



TOP COMPLIANCE (Pty) Ltd

Your Business' Safety Is Our Concern

QSE B-BBEE - Level Four

Website: www.topcompliance.co.za

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Contact details:

Audits, Training, and Retail:

Pat: 082 442 8521 (08h00 – 16h30)

p.wessels@topcompliance.co.za

Online academy – academy@topcompliance.co.za / www.academy.topcompliance.co.za/

Proposed changes to risk assessments and safety representatives under the Occupational Health and Safety amendment bill - Key change highlights.

[Occupational Health and Safety Bill](#)

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 (old) 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 (suggested new) 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 to 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 (member of the 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.

In an addition to the requirement of conducting a risk assessment, the new section 8(2)(a) requires the development and implementation of a "risk management plan" for every identified risk. The concept of a

"risk management plan" is new in our legislation. Section 8(2)(b) further requires that the risk assessment must be conducted by a competent person.

Section 8(2)(c) refers back to the risk management plan in 2(a) but includes the wording "workplace specific". This implies that generic plans will not suffice under this requirement.

Lastly, section 8(2)(d) stipulates that no work may be undertaken unless the control measures contained in the risk management plan are complied with.

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 million and or 5 years imprisonment.

We offer online training for [Hazard identification and Risk Assessment](#) in accordance with the proposed Bill format. ONLINE for ONLY R735.00 per person.

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.

We offer online training for

[Safety representative – Legal Liability](#)

ONLINE for ONLY R1880.00 per person.

[The Occupational Health and Safety Act & responsibilities of management – Legal Liability](#)

ONLINE for ONLY R2050.00 per person.

Unpacking the OHS Bill watch the recorded video of the Chief Inspector Mr Tibor Szana (now retired) 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>

Occupational health and safety auditing and consulting			Online safety shop
			
First aid equipment	Signage	Legal posters	Safety Equipment

Courses offered by Top Compliance (Pty) Ltd

ONLINE ACADEMY - https://academy.topcompliance.co.za/	
Occupational Health and Safety Courses	
Safety representative – Legal Liability	
The Occupational Health and Safety Act & responsibilities of management – Legal Liability	
Hazard Identification and Risk Assessment	
Food facility health & safety course in terms of R638	
Basic Ladder Safety Course	
Fire Fighting and Prevention Courses	
Fire Marshal - Basic firefighting	
Fire & Evacuation marshal - Basic firefighting with emergency action planning	

ONSITE TRAINING	
First Aid Courses:	
Level 1 - US 119567 - Perform basic life support and first aid procedures	2 days
Level 2 - US 120496 - Provide risk-based primary emergency care/first aid in the workplace	3 days
Level 3 - US 376480 - Provide first aid as an advanced first responder	3 days
Level 1 & 2 - US 119567 & 120496	3 days
Level 1, 2 & 3 - US 119567, 120496 & 376480	5 days
Level 2 & 3 - US 120496 & 376480	3 days
Child and infant CPR & choking	6 hours
Adult CPR & choking	6 hours
Adult CPR & choking and AED	1 day
Occupational Health and Safety Courses	
Safety representative – Legal Liability	1 day
The Occupational Health and Safety Act & responsibilities of management – Legal Liability	1 day
Hazard Identification and Risk Assessment	1 day
Food facility health & safety course in terms of R638	6 hours
Basic Ladder Safety	6 hours
Fire Fighting and Prevention Courses	
Fire Marshal - Basic firefighting	6 hours
Fire & Evacuation marshal - Basic firefighting with emergency action planning	1 day