in subregulation (1) shall be made to the chief inspector in the form of Annexure 3 and shall be accompanied by—
- (a) a certified copy of the accreditation certificate issued by the accreditation authority; and
- (b) the fee prescribed by regulation 23.

#### ■ 18. Earthing

- (1) An employer or user shall cause—
- (a) roofs, gutters, downpipes and waste pipes on premises to which electrical energy is supplied to be earthed, except—
- (i) where the operating voltage does not exceed 50 V;
- (ii) roofs made of non-conductive material or metal roofs covered by non-conductive material;
- (iii) gutters, downpipes and waste pipes made of non-conductive material or gutters and downpipes attached to a metal roof which is covered by non-conductive materials;
- (iv) roofs, gutters, downpipes and waste pipes on premises which receive electricity by means of underground service connections: Provided that the connection is to the conductive structures;
- (b) all accessible metallic parts of electrical machinery that, though normally not forming part of an electrical circuit, may become live accidentally, to be protected by an insulating covering or to be otherwise enclosed or to be earthed and the resistance of the earth continuity path shall not exceed 0,2 ohm, except—
- (i) metal in earth-free situations, other than runs metal wireway, and the close-fitting metal sheathing and armouring of cables;
- (ii) short separate lengths of heavy-gauge metal wireway used for the mechanical protection of cables where such cables are not used in the secondary circuits of discharge luminaire installations;
- (iii) short, unexposed separate lengths of metal wireway used for the mechanical protection of insulated wiring passing through walls, floors, partitions or ceilings;
- (iv) metalwork of fixed electrical machinery where such metalwork is more than 2.4 m above the floor: Provided that this exception shall not apply where such metalwork is situated in any position likely to become damp, or in an elevator shaft, or near rotating machinery, or in contact with a wall, ceiling or other support constructed of or covered with conducting material;

- (v) metal parts of electrical machinery where such parts are enclosed or shrouded by insulating material so that such metal parts cannot be touched;
- (vi) cleats, clips, saddles, clamps of other devices for fixing wireways and cables;
- (vii) shades, reflectors and guards supported on lamp holders or discharge luminaires;
- (viii) lamp caps;
- (ix) metal parts of or screws in or through non-conducting materials which are separated by such materials from current-carrying parts and from earthed non-current-carrying parts in such a way that in normal use they cannot become live or come into contact with earthed parts.
- (2) If at any time through a test of any electrical machinery on the premises by the supplier or inspector it is found that exposed metallic parts of the electrical installations are not earthed, the supplier or inspector shall require the occupier or owner of such premises to effect the necessary earthing within a fixed period of time not exceeding 30 days and, should the occupier or owner fail to effect the necessary earthing, the supplier may disconnect the electrical energy to such premises and shall not reconnect such energy until the earthing has been carried out.

#### ■ 19. Overhead power lines

- (1) A supplier, employer or user shall cause the supports, clearances, insulators and fittings and conductors for power lines to be designed, installed and maintained in accordance with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act.
- (2) The supplier, employer or user shall cause the distance of any power line from an explosives magazine to comply with the requirements of the Explosives Act, 1956 (Act No. 26 of 1956).
- (3) A supplier, employer or user shall cause the clearance of conductors and other wires over the normal high-water level of power lines crossing over water to be not less than the values for power lines above the ground outside townships: Provided that if the owner of the land on which the water is situated requires a greater clearance and no agreement between the supplier, user or



owner of the land can be reached, the dispute shall be referred to the chief inspector for a decision.

- (4) No person shall construct any road, railway, tramway, communication line, other power line, building or structure, or place any material or soil under or in the vicinity of a power line, which will encroach on the appropriate minimum clearances required in terms of subregulation (1).
- (5) No person shall encroach in person or with objects on the minimum safety clearances required in terms of subregulation (1) or require or permit any other person to do so except by permission of the supplier, employer or user operating the power line.
- (6) The supplier or user of power lines shall control vegetation in order to prevent it from encroaching on the minimum safety clearance of the power lines and the owner of the vegetation shall permit such control.
- (7) The employer or user shall ensure that all supports of the lattice type which are used to carry overhead conductors or live parts of other electrical equipment are adequately protected in order to prevent any unauthorized person from coming into dangerous proximity of the conductors by climbing such supports, and an inspector may require an employer or user similarly to protect a support of any other type.

#### ■ 20. Service connections

- (1) No person shall require or permit any overhead service connection to be connected to the supplier's conductors elsewhere than at a point of support.
- (2) No supplier, employer or user shall connect electrical energy to premises other than by means of conductors complying with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act and by means of a safe connection to the premises.

#### ■ 21. Overhead line crossings

- (1) Where a power line crosses a proclaimed road, railway or tramway, or a conductive communication line, the supplier, employer or user shall cause the clearance to comply with the requirements of regulation 19, and shall further cause—
  - (a) every structure supporting a crossing span to be designed in such a manner that it will be able to withstand the loads that may be imposed upon it should a breakage of any phase conductor or earth conductor occur;
  - (b) every structure supporting a crossing span, as far as is reasonably practicable, to be located so that it will not touch the service crossed, should it overturn;
  - (c) subject to the restrictions referred to in paragraph (b), one of the structures supporting a crossing span to be located as close to the point of crossing as is reasonably practicable;
  - (d) the clearance of the crossing span where it crosses a proclaimed road to be not less than 4,5 m in the case of a broken-phase conductor in a span other than the crossing span;
  - (e) armour rods, arcing horns or other proven methods to be fitted at the live ends of suspension and rigid insulators on at least the first three structures on each side of the crossing if the maximum voltage for which the power line is designed exceeds 1,1 kV rms ; alternatively, duplicate conductors, tied together at intervals of not more than 1,5 m shall be provided in the crossing span and shall be supported by duplicate parallel insulators, and for lines on rigid insulators the duplicate conductors shall extend at least 1,5 m beyond the supports on each side of the crossing span; and
  - (f) all crossings over services, including conductive communication lines, shall be mutually agreed between the power line user or supplier and the communications line user or user of other services.
- (2) The supplier, employer or user shall cause every overhead service connection that crosses over bare conductive communication lines of the communication network to have minimum clearances between the overhead service connection and the conductive communication

lines at the points of crossing of 0,5 m and the overhead service connection shall not cross below bare conductive communication lines.

#### ■ 22. Bare conductors on premises

The employer or user shall cause bare conductors, other than conductors of a power line which cannot be completely insulated and which is installed on premises, to be so placed as to prevent accidental contact therewith and warning notices to be prominently displayed at such conductors.

#### ■ 23. Fees payable

The fees payable in respect of an application in terms of regulations 14(1) and 17(2)(b) or a duplicate certificate of registration in terms of regulation 16(2) shall be R120.

#### ■ 24. Offences and penalties

Any person who contravenes or fails to comply with any of the provisions of regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14(4), 18, 19, 20, 21 and 22 shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum of 12 months and, in case of a continuous offence, to an additional fine of R200 for each day on which the offence continues or additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.

#### ■ 25. Repeal of regulations

The Electrical Machinery Regulations, 1988, published under Government Notice No. R. 1593 of 12 August 1988, are hereby repealed.

#### ■ 26. Short title

These Regulations shall be called the Electrical Machinery Regulations, 2011, and shall commence on 1 July 2011: Provided that regulation 12(4) shall commence on 1 October 2012.

**ANNEXURE 1**

**DEPARTMENT OF LABOUR**

**Occupational Health and Safety act, 1993**

Electric Fence System Certificate of Compliance in accordance with regulation 12(4) and 13(1) of the Electrical Machinery Regulations, 2011.

**ELECTRIC FENCE SYSTEM CERTIFICATE OF COMPLIANCE**

Certificate No: ..... Certificate Type: (Tick appropriate block).....  
 Initial Certificate: ..... Supplementary Certificate: .....  
 Supplement No: ..... to Initial Certificate No: ..... as issued on: .....

**Identification of the relevant installation**

(Address or other unique reference, where applicable)

Physical address: .....  
 .....

Name of premises: ..... GPS Coordinates: .....  
 Suburb/Township: ..... Pole number: .....  
 District/Town/City: ..... Erf/Lot No: .....

**Declaration by registered electrical fence installer**

I ..... (IDNo .....),  
 a registered electric fence system installer, declare that I have personally carried out the inspection and testing of the electric fence system described above as per the requirements of regulation 13(1), and deem the installation to be reasonably safe when properly used.

Registered person registration number: ..... Date of registration: .....  
 Signature: ..... Date: .....  
 Contact details of registered person:  
 Fax No: ..... Cell No: .....  
 Email: .....  
 Address: .....  
 .....

**Declaration by user or lessor**

I declare that I am aware of my responsibilities in terms of regulation 12 of the Electrical Machinery Regulations and undertake to operate and maintain the electric fence system in a safe manner.

Recipient Name: .....  
 Signature: ..... Date: .....

**ANNEXURE 2**

**DEPARTMENT OF LABOUR**

**Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)**

**Regulation 14(1) of the Electrical Machinery Regulations**

**APPLICATION FOR REGISTRATION AS AN  
 ELECTRIC FENCE SYSTEM INSTALLER**

**The Department of Labour  
 Occupational Health and Safety  
 Private Bag X117  
 Pretoria  
 0001**

Surname (block letters): .....  
 First names (block letters): .....  
 Postal address: .....

Code: .....  
 Telephone No: (W) ..... (H) .....  
 (Fax) ..... (Cell) .....  
 Date of birth: ..... Place of birth: .....  
 Identity number (immigration permit number): .....  
 A certified copy of electric fence system installer proficiency must be attached.

Two clear identical unmounted photographs of 40 mm by 30 mm showing the face and shoulders of the applicant to be submitted. One photograph to be certified on the back as follows:

I certify this to be a true photograph of .....  
 Signature of Magistrate,  
 Justice of the Peace  
 or Commissioner of Oaths: ..... Date: .....

I hereby declare that the above particulars are, to the best of my knowledge and belief, correct.

Signature of applicant: ..... Date: .....

**Specimen signature of applicant**

Note – The specimen signatures should be the normal signature of the applicant and should be carefully completed. One specimen will be affixed to any certificate of registration that may be issued.

1 .....  
 2 .....  
 3 .....

**ANNEXURE 3**

**DEPARTMENT OF LABOUR**

Occupational Health And Safety Act, 1993 (Act No. 85 of 1993)

Regulation 17(1) of the Electrical Machinery Regulations

**APPLICATION FOR APPROVAL AS AN APPROVED INSPECTION AUTHORITY FOR ELECTRICAL MACHINERY**

**The Department of Labour  
Occupational Health and Safety  
Private Bag X117  
Pretoria  
0001**

**1. Particulars of applicant**

Surname: .....  
 First names: .....  
 Id no: .....  
 Trading name: .....  
 State whether the business is a **sole proprietorship/partnership/company/ close corporation** (delete whichever is not applicable).  
 Business ck no: .....  
 Province in which business is situated: .....  
 Physical address: .....  
 Postal code: .....  
 Postal address: .....  
 Postal code: .....  
 Tel no: ..... cell. No: .....  
 Fax no. .... Email: .....

**2. State type of registration you have:**

Sanas registration number: .....  
 Scope of accreditation: .....

**3. In support of the application, submit the following:**

- 1. A certified copy of the business registration number (indicate CK No.);
- 2. A certified copy of the accreditation certificate from the accreditation authority.

I hereby declare that the above particulars are, to the best of my knowledge and belief, correct.

Signature of applicant: ..... Date: .....

**For office use only**

Application: approved/not approved  
 Reason/s for declining: .....  
 Registration no: .....  
 Date: .....

Occupational Health and Safety Act, 1993

No. R. 51 – 25 March 2011

**INCORPORATION OF HEALTH AND SAFETY STANDARDS INTO THE ELECTRICAL MACHINERY REGULATIONS, 2011**

I, M OLIPHANT, Minister of Labour, after consultation with the Advisory Council for Occupational Health and Safety, hereby, under section 44 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), incorporate into the Electrical Machinery Regulations, 2011, the safety standards specified in the Schedule.

M Oliphant,  
Minister of Labour

**SCHEDULE**

■ **Standards of South Africa**

- SANS 767-1: Earth leakage protection units Part 1: Fixed earth leakage protection circuit-breakers;
- SANS 10086-1: The installation, inspection and maintenance of equipment used in explosive atmospheres Part 1: Installations including surface installations;
- SANS 1507-6: Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1900/3 300 V), Part 6: Service cables;
- SABS 10108: The classification of hazardous locations and the selection of electrical apparatus for use in such locations;
- SANS 10222-3: Electrical security installation, Part 3: Electric security fences (non-lethal);
- SANS 10280-1: Overhead power lines for conditions prevailing in South Africa Part 1: Safety; and
- SANS 60335-2-76: Household and similar electrical appliances – Safety: Part 2 – 76: Particular requirements for electric fence energizers.

## Occupational Health and Safety Act, 1993

R. 2281— 16 October 1987

## ENVIRONMENTAL REGULATIONS FOR WORKPLACES, 1987

## SCHEDULE

## ■ 1. Definitions

In these regulations “**the Act**” means the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), and any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise—

“**acclimatised**” means physiologically adapted to a particular thermal environment and work rate;

“**attenuation**” means the proven capability of hearing protectors to reduce the equivalent noise level to which the wearer thereof is exposed;

“**building work**” means work defined as such in regulation 1 of the

General Administrative Regulations promulgated in terms of section 35 of the Act and published under Government Notice R. 2206 of 5 October 1984;

“**dB (a)**” means a unit of measurement of sound pressure level as contemplated in SABS 083;

“**directional luminaire**” means a luminaire from which the light radiation is confined to a well-defined narrow beam;

“**equivalent noise level**” ... replaced by “**equivalent sound pressure level**”; [substituted by G.N.R.489 of 18 March 1994]

“**equivalent sound pressure level**” is the value of the equivalent continuous sound level which would deliver the same amount of sound energy as the actual fluctuating sound, measured over the same time period, and

“**equivalent noise level**” has a corresponding meaning;

“**exposed**” means exposed whilst at work, and “**exposure**” has a corresponding meaning; [added by G.N.R.489 of 18 March 1994]

“**exposure limit**” means a value as defined in the Asbestos Regulations, 1987, promulgated in terms of section 35 of the Act and published under Government Notice R 773 of 10 April 1987;

“**hearing protectors**” means ear muffs or ear plugs of a type approved by the chief inspector and in respect of which an efficiency test as prescribed by SABS 572 has been conducted by the South African Bureau of Standards or an approved inspection authority;

“**heat stroke**” means a pathological condition arising from thermoregulatory failure of the human body;

“**illuminance**” means the intensity of light falling on a surface, measured in lux;

“**luminaire**” means a light fitting which supports a lamp and provides it with electrical connections;

“**noise zone**” means an area where the equivalent noise level is equal to or exceeds 85 dB (a) when measured in accordance with SABS 083;

“**regional director**” means the regional director as defined in regulation 1 of the General Administrative Regulations published under Government Notice No. R.2206 of 5 October 1984 and amended by Government Notice No R.2131 of 1990; [inserted by G.N.R.489 of 18 March 1994]

“**respiratory protective equipment**” means a device as defined in the Asbestos Regulations, 1987, promulgated in terms of section 35 of the Act and published under Government Notice R. 773 of 10 April 1987;

“**SABS 083**” means the South African Bureau of Standards’ Code of Practice for the Measurement and Assessment of Occupational Noise for Hearing Conservation Purposes, SABS 083;

“**SABS 1451: Part I**” South Africa Standard. Standard Specification for Hearing Protectors, Part I: Ear muffs; [inserted by G.N.R.489 of 18 March 1994]

“**SABS 1451: Part II**” South African Standard. Standard Specification for Hearing Protectors, Part II: Ear plugs; [inserted by G.N.R.489 of 18 March 1994]

“**SABS 572**” ... deleted [deleted by G.N.R.489 of 18 March 1994]

“**time-weighted average**” means the average of a number of representative measurements that are taken over a period of time and that are calculated as follows:

Time-Weighted average =

$$x_1t_1 + x_2t_2 + x_3t_3 + \dots + x_nt_n$$

$$t_1 + t_2 + t_3 + \dots + t_n$$

where  $x_1, x_2, \dots$ , are the observed measurements during the corresponding periods  $t_1, t_2, \dots$ , minutes, and  $t_1 + t_2 + t_3 + \dots + t_n$  is the total time in minutes over which the measurements are taken;

“**WBGT index**” means a number which characterises the thermal conditions in the environment to which that number applies; it is calculated by adding seven tenths of the reading in degrees Celsius obtained with a naturally ventilated wet-bulb thermometer to one fifth of the reading in degrees Celsius obtained with a globe thermometer and adding that sum to one tenth of the reading in degrees Celsius obtained with a dry-bulb thermometer; the index may also be obtained by using an electronically integrating direct-reading instrument which has been designed, built and calibrated for that particular purpose;

“**working plane**”, means a horizontal plane at the level where work is performed.

