



TOP COMPLIANCE (Pty) Ltd

Your Business' Safety Is Our Concern

QSE B-BBEE - Level Four

www.topcompliance.co.za

June 2021 **NEWSLETTER**

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Amendments to the Occupational Health and Safety Act – Key changes highlighted.

The much awaited [Occupational Health and Safety Bill](#) is circulating for feedback.

Many big changes have been included as anticipated to improve the overall Health and Safety in the workplace. The Bill seeks to amend the Occupational Health and Safety Act, 1993, so as to delete, substitute and insert certain definitions; to effect certain technical corrections, to make further provision in respect of 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, to further regulate 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 further regulate the composition of an advisory council for occupational health and safety, and to provide for matters connected therewith.

Some definitions have changed as follows:

employee means any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration and who works under the direction or supervision of an employer.

employer means any person, institution or organisation, including government who employs and provides work to an employee, and supervises, remunerates or tacitly or expressed undertakes to remunerate such employee for services rendered by such employee.

This will now also include the person who employs a Domestic Worker which includes a cleaner, gardener, driver or person who looks after children, the aged, sick, frail or disabled in a private household. The employer of a Domestic Worker will now also need to ensure that they comply as employers to the OHS Act.

If you have a dog at home as your pet, what risk does your pet pose in a Domestic Worker? What about electrical appliances, are all the plugs, extensions and sockets safe and do not pose an electrocution risk?

risk means the probability that personal injury, illness or the death of the employee or any other person or damage to property will occur;

***risk assessment** means, the process of evaluating the risks to an employee's health and safety from workplace hazards and is a systematic assessment of all aspects of work that considers:*

- a. a complete hazard identification:*
- b. identification of all who may be affected by the hazard:*
- c. how the person is affected:*
- d. the analysis and evaluation of the risks: and*
- e. prioritisation of risks:*

***risk management** means the identification and mitigation of risks by the application of appropriate control measures.*

Section 8 (Duty of the employer) of the principal Act is hereby amended-

(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 or her employees

- (a) conducting a workplace specific risk assessment and thereafter developing and implementing a risk management plan In writing. in respect of every risk identified*
- (b) ensuring that the workplace specific risk assessment is conducted, by a person or persons who are competent to pronounce on all the risks associated with that workplace.*
- (c) ensuring that the workplace specific risk management plan is in place and is available at the workplace when requested by an inspector;*
- (d) ensuring that no work is undertaken unless the control measures contained in the risk management plan are complied with:*

This is a new addition to the bill that was not previously specified in such detail. The important aspects to note are as follows:

1. A systematic risk assessment must be done of all the risks that may cause personal injury, illness or the death of the employee or any other person (public, contractor, sub-contractor, visitor etc.) or damage to property.
2. The risk assessment must **clearly identify the hazards**, indicate **who** all may be affected by the hazards and **how** the person/s will be affected.
3. The risks must be analysed, evaluated and then prioritised accordingly.
4. The risk management system must identify and indicate how it will remove or mitigate the risk by means of control measures. (Eliminate, reduce, substitute, engineering controls, isolation, administrative controls and training, personal protective equipment)
5. The risk assessment needs to be **conducted by a person or persons who are competent** to pronounce on all the risks associated with that workplace.
6. The risk assessment and the risk management plan must be available on site. This means at the workplace where the risk is, not at head office, with a consultant etc.
7. No work may be done unless risk management plan control measures have been implemented.

Failure to comply with the implementation of risk assessment and implementation of controls in a form of a risk management plan could result in a fine of R5 000 000.00 and or 5 years imprisonment.

