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Regulations of the Occupational Health and Safety Act

(Act 85 of 1993)

ENVIRONMENTAL

3. Lighting

1) Every employer shall cause every workplace in his undertaking to be lighted in accordance with the illuminance values specified in the Schedule to these regulations: Provided that where specialised lighting is necessary for the performance of any particular type of work, irrespective of whether that type of work is listed in the Schedule or not, the employer of those employees who perform such work shall ensure that such specialised lighting is available to and is used by such employees.
2) The chief inspector may, by notice in the Gazette, from time to time modify the Schedule to these regulations as he deems necessary.
3) With respect to the lighting to be provided in terms of subregulation (1), the employers shall ensure that -
   a) the average illuminance at any floor level in a workplace within five meters of a task is not less than one fifth of the average illuminance on that task;
   b) the illuminance of any workplace is reduced to a level that does not impair vision;
   c) lighting on rotating machinery in such that the hazard of stroboscopic effects is eliminated; and
   d) luminaires and lamps are kept clean and, when defective, are replaced or repaired forthwith.

5. Ventilation

1) An employer shall ensure that every workplace in his undertaking is ventilated either by natural or mechanical means in such a way that -
   a) the air breathed by employees does not endanger their safety;
   b) the time-weighted average concentration of carbon dioxide therein, taken over an eight-hour period, does not exceed one half per cent by volume of air;
   c) the carbon monoxide content thereof does not at any time exceed three per cent by volume of air;
   d) the prescribed exposure limits for airborne substances therein are not exceeded; and
   e) the concentration therein of any explosive or flammable gas, vapour or dust does not exceed the lower explosive limit of that gas, vapour or dust.
2) Where the measures prescribed by subregulation (1) are not practicable, or where there is a danger of unsafe air in the breathing zone of an employee, the employer shall provide every such employee with, and ensure that he correctly uses, respiratory protective equipment of a type that reduces the exposure of the employee to a safe level and the employer shall, further, inform him of the dangers of and the precautionary measures against excessive exposure.
3) The provisions of subregulation (1) (b) and (c) shall not apply in respect of workplaces where the ambient pressure differs by more than 20 percent from atmospheric pressure at sea level.

6. Housekeeping

1) An employer shall ensure and maintain sufficient clear and unobstructed space at every machine to enable work to be carried out without danger to persons.
2) An employer shall -
   a) with the exception of workplaces where cleaning is specifically not required, make at least 2.25 square meters of effective open floor area available for every employee in his workplace;
   b) make available and maintain an overall work space for every employee;
   c) keep every indoor workplace clean, orderly and free of materials, tools and similar things which are not necessary for the work done in such work place;
   d) keep all floors, walkways, stairs, passages and gangways in a good state of repair, skid-free and free of obstructions, waste or materials;
   e) keep the roof and walls of every indoor workplace sound and leak-free;
   f) provide and maintain such lighting, ventilation and such means of temperature which may be necessary under the circumstances to ensure the safety of persons, all openings in floors, all hatchways and all stairwells and any open sides of floors or buildings through or from which persons are liable to fall: Provided that such boarding or guarding may be omitted or removed for the time and to the extent necessary for the access of persons or the movement of material; and
   g) erect a catch platform or net above an entrance or passageway or above a place where persons work or pass, or fence off the danger area if work is being performed above such entrance, passageway, place or danger area and there is a possibility of persons being struck by falling objects.
3) No employer shall permit any person to work, and no person shall, dispose of any article from a high place except by hoist or chute unless arrangements have been made to secure the safety who may be struck by falling objects.

9. Fire precautions and means of egress

1) In order to expedite the evacuation of a workplace in case of fire, every employer shall ensure that -
   a) any emergency escape door from any room or passage shall, as far as is practicable, be hung so as to open outwards;
   b) every door of a room in which persons may be present, and every door of a passage or at a staircase serving as a means of exit from such room, shall be kept clear and capable of being easily and rapidly opened from inside so as to ensure quick and easy egress;
   The provisions of paragraphs (a) and (b) shall also be complied with in respect of the outer escape exit from the workplace;
   c) staircases and steps leading from one floor to another or to the ground shall be provided with substantial hand-rails;
   d) staircases intended to be used as fire escapes shall -
      i) be constructed of non-combustible material;
      ii) be kept free of any material or other obstruction; and
      iii) not terminate in an enclosed area;
   f) staircases and passages used as fire escape purposes shall be of a width and of a gradient which will facilitate the quick and safe egress of the number of persons intended to make use of them; and
   g) having regard to the size, construction and location of a workplace, the number of persons, and the activity therein, such workplace is provided with at least two means of egress situated as far apart as is practicable.
2) Having regard to the size, construction and location of the workplace, and the amount and type of flammable articles uses, handled or stored on the premises, an employer shall provide on the premises an adequate supply of suitable fire-fighting equipment at strategic locations or as may be recommended by the fire chief of the local authority concerned, and such equipment shall be maintained in good working order.