## ■ 2. Thermal requirements

(1) Subject to the provisions of subregulation (2), no employer shall require or permit an employee to work in an environment in which the time-weighted average dry-bulb temperature taken over a period of four hours is less than 6°C, unless the employer takes reasonable measures to protect such employee against the cold and further takes all precautions necessary for the safety of such employee: Provided that, where

outdoor work is performed, the employer shall take such measures and such precautions in an environment in which the actual dry-bulb temperature is less than 6°C at any time.

(2) No employer shall require or permit an employee to work in a refrigerated environment in which the actual dry-bulb temperature is below 0°C unless

(a) the maximum exposure of the employee does not exceed the periods as indicated in the following table :

Temperature °C	Maximum exposure
0° to -18°	No limit.
Lower than -18° but not lower than -34° degrees	Maximum continuous exposure during each hour = 50 minutes. After every exposure in a low-temperature area at least 10 minutes must be spent, under supervisions, in a comfortably warm environment.
Lower than -34° but not lower than -57°	Two periods of 30 minutes each, at least 4 hours apart. Total low- temperature exposure: 1 hour per day.
Lower than -57°	Maximum permissible exposure = 5 minutes during any 8-hour period.

(b) the employee is provided with the following protective clothing:

- (i) A nylon freezer suit or equivalent and, where the said temperature is below -34°C, such suit or equivalent shall be of double layer;
- (ii) a woolen Balaclava or equivalent;
- (iii) fur-lined leather gloves or equivalent;
- (iv) waterproof outer gloves with knitted woolen or equivalent inners as well as a waterproof apron where wet or thawing substances are handled;
- (v) woolen socks; and
- (vi) waterproof industrial boots or equivalent;

Provided that an employee who works in a low-temperature area in which the temperature is not lower than -18°C for periods not exceeding five minutes in every hour need only be provided with an ordinary overall, gloves shoes, or equivalent;

- (c) the employee is, beforehand and thereafter, at intervals not exceeding one year, certified fit to work in such environment by a registered medical practitioner or a registered nurse according to a protocol prescribed by such practitioner, and such employee is issued with a certificate to that effect; and
- (d) all the clothing worn by the employee is dry prior to entering the low-temperature area.
- (3) Where hand-held tools which vibrate at a frequency of vibration of less than 1 000 Hz are used at an actual dry-bulb temperature below 6°C, the employer shall provide an employee operating such tools with lined gloves, and ensure that he wears them.
- (4) Where the time-weighted average WBGT index, determined over a period of one hour, exceeds 30 in the environment in which an employee works, the employer of such employee shall—
- (a) if practicable, take steps to reduce the said index to below 30; or
- (b) where it is not practicable to reduce the said index to below 30 and where hard manual labour is performed—
- (i) have every such employee beforehand and thereafter, at intervals not exceeding one year, certified fit to work in such environment by a registered medical practitioner or a registered nurse according to a protocol prescribed by such practitioner, and every such employee shall, if found fit to work in such environment, be issued with a certificate to that effect by such practitioner or nurse;
- (ii) ensure that every such employee is acclimatised to such working environment before he is required or permitted to work in such environment;
- (iii) inform every such employee of the need to partake of at least 600 millilitres of water every hour;
- (iv) train every such employee in the precautions to be taken to avoid heatstroke; and
- (v) provide the means whereby every such employee can receive prompt first-aid treatment in the event of heatstroke:

Provided that, where the question arises as to whether any particular type of work does in fact

constitute hard manual labour, the decision of an inspector shall be decisive.

### ■ 3. Lighting

- (1) Every employer shall cause every workplace in his undertaking to be lighted in accordance with the illuminance values specified in the Schedule to these regulations: Provided that where specialised lighting is necessary for the performance of any particular type of work, irrespective of whether that type of work is listed in the Schedule or not, the employer of those employees who perform such work shall ensure that such specialized lighting is available to and is used by such employees.
- (2) The chief inspector may, by notice in the Gazette, from time to time modify the Schedule to these regulations as he deems necessary.
- (3) With respect to the lighting to be provided in terms of subregulation (1), the employers shall ensure that—
- (a) the average illuminance at any floor level in a workplace within five meters of a task is not less than one fifth of the average illuminance on that task;
- (b) glare in any workplace is reduced to a level that does not impair vision;
- (c) lighting on rotating machinery in such that the hazard of stroboscopic effects is eliminated; and
- (d) luminaires and lamps are kept clean and, when defective, are replaced or repaired 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.

- (5) An employer shall ensure that the emergency sources of lighting prescribed by subregulation (4)—
- (a) are capable of being activated within 15 seconds of the failure of the lighting prescribed by subregulation (1);
- (b) will last long enough to ensure the safe evacuation of all indoor workplaces;
- (c) are kept in good working order and tested for efficient operation at intervals of not more than three months; and
- (d) where directional luminaires are installed, these are mounted at a height of not less 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, gangways, basements and other places where danger may exist through lack of natural light, to be lighted such that it will be safe.

### 4. Windows

- (1) In order to effect visual contact with areas outside a workplace, where employees work the majority of their shift in a room of which the floor area is less than 100 square meters, the employer of such employees shall cause every such room to be provided with windows in such a way that—
- (a) the total glazed area of such windows is not less than three fifths of the square root of the floor area of the room, both areas measured in square meters;
- (b) the window sills are not higher and the window heads are not lower than one and a half meters above the floor level of the room; and
- (c) such windows are glazed with transparent material.
- (2) Unless an inspector otherwise directs, the provisions of subregulation (1) shall not apply under conditions where natural light will have an adverse effect on the process or material used in a room, or where the process in a room has to be conducted under critical conditions of light, temperature, humidity or air movement, or where the judgement of texture or colour in a room has to be done under conditions of constant lighting quality and intensity, or

where, for reasons of safety, privacy or security, compliance with the intended provisions becomes impracticable.

- (3) Where the penetration of direct sunlight into any workplace may pose a threat to the safety of persons in such workplace, the employer concerned shall ensure that such workplace is screened to avoid such penetration, but retaining, as far as is practicable, outside visual contact.

### ■ 5. Ventilation

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

### ■ 6. Housekeeping

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



- (2) An employer shall—
- with the exclusion of workplaces where building work is performed, make at least 2.25 square meters of effective open floor area available for every employee working in an indoor workplace;
  - make available and maintain an unimpeded work space for every employee;
  - keep every indoor workplace clean, orderly and free of materials, tools and similar things which are not necessary for the work done in such work place;
  - keep all floors, walkways, stairs, passages and gangways in a good state of repair, skid-free and free of obstructions, waste or materials;
  - keep the roof and walls of every indoor workplace sound and leak-free;
  - board over or fence, or enclose with rails or guards, or take other measures which may be necessary under the circumstances to ensure the safety of persons, all openings in floors, all hatchways and all stairways and any open sides of floors or buildings through or from which persons are liable to fall: Provided that such boarding or guarding may be omitted or removed for the time and to the extent necessary for the access of persons or the movement of material; and
  - erect a catch platform or net above an entrance or passageway or above a place where persons work or pass, or fence off the danger area if work is being performed above such entrance, passageway, place or danger area and there is a possibility of persons being struck by falling objects.
- (3) No employer shall require or permit any person to, and no person shall, dispose of any article from a high place except by hoist or chute unless arrangements have been made to secure the safety who may be struck by falling objects.

## ■ 7. Noise and hearing conservation

- (1) This regulation shall apply to all employers (herein referred to as employer) at a workplace where the equivalent noise level (equivalent sound pressure level) resulting from activities at such workplace, to which any person in such workplace is exposed, is 85 dB (a) or higher.

- (2) Subject to the provisions of subregulations (3) and (4), no employer shall require or permit an employee to work in an environment in which he is exposed to an equivalent noise level equal to 85 dB(a) or higher.
- (3) The employer shall reduce the equivalent noise level to below 85 dB(a) or, where this is not reasonably practicable, he shall reduce the level to as low as is reasonably practicable and take all reasonable steps to isolate the source of the noise acoustically.
- (4) Where the equivalent noise level in any workplace cannot be reduced to below 85 dB(a), as contemplated in subregulation (3), the employer shall—
- demarcate the boundaries of all noise zones in such workplace by posting up notices to that effect in conspicuous places along such boundaries and at all entrances to and exits from any room where the whole of such room constitutes a noise zone; and
  - prohibit any person from entering a noise zone unless such person wears hearing protectors.
- (5) In the case of building work where it is not reasonably practicable to comply with the provisions of subregulation (4)(a) owing to the nature or extent of the premises, the employer shall post up such notices at all exits from and entrances to such premises or where this is not reasonably practicable, display such notices in a conspicuous place as close as possible to the actual workplace or in such place as an inspector may direct.
- (6) Whenever an inspector is of the opinion that the employer has omitted or failed to reduce the equivalent noise level in a noise zone to as low as is reasonably practicable or to isolate the source of the noise acoustically, he may require such employer, by notice in writing, to take such further steps as such inspector considers reasonable and practicable for the purpose of conserving the hearing of employees entering or working in such noise zone.
- (7) The employer shall provide, free of charge, hearing protectors to each employee who works in or, to any person who is required or permitted to enter a noise zone, and no employer shall require or permit any person to work in or enter such noise zone, and no person shall work

- in or enter such noise zone, unless he wears such hearing protectors in the correct manner: Provided that where the equivalent noise level to which employees are exposed, is such that the attenuation of the hearing protectors does not reduce the said noise to below 85 dB(a) the employer concerned shall limit the time during which employees work in that noise zone in such a way that they are not exposed to an equivalent noise level equal to 85 dB(a) or higher.
- (8) The hearing protectors which the employer shall provide in terms of subregulation (7), shall be—
- for the sole use of a specific person: Provided that if an inspector is satisfied that the employer has taken adequate precautionary measures to ensure that the common use of hearing protectors will not result in the spreading of infectious or contagious diseases, he may in writing, authorize the common use of hearing protectors;
  - maintained by the employer in an efficient and hygienic condition at all times; and
  - stored in a clean, dust-free container provided by the employer when not in use.
- (9) The employer shall properly instruct any person who is required to wear hearing protectors in the use of such protectors and inform him of noise zones where the wearing thereof is compulsory.
- (10) The employer shall—
- ensure that every employee employed in a noise zone is subjected to audiometric examinations conducted in accordance with section 7 of SABS 083, by an audiometrist approved by the chief inspector;
  - keep records of the results of each audiometric examination and make such records available for inspection by an inspector if he so requires; and
  - keep such records for a minimum period of 30 years after termination of employment: Provided that if the employer ceases activities all such records shall be forwarded to the regional director.
- (11) In order to comply with the provisions of subregulation (4)(a), the employer shall obtain the services of an approved inspection authority, or an employee whose ability is verified by an approved inspection authority to ensure that noise zones are determined in accordance with section 4 of SABS 083.

## ■ 8. Precautions against flooding

- (1) Where a substantial risk exists that a workplace may be flooded, the employer shall take measures to be informed forthwith of any imminent flooding.
- (2) Every employer shall take measures to be informed forthwith of any imminent flooding from constructions for conserving water, or which may cause water to converge or accumulate on his premises, and shall, prior to the erection of such a construction, give notice in writing to all persons situated in the danger zone below such construction of the possibility of flooding owing to such construction.

## ■ 9. Fire precautions and means of egress

- (1) In order to expedite the evacuation of a workplace in case of fire, every employer shall ensure that—
- any emergency escape door from any room or passage or at a staircase shall, as far as is practicable, be hung so as to open outwards;
  - 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 evacuation;
  - the provisions of paragraphs (a) and (b) shall also be complied with in respect of the outer escape exit from the workplace;
  - staircases and steps leading from one floor to another or to the ground shall be provided with substantial hand-rails;
  - staircases intended to be used as fire escapes shall—
    - be constructed of non-combustible material;
    - be kept clear of any material or other obstruction; and
    - not terminate in an enclosed area;
  - staircases, passages and exits intended for escape purposes shall be of a width and of a gradient which will facilitate the quick and safe egress of the number of persons intended to make use of them; and
  - having regard to the size, construction and location of a workplace, the number of persons, and the activity therein, such workplace is provided with at least two means of egress situated as far apart as is practicable.

(2) Having regard to the size, construction and location of the workplace, and the amount and type of flammable articles used, handled or stored on the premises, an 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.

#### ■ 10. Offences and penalties

Any person who contravenes or fails to comply with any provision of regulation 2, 3(1), 3(3), 3(4), 3(5), 3(6), 4(1), 4(3), 5(1), 5(2), 6, 7, 8 or 9 shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of R5 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

#### ■ 11. Withdrawal of regulations

The following regulations are hereby withdrawn:

- (a) Regulations B.1 (1), B.1 (2), B.1 (3), B.1 (4), B.2, B.5, B.11, B.13, B.15 and B.17, published under Government Notice R. 929 of 28 June 1963, as amended by Government Notice R. 2237 of 30 November 1973;
- (b) regulations C.10, C.11 and C.12, published under Government Notice R.929 of 28 June 1963; and
- (d) regulation D.4, published under Government Notice R. 1934 of 13 December 1963, as amended by Government Notice R. 3475 of 9 October 1969.

#### ■ 12. Short title

These regulations shall be called the Environmental Regulations for Workplaces, 1987.

## Environmental Regulation for Workplaces

### Incorporation of Safety Standards

#### MACHINERY AND OCCUPATIONAL SAFETY ACT, 1983

Under the powers vested in me by section 36(1) of the Machinery and Occupational Safety Act, 1983 ( Act 6 of 1983), I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby incorporate the South African Bureau of Standards Code of Practice for the Measurement and Assessment of Occupational Noise for Hearing Conservation Purposes, SABS 083-1983 and the South African Bureau of Standards Specification for the Acoustical Properties of Ear Protectors, SABS 572-1973, into the Environmental Regulations 1987.

