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Occupational Health and Safety

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Empowering employees through Health and Safety Representation

Creating and maintaining a safe workplace is not only a legal requirement but also a moral responsibility for every employer. The [Occupational Health and Safety Act, 85 of 1993](#) (OHS Act), clearly outlines the role of health and safety representatives and committees in ensuring that workplace risks are identified, addressed, and prevented. This newsletter explores sections 17, 18, 19, and 20 of the OHS Act and provides strategies to effectively implement these provisions in all workplaces.

According to section 17(1) of the OHS Act, any employer with more than 20 employees must designate in writing a health and safety representatives within four months of commencing business or from the time employee numbers exceed 20. These appointments must be for a specified period and must cover either the entire workplace or designated sections thereof. The consultation process, as outlined in section 17(2), requires employers to engage in good faith with employees or their representatives to agree on the nomination and election procedures, period of office, and designation of health and safety representatives. Where consultation fails, arbitration procedures are clearly defined, ensuring that disputes do not derail compliance. Importantly, section 17(4) emphasizes that only employees working full-time and familiar with the workplace conditions may serve as health and safety representatives, ensuring they are well placed to understand and manage risks.

The OHS Act also specifies the minimum number of representatives required. Section 17(5) prescribes one representative for every 100 employees in shops and offices, and one representative for every 50 employees in other workplaces. Inspectors have the authority under section 17(6) to direct employers to appoint more representatives if the existing number is deemed inadequate. Furthermore, all activities related to designation, training, and functions of representatives must take place during normal working hours, with such time deemed as part of the employee's official duties (section 17(7)).

The functions of health and safety representatives are detailed under section 18. Representatives are empowered to review the effectiveness of health and safety measures, [identify potential hazards](#), investigate causes of incidents, and address employee complaints regarding health and safety. They may make representations to the employer, health and safety committees, or to inspectors if internal avenues fail. Representatives also have the authority to inspect workplaces, accompany inspectors, and participate in consultations and internal [audits](#). Section 18(2) entitles them to visit incident sites, attend investigations and inquiries, inspect employer-held safety records, and even bring technical advisors with employer approval. Employers, as required by section 18(3), must provide the facilities, assistance, and [training necessary](#) for representatives to perform these duties effectively.

Beyond individual representatives, the OHS Act mandates the formation of [health and safety committees](#) under section 19. Any workplace with two or more health and safety representatives must establish a

committee to promote, maintain, and review health and safety measures. The committee must consist of both employer nominees and health and safety representatives, with the number of employer representatives not exceeding that of employee representatives. These committees must meet at least once every three months, though inspectors may require additional meetings when necessary. The committee structure ensures that health and safety become a shared responsibility, with employees directly involved in shaping safe working conditions.

Section 20 outlines the functions of health and safety committees. Committees may make recommendations to employers or were unresolved, to inspectors on any health or safety matter. They are obligated to discuss workplace incidents that result in injury, illness, or death and may report these to inspectors. Committees must also keep a formal record of all recommendations and reports. Importantly, members of health and safety committees and representatives are protected from civil liability for any failure to perform their duties in terms of the Act, provided their intentions remain aligned with workplace safety.

A compelling real case underscores the importance of these provisions. In 2004, an employee of Zenco Engineering Company in Odendaalsrus tragically lost his life when a drilling machine accident occurred, he became entrapped while attempting to clean the equipment. Investigation by the Department of Labour revealed glaring non-compliances: the employer had failed to conduct a risk assessment, lacked training and proper procedures, and had no designated health and safety representatives or functioning committee in place. Consequently, the employer was found guilty of violating the OHS Act and was sentenced in 2007 by the Odendaalsrus Magistrate's Court to pay a fine of R50,000 or face 12 months' imprisonment, suspended for five years on condition of no repeat offense. [Government of South Africa](#)

This case illustrates how neglecting even fundamental [safety measures, risk assessments, training, representative structures](#), can lead to fatal outcomes and serious legal, financial, and reputational consequences.

To implement these provisions effectively, employers should adopt several key strategies. First, a structured system for the election and designation of representatives should be developed, ensuring transparency and employee participation. Second, comprehensive induction and continuous training programs must be provided so that representatives remain up to date with current risks, legislative changes, and best practices. Third, regular workplace inspections and incident investigations must be carried out collaboratively, with findings documented and acted upon. Fourth, health and safety committees should be empowered through adequate resources, clear agendas, and strong communication channels with both management and employees. Finally, employers must foster a culture of accountability and consultation, where employee voices are valued, and safety is viewed as an integral part of operations rather than a compliance exercise.

The OHS Act provides a clear legal framework for appointing health and safety representatives and establishing committees. By following sections 17 through 20, employers not only meet their legal obligations but also create safer, healthier, and more productive workplaces. Through proper designation, training, collaboration, and communication, organizations can reduce risks, prevent incidents, and ensure that all employees return home safely at the end of each working day.

"A culture of consultation builds stronger, safer workplaces where every voice matters."

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