FACILITIES

2. Sanitation

1) Every employer shall provide sanitary facilities at the workplace in accordance with the provisions of Parts F, P and Q of the National Building Regulations.
2) Notwithstanding the provisions of subregulation (1), an employer may, where less than 11 persons are employed on one premises, make written arrangements for such persons to use closets and washbasins on adjoining premises: Provided that -
   a) such facilities are freely and readily available at all times;
   b) the facilities comply with the provisions of these Regulations as well as with SABS 0400 with respect to -
   c) the number of persons who will be using the facilities; and
   d) the condition of such facilities.
3) Every employer shall -
   a) make toilet paper available to employees;
   b) provide every water closet pan designed to have a seat, with a seat;
   c) supply a towel to every employee for his sole use or disposable paper towels or hot air blowers or clean portions of continuous cloth towels, at the washbasins; and
   d) provide toilet soap or a similar cleansing agent to employees.
4) Every employer shall, under the circumstances contemplated in Table 4 of Part P of SABS 0400, provide showers for the use of his employees, and he shall -
   a) provide running hot and cold or premixed hot and cold water for the washbasins and showers;
   b) ensure that the floors of the rooms in which there are showers, are smooth and impermeable, and that the floor thereof is slip-free and sloped for effective drainage; and
   c) ensure that where showers are provided in a room with windows, such windows are glazed in obscure glass or similar material.
5) In respect of each room in which there are closets, urinals, showers or washbasins every employer shall -
   a) provide a conspicuous sign outside the entrance to such a room to indicate the sex of the persons for whom the room is intended;
   b) ventilate such rooms in accordance with the provisions of Part O of the National Building Regulations;
   c) provide the necessary screen walls partitions or doors in order to ensure privacy; and
   d) ensure that water flushing to showers or washbasins on his premises which is not obtained from the water supply system of a local authority.

3. Facilities for Safekeeping

1) An employer in a factory shall provide every employee in his service, excluding office workers, with a personal facility for safekeeping in which clothes and other personal effects of the employee can be kept safely and in good condition.
2) Every employer shall ensure that each employee referred to in sub- regulation (1) stores his clothing and other personal items in his facility for safekeeping.
3) The provisions of this regulation shall not apply in respect of activities for which specific types or numbers of facilities for safekeeping are prescribed.

4. Change-rooms

1) In respect of employees -
   a) for whom change-rooms are prescribed; or
   b) who, need to undress, the employer shall provide separate change- rooms for males and females respectively, in accordance with the provisions of Part O of SABS 0400.
2) An employer contemplated in subregulation (1) shall -
   a) ensure that a change-room is not connected directly by means of a door or any other opening to any room in which the exposure to a high risk substance is equal to or above the action level for such high-risk substance, or which contained holes or skins or unwashed wool or mohair are treated, processed or stored;
   b) provide sufficient space in the change-room to allow every change-room for the maximum number of employees that will be using such change-room at any one time;
   c) not store any materials, tools or other goods not related to the use of a change-room in such change-room or allow such items to be stored therein;
   d) where a change-room has windows, glass such windows in obscure glass or similar material;
   e) screen the entrance to every change-room in order to affect privacy; provide a conspicuous sign at the entrance to a change-room to indicate the sex of the persons for whom the change-room is intended;
   f) provide a conspicuous sign at the entrance to a change-room to indicate the sex of the persons for whom the change-room is intended;
   g) provide facilities for the drying of wet clothes, if clothes of the employees for whom a change-room has been provided, may become wet in the course of their work;
   h) ensure that every change-room is naturally or artificially ventilated in accordance with the provisions of Part O of the National Building Regulations; and
   i) ensure that no employee referred to in subregulation (1) changes his clothing at any other place at a workplace that in a change-room provided for such purpose.
3) Subject to the provisions of subpoint 5 an employer may allow a change-room to be used for the partaking of meals provided that -
   a) an obscure partition of at least two meters high is installed between showers and eating places; and
   b) there is no direct communication between the change-room and toilet facilities.

5. Dining-rooms

1) Notwithstanding the provisions of regulation 4 (3), every employer of employees who at a workplace:
   a) are exposed to a high risk substance in a quantity equal to or above the action level for such high-risk substance;
   b) come into physical contact with any known poisonous substance which may cause illness if taken orally;
   c) are exposed to dirt, dust, wool or similar filth: Provided that when the question arises as to what constitutes dirt, dust, wool or similar filth, the decision of an inspector shall be conclusive; or
   d) are employed in connection with any hides, skins or unwashed wool or mohair, shall provide a separate dining-room or eating place on the premises which is separated from the workroom of employees who will be using it at any one time, shall be in accordance with part C of SABS 0400.
2) The employer referred to in subregulation (1) shall -
   a) provide tables and chairs in every dining-room for the maximum number of employees that will be using the dining-room at any one time;
   b) ensure that a dining-room or eating place is not connected directly by means of a door or any other opening with any room in which the exposure to a high risk substance is equal to, or above the action level for such high-risk substance or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;
   c) not store any materials tools or other goods not related to the use of a dining-room in such dining-room or allow such items to be stored therein; and
   d) ensure that every dining-room is naturally or artificially ventilated in accordance with the provisions of Part O of the National Building Regulations.