P.T.C. Du Plessis,  
Minister of Manpower

## Occupational Health and Safety Act, 1993

NO. R. 929 – 25 June 2003

### GENERAL ADMINISTRATIVE REGULATIONS, 2003

#### SCHEDULE

##### ■ 1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

“**bargaining council**” means the bargaining council established by section 27 of the Labour Relations Act;

“**CCMA**” means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Labour Relations Act;

“**Compensation Commissioner**” means the Compensation Commissioner appointed under section 2 of the Compensation for Occupational Injuries and Diseases Act, 1993;

“**Compensation for Occupational Injuries and Diseases Act**” means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);

“**Labour Court**” means the Labour Court established by section 151 of the Labour Relations Act;

“**Labour Relations Act**” means the Labour Relations Act, 1995 (Act No. 66 of 1995);

“**provincial director**”, in respect of the—

- (a) Province of Eastern Cape, means the Provincial Director: Eastern Cape, Department of Labour, Private Bag X9005, East London, 5200;
- (b) Province of Free State, means the Provincial Director: Free State, Department of Labour, P.O. Box 522, Bloemfontein, 9300;
- (c) Province of Gauteng in the Magisterial Districts of—
  - (i) Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom, means

the Provincial Director: Gauteng North, Department of Labour, P. O. Box 393, Pretoria, 0001; or

(ii) Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria, means the Provincial Director: Gauteng South, Department of Labour, P. O. Box 4560, Johannesburg, 2000;

(d) Province of KwaZulu-Natal, means the Provincial Director: KwaZulu-Natal, Department of Labour, P. O. Box 940, Durban, 4000;

(e) Province of Mpumalanga, means the Provincial Director: Mpumalanga, Department of Labour, Private Bag X7263, Witbank, 1035;

(f) Province of the Northern Cape, means the Provincial Director: Northern Cape, Department of Labour, Private Bag X5102, Kimberley, 8300;

(g) Limpopo Province, means the Provincial Director: Limpopo, Department of Labour, Private Bag X9368, Pietersburg, 0700;

(h) Province of North West, means the Provincial Director: North West, Department of Labour, Private Bag X1, Buhrmansdrif, 2867; or

(i) Province of the Western Cape, means the Provincial Director: Western Cape, Department of Labour, P. O. Box 872, Cape Town, 8000, and

“**provincial executive manager**” has a corresponding meaning;

“**registered trade union for a workplace**” means a trade union registered in terms of the Labour Relations Act, with members in that workplace;

“**the Act**” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and

“WCL 1”, “WCL 2” and “WCL 22” means the prescribed forms for reporting of incidents and occupational diseases referred to in the Compensation for Occupational Injuries and Diseases Act.

## ■ 2. Access to premises

- (1) No person shall refuse an inspector entry into his or her premises to perform his or her functions unless that person is authorized to do so by any other law.
- (2) An inspector or his or her assistant may require an employer or user to make a person available who has full knowledge of the hazards associated with the activities of the workplace to accompany him or her during the entire visit of the workplace.

## ■ 3. Exemption

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

## ■ 4. Copy of the Act

Every employer with five or more persons in his employ shall have a copy of the Act and the relevant regulations readily available at the work place: Provided that, where the total number of employees is less than five, the employer shall, on request of an employee, make a copy of the Act available to that employee.

## ■ 5. Health and safety committee

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

- (a) make available a suitable meeting place to such committee; and
- (b) ensure that the records, as contemplated in section 20(2) of the Act, are kept for a period of at least three years.

## ■ 6. Negotiations and consultations before designation of health and safety representatives

- (1) The employer shall, in any workplace where there must be a 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 representatives;
- (c) manner in which vacancies are to be filled;
- (d) manner in which health and safety representatives must perform their functions in terms of the Act; and
- (e) facilities, training and assistance that must be provided to a health and safety representative in terms 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 subregulation (1).

- (2) An agreement referred to in subregulation (1) may include two or more employers as parties to the agreement.
- (3) 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 subregulation (1).
- (4) A dispute shall exist if no agreement in terms of subregulation (1) is concluded on the arrangement and procedures for the nomination and the election of health and safety representatives at a workplace.
- (5) If a dispute exists in terms of subregulation (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 subregulation (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 procedures for the nomination or the election of the health and safety representatives.

## ■ 7. Designation of health and safety representatives

An employer shall ensure that the designation of health and safety representatives is in accordance with the agreement contemplated in regulation 6.

## ■ 8. Reporting of incidents and occupational diseases

- (1) An employer or user, as the case may be, shall—
  - (a) within seven days of any incident referred to in section 24(1)(a) of the Act, give notice thereof to the provincial director in the form of WCL1 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 ill to such a degree that he or she is likely either to die or to suffer a permanent physical defect, such incident, including any other incident contemplated in section 24(1)(b) and (c) of the Act, shall forthwith also be reported to the provincial director by telephone, facsimile or similar means of communication.
- (2) If an injured person dies after notice of the incident in which he or she was injured was given in terms of subregulation (1), the employer or user, as the case may be, shall forthwith notify the provincial director of his or her death.
- (3) Whenever an incident arising out of or in connection with the activities of persons at work occur to persons other than employees, the user, employer or self-employed person, as the case may be, shall forthwith notify the provincial director by facsimile or similar means of communication as to the—
  - (a) name of the injured person;
  - (b) address of the injured person;
  - (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;
  - (f) name of contact person;

- (g) details of incident:
  - (i) What happened;
  - (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.

- (4) Any registered medical practitioner shall, within 14 days of the examination or treatment of a person for a disease contemplated in section 25 of the Act, give notice thereof to the chief inspector and the employer in the form of WCL 22.
- (5) Any other person not contemplated in this regulation may in writing give notice of any disease contemplated in section 25 of the Act, to the employer and chief inspector.

## ■ 9. Recording and investigation of incidents

- (1) An employer or user shall keep at a workplace or section of a workplace, as the case may be, a record in the form of Annexure 1 for a period of at least three years, which record shall be open for inspection by an inspector, of all incidents which he or she is required to report in terms of section 24 of the Act and also of any other incident which resulted in the person concerned having had to receive medical treatment other than first aid.
- (2) An employer or user shall cause every incident which must be recorded in terms of subregulation (1), to be investigated by the employer, a person appointed by him or her, by a health and safety representative or a member of a health and safety committee within 7 days from the date of the incident and finalised as soon as is reasonably practicable, or within the contracted period in the case of contracted workers.
- (3) The employer or user shall cause the findings of the investigation contemplated in subregulation (2) to be entered in Annexure 1 immediately after completion of such investigation.
- (4) An employer shall cause every record contemplated in subregulation (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 be reasonable practicable, are implemented and followed up to prevent the recurrence of such incident.

**10. Witness at inquiry**

- (1) When an inspector is directed to hold a formal inquiry into an incident in terms of section 32(1) of the Act, he or she shall notify the employer or user concerned of the date, time and place of such inquiry.
- (2) The employer or user shall forthwith advise in writing those persons who witnessed an incident, the union recognised 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 inquiry.
- (3) The employer or user concerned shall ascertain which of the persons he or she has advised in terms of subregulation (2) are likely to refuse to attend the inquiry, and shall forthwith advise the inspector of the names and addresses of such persons in for the inspector to subpoena such persons.
- (4) A subpoena issued in terms of section 32(2) of the Act shall be in the form of Annexure 2: Provided that, when a subpoena is served personally on a person, the service of such subpoena may be effected by any person authorised thereto by the inspector who has signed it.

**11. Returns**

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

**12. Offences and penalties**

Any person who—

- (a) contravenes or fails to comply with any provision of regulations 2(1), 4, 5, 6(1), 7, 8(1), 8(2), 8(3), 8(4), 9(1), 9(2), 9(3), 9(4), 10(2) or 10(3);
- (b) fails to furnish a return required in terms of regulation 11; or
- (c) refuses or fails to comply, to the best of his or her ability, with a request made by the inspector to make available a person to accompany him or her during the visit of the workplace, shall be guilty of an offence

and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

**13. Repeal of regulations**

Regulations 1, 2, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, and 17 of the General Administrative Regulations, published under Government Notice No. R: 1449 of 6 September 1996, are hereby repealed.

**ANNEXURE 1**  
**Occupational Health and Safety Act, 1993**  
**(ACT NO 85 OF 1993)**  
**REGULATION 9 OF THE GENERAL ADMINISTRATIVE REGULATIONS**  
**RECORDING AND INVESTIGATION OF INCIDENTS**

**A. Recording of incident**

- 1. Name of employer: .....
- 2. Name of affected person .....
- 3. Identity number of affected person .....
- 4. Date of incident .....
- 5. Time of incident.....
- 6. Part of body affected .....
- Head or Neck .....Eye Trunk.....
- Finger ..... Hand Foot.....
- ..... Arm Multiple
- Leg ..... Internal Contusion or wounds.....
- 7. Effect on person..... Sprains or strains Amputation
- Fractures ..... Burns Asphyxiation.....
- ..... Electric shock Occupational Disease
- Unconsciousness ..... Poisoning
- 8. Expected period of disablement..... 0-13 days 2-4 weeks..... >4-16
- weeks..... >16-52 weeks >52 weeks or permanent disablement..... Killed
- 9. Description of occupational disease.....
- 10. Machine/process involved/type of work performed/exposure\*\* .....
- 11. Was the incident reported to the Compensation Commissioner and Provincial Director?  
 Yes..... No .....
- 12. Was the incident reported to the police? \*  
 Yes..... No .....
- 13. SAPS office and reference .....

\*to be completed in case of a fatal incident.  
 \*\* in case of a hazardous chemical substance, indicate substance exposed to

**B. Investigation of the above incident by a person designated thereto**

- 1. Name of investigator .....
- 2. Date of investigation .....
- 3. Designation of Investigator .....
- 4. Short description of incident .....
- .....
- .....
- .....
- 5. Suspected cause of incident .....

**ANNEXURE 2**  
**Occupational Health and Safety Act, 1993**  
**(ACT NO 85 OF 1993)**  
**REGULATION 10 OF THE GENERAL ADMINISTRATIVE**  
**REGULATIONS**  
**SUBPOENA TO ATTEND INQUIRY**

6. Recommended steps to prevent a recurrence .....  
 .....  
 Signature of Investigator..... Date .....

**C. Action taken by employer to prevent the recurrence of a similar incident**

Signature of employer ..... Date .....

**D. Remarks by health and safety committee**

Remarks .....  
 .....  
 Signature of Chairperson of Health and Safety Committee ..... Date .....

To ..... (Name and address of witness)  
 .....  
 In terms of section 32(2) of the Occupational Health and Safety Act, 1993, you are hereby subpoenaed to appear before me in person at ..... (address) on ..... (date) at the hour of ..... (time) to give evidence regarding ..... and to bring with you, and there and then produce to me, those books, writing or things, and persons specified hereunder:  
 1 .....  
 2 .....  
 3 .....

Office Stamp .....  
 Signature of Inspector .....  
 Warning!! Failure to obey this subpoena renders you liable to prosecution.

**FOR OFFICIAL PURPOSES ONLY**

I, the undersigned, certify that I have served this subpoena upon the named person by—  
 \* (a) delivering a true copy to him or her PERSONALLY; or  
 \* (b) delivering, as he or she could not be found, a true copy to.....  
 a person apparently over the age of 16 years and apparently residing or employed at the witness's place of \*RESIDENCE/EMPLOYMENT/BUSINESS;  
 at ..... (time) .....  
 (day)..... (month) 200.....  
 Place. ....  
 Signature of empowered officer  
 Full names .....  
 Signature of recipient  
 Full names .....  
 Capacity/relationship to the witness.....



## Occupational Health and Safety Act, 1993

## GENERAL MACHINERY REGULATIONS, 2003

[These regulations were first published in GN R1521 of 5 August 1988]

## SCHEDULE

## ■ 1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates—

“**building work**” means building work as defined in the General Administrative Regulations, published under Government Notice R.2206 of 5 October 1984;

“**certified engineer**” means any person to whom a certificate of competency referred to in regulation E1 (1) of the Regulations, published under Government Notice R.929 of 28 June 1963, has been granted and includes any person who is the holder of a certificate of competency in mechanical or electro technical engineering issued before 1 January 1966 under the Mines and Works Act, 1956 (Act 27 of 1956);

“**competent person**” in relation to machinery, means any person who—

- (a) has served an apprenticeship in an engineering trade which included the operation and maintenance of machinery, or has had at least five years' practical experience in the operation and maintenance of machinery, and who during or subsequent to such apprenticeship or period of practical experience, as the case may be, has had not less than one year's experience in the operation and maintenance appropriate to the class of machinery he is required to supervise;
- (b) has obtained an engineering diploma in either the mechanical or electro technical (heavy current) fields with an academic qualification of at least T3 or N5, or of an equivalent level, and who subsequent to achieving such qualification has had not less than two years' practical experience in the operation and maintenance appropriate

- to the class of machinery he is required to supervise;
- (c) is a graduate engineer and has had not less than two years' post-graduate practical experience in the operation and maintenance appropriate to the class of machinery he is required to supervise and who has passed the examination on the Act and the regulations made thereunder, held by the Commission of Examiners in terms of regulations E5(2) of the regulations published under Government Notice R.929 of 28 June 1963; or
- (d) is a certificated engineer;

“**divisional inspector**” means the divisional inspector referred to in regulation 1 of the General Administrative Regulations, published under Government Notice R.2206 of 5 October 1984.

“**electrical installation**” means any electrical installation as defined in regulation 1 of the Electrical Installation Regulations, published under Government Notice R.2270 of 11 October 1985;

“**elevator**” means any lift, hoist or other appliance used for the conveyance of persons and goods by means of a car, cage, cradle or other receptacle in a hatchway on fixed guides, but does not include a builder's hoist or a hoist worked by hand power;

“**escalator**” means any power-driven inclined continuous stairway with moving steps and hand rails which is intended for the conveyance of persons from one level to another;

“**goods elevator**” means any elevator used solely for the conveyance of goods and such attendants and operators as are necessary and authorised to travel therein, but does not include a hoist worked by hand power;

“**graduate engineer**” means any person who has obtained a degree in mechanical engineering at a South African university, or a degree recognised by the Department of National Education as equivalent to any such degree;

“**live**” or “**alive**” means electrically charged;

“**shiftsman**” means any person employed to supervise the use of machinery and who has the necessary knowledge and experience to ensure the safe use of such machinery;

“**the act**” means the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983).

## ■ 2. Supervision of Machinery

- (1) In order to ensure that the provisions of the Act and these Regulations in relation to machinery are complied with, an employer or user of machinery shall, subject to this regulation, in writing designate a person in a full-time capacity in respect of every premises on or in which machinery is being used.
- (2) The Chief Inspector may, subject to such conditions as he may impose, permit an employee or an employer or user of machinery to designate more than one person in terms of subregulation (1).
- (3) Subject to the provisions of this regulation, an employee designated in terms of subregulation (1) shall be a competent [person].
- (4) (a) If—
  - (i) the sum of the power generated by machinery on or in the premises in question and the power derived from other sources, including the generation of steam for process purposed, exceeds 1200 kW, but is less than 3000 kW, the person designated in terms of subregulation (1) shall be a person as referred to in paragraph (b), (c) or (d) of the definition of “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°C) by 21 or, in the absence of any such rated evaporative capacity, by multiplying the heating surface of that boiler (in m<sup>2</sup>) 0,8.