TRAINING - we offer **site specific training** for [Hazard identification and Risk Assessment training](#) in accordance with the proposed Bill format. For more information email us on info@topcompliance.co.za

Section 18 (functions of the health and safety representatives)

*A health and safety representative **shall**, in respect of the workplace or section of the workplace for which he or she has been designated be entitled to:*

(a) visit the site of an incident or where an employee was directed to leave the workplace at all reasonable times and attend an inspection in loco

(aA) attend regular meetings with the employees at the workplace to:

- I. address health and safety in the workplace*
- II. provide feedback information to the employees they represent*
- III. discuss reports by the health and safety representatives on the performance of their functions; and*
- IV. receive mandates from employees to be presented when attending the health and safety committee meetings;*

(bA) attend an investigation or formal inquiry held in terms of this Act attend a special meeting with employees they represent after an incident in order to

- I. provide information on the incident;*
- II. inform employees regarding arrangements for undertaking the investigation of the incident;*
- III. gather information from employees relevant to the incident.*

The key difference is that the safety rep will now do the above mentioned. Previously it was optional for the safety rep to do the above.

A health and safety committee shall hold meetings as often as may be necessary, but at least once every two months, at a time and place determined by the committee.

Committee meeting will now be held every two months or more as necessary and no longer every three months.

A health and safety committee shall consist of the number of members in accordance with a collective agreement, where one exists or as may be determined by the employer and employees or the employee representatives, for the efficient and effective operation of the health and safety management system.

The health and safety committees need to be efficient and effective in maintaining the health and safety management system.

Administrative fines

37A (1) If a person commits a breach of the Act, the inspector may by written notice to that person impose an administrative fine in accordance with Schedule 2.

Schedule 2 indicated sections – 7, 19(1), 20(4), 21, 24(1&2), 25, 29(3), 30(6) each to a maximum fine of R50 000.00.

Criminal liability

*37B. (1) **An employer, chief executive officer, manager, agent or employee** commits an offence by contravening or failing to comply with a provision of this Act thereby causing a person's -*

- (a) death;*
- (b) permanent disablement:*

(c) illness.

(2) The chief executive officer, manager, agent or employer of the employee commits an offence by performing or omitting to perform an act, if the act or omission falls within the scope of the authority or employment of the employer or employee concerned.

Failure to comply with section 37 could result in a fine of R5 000 000.00 and or 5 years imprisonment.

Watch the recorded video of the Chief Inspector Mr Tibor Szana unpacking the OHS Bill giving more detailed explanation to the above changes and more by the following link:

<https://us02web.zoom.us/rec/play/kqLYGA7-OZ21Rwr1phtF59M2OdCwXpJ9exX3YyETIjr5CphIbPsiN938yhl5SFaMRcdqyU5Gr8MctYan.YBbsQ3k4m8S5rhv1?autoplay=true&startTime=1622195509000>

Some of our training courses can be done through our virtual classroom.

Certain types of Risk Assessments and audits will be done by means of virtual site visits using various means of technology to virtually visit the site.

For more information please contact – info@topcompliance.co.za

<https://www.topcompliance.co.za/index.php/products>



[Medical equipment](#)



[SANS Signage](#)



[Legal posters](#)



[Personal Protective Equipment](#)

Courses offered by Top Compliance (Pty) Ltd

<https://www.topcompliance.co.za/index.php/skills-development-head/training-calendar>

ONSITE TRAINING	
First Aid Courses:	Accreditation

NEW level 1 – US 119567 - Perform basic life support and first aid procedures	2 days	DEL
NEW level 2 – US 120496 - Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	3 days	DEL
NEW level 3 – US 376480 - Provide first aid as an advanced first responder	3 days	DEL
First aid: Level 1	2 days	No longer recognised
First aid: Level 2	3 days	No longer recognised
First aid: Level 3	3 days	No longer recognised
First aid: Level 1 & 2	3 days	No longer recognised
First aid: Level 2 & 3	3 days	No longer recognised
First aid: Level 1, 2 & 3	5 days	No longer recognised
Child and infant CPR & choking	6 hours	
Adult CPR & choking	6 hours	
Adult CPR & choking and AED	1 day	
Occupational Health and Safety Courses		
Hazard Identification and Risk Assessment	1 day	
OHS Act & SHERQ representative – Legal Liability	1 day	
The Occupational Health and Safety Act & responsibilities of management – Legal Liability	1 day	
Safety representative course specific for COVID-19 in terms of the OHS Act and Regulation for Hazardous Biological Agents	6 hours	
Food facility health & safety course in terms of R364	6 hours	
Fire Fighting and Prevention Courses		
Basic firefighting (Fire marshal)	6 hours	
Basic firefighting with emergency action planning (Fire & Evacuation marshal)	1 day	

