



TOP COMPLIANCE (Pty) Ltd

Your Business' Safety Is Our Concern

QSE B-BBEE - Level Four

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Consequences of Non-Compliance with OHS Legislation

Failing to comply with the [Occupational Health and Safety Act 85 of 1993](#) (OHS Act) in South Africa can lead to several serious consequences. The OHS Act outlines the duties of employers, employees, and other parties to ensure a safe and healthy work environment. Non-compliance can result in the following:

1. Companies or individuals found in violation of the OHS Act can be subjected to significant fines.
2. In severe cases, non-compliance can result in imprisonment. The duration of imprisonment can depend on the extent of the breach and whether it led to serious harm or death.
3. Non-compliance can lead to legal action taken by employees, unions, or the government. This can involve lengthy and costly court cases.
4. Companies that fail to comply with the OHS Act and [regulations](#) may face increased insurance premiums due to the higher risk of accidents and claims.
5. Failing to adhere to health and safety regulations can harm a company's reputation. This can affect relationships with clients, customers, and the public, potentially leading to a loss of business.
6. Authorities may shut down operations that do not comply with safety standards until necessary improvements are made, leading to operational downtime and financial losses.
7. Non-compliance can lead to a decrease in employee morale and an increase in turnover. Employees are more likely to leave a company that does not prioritise their safety.
8. The government may intervene directly to enforce compliance, which can include inspections, audits, and other regulatory actions.

These consequences highlight the importance of adhering to the OHS Act and regulations to ensure a safe working environment and avoid legal and financial repercussions.

Offenses and Penalties:

Tampering and misuse in the workplace can take several forms, all of which can have serious consequences. This includes tampering with or influencing evidence or proceedings related to safety investigations. For example, altering accident reports to hide the true cause of an incident compromises the integrity of safety investigations. Misusing safety equipment or failing to use the provided safety equipment compromises workplace safety. An example of this could be an employee not wearing provided safety goggles in a hazardous environment, which can lead to eye injuries. Reckless actions and horse play that endanger the health or safety of others are also considered significant violations. For instance, operating machinery without proper training, PPE or under the influence of alcohol, medication or drugs

can lead to serious accidents or injuries. These actions not only undermine safety protocols but also put employees at risk, highlighting the importance of strict adherence to safety regulations.

Penalties:

1. General offenses: Fine up to R50,000 or imprisonment up to one year, or both.
2. Injury due to employer/user negligence: Fine up to R100,000 or imprisonment up to two years, or both.
3. Failure to comply with provisions of the OHS Act a court may issue an order to comply within a determined period.

These provisions aim to ensure strict adherence to occupational health and safety standards, with significant penalties for violations.

Implementing OHS compliance involves several key solutions:

1. Create clear, detailed safety policies and procedures that comply with OHS legislation. These should be easily accessible to all employees.
2. Provide ongoing [training sessions](#) to educate employees on safety protocols, the use of safety equipment, and updates to OHS regulations.
3. Schedule frequent [safety audits](#) and inspections to identify potential hazards and ensure compliance with safety standards. Promptly address any issues discovered.
4. Encourage a workplace culture that prioritises safety. This includes fostering open communication where employees feel comfortable reporting hazards and suggesting improvements.
5. Ensure all necessary safety equipment is available, properly maintained, and used correctly by employees.
6. Establish systems for reporting and documenting safety incidents, near-misses, and potential hazards. Analyse these reports to prevent future occurrences.
7. Designate [trained safety officers](#) responsible for monitoring compliance, [conducting training](#), and serving as points of contact for safety-related issues.
8. Keep abreast of changes in OHS legislation and adjust company policies and procedures accordingly to maintain compliance.
9. Engage employees in developing and reviewing safety procedures to ensure they are practical and effective.
10. Develop and regularly practice emergency response plans to prepare for potential incidents and ensure a quick, effective response.

Implementing these solutions can help create a safer work environment, ensure compliance with OHS legislation, and minimize risks to employees.

Ensuring [OHS compliance](#) involves clear safety policies, [regular training](#), [frequent audits](#), a strong safety culture, proper equipment use, effective reporting systems, designated safety officers, staying updated on laws, involving employees in safety plans, and having [emergency procedures](#). These steps create a safer workplace and protect employees.

"Safety isn't expensive, it's priceless."

For more information email us on info@topcompliance.co.za

[Occupational
health and](#)



[Online](#)

safety auditing and consulting		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	Online	Onsite Excluding travel
Safety representative – Legal Liability	R980.00	R1200.00
The Occupational Health and Safety Act & responsibilities of management – Legal Liability	R1250.00	R 1600.00
Hazard Identification and Risk Assessment	R735.00	R810.00
Food facility health & safety course in terms of R638	R735.00	R810.00
Basic Ladder Safety Course	R735.00	R810.00
Fire Fighting and Prevention Courses		
Fire Marshal - Basic firefighting	R735.00	R810.00
Fire & Evacuation marshal - Basic firefighting with emergency action planning	R810.00	R905.00

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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