- (5) If, in the case where machinery on or in the premises in question is used solely for the distribution of electricity—
  - (a) the maximum demand over any continuous period of 30 minutes is 3000 kVA or less, the person designated in terms of subregulation (1) shall be a person as referred to in paragraph (a) of the definition of “competent person” and registered as an installation electrician in terms of regulation 11 (1) of the Electrical Installation Regulations, promulgated under Government Notice R.2270 of 11 October 1985;
  - (b) any such demand exceeds 3000 kVA, but is less than 10000 kVA the employee so designated shall be a person as referred to in paragraph (b), (c) or (d) of the said definition;
  - (c) any such demand is 10000 kVA or more, the employee so designated shall be a person as referred to in paragraph (c) or (d) of the said definition.
- (6) Notwithstanding the provisions of subregulations (3), (4) and (5), the chief inspector may, subject to such conditions as he3 may impose, permit an employer or user of machinery to designate a person who holds any qualification other than that of a competent person in terms of subregulation (1).
- (7) (a) An employer or user of machinery may designate one or more competent persons to assist a person designated in terms of subregulation (1).
- (b) The Chief Inspector may by 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 subregulation (1).
- (8) Except with the approval of an inspector, no person designated in terms of subregulations (1) or (7) shall supervise machinery on or in any premises other than the premises in respect of which he had been designated.
- (9) When an employer or user of machinery designates a person referred to in subregulations (4) (a), (5) (b) or (c), he shall forthwith forward to the divisional inspector a copy of the letter of appointment of that person.

- (10)(a) Notwithstanding the provisions of subregulation (1), no employer or user of machinery needs to designate a person in terms of that subregulation in respect of any elevator, goods elevator 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 plant or any refrigeration, cooling, air-conditioning or freezing plant inspected and maintained by a duly qualified person in pursuance of an agreement entered into by any such employer or user of machinery.
- (b) The Chief Inspector may by written notice direct any employer or user of machinery referred to in paragraph (a) to designate within the period specified in the notice a person holding the qualifications so specified in terms of subregulation (1).
- (11) Any employer or user of machinery who applies for exemption from the provisions of this regulation under section 32 of the Act shall furnish the Minister with the following particulars, namely—
- (a) the grounds for the application;
- (b) the number of employees employed on or in the premises in question;
- (c) the nature of the work performed on or in the premises in question;
- (d) the number and type of incidents reported in terms of section 17 (1) of the Act during the [preceding three years];
- (e) the safety management system in force in respect of the premises in question; and
- (f) such other particulars as the Chief Inspector may require.
- (12) 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 not exceeding one month in any continuous period of six months, if it is due to circumstances beyond the control of the employer or user of machinery concerned or in the opinion of an inspector, impracticable to comply with the provisions of this 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.

### ■ 3. Safeguarding of Machinery

- (1) 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 a 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, 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 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 is intended.
- (2) Where machinery constitutes a danger to persons, the employer or user of machinery concerned shall cause the premises in question to be enclosed, and where such premises are unattended the designated entrances to such premises shall be kept closed and locked.
- (3) Unless he has been authorised thereto by the employer or user of machinery, no person shall remove any safety equipment which relates to the machinery in question.

### ■ 4. Operation of Machinery

- (1) An employer or user of machinery shall ensure that every person authorised to operate machinery is fully aware of the dangers attached thereto and is conversant with the precautionary measures to be taken or observed to obviate such dangers.
- (2) If a person operates any machinery which requires constant attention in order to avoid accidents, he shall under no circumstances leave his post while such machinery is in

operation, unless he is relieved by a person who is authorised and competent to operate such machinery.

- (3) An employer or user of machinery shall ensure that any machinery which requires constant attention in order accidents is under the supervision of a shiftsman, shall at all times be present on the premises while such machinery is in operation, and no person shall attend to or operate such machinery, except under the general supervision of a shiftsman.
- (4) No person supervising machinery and no person operating machinery shall, without the permission of his superior, authorise any other person to his work.
- (5) If machinery threatens or is likely to threaten the safety of persons when it is unexpectedly set in motion or made electrically alive, the employer or user of 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 make 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.
- (6) If machinery in operation threatens or is likely to threaten the safety of persons, the person supervising or operating such machinery or the employer or user of machinery concerned shall stop such machinery or cause it to be stopped.

### ■ 5. Working on Moving or Electrically Alive Machinery

- (1) No employer or user of machinery shall permit or require any person other than a competent person or a person who has been trained to the satisfaction of an inspector to do any work on or near moving or electrically alive machinery if such work may endanger him: Provided that this subregulation shall not apply in respect of the operation of machinery under the general supervision of a shiftsman.
- (2) 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 insured: 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.

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

### ■ 6. Devices to Start and Stop Machinery

- (1) An employer or user of machinery shall provide devices to start and stop machinery, and these devices shall—
- (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 machinery.
- (2) An employer or user of machinery shall provide positive means for rendering the controls of machinery driven by an electric motor inoperative while repairs or adjustments are being made, and such means shall not only be the mere tripping of a switch.
- (3) If machinery is simultaneously operated by two or more persons, the employer or user of machinery concerned shall provide such machinery—
- (a) at every operation point with a stopping device which locks out when it is used and requiring manual resetting before such machinery can be restarted; and
- (b) with an audible warning device to be sounded before the machinery is set in motion: Provided that an inspector may grant written permission for alternative precautionary measures whereby the safety of those persons is ensured.

## ■ 7. Reporting of Incidents in Connection with Machinery

Each incident in which—

- (a) the fracture or failure of any part of machinery resulted in a falling or flying object;
- (b) machinery ran out of control as a result of the failure of a control or safety equipment and could have caused an injury to a person who had been conveyed on or in such machinery or had been in the vicinity thereof; or
- (c) the fracture or failure of any part of machinery in which gas is under pressure resulted in the sudden release of such gas, shall be reported forthwith to an inspector by the employer or user of machinery concerned.

## ■ 8. Notifiable Substances

- (1) An employer or user of machinery who has any substance set out in column 1 of Schedule A of these Regulations or any mixture thereof, in a quantity which at any time is equal to or in excess of the quantity specified opposite that substance in column 2 on his premises in a single fixed storage vessel, shall forthwith notify the divisional inspector thereof on the form set out in Schedule B of these Regulations.
- (2) When the use of any substance referred to in subregulation (1) is discontinued, the employer or user of machinery shall forthwith notify the divisional inspector thereof in writing;

## ■ 9. Information Regarding Regulations

- (1) 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.
- (2) Any employer or user of machinery shall affix—
  - (a) in respect of a boiler, a notice in the form set out 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 D to these Regulations,
 in both official languages and in legible form in a conspicuous place on or in the premises in question.

- (3) 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 language.

## ■ 10. Offences and Penalties

Any person who contravenes or fails to comply with a provision of regulation 2 (1), (4), (5), (8), (9) or (12), 3, 4, 5, 6, 7, 8 or 9 or contravenes a notice under regulation 2 (7) (b) or (10) (b) or (12) shall be guilty of an offence and liable on conviction to a fine not exceeding R1000 or to imprisonment for a period not exceeding six months, and, in the case of a continuous offence, with an additional fine of R5 of addition additional imprisonment of one day for each day on which the offence continues; Provided that the period of such additional imprisonment shall in no case exceed 90 days.

## ■ 11. Repeal of Regulations

- (a) regulations C1, C4, C8, C9., Including Annexure F11 and F13, C, 19, 51, C53 and C54 of these Regulations, promulgated under Government Notice R.929 of 28 June 1963, are hereby repealed.
- (b) Regulation D2 of the Regulations, promulgated under Government Notice R.1934 of 13 December 1963, is hereby repealed.

## ■ 12. Short Title

These Regulations shall be called the General Machinery Regulations, 1988.

# SCHEDULE A (Regulation 8) NOTIFIABLE SUBSTANCES

United Nations Organisation Identification Number	Column 1 Substance	Column 2 Quantity in Tonnage
1001	Acetylene (dissolved)	2
1005	Ammonia (anhydrous, liquefied & solutions containing over 50% ammonia)	20
1010	Butadiene	25
1031	Carbon disulphide	20
1017	Chlorine	10
1154	Diethylamine	20
1155	Diethyl Ether	20
1033	Dimethyl Ether	20
1032	Dimethylamine (anhydrous)	20
1160	Dimethylamine (solution)	20
1035	Ethane (compressed)	15
1961	Ethane (refrigerated liquid)	15
1962	Ethylene (compressed)	15
1038	Ethylene (refrigerated liquid)	15
1036	Ethylamine	25
1040	Ethylene oxide	5
1050	Hydrogen Chloride (anhydrous)	10
1051	Hydrogen Cyanide (anhydrous)	10
1052	Hydrogen Fluoride (anhydrous)	10
1969	ISO-Butane	25
1055	ISO-Butylene (Isobutene)	25
1075	L.P.G. (Liquid Petroleum Gas)	25
1971	Methane (compressed)	15
1011	n-Butane	25
1012	n-Butylene (Butene)	25
1076	Phosgene	2
1978	Propane	25
1077	Propylene	25
1079	Sulphur Dioxide (liquified)	15
1829	Sulphur Trioxide (liquified)	15
1083	Trimethylamine (anhydrous)	25
1086	Vinyl Chloride	25

**SCHEDULE B**

(Regulation 8)

**NOTICE REGARDING NOTIFIABLE SUBSTANCES**

1. Name of employer or user of machinery .....
  2. Address of premises where substance is held .....
  3. Name and UNO No. of substance.....
  4. Date.....
- Signature of employer or user of machinery .....

**SCHEDULE C****NOTICE IN RESPECT OF BOILERS UNDER  
REGULATION 9(2) OF THE  
GENERAL MACHINERY REGULATIONS, 1988**

1. Every employer or user of machinery is required by law to provide safety equipment in connection with machinery, and it is an offence for any person to fail to use such properly or to interfere with them.
2. No boiler shall be worked at a higher pressure than the authorised working pressure.
3. Unless steam is drawn for the operation of the boiler's auxiliary apparatus, no person shall draw steam from the boiler otherwise than through the main steam stop.
4. No person shall enter a boiler or its flues, unless it is safe and the steam-stop valve, feed valve, blow-off valve and all other valves or cocks are blanked off.
5. Portable electric lights used during the cleaning, repair or inspection of a boiler shall not exceed 50V.
6. No person shall cause water to come into contact with hot flue dust or ashes if it threatens or is likely to threaten the safety of employees.
7. Any accident or other incident which threatens or is likely to threaten the safety of employees shall be reported immediately to the employer or user of machinery.

**SCHEDULE D****NOTICE IN RESPECT OF MACHINERY OTHER THAN  
A BOILER UNDER REGULATION 9(2) OF THE  
GENERAL MACHINERY REGULATIONS, 1988**

1. Every employer or user of machinery is required by law to provide safety equipment in connection with machinery, and it is an offence for any person to fail to use such equipment properly or to interfere with them.
2. No person working in close proximity to moving machinery shall wear any loosely fitting outer clothing, any jewellery or ornament, any watch or key chain, and long loose-hanging hair or anything which may be caught up in the moving parts of such machinery.
3. Unless an apparatus approved by an inspector is used, no driving belt shall be shipped or unshipped whilst machinery is in motion, except in the case of a light belt which may be shipped on the coned pulley of a machine tool in order to alter the working speed of such tool.
4. Machinery in motion shall not be cleaned, repaired, adjusted or oiled by a competent person when it is impracticable to stop such machinery.
5. No person other than a competent person shall enter the safeguarded area of machinery in motion, and then only if it is impracticable to stop such machinery.
6. No person under the influence of alcohol or drugs shall enter any premises where machinery is used.
7. Any accident or other incident which threatens or is likely to threaten the safety of employees shall be reported immediately to the employer, or user of machinery.
8. No person supervising machinery and no person operating machinery shall, without the permission of his superior, authorise any other person to do his work.
9. Any person intending to start a machine shall before doing so satisfy himself that no other person is endangered.



## Occupational Health and Safety Act, 1993

R: 1031— 30 May 1986

## GENERAL SAFETY REGULATIONS, 1986

## SCHEDULE

## ■ 1. Definitions

In these regulations “the Act” means the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), and any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise—

“**Boatswain’s chair**” means a suspended platform seat intended for supporting one person in an elevated position;

“**building work**” means building work as defined in the General Administrative Regulations published under Government Notice R206 of 5 October 1984;

“**confined space**” means an enclosed, restricted, or limited space in which, because of its construction, location or contents, or any work activity carried on therein, a hazardous substance may accumulate or an oxygen-deficient atmosphere may occur, and includes any chamber, tunnel, pipe, pit, sewer, container, valve, pump, sump, or similar construction, equipment, machinery or object in which a dangerous liquid or dangerous concentration of gas, vapour, dust or fumes may be present;

“**fire resistance**” means the minimum period for which a building element or component will comply with the requirements for stability, integrity, and insulation when tested in accordance with SABS 0177: Part II;

“**flammable liquid**” means any liquid which produces a vapour that forms an explosive mixture with air, and includes any liquid with a closed-cup flash-point of less than 55 degrees C;

“**high-risk substance**” means a substance listed in the Schedule to the General Administrative Regulations published under Government Notice R.2206 of 5 October 1984, as amended from time to time;

“**putlog scaffold**” means a scaffold supported by a single row of standards and the structure in connection with which it is being used;

“**SABS 0177: Part II**” means the South African Bureau of Standards’ code of practice entitled Fire Resistance Test For Building Elements, SABS 0177: Part II – 1981.

“**scaffold**” means any temporary elevated platform and supporting structure used for supporting workmen or materials or both;

“**suspended scaffold**” means a working platform suspended from supports by means of one or more separate suspensions from each support;

“**trestle scaffold**” means a working platform supported on trestles, stepladders, tripods and the like.

## ■ 2. Personal safety equipment and facilities

(1) Subject to the provisions of paragraphs (f), (g), (h) and (i) of regulation 5 of the General Administrative Regulations published under Government Notice R. 2206 of 5 October 1984, every employer and every user of machinery shall make an evaluation of the risk attached to any condition or situation which may arise from the activities of such employer or user, as the case may be, and to which persons at a workplace or in the course of their employment or in connection with the use of machinery are exposed, and he shall take such steps as may under the circumstances be necessary to make such condition or situation safe. (Replaced by GAR, 1994 by Government Notice R. 17403 of 6 September, 1996.)

(2) Where it is not practicable to safeguard the condition or situation contemplated in subregulation (1), the employer or user of machinery, as the case may be, shall take steps to reduce the risk as much as is practicable, and shall provide free of charge and maintain in a

good and clean condition such safety equipment and facilities as may be necessary to ensure that any person exposed to any such condition or situation at a workplace or in the course of his employment or on premises where machinery is used is rendered safe.

(3) Taking into account the nature of the hazard that is to be countered, and without derogating from the general duties imposed on employers and users of machinery by subregulations (1) and (2), the safety equipment and facilities contemplated in subregulation (2) shall include, as may be necessary—

(a) suitable goggles, spectacles, face shields, welding shields, visors, hard hats, protective helmets, caps, gloves, gauntlets, aprons, jackets, capes, sleeves, leggings, spats, gaiters, protective footwear, protective overalls, or any similar safety equipment or facility of a type that will effectively prevent bodily injury;

(b) waterproof clothing, high-visibility clothing, chemical-resistant clothing, low temperature clothing, chain mail garments, waders, fire retardant or flame-proof clothing, ice-jackets, or any similar safety equipment of a type that will effectively protect the wearer thereof against harm;

(c) belts, harnesses, nets, fall arresters, life lines, safety hooks, or any similar equipment of a type that will effectively protect persons against falls;

(d) mats, barriers, locking-out devices, safety signs, or any similar facility that will effectively prevent slipping, unsafe entry or unsafe conditions;

(e) protective ointments, ear-muffs, ear-plugs, respirators, breathing apparatus, masks; air lines, hoods, helmets, or any similar safety equipment or facility of a type that will effectively protect against harm;

(f) suitable insulating material underfoot where persons work on a floor made of metal, stone, concrete or other similar material; and

(g) generally, such safety equipment or facilities as may be necessary to render the persons concerned safe.

