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May 2025 NEWSLETTER

Contact details:

Pat: 082 442 8521 (08h00 – 16h30)

Email: p.wessels@topcompliance.co.za

Common Occupational Health and Safety mistakes and how to prevent them

With References to the OHS Act 85 of 1993 and Relevant Regulations

Maintaining compliance with occupational health and safety (OHS) legislation in South Africa is not just a legal requirement—it's an ethical obligation to protect the wellbeing of workers, learners, visitors, clients and contractors. Yet, even with the [Occupational Health and Safety Act 85 of 1993](#) (OHS Act) and its supporting regulations clearly outlining the duties of employers and employees, many organisations—particularly schools, small and medium enterprises (SMEs), and manufacturing facilities—continue to make common safety mistakes. These errors often arise from a lack of awareness, resources, or prioritisation. This article outlines some of the most frequent OHS compliance mistakes, highlights the relevant legal framework, and provides practical strategies to correct them.

One of the most widespread OHS oversights is the failure to conduct proper [hazard identification and risk assessments](#) (HIRAs) by a person competent in doing so. Employers often underestimate the value of these assessments, treating them as a one-time checkbox rather than a dynamic process. According to Section 8(2)(d) of the OHS Act, employers are legally required to identify potential hazards in the workplace. This is reinforced by [General Administrative Regulation 9\(1\)](#), which mandates regular, documented risk assessments that must be reviewed periodically or whenever there are changes to any work processes. For instance, in a school setting, flammable chemicals may be stored in a science laboratory without a formal risk assessment or safe storage procedure. Similarly, a factory may operate machinery without guarding, unaware of entanglement risks. To address this, risk assessments should be conducted at least annually by a competent person, and whenever equipment or operations change. Staff should be involved in the process to ensure practical insights and ownership, and records must be maintained for legal compliance and auditing purposes.

Another common mistake is the inadequate maintenance or complete absence of a safety file. This is particularly evident among workplaces, contractors, schools and SMEs who are unaware of its importance. A safety file should contain all documentation relevant to workplace health and safety, including [legal appointments](#), [risk assessments](#), [registers](#), and [incident reports](#). [Construction Regulation 3\(6\)](#) states that all contractors must maintain a health and safety file, while General Administrative Regulation 9 extends this requirement to all employers with respect to risk assessments and [training records](#). A contractor working on school premises, for example, who does not have a safety file containing a fall protection plan or [first aid](#) arrangements, is in breach of this regulation. The file should be regularly always updated and available for inspection and to be kept onsite.

Failing to appoint competent persons in writing is another critical gap. The OHS Act requires that [Health and Safety Representatives \(Section 17\)](#) be designated in writing, and that employers ensure they are properly trained and empowered to fulfil their duties. Where more than five employees are employed, [General Safety Regulation 3\(4\)](#) requires at least one trained first aider to be available. Without formal appointments, no one is accountable for safety matters on the ground. For example, a school or a business with 30 staff members may unknowingly operate

without a designated safety representative or a certified first aider, which exposes learners and staff to unnecessary risk. Employers must use the correct [legal templates to appoint](#) competent persons and ensure appointments are renewed and roles clearly understood.

Inappropriate use or lack of Personal Protective Equipment (PPE) is another area where non-compliance frequently occurs. Often, employers supply PPE that is not suited to the task or fail to train employees on its correct usage, purpose, maintenance, limitations, storage and replacement criteria. Under Section 8(2)(b) and (d) of the OHS Act and General Safety Regulation 2(1), employers are required to provide and maintain adequate PPE and to ensure it is used correctly. A good example is a welder working without a proper face shield or flame-resistant clothing. To prevent such issues, employers must first conduct a PPE risk assessment, provide the correct equipment, and then monitor and enforce its use through supervision and regular inspections.

Incident reporting and investigation are often poorly handled or overlooked entirely. Many employers are unaware of the obligation to report certain types of workplace incidents to the Department of Employment and Labour. Section 24 of the OHS Act requires reporting of incidents that result in injury, death, or potential exposure to dangerous substances. Additionally, General Administrative Regulation 8 mandates that all incidents—whether or not they are reportable—must be investigated to determine root causes and prevent recurrence. A practical example might involve a slip-and-fall accident in a hallway that goes unreported and uninvestigated. Without understanding the cause (e.g. wet floors, poor lighting, no proper non-slip shoes), no preventative action is taken, and the risk remains. Employers should train managers and health and safety representatives to recognise, report, and investigate all incidents, keeping records and submitting reports like [Annexure 1](#) forms as required. Ideally one should as a means of best practice investigate near miss incidents, as they are a soft reminder that all is not up to standard.

Another significant gap lies in [emergency preparedness](#). Many organisations lack proper evacuation plans, emergency contact procedures, or fire safety protocols. Regulation 9 of the [Environmental Regulations for Workplaces](#), requires that workplaces have appropriate emergency procedures and fire safety measures in place. Meanwhile, Section 8(2)(e) of the OHS Act obligates employers to provide procedures for dealing with emergencies. In any workplace setting, the absence of a well-practised evacuation plan could result in panic during a fire drill or actual emergency, potentially putting lives at risk and possible increased damage to property. Not only should you have an evacuation plan but as importantly a duress / lock-down procedures. At factories and in schools it is important to also include emergency procedures for adverse weather conditions and lightning. Employers should ensure that evacuation plans are visibly displayed, that staff are trained and evidence is kept of the proof of training, and that at least one evacuation drill and one duress practice is held annually to test readiness and correct any identified weaknesses. Comprehensive records must be kept of the evacuation and duress practices. All changes or updates need to be communicated, and evidence kept.

Insufficient training and ongoing awareness programmes contribute significantly to unsafe workplaces. Many employers provide training only during induction, with little follow-up or reinforcement. Yet, Section 8(2)(e) of the OHS Act and General Administrative Regulation 4 both stress the need for proper, ongoing training and record-keeping. Inadequate training often results in improper equipment use, failure to follow safe work procedures, and an increase in near-misses or injuries. For example, a newly hired machine operator may not be trained on the lockout/tagout procedure, resulting in a serious incident during maintenance. To address this, safety training should be scheduled regularly and include refreshers, toolbox talks, and scenario-based exercises. Attendance should be recorded and evaluated to ensure effectiveness.

While these mistakes may seem routine or minor, their consequences can be devastating—from legal penalties to serious injury or death. Most of these issues stem from a lack of planning, awareness, and accountability. By understanding the legal requirements outlined in the OHS Act and related regulations, and by applying practical measures to prevent these mistakes, organisations can build safer, more compliant, and more productive environments.

Most OHS incidents result from simple oversights. Prevention starts with awareness, consistency, and a strong safety culture.

Should you require further assistance or advice feel free to email us on info@topcompliance.co.za

Yours in Health and Safety

				
<u>Occupational health and safety auditing and consulting</u>		<u>Online safety shop</u>		
				
<u>Appointments, checklists and templates</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
<u>Safety representative – Legal Liability</u>	R980.00	R1300.00
<u>The Occupational Health and Safety Act & responsibilities of management – Legal Liability</u>	R1250.00	R 1730.00
<u>Hazard Identification and Risk Assessment</u>	R735.00	R875.00
<u>Food facility health & safety course in terms of R638</u>	R735.00	R875.00
<u>Basic Ladder Safety Course</u>	R735.00	R810.00
Fire Fighting and Prevention Courses		
<u>Fire Marshal - Basic firefighting</u>	R735.00	R875.00
<u>Fire & Evacuation marshal - Basic firefighting with emergency action planning</u>	R810.00	R950.00

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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