



# TOP COMPLIANCE (Pty) Ltd

Your Business' Safety Is Our Concern

QSE B-BBEE - Level Four

Website: [www.topcompliance.co.za](http://www.topcompliance.co.za)

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## Understanding the legal responsibilities of health and safety representatives

In all workplaces, health and safety reps play a crucial role in ensuring the well-being of employees and compliance with [Occupational Health and Safety Act No 85 of 1993](#) (OHSA). Understanding the legal responsibilities of these [health and safety reps](#) is not only essential for fulfilling their duties effectively but also for promoting a safe and healthy work environment for everyone, including contractors, visitors, clients and others.

Health and safety reps are appointed or elected by their fellow employees to represent their interests in matters related to health and safety. Then they are appointed in writing by the employer after the necessary consultation has been made with employees and or the registered Trade Union. ([General Administrative Regulation, sections 6 and 7](#)) While specific roles and responsibilities may vary depending on the industry, there are several common legal obligations that health and safety reps must adhere to.

Health and safety reps have a duty to advocate for the health and safety of their colleagues. This includes identifying hazards, [conducting risk assessments](#), and recommending control measures to prevent workplace injuries and illnesses. They must actively participate in [workplace inspections](#), incident investigations, and safety meetings to ensure that safety concerns are addressed promptly.

Health and safety reps have the right to be consulted by [management](#) on matters affecting the health and safety of employees. This includes changes to work processes, equipment, or facilities that may impact safety, as well as the development and implementation of safety policies and procedures. By actively engaging in these consultations, health and safety reps can provide valuable insights and recommendations to management to improve safety outcomes.

Health and safety reps have the right to stop unsafe work if they believe there is an imminent risk of serious injury or illness. This right empowers reps to take immediate action to protect themselves and their colleagues from harm until the safety issue is resolved.

Health and Safety Reps carry significant responsibilities in ensuring workplace safety. Here's a breakdown of their duties:

1. Reviewing safety measures by evaluate the effectiveness of existing safety protocols.
2. Identifying hazards, the health and safety reps pinpoint potential risks within the workplace.
3. Investigation of incidents. They work alongside employers to investigate workplace accidents and incidents.

4. Investigating employee complaints. They thoroughly investigate any grievances related to employee health or safety.
5. Representation and advocacy and communicate with employers or safety committees to address identified issues, escalating concerns to inspectors of the Department of Employment and Labour, if necessary.
6. Addressing general health and safety matters. They communicate broader health and safety concerns to employers.
7. [Conducting inspections](#). Health and safety reps conduct routine workplace inspections, providing advance notice to employers and welcoming their presence during these checks.
8. Engaging and participate in consultations with workplace inspectors and accompany them during inspections.
9. Accessing information as they receive significant information from inspectors as outlined in legislation.
10. Participation in health and safety committee meetings. They actively contribute to discussions during health and safety committee meetings.

Health and safety reps possess certain rights to facilitate their responsibilities:

1. They have the authority to visit accident sites and join inspections.
2. Reps can participate in formal investigations and inquiries.
3. They are entitled to review relevant documents pertaining to workplace safety.
4. Reps can accompany inspectors during workplace inspections.
5. With employer approval, they may be accompanied by technical advisers during inspections.
6. They are involved in internal health and safety audits.

Employers are mandated to provide adequate support, including facilities, assistance, and [training](#), to enable health and safety Reps to fulfil their duties effectively. It's essential to note that health and safety Reps are shielded from civil liability as long as they carry out their duties in accordance with legal requirements.

Understanding the legal responsibilities of health and safety reps is essential for promoting a safe and healthy work environment. By advocating for the health and safety of their colleagues, participating in consultations with management, and stopping unsafe work when warranted, health and safety reps play a vital role in protecting lives and preventing workplace injuries and illnesses. Their commitment to fulfilling their legal obligations contributes to a positive safety culture and enhances the overall well-being of employees in the workplace.

Health and Safety Representatives are the guardians of workplace well-being, having a vital role in identifying hazards, advocating for safety, and fostering a culture of prevention. Their commitment to diligence ensures that every employee steps into a workplace where safety is vital and risks are mitigated.

[Occupational health and safety auditing and consulting](#)



[Online safety shop](#)

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|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |  |  |  |
| <a href="#">First aid equipment</a>                                               | <a href="#">Signage</a>                                                           | <a href="#">Legal posters</a>                                                      | <a href="#">Safety Equipment</a>                                                    |

### **Courses offered by Top Compliance (Pty) Ltd**

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

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