(4) An employer or a user of machinery, as the case may be, shall take steps to ensure that no safety equipment or facility provided as required by this or any other regulation is removed from a

workplace or from premises where machinery is used, except for purposes of cleaning, repair, maintenance, modification, mending or replacement, and no person shall remove any such safety equipment or facility from a workplace or premises where machinery is used, except for the aforesaid purposes.

(5) An employer shall instruct his employees in the proper use, maintenance and limitations of the safety equipment and facilities provided.

(6) An employer shall not require or permit any employee to work unless such an employee uses the required safety equipment or facility provided in terms of this or any other regulation.

(7) The provisions of this regulation shall not be construed as derogating from the provisions of any specific regulation prescribing specific safety equipment or facilities.

## ■ 2A. Intoxication

(1) Subject to the provisions of subregulation (3), an employer or a user, as the case may be, shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace.

(2) Subject to the provisions of subregulation (3), no person at a workplace shall be under the influence of or have in his or her possession or partake of or offer any other person intoxicating liquor or drugs.

(3) An employer or a user, as the case may be, shall, in the case where a person is taking medicines, only allow such person to perform duties at the workplace if the side effects of such medicine do not constitute a threat to the health or safety of the person concerned or other persons at such workplace.

## ■ 2B. Display of substituted notices and signs

If the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer or by a user at a workplace, the employer or user may, in lieu thereof, display a corresponding symbolic sign, as contained in a safety standard incorporated for this purpose into these regulations under section 44 of the Act, in which case the employer or user shall be deemed to have complied with such provisions.



## ■ 2C. Admittance of persons

- (1) Subject to section 8 of the Act, an employer or user, as the case may be, shall not permit a person to enter a workplace where the health or safety of such person is at risk or may be at risk, unless such person enters such workplace with the express or implied permission of and subject to the conditions laid down by such employer or user: Provided that such express or implied permission shall not apply in respect of a person entitled by law to enter such workplace or premises.
- (2) 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 unauthorised persons to such workplace and no person shall enter or remain at such workplace without the permission of the employer or user, as the case may be.

## ■ 3. First aid, emergency equipment and procedures

- (1) An employer shall take all reasonable steps that are necessary under the circumstances, to ensure that persons at work receive prompt first aid treatment in case of injury or emergency.
- (2) Where more than five employees are employed at a workplace, the employer of such employees shall provide a first aid box or boxes at or near the workplace which shall be available and accessible for the treatment of injured persons at that workplace.
- (3) (a) Taking into account the type of injuries that are likely to occur at a workplace, the nature of the activities performed and the number of employees employed at such workplace, the employer shall make sure that the first aid box or boxes contemplated in sub-regulation (2) contain suitable first aid equipment which include at least the equipment listed in the Annexure hereto.
- (b) Such an employer shall make sure that only articles and equipment contemplated in subregulation (a) or other similar equipment or medicine is kept in the first aid box or boxes.

- (4) Where more than 10 employees are employed at a workplace, the employer of such employees shall take steps to ensure that for every group of up to 50 employees at that workplace, or in the case of a shop or an office as contemplated in the Basic Conditions of employment Act, 1983 (Act No. 3 of 1983), for every group of up to 100 employees, at least one person is readily available during normal working hours, who is in possession of a valid certificate of competency in first aid, issued by—
  - (a) the SA Red Cross Society;
  - (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.
- (5) An employer shall at a workplace where a high risk substance or toxic, corrosive or similar hazardous substances are used, handled, processed or manufactured, ensure that the first aid worker contemplated in subregulation (4) is trained in the first aid procedures that are necessary for the treatment of injuries that may result from such activities, including the acute detrimental effects of exposure to such substances, and in the emergency procedures which are necessary in the case of accidental leakage or dumping of such substances.
- (6) An employer shall affix a prominent notice or sign in a conspicuous place at a workplace, indicating where the first aid box or boxes are kept as well as the name of the person in charge of such first aid box or boxes.
- (7) An employee with an open wound, cut, sore or any similar injury, who works in a workplace where a substance contemplated in subregulation 5 is used, handled, processed or manufactured, shall report such injury to his employer forthwith. The employer may not permit such employee to continue working before the injury has been cleaned with soap and water or with a diluted disinfectant.
- (8) 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 in the use thereof.

- (9) Where an employee at a workplace is exposed or can be exposed to a potential hazard of injury to or absorption through the skin as a result of sudden contact with a large amount of toxic, corrosive, high risk or similar hazardous substance, the employer concerned shall make sure that there is a fast-reacting deluge-shower with clean water or a similar facility in the immediate vicinity of the workplace of such employee and that the employee is trained in the use thereof.

## 4. Use and storage of flammable liquids

- (1) No employer shall require or permit any person to work in a place where the vapour of any flammable liquid is generated to such an extent that it constitutes an actual or potential fire or explosion hazard or endangers the safety of any person, unless the provisions of subregulations (2) to (12) of this regulation are complied with.
- (2) No employer shall require or permit a flammable liquid to be used or applied other than in a room, cabinet or other enclosure specially constructed for this purpose of fire-resisting material or in a place which, owing to its situation or construction or any other feature or circumstance, is of such a nature that—
  - (a) no fire or explosion hazard is, can or may be created thereat;
  - (b) any vapour resulting from such use or application is efficiently dispersed and diluted into the atmosphere subject to the provisions of the Air Pollution Prevention Act, 1965 (Act 45 of 1965); and
  - (c) no other workplace can or may be contaminated by such vapour.
- (3) An employer shall cause every room, cabinet or enclosure contemplated in subregulation (2) to be fitted with an efficient intake and exhaust ventilation system to remove any vapour therefrom and to prevent its recirculation in a manner which may lead to the contamination of any other workplace of the creation of a fire or explosion hazard: Provided that, notwithstanding any other provision of this regulation, an employer shall provide every employee doing spraying with a respirator, mask or breathing apparatus of a type approved by the chief inspector, and that any such employee shall while spraying use such apparatus provided to him.
- (4) Where spraying is done in any room the employer concerned shall cause the ventilation system contemplated in subregulation (3) to conform to the following requirements:
  - (a) if the air supply and extraction is horizontal, the average air speed measured at a level of 1.5 meters above the floor, or at the level of the platform on which persons stand to work, shall not be less than 0.5 meters per second;
  - (b) if the air supply is vertical and the extraction thereof is done through slits or a grill along the side walls at floor level, the average air speed measured as a level of 1.5 meters above the floor, or at the level of the platform on which persons stand to work, shall not be less than 0.4 meters per second; or
  - (c) if the air supply is vertical and the extraction thereof is done through a grill over the whole of the floor area, the average air speed measured at a level of 1.5 meters above the floor, or at the level of the platform on which persons stand to work, shall not be less than 0.3 meters per second.
- (5) Where spraying is done into any cabinet or enclosure as contemplated in subregulation (2), the employer concerned shall cause the ventilation system contemplated in subregulation (3) to comply with the following requirements:
  - (a) where the area of the open face of the cabinet is not more than one square metre, the average speed of air movement through the said face shall not be less than one metre per second;
  - (b) where the area of the open face is more than one square metre but less than two square meters, the average speed of air movement through the said face shall not be less than 0.75 meters per second; or
  - (c) where the area of the open face is equal to or exceeds two square meters, the average speed of air movement through the said face shall not be less than 0.5 meters per second.
- (6) With regard to the ventilation system contemplated in subregulation (3) the employer shall cause—
  - (a) all ducts, trunks and enclosures of the system to be of fire resistant material with a smooth interior finish and to be constructed in such a manner as to facilitate the cleaning thereof;

- (b) the system to be kept in operation during working hours as well as for at least the period of time thereafter that may be necessary to clear the vapour from the atmosphere of the room, cabinet or enclosure to below 25 per cent of the lower explosive limit of that vapour; and
- (c) the work to be so organized that the flow of air towards the intake of such ventilation system is not obstructed and draws the spray or vapour of the flammable liquid away from any employee operating the equipment.
- (7) With regard to any room contemplated in subregulation (2) the employer shall cause every such room—
- (a) with a floor area exceeding 20 square meters to have at least two separate entrances at opposite ends of the room, which shall be fitted with doors openings outwards that cannot be locked; and
- (b) to be fitted with an inspection window of strengthened and shatterproof glass that cannot be opened.
- (8) (a) An employer shall not permit—
- (i) any fire, flame or naked light or anything which may generate static electricity or any other thing which may ignite a flammable liquid or its vapour, to be used in or taken into any room, cabinet or enclosure contemplated in subregulation (2) in which any such flammable liquid is used, sprayed or stored, and shall affix a suitable and conspicuous sign prohibiting any such act at all the entrances to any such room, cabinet or enclosure;
- (ii) any person to, and no person shall, smoke in any place in which flammable liquid is used or stored, and such employer shall affix a suitable and conspicuous notice prohibiting such smoking at all the entrances to any such place; and
- (iii) any process capable of causing sparks or fire, or the application of any heat for the drying of sprayed or treated articles, to take place in any room, cabinet or enclosure used for spraying, before the space or atmosphere has been cleared of all vapour.
- (b) No person shall contravene any prohibition made known as contemplated in subparagraph (i) or (ii) of paragraph (a).
- (9) With respect to any room, cabinet or enclosure contemplated in subregulation (2), the employer concerned shall cause—
- (a) discarded cotton waste, cleaning rags or similar material to be removed daily and safely disposed of;
- (b) only that quantity of flammable liquid needed for work on one day to be taken into or kept in such room, cabinet or enclosure: Provided that partially consumed stock may be stored in a properly marked, fireproof wall cabinet inside the work place;
- (c) all drums, cans, canisters or similar containers holding flammable liquids to be kept tightly closed when not in actual use and, after their contents have been used up, to be removed from the workplace and safely disposed of daily; and
- (d) every such room, cabinet or enclosure to be kept clean and all fans, ducts, trunks and enclosures of the ventilation system contemplated in subregulation (3) to be kept clean and in good working order: Provided that any cleaning, scraping or scouring shall be done with implements that cannot cause sparking if the concentration of the vapour exceeds 25 per cent of the lower explosive limit of that vapour.
- (10) An employer shall cause every flammable liquid store to be—
- (a) separated by means of fire-resisting material with a fire-resistance of two hours from any room, cabinet or enclosure contemplated in subregulation (2);
- (b) constructed of fire-resisting material with a fire-resistance of two hours;
- (c) constructed in such a way that, in case of spillage, a volume of the flammable liquid in question equal to the quantity of flammable liquid ordinarily kept in store plus 10 per cent of that quantity, can be contained;
- (d) ventilated to the open air in such a manner that vapour cannot accumulate inside the store; and
- (e) clearly marked with a sign indicating that it is such a store and also indicating the amount of flammable liquid which may be stored therein.

- (11) Taking into account the construction and location of the premises in question and the quantity and types of flammable liquids involved, an employer shall install an adequate amount of efficient fire-fighting equipment in suitable locations in and around every building in which such substances are used, handled or stored, or as may be recommended by the fire chief of the local authority concerned.
- (12) The provisions of this regulation shall not be construed as applying to the use of flammable liquids in the course of or in connection with building work: Provided that every employer engaged in building work shall ensure that, where flammable liquids are used or applied at the workplace concerned, this is done in such a manner that no fire or explosion hazard is created, and that the workplace is effectively ventilated: Provided further that where the workplace cannot be ventilated effectively the employer shall provide every employee involved with a respirator, mask or breathing apparatus of a type approved by the chief inspector, and shall take steps to ensure that every such employee, while using or applying flammable liquid, uses the apparatus supplied to him.
- 5. Work in confined spaces
- (1) An employer or a user of machinery shall take steps to ensure that a confined space is entered by an employee or other person only after the air therein has been tested and evaluated by a person who is competent to pronounce on the safety thereof, and who has certified in writing that the confined space is safe and will remain safe while any person is in the confined space, taking into account the nature and duration of the work to be performed therein.
- (2) Where the provisions of subregulation (1) cannot be complied with the employer or user of machinery, as the case may be, shall take steps to ensure that any confined space in which there exists or is likely to exist a hazardous gas, vapour, dust or fumes, or which has or is likely to have, an oxygen content of less than 20 per cent by volume, is entered by an employee or other person only when—
- (a) subject to the provisions of subregulation (3), the confined space is purged and ventilated to provide a safe atmosphere therein and measures necessary to maintain a safe atmosphere therein have been taken; and
- (b) the confined space has been isolated from all pipes, ducts and other communicating openings by means of effective blanking other than the shutting or locking of a valve or a cock, or, if this is not practicable, only when all valves and cocks which are a potential source of danger have been locked and securely fastened by means of chains and padlocks.
- (3) Where the provisions of subregulation (2)(a) cannot be complied with, the employer or user of machinery shall take steps to ensure that the confined space in question is entered only when the employee or person entering is using breathing apparatus of a type approved by the chief inspector and, further, that—
- (a) the provisions of subregulation (2) (b) are complied with;
- (b) any employee or person entering the confined space is using a safety harness or other similar equipment, to which a rope is securely attached which reaches beyond the access to the confined space, and the free end of which is attended to by a person referred to in paragraph (c);
- (c) at least one other person trained in resuscitation is and remains in attendance immediately outside the entrance of the confined space in order to assist or remove any or persons from the confined space, if necessary; and
- (d) effective apparatus for breathing and resuscitation of a type approved by the chief inspector is available immediately outside the confined space.
- (4) An employer or user of machinery shall take steps to ensure that all persons vacate a confined space on completion of any work therein.
- (5) Where the hazardous gas, vapour, dust or fumes contemplated in subregulation (2) are of an explosive or flammable nature, an employer or user of machinery shall further take steps to ensure that such a confined space is entered only if—

- (a) the concentration of the gas, vapour, dust or fumes does not exceed 25 per cent of the lower explosive limit of the gas, vapour, dust or fumes concerned where the work to be performed is of such a nature that it does not create a source of ignition; or
- (b) such concentration does not exceed 10 per cent of the lower explosive limit of the gas, vapour, dust or fumes where other work is performed.
- (6) The provisions of this regulation shall mutatis mutandis also apply, in so far as they can be so applied, to any work which is performed in any place or space on the outside of and bordering on or in the immediate vicinity of, any confined space, and in which place or space, owing to its proximity to the confined space, any hazardous article, oxygen-deficient atmosphere or dangerous concentration of gas, vapour, dust or fumes may occur or be present.

## ■ 6. Work in elevated 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 ladder or scaffolding, or from a position where such person has been made as safe as if he were working from scaffolding.

## ■ 7. Working in danger of engulfment

No employer shall require or permit any person to, and no person shall, enter any place from or into which solid or particulate material is being discharged where a danger 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 and rope;
- (b) at least one other person who has been properly instructed, is and remains in attendance outside such place to keep the persons therein under continuous observation in order to render assistance in case of emergency; and
- (c) the precautions prescribed by regulation 5 of these regulations are taken if dangerous gas, fumes, dust or vapour may be present in such a place.