ONLINE VIRTUAL CLASSROOM		
Occupational Health and Safety Courses		
Hazard Identification and Risk Assessment		07h45 – 15h00
Safety representative course specific for COVID-19 in terms of the OHS Act and Regulation for Hazardous Biological Agents		07h45 – 11h00
OHS Act & SHERQ representative – Legal Liability		07h45 – 16h00
The Occupational Health and Safety Act & responsibilities of management – Legal Liability		07h45 – 16h00
Food facility health & safety course in terms of R364		07h45 – 14h00
Fire Fighting and Prevention Courses		
Basic firefighting		07h45 – 13h00
Basic firefighting with emergency action planning		07h45 – 15h00

SKILLS PROGRAMS - ONSITE TRAINING – HEALTH AND WELFARE SETA		Credits	Class days
First Responder - HW/SP/1508113 (First aid level 1 and 2)			
US 119567	Perform basic life support and first aid procedures	5	4 days
US 120496	Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	5	
First Aid Level 1, 2 & 3 - HW/SP/1601190 (First aid level 1, 2 and 3)			
US 119567	Perform basic life support and first aid procedures	5	5 days
US 120496	Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	5	

US 376480	Provide first aid as an advanced first responder	8	
First Aid Responder and HIV Awareness - HW/SP/150475			
US 120496	Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	5	4 days
US 14656	Demonstrate an understanding of sexuality & sexually transmitted infections including HIV/AIDS	5	
First Aider - HW/SP/1202005.			
US 119567	Perform basic life support and first aid procedures	5	5 days
US 120496	Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	5	
US 13915	Demonstrate knowledge and understanding of HIV/AIDS in a workplace, and its effects on a business sub-sector, own organisation and a specific workplace.	4	
First Aid (Basic) - HW/SP/150795.			
US 119567	Perform basic life support and first aid procedures	5	4 days
US 9964	Apply health and safety to a work area	3	
Emergency First Aider - HW/SP/1605377.			
US 119567	Perform basic life support and first aid procedures	5	5 days
US 120496	Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	5	
Health, Safety and Fire Combination - HW/SP/1510179			
US 9964	Apply health and safety to a work area	3	5 days
US 119567	Perform basic life support and first aid procedures	5	
US 120331	Demonstrate knowledge pertaining to fires in working places. <i>Prerequisite for US 120496 is US 14656.</i>	3	
Workplace SHE Rep - HW/SP/1510182.			
US 9964	Apply health and safety to a work area	3	3 days
US 259639	Explain basic health and safety principles in and around the workplace	4	
First Aid and Safety Representative - HW/SP/1510183.			
US 9964	Apply health and safety to a work area	3	4 days
US 119567	Perform basic life support and first aid procedures	5	
First Aid and Firefighting - HW/SP/1511239.			
US 120496	Provide risk-based primary emergency care/first aid in the workplace. <i>Prerequisite for US 120496 is US 14656.</i>	5	4 days
US 13961	Demonstrate knowledge and use of hand operated firefighting equipment	4	
Fire and Rescue Skills Programme - HW/SP/1604338.			
US 252250	Apply firefighting techniques	3	4 days
US 119567	Perform basic life support and first aid procedures	5	
Safety Management - HW/SP/1601159.			
US 9964	Apply health and safety to a work area	3	3 days
US 259639	Explain basic health and safety principles in and around the workplace	4	