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Health and safety committees that do nothing

When meetings become an attendance exercise instead of a legal control

In many South African workplaces, the health and safety committee exists on paper, meets occasionally, and produces minutes that appear respectable at first glance. Names are recorded, apologies are noted, and a few standard agenda items are repeated from quarter to quarter. Yet nothing material changes on the floor. Hazards remain open, incidents are discussed without corrective action, inspections produce the same findings month after month, and management begins to treat the committee as an administrative ritual rather than a functioning control. That is where a serious compliance weakness develops. A health and safety committee is not created merely to satisfy a filing requirement. Under the [Occupational Health and Safety Act 85 of 1993](#), it forms part of the workplace's internal prevention structure. When it becomes passive, the organisation does not merely lose a meeting; it loses one of its intended legal mechanisms for consultation, review, and early intervention.

The legal starting point is broader than the committee itself. Section 8(1) of the OHSA requires every employer to provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to employees' health. Section 8(2) goes further and includes the duty to provide safe systems of work, eliminate or mitigate hazards where reasonably practicable, establish hazards and necessary precautionary measures, and provide information, instruction, training, and supervision. In other words, the committee does not replace employer responsibility; it is one of the structures through which that responsibility should be informed, monitored, and improved. If the committee is ineffective, management cannot rely on its mere existence as a defence. The employer still carries the primary duty.

The Act is also clear that employee participation is not optional window dressing. Section 17 requires an 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 regarding the nomination or election, period of office, and subsequent designation of those representatives. Section 19 then requires that, where two or more health and safety representatives have been designated, the employer must establish one or more health and safety committees and consult with the committee at every meeting with a view to initiating, developing, promoting, maintaining, and reviewing measures to ensure health and safety at work. A committee that merely records attendance is therefore falling short of the very purpose written into section 19.

Professionals should pay close attention to the wording of section 19(4). A health and safety committee must meet as often as necessary, but at least once every three months. That wording is often misunderstood. The Act does not say the committee only needs to meet once every three months. It sets that as the minimum, not the ideal. In a higher-risk environment, after a serious incident, after a material layout change, during major construction, after process

changes, or when recurring complaints arise, a quarterly rhythm may be plainly inadequate. The same subsection also gives employees a meaningful escalation route: if more than 10% of employees at a specific workplace submit a written request to an inspector, the inspector may direct that a meeting be held. That is a powerful reminder that the committee is intended to be a live workplace forum, not a ceremonial quarterly gathering.

Section 20 shows what the committee is expected to do. It may make recommendations to the employer on matters affecting health and safety and, where those recommendations fail to resolve the issue, to an inspector. It must discuss incidents in which a person was injured, became ill, or died, and it may report such incidents in writing to an inspector. It must also keep a record of each recommendation made to the employer and any report made to an inspector. This is critical. The committee is not there to “receive feedback” in a passive sense. It is there to identify concerns, recommend measures, interrogate incidents, and create a traceable record of action. Once meetings become a recital of statistics or a polite sharing session without recorded recommendations and follow-up, the committee starts drifting away from its statutory role.

The record-keeping obligation matters more than many employers realise. Regulation 4 of the General Administrative Regulations requires the employer to make a suitable meeting place available, endorse the record contemplated in section 20(2), and keep those records for at least three years. The same regulations also require incident records to be examined by the health and safety committee at its next meeting, with the chairperson endorsing that the record has been seen and that the necessary actions have been implemented and followed up. This means committee minutes are not just internal notes. They are part of the compliance architecture. They should show what was raised, what was recommended, who was responsible, what timeframes were set, and whether implementation was verified. Minutes that simply record “matter discussed” or “noted” are often weak from both a management and evidentiary perspective.

The record-keeping point is especially important for professionals advising management. Section 20(2) of the OHS Act requires a health and safety committee to keep a record of each recommendation made to the employer and of any report made to an inspector. That obligation matters in practice. Proper records can help demonstrate that the committee is functioning as intended, that consultation is taking place, and that unresolved issues are being formally raised and tracked. Poor records can suggest the opposite. If repeated hazards were tabled but no action followed, if incidents were not properly discussed, or if recommendations were never clearly recorded, the minutes may weaken rather than support the employer’s position. In that sense, an ineffective committee is not neutral. It may reflect known risks, poor follow-through, and a failure to use the committee as a meaningful internal control.

One of the most common practical failures is that the committee becomes disconnected from the health and safety representatives whose work should feed into it. Section 18 allows representatives to review the effectiveness of health and safety measures, identify potential hazards, investigate complaints, inspect the workplace, participate in consultations with inspectors, inspect relevant documents, and participate in internal health and safety audits. The employer must provide the facilities, assistance, and training reasonably required for them to carry out those functions. When representatives are not inspecting, not reviewing incidents, not seeing registers and risk assessments, and not bringing structured findings into the committee, the committee becomes shallow very quickly. It then speaks in generalities because its pipeline of real workplace intelligence has been cut off.

