



Top Compliance (Pty) Ltd

Occupational Health and Safety

Your business' safety is our concern

Our Services

✓ Auditing ✓ Consulting ✓ Training ✓ Retail

Cell number: 082 442 8521

www.topcompliance.co.za

QSE B-BBEE - Level Four

REGULATIONS
RULES - LAW
REQUIREMENTS
COMPLIANCE
STANDARDS
TRANSPARENCY
POLICIES

July 2025 NEWSLETTER

Contact details:

Pat: 082 442 8521 (08h00 – 16h30)

Email: p.wessels@topcompliance.co.za

External audits and risk assessments – a legal and practical necessity.

Ensuring the health and safety of employees in the workplace is not only a moral obligation it is a legal requirement entrenched in South African occupational health and safety legislation. As the working environment continues to evolve with changing technologies, regulations, and risks, employers must take proactive steps to protect the well-being of their workforce. Two key instruments in this regard are [external occupational health and safety audits](#) and [Hazard Identification and Risk Assessments \(HIRA\)](#).

This newsletter explores the critical role these tools play in regulatory compliance, risk management, and fostering a culture of safety while highlighting the legal framework, consequences of non-compliance, and examples from the general workplace.

Understanding external occupational health and safety audits

An external occupational health and safety (OHS) audit is an independent, systematic examination of a company's safety systems, processes, and compliance with applicable legislation. External audits provide an objective evaluation, identifying gaps that may be overlooked by internal systems. Unlike internal audits, which may be influenced by familiarity or internal politics, external audits offer a fresh and professional perspective.

According to the [Occupational Health and Safety Act, 85 of 1993](#) (as amended), employers are legally required to provide and maintain a working environment that is safe and without risk to the health of employees (Section 8). While the Act does not prescribe external audits per se, Section 8(2)(d) stipulates that employers must establish the hazards to the health and safety of employees, which often necessitates expert evaluation and advice often best achieved through an external audit.

Additionally, the [Construction Regulations, 2014](#) (under the OHS Act) explicitly require audits to be conducted at regular intervals on construction sites, stating in Regulation 5(1)(o) that a client must ensure that audits are conducted by a competent person at least every 30 days.

Benefits of external audits:

- Objective identification of hazards and legal non-compliance.
- Enhanced credibility with stakeholders (clients, insurers, and regulators).
- Improved readiness for Department of Employment and Labour (DEL) inspections.
- Reinforcement of safety culture through impartial feedback.

Example in practice:

In July 2022, an external OHS audit was conducted at a medium-sized food-processing plant in Tshwane, Gauteng. The audit uncovered multiple serious non-compliances under the OHS Act and SANS 10400-T (Fire Protection), including:

- Blocked emergency exits: Two emergency exits were found wedged shut with pallets and packaging materials forcing employees to detour through longer routes.
- No emergency lighting: Escape-route lighting fixtures were either non-functional or entirely absent, preventing safe evacuation at night violating SANS requirements for illuminated, clearly marked egress paths.
- Missing fire drill records: Though the plant claimed to conduct annual fire drills, no records, post-drill debriefs, or corrective action reports were available.

Following the audit, the auditor issued five non-conformance reports (NCRs) and eleven observations, including lack of HIRA documentation for fire safety and evacuation readiness. The plant was given a 30-day corrective action period, after which:

1. Blocked exits were cleared and fitted with anti-tamper alarms.
2. Emergency lighting systems were installed and tested.
3. Fire drills were scheduled biannually, with detailed logs and improvement actions.

Consequently, the plant not only became compliant with OHS Act and SANS regulations but also had a reduction in insurance premiums a direct result of enhanced safety infrastructure and documentation.

Why this matters

This case highlights several critical points:

- Regulatory oversight: External audits rapidly identified and escalated issues that had been normalised within daily operations.
- Legal reference: The non-compliances were directly tied to OHS Act Section 8 (2)(d) and (e), and [Environmental Regulations for Workplaces, 1987](#) – Regulation 9 (explicitly governs evacuation and emergency escape routes (egress), and SANS 10400-T (Fire protection).
- Tangible benefits: The plant's prompt corrective actions not only averted potentially dangerous incidents but also yielded financial savings via reduced insurance rates.

Hazard Identification and Risk Assessment (HIRA): The foundation of preventative OHS

HIRA is the process of identifying workplace hazards, evaluating the risks associated with them, and implementing controls to minimize or eliminate these risks. It forms the bedrock of any OHS management system and is a direct legal obligation under the OHS Act and its associated regulations.

Core steps in HIRA:

1. Identify hazards – e.g., chemicals, machines, noise, ergonomic factors.
2. Evaluate risk – assess likelihood and severity of harm.
3. Implement controls – using the hierarchy of controls (elimination, substitution, engineering controls, administrative controls, PPE).
4. Monitor and review – regular updates and reviews, especially after incidents or changes in process.