## ■ 8. Stacking of articles

- (1) No employer shall require or permit the building of stacks which consist of successive tiers, one on top of another, unless—
- (a) the stacking operation is executed by or under the personal supervision of a person with specific knowledge and experience of this type of work;
- (b) the base is level and capable of sustaining the weight exerted on it by the stack;
- (c) the articles in the lower tiers are capable of sustaining the weight exerted on them by the articles stacked above them;
- (d) all the articles which make up any single tier are consistently of the same size, shape and mass;
- (e) pallets and containers are in good condition; and
- (f) any support structure used for the stacking of articles is structurally sound and can support the articles to be stacked on it.
- (2) An employer shall not permit—
- (a) articles to be removed from a stack except from the topmost tier or part of that tier; and
- (b) anybody to climb onto or from a stack, except if the stack is stable and the climbing is done with the aid of a ladder or other safe facility or means.
- (3) An employer shall take steps to ensure that—
- (a) persons engaged in stacking operations do not come within reach of machinery which may endanger their safety;
- (b) stacks that are in danger of collapsing are dismantled immediately in a safe manner; and
- (c) the stability of stacks is not endangered by vehicles or other machinery or persons moving past them.
- (4) Unless a stack is otherwise supported an employer shall take steps to ensure that tiers of stacked material consisting of sacks, cases, cartons, tins or similar containers—
- (a) are secured by laying up articles in a header and stretcher fashion and that corners are securely bonded; and
- (b) are stepped back half the depth of a single container at least every fifth tier or that, alternatively, successive tiers are stepped back by a lesser amount: Provided that at least the same average angle of inclination

to the vertical is achieved: Provided further that where the containers are of a regular shape and their nature and size are such that the stack will be stable, they may be stacked with the sides of the stack vertical if the total height of the stack does not exceed three times the smaller dimension of the underlying base of the stack.

- (5) Notwithstanding the provisions of subregulation (4), free-standing stacks that are built with the aid of machinery may, with the approval of an inspector, be built to a height and in a manner permitted by the nature of the containers being stacked: Provided that—
- (a) the stacks are stable and do not overhang; and
- (b) the operator of the stacking machinery is rendered safe as regards falling articles.

## ■ 9. Welding, flame cutting, soldering and similar operations

- (1) No employer or user of machinery shall require or permit welding or flame cutting operations to be undertaken, unless—
- (a) the person operating the equipment has been fully instructed in the safe operation and use of such equipment and in the hazards which may arise from its use;
- (b) effective protection is provided and used for the eyes and respiratory system and, where necessary, for the face, hands, feet, legs, body and clothing of persons performing such operations, as well as against heat, incandescent or flying particles or dangerous radiation;
- (c) leads and electrode holders are effectively insulated; and
- (d) the workplace is effectively partitioned off where practicable and where not practicable all other persons exposed to the hazards contemplated in paragraph (b) are warned and provided with suitable protective equipment.
- (2) No employer or user of machinery shall require or permit welding or flame cutting operations to be undertaken in a confined space, unless—
- (a) effective ventilation is provided and maintained; or
- (b) masks or hoods maintaining a supply of safe air for breathing are provided and used by the persons performing such operations.

- (3) No employer or user of machinery shall require or permit electric welding to be undertaken in wet or damp places, inside metal vessels or in contact with large masses of metal, unless—
- (a) the insulation of the electrical leads is in a sound condition;
- (b) the electrode holder is completely insulated to prevent accidental contact with current-carrying parts;
- (c) the welder is completely insulated by means of boots, gloves or rubber mats; and
- (d) at least one other person who has been properly instructed to assist the welder in case of an emergency is and remains in attendance during operations: Provided that the provisions of this sub-regulation shall not apply to a welding process where the maximum voltage to earth does not exceed 50 volts.
- (4) No employer or user of machinery shall require or permit welding, flame cutting, grinding, soldering or similar work to be undertaken in respect of any tube, tank, drum, vessel or similar object or container where such object or container—
- (a) is completely closed, unless a rise in internal pressure cannot render it dangerous; or
- (b) contains any substance which, under the action of heat, may—
- (i) ignite or explode; or
- (ii) react to form dangerous or poisonous substances,
- unless a person who is competent to pronounce on the safety thereof has, after examination, certified in writing that any such danger has been removed by opening, ventilating or purging with water or steam, or by any other effective means.
- (5) Where hot work involving welding, cutting, brazing or soldering operations is carried out at places, other than workplaces which have been specifically designated and equipped for such work, the employer shall take steps to ensure that proper and adequate fire precautions are taken.

## ■ 10. Operating trains

- (1) An employer or a user of machinery who operates a train or a train of tramway-trucks, as the case may be, shall cause a signalman carrying a red flag or red light to be stationed at every level crossing where a railway line or tramway crosses or joins a railway or a road, or shall

provide other adequate means at such crossing to warn—

- (a) the driver of the train or the train of tramway-trucks of the approach of a train; and
  - (b) traffic on the road of the approach of the train or train of tramway-trucks.
- (2) An employer or a user of machinery shall not permit a train or a train of tramway-trucks to be run over a level crossing contemplated in regulation (1) at a speed in excess of 10 kilometers per hour, and the driver thereof shall not exceed such speed.
  - (3) No person shall drive or permit any other person to drive a locomotive, unless authorised to do so by his employer or the user of machinery, as the case may be.
  - (4) An employer or a user of machinery shall not, except as provided for in subregulation (5), authorise any person to drive a locomotive while it is being used for the conveyance of persons other than those required for the working of the locomotive or train, unless such person is the holder of a locomotive engine driver's certificate issued by the South African Transport Services or in terms of regulations made under the Mines and Works Act, 1956 (Act 27 of 1956).
  - (5) In the case of a locomotive other than a steam locomotive, having a design speed not exceeding 20 kilometres per hour, an employer or user of machinery, as the case may be, may authorize a person who has attained the age of 18 years to drive such a locomotive while it is being used for the conveyance of persons: Provided that—
    - (a) the employer or user of machinery is satisfied that the sight and hearing of any such person are not defective and that he does not suffer from any other physical or mental infirmity which is likely to interfere with the efficient and safe performance of his duties; and
    - (b) the person so authorised is competent to carry out the duties assigned to him.
  - (6) The provisions of this regulation shall not apply to trains operated by the South African Transport Services.

### ■ 11. Supervision of building work

- (1) Every employer who performs building work shall charge a full-time employee, designated in writing by the employer, with the duty of supervising the performance of such building work: Provided that if such employer himself has the experience contemplated in subregulation (2) and supervises the work himself, such charging and designation need not be done.
- (2) An employee contemplated in subregulation (1) shall be a person who has had at least two years, experience in the type of building work for which he is to be designated.
- (3) (a) An employer may designate one or more subordinate employees to assist the designated employee referred to in subregulation (1), and every such subordinate employee shall, to an extent which shall be clearly defined by the employer in his letter of designation, have the same duties as the first designated employee: Provided that the designation of any such subordinate employee shall not relieve the designated employee referred to in subregulation (1) of any personal accountability for failing in his supervisory duties contemplated in terms of this regulation.
- (b) Where an employer has not designated any subordinate employee as contemplated in paragraph (a), or, in the opinion of an inspector, not a sufficient number of such subordinate employees, an inspector may require the employer to designate the number of subordinate employees indicated by him and the provisions of paragraph (a) shall apply in respect of such subordinate employees as if they were in the first instance designated under that paragraph.

### ■ 12. Roof work

Every employer shall provide, and cause to be used, suitable roof ladders or duck-boards or crawling-boards for persons required to work on any roof that has an unsafe pitch or surface, or that is covered or is to be covered with material through which a person could fall: Provided that suitable safety belts attached to the structure or any similar effective equipment may be used in place of roof-ladders, duck-boards or crawling boards on pitched roofs covered with non-fragile material.

### ■ 13. Demolition and excavation

Every employer who performs building work shall, with respect to any such work in connection with the demolition of a structure or the making of an excavation—

- (a) with regard to a structure being demolished, take steps to ensure that—
  - (i) no floor, roof or other part of the structure is so overloaded with debris or material as to render it unsafe;
  - (ii) all practicable precautions are taken to avoid the danger of the structure collapsing when any part of the framing of a framed or partly framed building is removed, or when reinforced concrete is cut; and
  - (iii) precautions are taken in the form of adequate shoring or such other means as may be necessary to prevent the accidental collapse of any part of the structure or of any adjoining structure;
- (b) not require or permit any person to, and no person shall, work under unsupported overhanging material or in an excavation which is more than 1.5 m deep and which has not been adequately shored or braced if there is a danger of the overhanging material or the sides of the excavation collapsing;
- (c) take steps to ensure that any support, shoring or bracing contemplated in paragraph (b), is designed and constructed so that it is strong enough to support the overhanging material or the sides of the excavation in question;
- (d) where the stability of an adjoining building, structure or road is likely to be affected by demolition work on a building or the making of an excavation, take such steps as may be necessary to ensure the stability of such building, structure or road and the safety of persons;
- (e) ascertain as far as is practicable the location and nature of electricity, water, gas or other similar services which may in some way be affected by the work to be performed, and shall before the commencement of such work that may in this way affect any such service, take such steps as may be necessary under the circumstances to render all persons involved safe;
- (f) cause convenient and safe means of access to be provided to every excavation in which persons are required to work and which is more than 1.5 m deep: Provided that, in the case of an

excavation which is more than 50 m in length, a safe means of access shall be provided at intervals of not more than 50 m;

- (g) cause every excavation which is more than 1.5 m deep, including all bracing and shoring, to be inspected by a person who is competent to pronounce on the safety thereof, at least once before every shift and before the commencement of work after rain, to ensure the safety of persons; and
- (h) cause every excavation which is accessible to the public or which is adjacent to public roads or thoroughfares, or whereby the safety of persons may be endangered, to be—
  - (i) adequately protected by a barrier or fence at least one metre high and as close to the excavation as is practicable; and
  - (ii) provided with red warning lights or any other clearly visible boundary indicators at night or when visibility conditions are poor.

### ■ 13A. Ladders

- (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 at the bottom ends and hooks or similar devices at the upper ends of the stiles which shall ensure the stability of the ladder during normal use; or
  - (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.
- (2) No employer shall use a ladder, or permit it to be used, if it—
  - (a) (i) has rungs fastened to the stiles only by means of nails, screws, spikes or in like manner; or
  - (ii) has rungs which have not been properly let into the stiles: Provided that in the case of welded ladder or ladders of which the rungs are bolted or riveted to the stiles, the rungs need not be let into the stiles; or
  - (b) has damaged stiles, or damaged or missing rungs.
- (3) 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 9 m; 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 subregulation shall not apply to extension of free-standing ladders.
- (4) In the case of wooden ladders the employer shall ensure that—
- (a) the ladders are constructed of straight grained wood, free from defects, and with the grain running in the length of the stiles and rungs; and
- (b) the ladders are not painted or covered in any manner, unless it has been established that there are no cracks or other inherent weaknesses: Provided that ladders may be treated with oil or covered with clear varnish or wood preservative.
- (5) When work is done from a ladder, the employer shall—
- (a) take special precautionary measures to prevent articles from falling off; and
- (b) provide suitable sheaths or receptacles in which hand tools shall be kept when not being used.
- (6) An employer shall ensure that a fixed ladder which exceeds 5 m in length and is attached to a vertical structure with an inclination to the horizontal level of 75° or more—
- (a) has its rungs at least 150 mm away from the structure to which the ladder is attached; and
- (b) is provided with a cage which—
- (i) extends from a point not exceeding 2.5 m from the lower level to a height of at least 900 mm above the top level served by the ladder; and
- (ii) shall afford firm support along its whole length for the back of the person 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 (b) shall not apply if platforms, which are spaced not more than 8 m apart and suitable for persons to rest on, are provided.

### ■ 13B. Ramps

- (1) An employer shall ensure that every ramp—
- (a) is constructed in accordance with accepted technical standards;

- (b) has a safety factor of at least two with respect to the load it is expected to carry: Provided that the design makes sufficient provision for the load on the ramp as a result of the turning, braking and acceleration of vehicles, if the ramp is used for vehicles; and
- (c) has an inclination to the horizontal level of not more than 34° or one vertical to one and one half horizontal.
- (2) An employer shall ensure that every ramp—
- (a) the inclination of which renders additional foothold necessary, in every case where the inclination is more than 14° or one vertical to four horizontal, is provided with stepping laths which—
- (i) are placed at suitable intervals; and
- (ii) extend the full width of the ramp: Provided that the stepping laths may be 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—
- (i) substantial guard rails which are at least 900 mm and not exceeding 1 000 mm in 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.

### ■ 13C. Boatswain's Chairs

An employer shall ensure that every boatswain's chair or similar device is securely suspended and is so constructed as to prevent any occupant from falling therefrom.

### ■ 13D. Scaffold framework

- (1) An employer shall ensure that—
- (a) Scaffold standards are properly propped against displacement and are secured vertically on firm foundations: Provided that putlog scaffolds shall incline slightly towards the structure;
- (b) (i) steel scaffold standards with 'heavy', 'medium', 'light', or 'very light', platform loadings which shall not exceed 320, 240, 160 and 80 kg/m<sup>2</sup> respectively, are spaced not more than 1.8 m, 2 m, 2.5 m and 3 m apart, respectively; and

- (ii) wooden scaffold standards are spaced not more than 3 m apart;
- (c) ladders are spaced vertically not more than 2.1 m apart;
- (d) putlogs or transoms—
- (i) which do not support a platform, are spaced at the same distances as the distances prescribed in paragraph (b) in respect of scaffold standards.
- (ii) which support a platform, are spaced not more than 1.25 m apart if the platform is constructed of solid timber boards; and
- (e) every part of a wooden scaffold frame has a diameter of at least 75 mm or a section of similar strength.
- (2) No employer shall use a scaffold, or permit it to be used unless it—
- (a) is securely and effectively braced to ensure stability in all directions;
- (b) is secured at suitable vertical and horizontal distances to the structure to which work is being done, unless it is designed to be completely free-standing;
- (c) is so constructed that it has a throughout factor of safety of at least two; and
- (d) is inspected at least once a week and every time after bad weather by a person who has adequate experience in the erection and maintenance of scaffolds, and all findings are recorded in a register or report book.
- (3) No employer shall require or permit that—
- (a) a scaffold with a supporting wooden framework exceeds a height of 10 m; and
- (b) a scaffold is erected, altered or dismantled by or under the supervision of a person other than a person who has had the necessary training and experience of such work and who has been appointed by the employer in writing for this purpose.