Another common weakness is the treatment of incidents. Section 20(1)(b) says the committee shall discuss incidents involving injury, illness, or death. The regulations add that the incident record must be investigated within the prescribed period and then examined by the committee at its next meeting, with endorsement confirming that necessary actions were implemented and followed up. This means an incident should not enter the committee merely as a number on a trend chart. The committee should be testing root causes, adequacy of controls, training gaps, supervision failures, equipment issues, and whether the corrective actions have actually changed the risk picture. Where a committee repeatedly notes incidents without interrogating systemic causes, it stops acting as a control and starts normalising failure.

A real South African example illustrates why passive structures matter. In [February 2024, the Department of Employment and Labour prohibited the use of seven mobile classrooms at Tshikundamalema Secondary School](#) in Limpopo. The Department’s official statement recorded exposed live wires, open distribution boxes, dangerous heat in classrooms without mechanical ventilation, inadequate first aid arrangements, and failures relating to the designation, consultation, and [training of health and safety representatives](#). The public statement did not set out the school’s committee minutes line by line, so it would be inaccurate to claim it proves a specific committee-minute

defect. But it does show something very important: when internal health and safety structures are weak or absent, hazards that should have been identified, escalated, and corrected internally can reach the point of prohibition by inspectors. That is exactly the kind of organisational failure a functional committee is meant to help prevent.

A second official example comes from Pretoria, where the [Department of Employment and Labour shut down a school in September 2022](#) under section 30 of the OHSA after inspectors found that classroom occupancy exceeded available space and that classrooms lacked natural or mechanical ventilation. Again, the official statement focuses on the hazardous conditions rather than the internal committee mechanics. The professional lesson remains the same: by the time inspectors are serving prohibition notices over basic occupancy and ventilation failures, the employer's internal review and consultation mechanisms have already failed somewhere. A working committee should be capable of surfacing such risks long before enforcement becomes necessary.

These examples also sit within a broader enforcement reality. In the [Department of Employment and Labour's 2023/2024](#) status of compliance reporting, 106,390 workplaces were inspected for OHSA compliance, 69,917 were compliant, and 36,473 were found non-compliant, with all non-compliant workplaces issued with notices. In a separate departmental report on inspection outcomes, the inspectorate recorded 109,464 OHS inspections, with about 35% of employers found non-compliant and most of those issued with notices. The Department identified areas of non-compliance including general duties of employers, incident reporting, and general regulations. That enforcement climate matters. A passive committee might once have been treated as an internal weakness only. In the current environment, it sits in a landscape where broader OHS non-compliance is being actively inspected and formally noticed.

For professionals, the practical warning signs are usually easy to recognise. The agenda never changes. [Risk assessments](#) are not reviewed after incidents or operational changes. Representatives attend but do not report findings from inspections. Corrective actions are vague, ownerless, or perpetually "in progress." Minutes reflect discussion but not recommendations. [Management representatives](#) dominate the meeting while employee representatives become spectators. Contractors, visitors, temporary work areas, and high-risk activities are never meaningfully discussed. Serious items roll over from one meeting to the next without closure verification. In that state, the committee still consumes time, but it no longer reduces risk.

A functioning committee looks very different. It is fed by active representatives who inspect, consult, and bring evidence-based findings into the meeting. It deals with open actions, incident learnings, trends, recurring hazards, legal appointments, training needs, emergency readiness, contractor controls, housekeeping, maintenance failures, and changes in operations. It records clear recommendations, assigns responsibility, sets dates, and verifies close-out. It does not merely note incidents; it asks why controls failed and whether the risk assessment, supervision, competence, maintenance, or work design must change. It does not merely receive management updates; it participates in shaping preventive measures. That is much closer to what sections 19 and 20 envisage.

The key message for employers and safety professionals is that a health and safety committee is not a diary event. It is a legal control point within the OHSA system. When it works, it helps translate section 8 duties into practical review, consultation, corrective action, and documented accountability. When it does not work, the organisation often drifts into a false sense of compliance because the meeting happened, the register was signed, and the minutes were filed. But the law does not ask whether the meeting took place in form. It asks, directly and indirectly, whether the workplace is safer because the system is functioning. That is the real test.

A committee that does nothing is not harmless. It can hide deteriorating conditions, normalise unresolved findings, weaken employee participation, and leave management exposed to enforcement and evidentiary risk. In South Africa, where the OHSA expressly requires consultation, recorded recommendations, incident discussion, and employer action to support committee functioning, the safer and more defensible question is not, "Did we hold the meeting?" It is, "What did the committee change?" If the truthful answer is "very little," then the meeting may have become an attendance exercise instead of the legal control it was supposed to be.

A health and safety committee should not be a paperwork exercise. Its records should show active consultation, real recommendations, and measurable follow-through.

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

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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	-

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Occupational Health and Safety Courses	
Safety representative – Legal Liability	
The Occupational Health and Safety Act & responsibilities of management – Legal Liability	
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Food facility health & safety course in terms of R638	
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Fire Marshal - Basic firefighting	
Fire & Evacuation marshal - Basic firefighting with emergency action planning	

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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