Top Compliance (Pty) Ltd

Occupational Health and Safety

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Reported but Not Resolved

Why unresolved hazards are evidence of a failing safety system

> A hazard report is not the end of the safety process. It is the point at which the employer becomes aware of a condition that may require control. If the matter is recorded but no suitable action follows, the workplace has evidence of awareness without evidence of effective risk control.

Reporting is only the first step

Workplace inspections, employee reports, maintenance requests, incident investigations and health and safety committee meetings regularly identify hazards. These reporting channels are important because they bring unsafe or unhealthy conditions to the attention of people who can act. However, a report does not remove a hazard. A completed checklist, signed inspection form or entry in a maintenance book is evidence that an issue was identified; it is not proof that the risk was controlled.

A functioning safety system must connect hazard identification to decision-making, control, follow-up and verification. Where the same issue appears repeatedly, remains overdue without interim protection, or is marked as resolved without confirming that the risk was actually reduced, the system is no longer operating as an effective preventive control.

What the Occupational Health and Safety Act requires

Section 8(1) of the Occupational Health and Safety Act 85 of 1993 requires every employer, as far as is reasonably practicable, to provide and maintain a working environment that is safe and without risk to the health of employees. This is an active and continuing duty. It is not satisfied merely because hazards have been listed or reported.

Section 8(2) explains important parts of that duty. In particular, the employer must provide and maintain safe systems of work, plant and machinery; take reasonably practicable steps to eliminate or mitigate hazards before relying on personal protective equipment; identify hazards and determine the precautionary measures required; provide the means to apply those precautions; provide necessary information, instruction, training and supervision; avoid permitting work until required precautions have been taken; ensure compliance; enforce necessary safety measures; and provide suitable general supervision.

Where learners, visitors, customers, contractors or members of the public may be directly affected, section 9(1) requires the employer to conduct the undertaking so that, as far as is reasonably practicable, these persons are not exposed to health or safety hazards arising from the employer's activities.

Section 13(a) requires employees to be made conversant, as far as is reasonably practicable, with the hazards connected to their work and with the precautions that must be taken. Section 14(d), in turn, requires an employee who becomes aware of an unsafe or unhealthy situation to report it as soon as practicable to the employer or the relevant health and safety representative, who must report it to the employer.

> **Important distinction:** The Act does not prescribe one general corrective-action register or a fixed deadline for every workplace hazard. The required response depends on the nature and level of risk and what is reasonably practicable. A register is a useful management tool, but it must support real control rather than replace it.

An open action is not automatically a failure

Some corrective actions cannot be completed immediately. A specialist may need to inspect equipment, replacement parts may need to be sourced, or a permanent engineering solution may require planning. A matter can therefore remain open without the safety system failing, provided the risk is being actively managed.

An effective open action should show:

- the hazard and persons who may be exposed;
- the current risk and the required priority;
- any immediate or interim control applied;
- the permanent corrective action required;
- a responsible person with authority to act;
- a realistic completion date based on risk;
- regular review and escalation where progress is delayed; and
- verification that the completed action has controlled the risk.

The failure occurs when management knows about the hazard but cannot show that the risk was assessed, temporarily controlled where necessary, assigned, monitored, escalated and eventually verified as resolved. High-risk conditions may require work or use of equipment to stop until suitable precautions are in place. Lower-risk matters may be scheduled, but they must not disappear into an indefinite list.

From report to verified close-out

1. Receive and acknowledge the report

Employees should know how to report unsafe or unhealthy situations and to whom they must report. The report should be acknowledged so that the employee knows it has entered the formal process. Reporting channels should be practical for the workplace and available to all affected employees.

2. Assess the risk

The hazard must be considered in relation to who may be exposed, how exposure may occur, the possible consequence, the likelihood of harm and the controls already in place. The assessment should determine whether immediate intervention is required and whether the existing HIRA or safe working procedure must be reviewed.

3. Apply immediate or interim controls

Where a permanent solution cannot be implemented at once, the employer should apply a suitable interim measure. Depending on the risk, this may include stopping the activity, isolating or removing defective equipment from use, restricting access, changing the work method or arranging competent inspection. A warning sign alone is not an adequate control where a stronger reasonably practicable measure is available.

4. Assign the permanent corrective action

The action must be specific. Statements such as 'maintenance to attend' or 'staff to be careful' do not define the required outcome. The record should identify what must be corrected, who is responsible, what resources or specialist input are required and when completion is expected.

5. Monitor, review and escalate

Open actions should be reviewed according to their risk and due date. Delays must be explained, the continued suitability of interim controls must be checked, and overdue high-priority matters must be escalated to a person with authority to allocate resources or stop the activity. Repeated findings should trigger a review of the underlying cause, not another identical reminder.

6. Verify before closing

An action is not complete merely because an email was sent, a purchase order was issued or a contractor attended the site. Closure means that the required work was completed and checked, the hazard was removed or reduced as intended, affected employees were informed where necessary, and related risk assessments, procedures, training or checklists were updated when the change affected them.