Example in practice:

In a school setting, a risk assessment identified wet floors near the kitchen as a repeated slip hazard. The risk was rated as moderate due to frequency and minor injuries reported. Corrective measures included installing anti-slip mats, improved signage, and scheduling of mopping during off-peak hours. Follow-up reviews showed a reduction in related incidents.

Legal repercussions for non-compliance

Failure to comply with OHS legislative requirements, including the absence of HIRA and safety audits, can have severe consequences:

1. Criminal liability:

Under Section 38 of the OHS Act, any employer who fails to comply with the provisions of the Act may be found guilty of an offence and, on conviction, be liable to a fine not exceeding R100,000 or imprisonment not exceeding two years, or both.

2. Compensation claims:

In cases where injury or illness occurs due to an unassessed or unmanaged risk, employers may be held criminally, vicariously and personally liable, particularly if negligence is proven.

3. Prohibition or suspension of operations:

Labour inspectors have the authority under Section 30 to halt unsafe operations immediately if serious risks are identified often based on absence or poor quality of risk assessments and audits.

A legally grounded example of non-compliance in South Africa regarding HIRA and OHS audits:

[In September 2022, during a “mega-blitz” inspection in Kempton Park](#), one South Africa’s largest online retailer was found to be in contravention of several parts of the Occupational Health and Safety Act, 85 of 1993, including the Driven Machinery Regulations, the Ergonomics Regulations, the Hazardous Chemical Agent Regulations, and the General Safety Regulations, among others. As a result, the Department of Employment and Labour issued three prohibition notices and one direction notice, compelling this retailer to:

- Demarcate internal driveways properly to enhance traffic safety.
- Improve their warehouse risk assessment specifications.
- Address storage and handling of chemicals in general storage areas specifically flammable chemicals that posed immediate danger.
- Provide appropriate non-skid rubber step-ladders for contractors on site.
- Cease deducting employees’ pay for protective safety shoes following these findings, this retailer was granted a 60-day period to rectify the identified issues. This serves as a tangible illustration of how inadequate hazard identification and risk assessment protocols, as well as insufficient safety audits, can result in formal legal action and operational disruption.

Why this matters

This retailer scenario highlights critical failings in the following areas:

- Hazard Identification & Risk Assessment (HIRA): Proper HIRA would have identified risks related to traffic flow, storage of flammable materials, and contractor safety (stepladders).
- Lack of external audits: Regular, impartial audits may have flagged these issues before they became formal violations.
- Legal consequences: Issuance of prohibition and direction notices halted unsafe practices and required formal compliance planning non-compliance could have escalated to criminal charges under Section 30 of the OHS Act.

Integrating HIRA and audits into daily OHS practice

Creating a sustainable OHS culture requires integrating risk assessments and audits into everyday operations not as tick-box exercises but as active tools for continuous improvement.

Best practices:

- Schedule annual external audits and quarterly internal reviews.
- Conduct HIRA for new equipment, processes, or structural changes.
- Train safety representatives and supervisors in hazard identification and risk assessment.
- Maintain accessible records of all assessments and audit reports.

A strategic investment in people and compliance

Occupational Health and Safety external audits and HIRAs are not merely legal obligations they are strategic investments in your organisation’s people, reputation, and operational continuity. Regular audits uncover blind spots, and rigorous risk assessments prevent injuries before they occur.

Employers are encouraged to treat these tools as ongoing, dynamic processes aligned with legal compliance and practical safety needs. By doing so, businesses not only avoid penalties and legal complications but foster a workplace culture where health and safety are seen as shared responsibilities.

“Compliance is not a once-off event it's a culture of continuous improvement. External audits and risk assessments aren’t just regulatory tick boxes; they’re critical tools that protect lives, preserve reputations, and drive accountability in the workplace.”

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

Yours in Health and Safety

References:

1. Occupational Health and Safety Act, 85 of 1993 (as amended).
2. General Administrative Regulations, 2003.
3. Construction Regulations, 2014.
4. Fire Brigade Services Act, 1987.
5. South African National Standards (SANS 10400).
6. Compensation for Occupational Injuries and Diseases Act (COIDA), 130 of 1993.

				
Occupational health and safety auditing and consulting		Online safety shop		
				
Appointments, checklists and templates	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	R1300.00
The Occupational Health and Safety Act & responsibilities of management – Legal Liability	R1250.00	R 1730.00

Hazard Identification and Risk Assessment	R735.00	R875.00
Food facility health & safety course in terms of R638	R735.00	R875.00
Basic Ladder Safety Course	R735.00	R810.00
Fire Fighting and Prevention Courses		
Fire Marshal - Basic firefighting	R735.00	R875.00
Fire & Evacuation marshal - Basic firefighting with emergency action planning	R810.00	R950.00

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