



TOP COMPLIANCE (Pty) Ltd

Your Business' Safety Is Our Concern

QSE B-BBEE - Level Four

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Understanding Occupational Health and Safety (OHS) requirements in South Africa

In this issue, we dive into the basic occupational health and safety requirements as mandated by South African legislation. Understanding these requirements is crucial for ensuring safe, compliant work environments, whether you're in a laboratory, office, school, factory, or field-based setting.

OHS in South Africa is governed primarily by the [Occupational Health and Safety Act No. 85 of 1993](#) (OHSA), which sets out the responsibilities of employers and employees to maintain a safe and healthy working environment. The primary goal of OHSA is to ensure the health, safety, and welfare of all persons at work and protect others who may be affected by workplace activities.

Employer responsibilities under OHSA – Section 8

Employers in South Africa are legally required to create and maintain safe working environments for their employees, students, and visitors. Compliance with these obligations is crucial to avoid legal consequences and ensure the well-being of all individuals on site.

- [Risk assessments are a vital and important starting point](#) for all employers: Employers must conduct regular risk assessments to identify potential hazards and implement control measures to mitigate risks.
- Health and safety policies - OHSA Section 7: Every employer must have a written OHS policy that outlines their commitment to workplace safety, procedures for hazard reporting, and preventive measures in place.
- Safety training: Employers are required to provide training on OHS matters, which includes emergency procedures, hazard awareness, and the safe use of equipment.
- Protective equipment: Appropriate personal protective equipment (PPE) must be provided, and employees should be trained on its proper use.
- Reporting of incidents: All accidents, injuries, and incidents must be reported, and employers are required to keep detailed records of such events.

Failure to comply with the OHSA can result in heavy fines, imprisonment, or criminal liability in the event of workplace injuries or fatalities.

Employee responsibilities under OHSA – Section 14

Employees also have key responsibilities under OHSA. They must take reasonable care for their own health and safety and that of others who may be affected by their actions or omissions. Key duties include:

- Follow safety procedures: Employees must comply with all safety protocols and guidelines established by their employer.
- Use PPE properly: When provided with protective equipment, employees are legally required to use it correctly and report any defects or issues.
- Report hazards: If an employee becomes aware of unsafe conditions, they are required to report these to their employer or health and safety representative.
- Cooperate with OHS programs: Employees must participate in OHS programs and initiatives, such as safety training and fire drills.

Always communicate openly about safety concerns. Early hazard reporting can prevent accidents and injuries.

The role of the OHS Committee – Section 19 and 20

In workplaces with more than 50 employees, the appointment of an OHS Committee is a legal requirement. The OHS Committee plays a critical role in maintaining a safe work environment by facilitating collaboration between management and employees on health and safety matters. Key responsibilities of the OHS committee

1. Review of workplace safety measures: The committee evaluates existing health and safety policies and recommends improvements to ensure compliance with legal standards.
2. Incident investigation and reporting: The committee reviews accidents, incidents, and near-misses to identify root causes and prevent future occurrences.
3. Risk assessments and inspections: Regular workplace inspections are conducted to identify hazards and assess the effectiveness of control measures.
4. Facilitating communication on OHS issues: The committee serves as a platform for employees to raise safety concerns and ensures these concerns are addressed promptly.
5. Developing emergency procedures: The OHS Committee plays a crucial role in designing and updating emergency procedures, including evacuation plans and first aid protocols.
6. Training and awareness campaigns: The committee assists in organizing training and awareness campaigns, ensuring that all employees understand their safety responsibilities.

Committee composition

- The OHS Committee must include safety representatives from various departments.
- It should have a balance between employees and management to ensure fair representation.
- Regular meetings (at least quarterly) are required, with minutes documented and shared with relevant stakeholders.

Having an active OHS Committee helps create a culture of transparency and accountability, ensuring that safety issues are identified and resolved proactively.

Health and Safety Representatives (Safety Reps) – Section 17 and 18

South African OHS legislation mandates that workplaces with more than 20 employees must appoint safety reps. The safety reps must be nominated by their peers and then voted for before the employer appoints them in writing. These individuals are essential in maintaining safety standards and ensuring compliance with OHS laws. Roles and responsibilities include:

- Monthly inspections: Safety reps conduct routine workplace inspections to identify and report hazards.
- Consultation on health and safety: Safety reps are involved in discussions regarding safety policies and practices, providing a direct link between employees and management.
- Accident investigation: In the event of an accident, safety reps assist in investigations to determine the cause and suggest preventive measures.
- Employee representation: Safety reps advocate for workers on safety issues, ensuring their concerns are heard and addressed by employers.

[Safety reps must receive training on OHS regulations](#) (OHS Act Section 18.3) and procedures to perform their role effectively. Employers are responsible for facilitating this training.

Emergency preparedness: First aid and fire safety requirements

Ensuring that the workplace is equipped to handle emergencies is a core element of OHS compliance in South Africa. Two essential areas are first aid and fire safety.

First aid

- First aid kits: The workplace must be equipped with appropriately stocked first aid kits based on the risks present and in line with [Government Gazette 2245](#). For instance, a construction site may need more robust supplies than an office. [Carry bags and wall mounted the kits are available from our online store](#) or you may email your order to info@topcompliance.co.za for a quote.
- Trained first aiders: In workplaces with more than five employees, at least one person must be [trained in first aid \(US 119567\)](#). High-risk environments may require multiple first aiders.
- First aid facilities: Depending on the nature of the workplace, dedicated first aid rooms may be necessary, particularly in high-risk settings.

Fire safety

- Firefighting equipment: Fire extinguishers, fire hoses, and fire blankets must be available and maintained regularly. Employees should be [trained on the proper use of fire extinguishers](#).
- Fire drills: Annual fire drills and duress procedures are required by law to ensure that all employees know how to evacuate and lock down safely and efficiently during an emergency.
- Clear emergency exits: [All emergency exits must be clearly marked](#), unobstructed, and accessible at all times. Exits must lead to a designated assembly point.

Include a dry run of your emergency procedures with your annual induction training of all your staff, contractors and sub-contractors. Keep evidence that the people have been trained in your OHS management system.

Penalties for non-compliance – Section 38

Non-compliance with OHS regulations in South Africa can result in severe penalties. These include:

- Fines: Employers may face substantial financial penalties for failing to meet OHS requirements.
- Criminal charges: Serious breaches of OHS laws that result in injury or death may lead to criminal prosecution.

Creating a safe workplace goes beyond mere compliance with legal requirements—it's about fostering a culture of safety where all individuals take responsibility for their well-being and that of their colleagues. Understanding and adhering to South Africa's OHS laws is the first step toward achieving a safer, more productive work environment.

"Maintaining a safe and compliant workplace is not just a legal obligation under the Occupational Health and Safety Act but a shared responsibility. An effective OHS Committee—supported by trained safety representatives, first aiders, and well-rehearsed emergency procedures—ensures that hazards are identified, risks are mitigated, and everyone is prepared for emergencies. Continuous collaboration between management and employees is the foundation of a healthy, hazard-free work environment."

If you have any questions about your workplace's OHS requirements or need assistance with compliance, please contact us on info@topcompliance.co.za.

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

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