Basic workplace examples

Damaged step ladder. A pre-use inspection identifies a cracked step. Recording the defect is not enough. The ladder should be prevented from being used while an authorised person arranges its appropriate repair or replacement. The action may be closed only after the unsafe ladder is no longer available for use and the replacement or repair has been checked.

Blocked emergency exit. A monthly inspection records boxes in front of an exit. Removing the boxes is the necessary immediate action, but repeated obstruction shows that the cause has not been controlled. The permanent response may require designated storage, clear demarcation, supervision and follow-up inspections.

Recurring water leak. Staff repeatedly report a wet floor. Drying the area and restricting access may reduce the immediate slip risk, but the matter should remain open until the leak is repaired and the area is checked. Repeatedly placing a warning sign without addressing the source is not an effective close-out.

The role of health and safety representatives

Section 18(1) provides that health and safety representatives may review the effectiveness of health and safety measures, identify potential hazards, investigate employee health and safety complaints, make representations to the employer or health and safety committee, and inspect the workplace at agreed intervals. If representations on specified matters are unsuccessful, section 18(1)(e) allows the representative to make representations to an inspector.

A representative should therefore do more than record the same deviation each month. Previous findings should be followed up, recurring hazards highlighted and unresolved significant matters formally raised. This does not transfer the employer's duty to the representative. Under section 8 the employer retains the general duty, and section 16 requires the chief executive officer, as far as is reasonably practicable, to ensure that the employer's duties are properly discharged. Assigning duties does not, by itself, relieve the chief executive officer or employer of responsibility or liability.

The role of the health and safety committee

Under section 19(1), the employer must consult the health and safety committee with a view to initiating, developing, promoting, maintaining and reviewing measures that ensure employee health and safety. Section 20(1)(a) allows the committee to make recommendations to the employer and, where those recommendations fail to resolve the matter, to an inspector. Section 20(2) requires the committee to keep a record of each recommendation made to the employer and of reports made to an inspector under section 20(1)(b).

Committee minutes should therefore record the actual issue, the recommendation, the employer's response, the person responsible, the due date and the outcome of follow-up. Repeating 'matter discussed' for several meetings without a decision, escalation or control is not meaningful consultation or review.

When unresolved hazards can lead to enforcement

Section 30 gives inspectors significant enforcement powers. Where an act or the use of plant or machinery threatens or is likely to threaten a person's health or safety, an inspector may issue a written prohibition. Where an employer or user fails or refuses to take reasonable safety steps, an inspector may issue a written direction requiring specified steps within a specified period. An inspector may also direct steps necessary to comply with an applicable regulation.

Failure to comply with duties listed in section 38(1), including relevant duties under sections 8, 9, 13 and 14, may constitute an offence. An organisation should therefore not wait for an injury, complaint or inspector's notice before addressing known risks. Records showing repeated reports without suitable action may demonstrate that management knew about the condition but failed to implement or enforce the necessary controls.

Signs that the close-out system is failing

- The same hazard appears on consecutive inspections without explanation or escalation.
- High-priority actions have no immediate or interim control.
- Actions are assigned to a department rather than a named responsible person.
- Completion dates are missing, repeatedly extended or unrelated to the level of risk.
- Items are marked closed because they were reported to maintenance or a contractor.
- No one verifies that completed work removed or reduced the hazard.
- Committee minutes record discussion but no recommendation, decision or follow-up.
- Employees stop reporting because previous concerns produced no visible response.
- The HIRA, safe working procedure, training or checklist is not updated after a significant change or recurring finding.

A practical management standard

Management should be able to answer the following questions for every significant open hazard:

- What exactly was reported and when?
- Who may be exposed and what is the risk?
- What action was taken immediately?
- What permanent control is required?
- Who is responsible and do they have the authority and resources to act?
- When must the action be completed?
- How will delays be escalated?

- Who will verify the completed work?
- Does any document, procedure, training or inspection process need to change?
- What evidence confirms that the risk is now adequately controlled?

> **The key message**
> A report creates awareness. A control reduces risk. A verified close-out demonstrates that the safety system worked. A workplace that records hazards but repeatedly fails to act, monitor and verify is maintaining evidence of problems rather than evidence of prevention.

Effective health and safety is not measured by the number of forms completed. It is measured by whether hazards are identified early, controlled appropriately, assigned to accountable persons, followed through and prevented from recurring.

Legal references and verification

Occupational Health and Safety Act 85 of 1993, particularly sections 1 ('reasonably practicable'), 8, 9, 13, 14, 16, 18, 19, 20, 30 and 38; read with the Occupational Health and Safety Amendment Act 181 of 1993. Legal wording and amendment status were checked against official South African Government sources in August 2026.

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

Yours in Health and Safety

	
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	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
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Fire Marshal - Basic firefighting
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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