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Appointed but not effective?

Why [first aiders](#), [firefighters](#) and [safety reps](#) can become a compliance weakness instead of a control

Many South African workplaces can produce appointment letters on demand. Files are signed, names are listed, and certificates are copied neatly into the safety file. On paper, everything appears in order. Yet safety professionals know that this is often where the illusion begins. An appointment is not the same as readiness. A first aider may be appointed but not practically available. A fire team may be named but never drilled. A health and safety representative may be designated in writing but excluded from inspections, investigations and meaningful consultation. In the current South African context, that gap between paperwork and function is becoming increasingly important, because enforcement is steadily moving beyond whether an employer has documents, and toward whether those appointments actually work in practice.

The [Occupational Health and Safety Act 85 of 1993](#) is clear about where responsibility starts. Section 8 requires every employer to provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of employees. That duty includes establishing safe systems of work, taking steps to eliminate or mitigate hazards, providing information, instruction, training and supervision, and ensuring that precautionary measures are in place. Section 13 further requires employees to be informed of hazards, precautionary measures and the procedures to be followed. Read together, those provisions make it clear that an appointment is not a stand-alone legal defence. If the appointed person is unsupported, inaccessible or ineffective, the employer may still be failing in the broader duty created by the Act.

This issue is especially important when it comes to health and safety representatives. Section 17(1) of the OHS Act requires every employer with more than 20 employees at a workplace to designate health and safety representatives in writing for a specified period. Section 17(2) requires consultation in good faith with employees or their representatives on the nomination, appointment and period of office. Section 17(5) sets the minimum ratio, including at least one representative for every 100 employees or part thereof in shops and offices, and at least one for every 50 employees or part thereof at other workplaces, unless an inspector determines otherwise. Where two or more representatives have been designated, section 19 requires the employer to establish one or more health and safety committees. They are part of the workplace's legal internal control structure.

The real test lies in function. Section 18 gives health and safety representatives practical duties: they may review the effectiveness of health and safety measures, identify potential hazards, investigate employee complaints, inspect the workplace, participate in discussions with inspectors, and make representations to the employer. Section 20 gives health and safety committees a consultative and preventive role, including considering reports from representatives and making recommendations to the employer. When representatives are appointed but never trained properly, never given time to inspect, never included in incident investigations, and never provided with access to key

registers, risk assessments or committee follow-up, they are being denied the very role the law intended them to perform. In those circumstances, the workplace may appear compliant, but its internal health and safety system is weak.

The same pattern is often seen with first aid. Regulation 3 of the [General Safety Regulations](#) requires that where more than five employees are employed, a [first aid box](#) or boxes must be provided and be available. Where more than 10 employees are employed at a workplace, the employer must ensure that for every group of up to 50 employees at least one person is readily available during normal working hours who holds a valid certificate of competency in first aid issued by a recognised body. The wording matters. The law does not merely require a certificate in a file. It requires that the trained person be readily available during normal working hours. In practice, that means employers must consider shift arrangements, lunch breaks, site layout, travel between work areas, leave, absenteeism, contractors and the actual time it would take for first aid to reach an injured person. A compliant-looking list is of little value if the only trained first aider is in a meeting, off site, on leave, or unknown to staff.

Emergency fire response is often even more misunderstood. Many workplaces refer casually to “firefighters” when they really mean designated emergency responders or fire wardens. South African law places the emphasis on emergency preparedness rather than on having a fire team. The [Environmental Regulations for Workplaces, 1987](#) require workplaces to provide adequate means of egress, maintain doors and escape routes so that persons can escape rapidly in an emergency, and provide an adequate supply of suitable firefighting equipment at strategic places, taking into account the size, construction and location of the workplace, the number of persons present, and the type and quantity of flammable materials handled or stored. This means the real legal standard is functional readiness: suitable equipment, accessible exits, clear [evacuation arrangements](#), and people who know what to do. A designated responder who has never practised an evacuation, cannot direct occupants, or does not know how to use the available equipment is not a meaningful control.

For safety professionals, the deeper issue is that appointments must always be linked to risk. A small professional office, a school, a warehouse, a food premises, a factory floor, a workshop and a site with lithium battery storage do not need identical arrangements. Section 8 of the OHS Act requires the employer to identify hazards, assess risk and implement precautionary measures that are reasonably practicable in that specific workplace. That principle should shape the number of first aiders, the spread of emergency responders across shifts and buildings, the [training of safety reps](#), and the functioning of committees. When appointments are copied from old templates, left unchanged after organisational growth, or never reviewed after incidents, staff turnover or layout changes, the employer may drift into a false sense of compliance.

Recent enforcement in South Africa illustrates precisely why this issue cannot be treated as a paperwork exercise. In February 2024, the Department of Employment and Labour prohibited the use of seven mobile classrooms at [Tshikundamalema Secondary School in Limpopo](#) following serious non-compliance with the Occupational Health and Safety Act 85 of 1993. Inspectors identified exposed live electrical wiring, open distribution boxes, excessive heat in classrooms without mechanical ventilation, and a dilapidated block that posed a risk of collapse. The school was further found non-compliant in relation to the availability of trained first aiders during normal working hours, the provision of accessible first aid boxes, the condition of floors and walkways, and the lawful designation, consultation and training of health and safety representatives. This case is significant because it demonstrates that the Department is not only concerned with whether documents exist, but whether basic health and safety measures are genuinely in place and functioning. A workplace may therefore be exposed not because it has no paperwork, but because its appointed persons and essential controls are ineffective in practice.

This is where many organisations become vulnerable. The [first aider has the certificate](#), but the first aid box is incomplete, locked away or unsuitable for the likely injuries on site. The fire team is appointed, but extinguishers are not strategically positioned, emergency routes are obstructed, and drills are treated as a formality. The safety representative has signed the [appointment letter](#), but there are no regular inspections, no meaningful committee minutes, and no evidence that findings are escalated and closed out. In each case, the employer has complied with the visible part of the law while neglecting the operational part. For a safety professional, that is one of the clearest warning signs of a weak safety management system.

An effective appointment should be visible in day-to-day operations. Staff should know who the first aiders are and how to contact them. Emergency responders should understand alarm procedures, evacuation routes, assembly points and equipment use. Safety representatives should be inspecting, engaging with employees, participating in

investigations and feeding issues into committee processes. Committee meetings should not merely record attendance; they should demonstrate consultation, problem-solving and follow-up. Where these elements are missing, the organisation should not comfort itself with the existence of signed letters. The appointment may exist, but the control does not.

For South African safety professionals, the lesson is straightforward but important. Appointment letters matter, but only as the starting point. The real compliance question is whether the appointment is alive in practice. Can the first aider reach the casualty quickly with appropriate equipment? Can the emergency response team manage evacuation under pressure? Can the safety representative genuinely influence hazard control and corrective action? If the answer is no, then the workplace may be more exposed than [management](#) realises. In the current enforcement climate, employers need more than designated names. They need competent, active, supported appointees who are integrated into the real functioning of the workplace. That is when an appointment stops being a file document and starts becoming a true safeguard.

Safety professionals should take a hard look at every appointment on site and ask one simple question: is this person merely appointed, or are they truly effective? Real compliance is not proven by signatures alone. It is proven when the right people are trained, available, equipped, involved and able to act when it matters most.

“An appointment on paper may look compliant, but only an effective person in practice makes a workplace safer.”

For more information, please contact us on info@topcompliance.co.za

Yours in Health and Safety

				
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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	R875.00
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
First aid		
Level 1 - US 119567 - Perform basic life support and first aid procedures – THEORY MODULE	R400.00	-

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