### ■ 13E. Scaffold platforms

- (1) An employer shall ensure that—
- (a) every plank of a solid wooden scaffold platform is at least 275 mm wide and 38 mm thick;
- (b) every plank which forms part of a scaffold platform is supported at distances not exceeding 1.25 m, and its ends are projected not less than 70 mm and not more than 200 mm beyond the last prop;

- (c) every plank of a scaffold platform is firmly secured to prevent its displacement; and
- (d) every platform is so constructed as to prevent materials and tools from falling through.
- (2) An employer shall ensure that every scaffold platform—
- (a) with 'heavy', 'medium', 'light' or 'very light' platform loadings as referred to in regulation 13D (1) (b) (i) is not less than 1 125 mm and not more than 1 380 mm, not less than 1 125 mm and not more than 1 150 mm, not less than 900 mm and not more than 1 150 mm, and not less than 675 mm and not more than 1 150 mm, respectively, wide: Provided that where a platform is used only as a gangway, a platform width of 450 mm shall be sufficient;
- (b) which is more than 2 m above the ground is on all sides, except the side facing the structure, provided with—
- (i) substantial guard rails of at least 900 mm and not exceeding 1 000 mm in height; and
- (ii) toe-boards which are at least 150 mm high from the level of the scaffold platform and so affixed that no open space exists between the toe-boards and the scaffold platform: Provided that if the toe-boards are constructed of timber, they shall be at least 25 mm thick;
- (c) is not more than 75 mm from the structure: Provided that where workmen must sit to work, this distance may be increased to not more than 300 mm; and
- (d) is kept free of waste, projecting nails or any other obstructions, and is kept in a non-slip state.
- (3) No employer shall require or permit that a working platform which is higher than 600 mm be supported on a scaffold platform, and shall provide an additional guard rail of at least 900 mm and not exceeding 1000 mm in height above every such working platform.
- (4) An employer shall ensure that convenient and safe access is provided to every scaffold platform, and where the access is a ladder, the ladder shall project at least 900 mm beyond the top of the platform.



### ■ 13F. Suspended scaffolds

- (1) An employer shall ensure that the outriggers of each suspended scaffold—
  - (a) are constructed of steel or any other material of similar strength and have a factor of safety of at least four with respect to the load it is to carry;
  - (b) have an overhang of not more than 1.8 m beyond the edge of the structure and are of such length that the counteracting length can be anchored securely;
  - (c) are, otherwise than by means of weights at the inner-ends, properly propped, suitably spaced and firmly anchored: Provided that an inspector may grant permission that outriggers may be anchored by means of weights; and
  - (d) are provided with stop or other effective devices at the outer-ends to prevent the displacement of ropes.
- (2) An employer shall ensure that the working platform of every suspended scaffold is suspended by:
  - (a) pulley-blocks, sheaves, winches or hoists of the correct size for the ropes being used;
  - (b) at least two independent steel wire ropes in the case of a working platform which is not wider than 912 mm, and at least four independent steel wire ropes in the case of a working platform which is 912 mm and wider; and
  - (c) steel wire ropes of which the factor of safety is at least ten with respect to the maximum load which each rope is to carry.
- (3) An employer shall ensure that—
  - (a) the hand or power-driven machinery used for the lifting or lowering of the working platform of a suspended scaffold is so constructed and maintained that an uncontrolled movement of the working platform cannot occur;
  - (b) the machinery referred to in paragraph (a) is so situated that it is easily accessible for inspection;
  - (c) the rope connections to the outriggers are vertically above the connections to the working platform; and
  - (d) in the case of a working platform suspended by two ropes only, the connections of the ropes to the working platform are of

such height above the level of the working platform as to ensure the stability of the working platform.

- (4) An employer shall ensure that the working platform of every suspended scaffold—
  - (a) is at least 456 mm and not exceeding 1.8 m in width;
  - (b) is suspended as near as possible to the structure to which work is being done and, except when light work is being done, is secured at every working position to prevent horizontal movement between the working platform and the structure;
  - (c) is on all sides, except the side facing the structure, provided with substantial guard rails of at least 900 mm and not exceeding 1000 mm in height above the level of the working platform: Provided that in the case of a working platform suspended by two ropes only, the guard rails shall be on all sides; and
  - (d) is on all sides provided with toe-boards which are at least 150 mm high from the level of the working platform and so affixed that no open space exists between the toe-boards and the working platform: Provided that if the toe-boards are constructed of timber, they shall be at least 25 mm thick.

### ■ 13G. Trestle scaffolds

- (1) No employer shall use a trestle scaffold, or permit it to be used, unless—
  - (a) it is soundly constructed of solid material, and
  - (b) all reasonable precautionary measures have been taken to prevent the unexpected spreading of its supporting legs when it is in use.
- (2) No employer shall use a trestle scaffold or permit it to be used, if it—
  - (a) is higher than 3 m; or
  - (b) consists of more than two tiers.

### ■ 14. Offences and penalties

Any person who contravenes or fails to comply with any provision of regulation 2(1), 2(2), 2(4), 2(5), 2(6), 2A, 2C, 3, 4, 5, 6, 7, 8(1), 8(2), 8(3), 8(4), 9, 10(1), 10(2), 10(3), 10(4), 11(1), 12, 13A, 13B, 13C, 13D, 13E, 13F, or 13G shall be guilty of an offence and liable, on conviction to a fine or

to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues, or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

### ■ 15. Withdrawal of Regulations

The following regulations are hereby repealed:

- (a) regulations B.6, B.12 and B.14, published under Government Notice R. 929 of 28 June 1963;
- (b) regulations C. 14, C.16, C.17, C.20, C.47, C.48 and C.50, published under Government Notice R. 929 of 28 June 1963, as amended by Government Notices R. 3475 of 9 October 1969 and R. 109 of 26 January 1973;
- (c) regulation C.13A, published under Government Notice R. 109 of 26 January 1973; and
- (d) regulations D.3, D.5, D.13, D.14 and D.16, published under Government Notice R. 1934 of 13 December 1963, as amended by Government Notices R. 3475 of 9 October 1969, R. 1336 of 21 August 1970 and R. 109 of 26 January 1973.

### ■ 16. Short title

These regulations shall be called the General Safety Regulations.

## GENERAL NOTICE

R. 283 of 28 March 1988

## INCORPORATION OF SAFETY STANDARDS

Under the powers vested in me by section 36(1) of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), I, Eli van der Merwe Louw, Minister of Manpower, hereby incorporate into the General Safety Regulations, 1986, as amended, the safety standards specified in the Schedule hereto.

E van der M. Louw,  
Minister of Manpower

## ANNEXURE

### R. 2245 of 7 August 1992 GOVERNMENT NOTICE

#### ■ Minimum contents of a First Aid Box

In the case of shops and offices, the quantities stated under items 1, 8, 9, 10, 14, 15, 17, and 18 may be reduced by half.

- |                |   |
|----------------|---|
| <b>Item 1</b>  | Wound cleaner / antiseptic (100ml)  |
| <b>Item 2</b>  | Swabs for cleaning wounds   |
| <b>Item 3</b>  | Cotton wool for padding (100g)  |
| <b>Item 4</b>  | Sterile gauze (minimum quantity 10)                                       |
| <b>Item 5</b>  | 1 pair of forceps (for splinters)   |
| <b>Item 6</b>  | 1 pair of scissors (minimum size 100mm)                                   |
| <b>Item 7</b>  | 1 set of safety pins  |
| <b>Item 8</b>  | 4 triangular bandages   |
| <b>Item 9</b>  | 4 roller bandages (75mm x 5m)   |
| <b>Item 10</b> | 4 roller bandages (100mm x 5m)  |
| <b>Item 11</b> | 1 roll of elastic adhesive (25mm x 3m)                                    |
| <b>Item 12</b> | 1 Non-allergenic adhesive strip (25mm x 3m)                               |
| <b>Item 13</b> | 1 Packet of adhesive dressing strips (minimum quantity 10 assorted sizes) |
| <b>Item 14</b> | 4 First aid dressing (75mm x 100mm)                                       |
| <b>Item 15</b> | 4 First aid dressings (150mm x 200mm)                                     |
| <b>Item 16</b> | 2 Straight splints  |
| <b>Item 17</b> | 2 Pairs large and 2 pairs medium disposable latex gloves                  |
| <b>Item 18</b> | 2 CPR mouth pieces or similar devices                                     |

## SCHEDULE 1

(Section 121(1))

### AMENDMENT OF LAWS

#### SCHEDULE

##### ■ 1. Regulation 9(1)(e)

British Standard specifications BS 6158 entitled "Specification for Safety Devices for Fuel Gases and Oxygen or Compressed Air for Welding, Cutting and Related Processes".

DIN Standard specifications DIN 8521 entitled "Safety Devices against Flashback Backflow in Welding, Cutting and Allied Processes— Safety Requirements, Testing".

International Standards Organisation specification ISO 5175 entitled "Equipment Used in Gas Welding, Cutting and Allied Processes— Safety Devices of Fuel Gases and Oxygen or Compressed Air- General Specifications, Requirements and Tests".

##### ■ 2. Regulation 13B

The South African Bureau of Standards Code of Practice SABS 085 entitled "The Design, Erection, Use and Inspection of Access Scaffolding".

##### ■ 3. Regulation 13C

The South African Bureau of Standards Code of Practice SABS 087 entitled "Handling, Storage and Distribution of Liquefied Petroleum Gas in Domestic, Commercial and Industrial Installations".

Part I: "Consumer Liquefied Petroleum Gas Cylinder Installations".

Part II: "Installations in Mobile Units and Small Non-Permanent Buildings".

Part III: "Bulk Liquefied Petroleum Gas Storage and Allied Facilities at Consumer's Premises".

Part IV: "Transportation of Liquefied Petroleum Gas in Bulk by Road".

Part V: "Liquefied Petroleum Gas as Engine Fuel".

Part VII: "Retail outlet and similar Liquefied Petroleum Gas Filling Sites for Small Containers".

Part VIII: "The Fuelling of Fork Lift Trucks and Other Liquefied Petroleum Gas Operated Vehicles".

## GOVERNMENT NOTICE

No. R.736 of 1 September 2001

Withdrawal of Government Notice No. R. 1847 and incorporation of Health and Safety Standard: General Safety Regulations

Under section 44 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993). I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, after consultation with the Advisory Council for Occupational Health and Safety, hereby-

- (1) Withdraw Government Notice No. R. 1847 as published on 16 September 1988;
- (2) Incorporate the South African Bureau of Standard's code of Practice SABS 0338:1999 entitled "Homologation of Respiratory Equipment" into the General Safety Regulation as amended by Government Notice No. R. 2245 of 7 August 1992; and
- (3) Require that as from 1 September 2001 all respiratory protective equipment shall be submitted to the South African Bureau of Standards, Pretoria, for homologation.

## Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) Regulations

### Guidelines for Lift, Escalator and Passenger Conveyor Regulations, 2009

Notice No. R. 763  
28 August 2015

#### FOREWORD

This document consists of explanatory notes on the application of the more important regulations concerning lift, escalator and passenger conveyor. The notes are meant to help and guide suppliers, contractors, maintenance providers, users, inspection service providers and inspectors. They explain the purpose of the regulations, their meaning and suggested administration.

#### INTRODUCTION

The Lift, Escalator and Passenger Conveyor Regulations were published on 17 September 2010 in Government No. R828 with the aim of protecting employees and users against the dangers associated with lifts, escalators and passenger conveyors.

#### AIM

The aim of these guidance notes is to explain in simple language the provisions of the Lift, Escalator and Passenger Conveyor Regulations and to stress the principle of self-regulation. The guidelines do not substitute the regulations.

#### ■ 1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

"**access goods only lift**" means a lift in which persons are never transported or allowed by the user to be transported and where the conveyance is

accessed by persons only for the purposes of loading and unloading at landings or for maintenance purposes, but does not include a temporarily installed material hoist;

#### Notes:

- (a) These were commonly known as goods hoists and were previously regulated by the Driven Machinery Regulations 17 which has now been repealed.
- (b) All new installations shall comply with SANS1545-5.

"**competent lift mechanic**" means a person who—

- (a) has completed a learnership or an apprenticeship in the trade of lift mechanic;
- (b) has completed an electrical or mechanical trade qualification and has had at least one year post qualification general practical experience on lifts; or
- (c) has obtained a minimum of a NQF level five electrical or mechanical engineering qualification and has had at least one year post qualification general practical experience on lifts;

#### Notes:

- (a) None

"**competent operator**" means a person who has obtained a minimum of a NQF level 2 in the maintenance or installation of lift, escalators and passenger conveyor;

#### Notes:

- (a) NQF level 2 is defined as a minimum education level of grade 9 and the relevant training and certification within the lift industry issued by MERSETA.

- (b) Competent operator is also known as an operative or a category worker who can do limited work.

**"competent lift service provider"** means a person that employs competent lift mechanics and a competent operator, or a competent lift mechanic who is self-employed and who undertakes to contract with the user of a lift, escalator, passenger conveyor to perform maintenance, examinations and tests in terms of regulation 7;

Notes:

- (a) This is commonly known as the maintenance service provider.

**"comprehensive report"** means a certificate as contemplated in the relevant health and safety standard incorporated into these Regulations;

Notes:

- (a) It is an annexure in terms of the relevant SANS document for lift, escalator or passenger conveyor.

**"escalator"** means a power-driven inclined stairway with moving steps and handrails, which is intended for the transportation of persons from one level to another;

Notes:

- (a) None

**"failure"** means the malfunctioning of any part of a lift, escalator or passenger conveyor, whereby the safety of a person has been or may have been endangered;

Notes:

- (a) Refer to Section 24 of the Occupational Health and Safety Act.

**"inspection service provider"** means a person that employs a registered lift inspector who undertakes to contract with the user of a lift, escalator or passenger conveyor to perform inspections and is accredited by the accredited authority;

Notes:

- (a) The inspection service provider can also be a self-employed person.  
(b) South African National Accreditation System is the national body mandated to accredit inspection service providers.

**"landing"** means any floor or platform that is designed to give access to a lift or escalator or passenger conveyor;

Notes:

- (a) None

**"lift"** means any permanent or temporary lifting installation used for the conveyance of persons or of persons and goods, or as an access goods only lift, that operates by means of a conveyance or platform running on a fixed guide or guides and serving landings, but does not include a hoist worked by hand power or a material hoist;

Notes:

- (a) None

**"material hoist"** means a hoist used to lower or raise material and equipment, and includes cantilevered platform hoists, mobile hoists, friction drive hoists, scaffold hoists, rack and pinion hoists and combination hoists;

Notes:

- (a) This definition is for information only and is defined in the Construction Regulations.— Material hoist must not be confused with 'Access Goods only lifts' referred to in definition 1.

## ■ 2. Scope of Application

- (1) These Regulations shall apply to employers or self employed persons who carry out work on lifts, escalators or passenger conveyors.  
(2) These Regulations shall apply to persons who have on their premises either permanently lifts, escalators or passenger conveyors.

Notes:

- (a) Lifts that are installed temporarily are also covered under this regulation.  
(b) This scope also applies to lifts installed in private residence.

## ■ 3. Permission to Install and Use

- (1) No person shall install or permit the installation of a new or used lift, escalator or passenger conveyor unless—  
(a) that person has submitted a completed form in the form of Annexure 1 to the relevant provincial director who shall allocate an official number to the lift, escalator or passenger conveyor;  
(b) that person has been allocated an official number contemplated in paragraph (a); and  
(c) such installation meets the requirements of these Regulations and complies with the relevant standards and specifications incorporated into these Regulations under section 44 of the Act.
- (2) No person shall put into use or require or permit the use of a lift, escalator or passenger conveyor unless that person is in possession of a valid comprehensive report issued in terms of regulation 6(4): Provided that such report shall be completed by an inspection service provider.
- (3) The user of a lift that does not operate automatically shall appoint the operator of such a lift in writing and instruct that operator as to the dangers of its operation.

Notes:

- (a) Annexure 1 must be submitted to a Provincial Office situated in the Province where the lift is going to be installed.  
(b) Official number is a unique number issued by the relevant Provincial Office which would be reflected on the registration certificate.  
(c) A person who intends to install a lift, escalator or passenger conveyor that does not meet requirements of these Regulations must apply for an exemption to the Chief Inspector.

- (d) A comprehensive report is an annexure in terms of the relevant SANS document for lift, escalator or passenger conveyor.  
(e) This report is completed by an inspection service provider.  
(f) A comprehensive report is issued by an inspection service provider who employs a registered lift inspector.  
(g) These are normally Freight elevators and are registered to be operated with "attendants".  
(h) The car and landing doors do not operate automatically.  
(i) The user is the owner of the lift, escalator or passenger conveyor.  
(j) The operator must be provided with the user instruction/manual for that particular lift and he or she must clearly understand the instructions.

## ■ 4. Design and Construction

- (1) Subject to regulation 3(2), no person shall use, install or modify, or permit the use, installation or modification, of any lift, escalator or passenger conveyor unless—  
(a) such lift, escalator or passenger conveyor has been designed and constructed or modified in accordance with the relevant standard incorporated for this purpose into these Regulations under section 44 of the Act; and  
(b) the requirements of the National Building Regulations, if applicable, have been complied with.
- (2) The user shall ensure that all the electrical components of a lift, escalator or passenger conveyor which is installed in a location where there is a danger of fire or explosion due to the presence, occurrence or development of explosive or flammable atmospheres or where explosive articles are manufactured, handled or stored, comply with regulation 8 of the Electrical Machinery Regulations, 1988, promulgated by Government Notice No. R. 1593 of 12 August 1988, as well as the Explosives Regulations, promulgated by Government Notice No. R. 109 of 17 January 2003.

Notes:

- (a) Any modification carried out on a lift, escalator or passenger conveyor must comply with the latest published standards.
- (b) The installation must be designed and constructed such that it adheres to requirements stipulated in the National Building Regulations.
- (c) Access goods only lifts were previously regulated by the Driven Machinery Regulations 17 which has now been repealed
- (d) All new "access goods only lift" installations shall comply with SANS1545 -5
- (e) All existing installations shall be upgraded to comply with Lift, Escalator and Passenger Conveyor Regulations (LEPCR) within 5 years from the date of promulgation of Driven Machinery Regulations of 2015
- (f) A user of existing goods hoist shall register the installation with department of Labour.

#### ■ 5. Particulars of Lifts, Escalators and Passenger Conveyors

- (1) The user shall ensure that every lift, escalator and passenger conveyor is marked, in the machine compartment, in a conspicuous place, within a holder, with the following particulars:
  - (a) The name of the manufacturer;
  - (b) the year of installation;
  - (c) the year of modification;
  - (d) the official number contemplated in regulation 3(1)(a);
  - (e) the rated speed in metres per second; and
  - (f) the rated load in kilograms.
- (2) Where the machinery of more than one lift, escalator or passenger conveyor is installed in a compartment, the user shall ensure that all the machinery and switch-gear of each unit are distinctly and permanently marked with the same distinguishing mark, which shall differ from the distinguishing mark of the machinery and switch -gear of any other unit in that compartment.
- (3) The user shall keep an up-to-date, legible and schematic electrical wiring diagram in respect of every lift, escalator or passenger conveyor in

a safe place in the machine compartment, as the case may be.

- (4) The user shall affix or cause to be affixed in a conspicuous place at the main landing of every group of lifts and in each car and at every group of escalators and passenger conveyors, the name and telephone number of the competent lift service provider designated in terms of regulation 7(1).

Notes:

- (a) Department of Labour generates a certificate with particulars of a lift, escalator or passenger conveyor.
- (b) Information displayed on the front of the Comprehensive report is acceptable in instances where a certificate is not available. Provided, that the comprehensive report is displayed in a holder in the machine compartment.
- (c) The schematic electrical wiring diagram here means principle electrical diagram showing electrical analogue /digital connections. The electrical wiring diagram is there for commissioning and troubleshooting.
- (d) The notice must reflect the details of the current competent lift service provider appointed to service the lift, escalator or passenger conveyor.

#### ■ 6. Inspection and Tests

- (1) The user shall ensure that every lift, escalator or passenger conveyor is inspected and tested in accordance with the relevant health and safety standards incorporated into these Regulations under section 44 of the Act—
  - (a) before such lift, escalator or passenger conveyor is put into use for the first time; or
  - (b) after any modification has been effected; or
  - (c) after any failure has occurred; or
  - (d) whenever there has been a change in the competent lift service provider; and
  - (e) at intervals not exceeding 24 months thereafter, or at shorter intervals according to in-house risk assessment, by an inspection service provider who shall

complete a comprehensive report separately for each lift, escalator or passenger conveyor so inspected and tested, and such inspection service provider shall date and sign such report and submit it within 30 days to the user, who shall keep the report in a safe place and a copy of the report in the machine compartment.

- (2) If an inspection or test carried out by an inspection service provider on a lift, escalator or passenger conveyor shows that any defect or weakness exists whereby persons are endangered, the inspection service provider shall report such defect or weakness forthwith to the user, the competent lift service provider and the provincial director, and no person shall be conveyed or allowed to be conveyed in or on such lift, escalator or passenger conveyor until such defect has been rectified to the satisfaction of the inspection service provider.
- (3) If a comprehensive report in accordance with a health and safety standard incorporated into these Regulations under section 44 of the Act shows a defect or weakness not considered under sub regulation (2) the user shall rectify such defect or weakness.
- (4) A comprehensive report for a lift, escalator or passenger conveyor shall be completed when—
  - (a) the lift, escalator or conveyor is put into use for the first time;
  - (b) any modification to the lift, escalator or conveyor has been effected;
  - (c) a reportable incident in terms of section 24 of the Act occurs;
  - (d) there is a change in the designated competent lift service provider; and
  - (e) at intervals not exceeding 24 months thereafter.
- (5) When an inspection or a test is conducted by an inspection service provider the inspection service provider shall ensure that all the documents and records required in terms of regulation 8 are kept in good order and are up to date.

- (6) An inspector may at any reasonable time inspect any lift, escalator or passenger conveyor, and the user shall place, free of charge, at the disposal of the inspector any workmen and equipment that may be reasonably required by the inspector for the purpose of carrying out such inspection.
- (7) An inspection service provider who wishes to avail himself or herself of designation as such by the user of a lift, escalator or passenger conveyor in order to carry out an inspection in terms of this regulation, shall register with the accreditation authority.

Notes:

- (a) Annexure formats have been developed for different types of lifts and are available in the relevant standards published by SABS.
- (b) The installation must however comply with the standard which was applicable at the time of installation or modification.
- (c) Refer to Section 24 of the OHS Act with regards to failures
- (d) The owner is under obligation to ensure an in - house risk assessment is conducted.
- (e) The 24 month interval for the inspection and test may be reduced as a result of risk assessment conducted by the owner /user.
- (f) SANS 14798:2009 can be used as a guide on how to conduct risk assessment.
- (g) Use the guidance template developed for reporting of defects. This template does not replace the comprehensive report. See attached template A
- (h) The intention of the requirement of reporting of defects or weaknesses is to inform DoL that the person's life can be endangered.
- (i) Provincial director is the most senior official of the department in the province and is based at the provincial office.
- (j) It is the owner's obligation with regards to the safety of the equipment.
- (k) Inspection service providers do not have the same power as inspectors.
- (l) Inspection service providers must ensure that the equipment is switched off.
- (m) Situations where customers /owners fail to attend to the non compliances, reflected on the



comprehensive report, must be reported to the relevant DoL, Weakness or defect

Below is a list of critical (life threatening) items that must be reported to DoL,

Key components of a lift that may endanger

persons: Existing lifts

- a. Door locks
- b. Door fastenings /hanger /slippers
- c. Door detectors /door protection
- d. Vision panel
- e. Intercom /alarms
- f. Floor levels
- g. Brake linings
- h. Overspeed governor/ Safety gear
- i. Limited headroom
- j. Ropes /traction sheave
- k. Machine room door
- l. Illumination in the car and landing
- m. Excessive thrust or gear/ drive shaft wear
- n. Shaft end protection
- o. Water leakages

Escalators

- a. Broken steps
- b. Broken comb plates
- c. Brake
- d. Landing balustrades
- e. Hand rail entry switches
- f. Water leakages
- g. No emergency stop

- (n) Inspector means an inspector from Department of Labour.
- (o) An inspector could inspect a lift as a result of a complaint reported to DoL or as part of routine inspections. An inspector can inspect a lift to ensure compliance. An inspector can also inspect a lift especially a new installation to verify that (commissioning has been done and all the necessary documentations including annexure are in place.
- (p) South African National Accreditation System is the national body mandated to accredit inspection service providers. This accreditation ensures that inspection service providers are competent to carry out inspections and tests on lift, escalators or passenger conveyors.

- (q) This requirement became mandatory on 1 December 2012. Refer to Regulation 12.

## ■ 7. Maintenance

- (1) The user shall designate a competent lift service provider to examine and maintain a lift, escalator or passenger conveyor at least once a month or at such longer intervals as may be prescribed by the manufacturer of such lift, escalator or passenger conveyor: Provided that an inspector may prescribe such examining intervals as he or she may deem necessary.
- (2) At an examination contemplated in sub regulation (1), the competent lift service provider shall examine the parts of a lift, escalator or passenger conveyor as prescribed by the relevant manufacturer or by an inspector: Provided that in the case of a lift, he or she shall test all the gates and door locks at each examination: Provided further that the suspension ropes of a lift shall be examined at six -monthly intervals and that the lift safety gear, over speed governor and buffers shall be tested at intervals not exceeding 12 months.
- (3) If maintenance or an examination carried out in terms of sub regulation (1) or a test carried out in terms of sub regulation (2) shows that a weakness or defect exists whereby persons are endangered, the competent lift service provider shall report the weakness or defect immediately to the user and the provincial director, and no person shall be conveyed in or allowed to be conveyed in or on such lift, escalator or passenger conveyor or to enter such access goods only lift until such defect has been rectified to the satisfaction of an inspection service provider.
- (4) The user of a lift, escalator or passenger conveyor shall immediately take steps to stop the working thereof and to prevent the starting thereof if its use is or is likely to be dangerous to persons.
- (5) The user of a lift, escalator or passenger conveyor and the competent lift service

provider responsible for the examinations contemplated in sub regulation (1) or test contemplated in sub regulation (2) shall immediately notify the provincial director in writing of the name and address of the competent lift service provider carrying out such examinations or tests.

- (6) The competent lift service provider shall notify the provincial director and the user immediately in writing if a lift, escalator or passenger conveyor is found to be in operation without a valid comprehensive report issued in terms of regulation 6 that is kept in the machine compartment in terms of regulation 8.

Notes:

- (a) Manufacturer in this case refers to the original equipment manufacturer.
- (b) Maintenance requirements apply to all lifts (access goods only lifts, lifts, escalators, stair lifting platforms etc).
- (c) Inspector here refers to a DoL inspector who may override certain of the manufacturer's operating instructions under specific conditions which will be based on the latest risk assessment or inspection/ examination or test.
- (d) The tests and examinations referred to above must be carried out by a competent lift mechanic or a person with a higher qualification who is employed by a competent lift service provider. These tests are carried out to ensure that the lift, escalator or passenger conveyor is safe for usage
- (e) Use the guidance template developed for reporting of defects. See attached template A
- (f) Reports are submitted to enable the DoL to enforce compliance of the regulation and measure equipment performances.
- (g) the user can use guidance template developed for reporting of defects. See attached template A
- (h) Use the guidance template developed for appointing a competent lift service provider. See attached template B

## ■ 8. Record Keeping

- (1) The user of a lift, escalator or passenger conveyor shall keep in a safe place in the machine compartment of every such lift, escalator or passenger conveyor a record in which he or she shall enter or cause to be entered—
  - (a) his or her name, address and telephone number;
  - (b) the name, address and telephone number of the competent lift service provider designated by him or her to carry out the maintenance and examinations contemplated in regulation 7(1) and the tests contemplated in regulation 7(2);
  - (c) a report on the results of every examination contemplated in regulation 7(1), and the test contemplated in regulation 7(2) including any modifications, repairs, adjustments and tests carried out;
  - (d) a copy of the latest comprehensive report contemplated in regulation 6(4);
  - (e) a copy of all suspension rope certificates and the results of the examination contemplated in regulation 7(2) on the condition of the suspension ropes;
  - (f) the registers or files and the technical dossiers required in terms of the relevant SANS specifications;
  - (g) the commissioning acceptance report or copy thereof required in terms of the relevant SANS specification; and
  - (h) a copy of each comprehensive report made in respect of incidents in terms of section 24(1)(c)(iii) and (iv) of the Act.
- (2) The user shall keep the records contemplated in subregulation (1) in the relevant machine compartment for a period of at least 10 years.

Notes:

None



**9. Approved Inspection Authority**

- (1) An inspection service provider who wishes to avail himself or herself of designation as such by the user of a lift, escalator or passenger conveyor in order to carry out an inspection in terms of regulation 6, shall register with the accreditation authority.
- (2) The Chief Inspector may at any time withdraw any approval of an approved inspection authority, subject to section 35 of the Act.

Notes:

- (a) South African National Accreditation Authority is the national body mandated to accredit inspection service providers.

**10. Offences and Penalties**

- (1) Any person who contravenes or fails to comply with any provision of regulation 3(1), 3(2), 3(3), 4(1), 4(2), 5(1), 5(2), 5(3), 5(4), 6(1), 6(2), 6(3), 6(4), 6(5), 6(6), 6(7), 7(1), 7(2), 7(3), 7(4), 7(5), 7(6), 8(1), 8(2) or 9(1) shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum of 12 months and, in the case of a continuous offence, to an additional fine of R200,00 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.

Notes:

None

**11. Repeal of Regulations and Savings**

- (1) The Lift, Escalator and Passenger Conveyor Regulations promulgated by Government Notice No. R. 797 of 29 April 1994 are hereby repealed.
- (2) Lifts installed or modified prior to 1 May 1994 shall be considered to comply with regulation 4(1)

Notes:

- (a) Repeal of the regulations means that replacing regulations published in 29 April 1994.
- (b) This means that lifts installed after 30 November 2010 shall comply with LEPCR of 30 November 2010.
- (c) Lifts installed prior to 30 November 2010 shall comply with standards that were applicable at the time of installation.

Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)  
**Regulations**  
 Regulation 6(2) 7(3) 7(5) and 7(6) of the Lift, Escalator and Passenger Conveyor

**Template A : Report of a Defective Lift, Escalator, Passenger Conveyor**

Official Number: \_\_\_\_\_

Building Name: \_\_\_\_\_

User /Owner Name.....

Contact Nu:.....

Address: \_\_\_\_\_

Address: .....

\_\_\_\_\_

.....

\_\_\_\_\_

.....

During an inspection or maintenance conducted on the .....

Lift \_\_\_\_\_ Escalator \_\_\_\_\_ Passenger Conveyor \_\_\_\_\_

the following defects which effect the safety of persons using this installation were noted.

- 
- 

In terms of subject regulation 6.(2) the lift/escalator /passenger conveyor has been removed from service until such times as the defects noted have been rectified to the satisfaction of the inspection service provider.

Report completed by name:.....

Contact details:.....

Address:.....

Signature:.....

Date:.....

Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

Regulations

Regulation 7(5) of the Lift, Escalator and Passenger Conveyor Regulations

**Template B : Appointment of Competent Lift Service Provider**

Official Number: \_\_\_\_\_

Building Name: \_\_\_\_\_ User /Owner Name.....

Tel No:.....

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....has been appointed to maintain lifts/escalators/passenger conveyors at the above mentioned address.

Compiled by:.....

Name:.....

Contact details:.....

Address:.....

Signature:.....

Date:.....