6. Prohibition

Every employer shall -
   a) prohibit smoking and the consumption of food or drink at all work places contemplated in regulation 5(1) and shall ensure that no person smokes, eats or drines in any such place; and
   b) display conspicuous signs or notices at such workrooms prohibiting smoking, eating or drinking.

7. Drinking water

Every employer shall -
   a) make available an adequate supply of drinking water for his employees at their workplace; and
   b) clearly and conspicuously mark as such, taps and pipes containing water which is not fit for human consumption.

8. Seats

Every employer shall -
   a) where reasonably practicable, provide a seat for every employee whose work can be efficiently performed while sitting;
   b) where reasonably practicable, permit an employee whose work is ordinarily performed standing to take advantage of any opportunity for sitting which may occur, and for this purpose the employer shall provide seating facilities; and
   c) provide seats with back rests where the nature of the work performed by employees is such that such seats can be used;

9. Condition of rooms and facilities

Every employer shall maintain all rooms and facilities which are prescribed or provided for in terms of the provisions of these regulations, in a clean, hygienic, safe, whole and leak-free condition, and in a good state of repair: Provided that an inspector may, by notice in writing, direct an employer to take such steps as the inspector deems necessary for the employer to comply with this regulation and the decision of an inspector in this regard shall be conclusive.

NOISE INDUCED HEARING LOSS

2. Scope of application

These regulations shall apply to an employer or self-employed person who, at any workplace under his or her control, carries out work that may expose any person at that workplace to noise at or above the noise-rating limit.

3. Exposure to noise

Subject to regulations 9 and 10, no employer or self-employed person shall require or permit any person to enter any workplace under his or her control where such person will be exposed to noise at or above the 85 dBA noise rating limit.

4. Information and training

1) An employer shall, after consultation with the health and safety committee established in respect of a workplace under his or her control and the health and safety representative designated for that workplace or for different sections thereof, establish for all employees who may be exposed to noise at or above the noise-rating limit a training programme that incorporates the following –
   a) the nature of noise and its effects on hearing, with particular reference to -
      b) the potential sources of exposure to noise;
      c) the potential risks to health and safety caused by exposure to noise;
      d) the measures taken by the employer to protect an employee against the detrimental effects of exposure to noise;
      e) the precautions to be taken by the employees to protect themselves against the health risks associated with the exposure, including the wearing and use of earplugs and earmuffs;
      f) the necessity, correct use, maintenance and limitations of hearing protectors, facilities and engineering control measures provided;
      g) the requirements of regulations 5 to 8 and 10 to 12 and the necessity for medical surveillance and the long-term benefits and limitations of ongoing such surveillance;
      h) the noise-rating limit for hearing conservation and its meaning;
      i) the procedures for reporting, correcting and replacing defective personal hearing protectors and for engineering noise control measures; and
      j) the matters contemplated in regulation 9.
2) The training contemplated in subregulation (1) shall be conducted prior to the placement of the relevant employee.
3) Refresher training shall be conducted annually or at intervals that may be recommended by the health and safety committee and the health and safety representative.
4) The training contemplated in subregulation (1), shall be provided by a person who is competent to do so and who has adequate personal practical experience and theoretical knowledge of all aspects of the work carried out by the employee.
5) An employer or self-employed person shall ensure as far as is reasonably practicable that his or her mandatories or persons other than employees who may be affected by noise exposure at the workplace are given adequate information, instruction and training.
6) An employer shall keep a record of any training that is given to an employee in terms of this regulation.

5. Duties of persons who may be exposed to noise

1) Any person who is or may be exposed to noise at or above the noise-rating limit shall obey any lawful order given to him or her by the employer or self-employed person or by any person authorised thereto by the employer or self-employed person, regarding –
   a) the use of measures adopted for noise control;
   b) the immediate reporting of defective, damaged or lost noise control equipment to the health and safety representative or the employer;
   c) the use of personal hearing protectors where provided;
   d) a proper care of and or remains in an area where personal hearing protectors are required unless the person is authorized to do so and is wearing the required hearing
   e) co-operation with the employer in his or her task of determining the employee's noise exposure, which may include the wearing of personal sound exposure meters;
   f) the reporting for medical surveillance as required by regulation 8; and
   g) the matters contemplated in regulation 4.

7. Noise management

1) Where an assessment of noise exposure or a review of such assessment indicates that any employee may be exposed to noise at or above the noise-rating limit, an employer contemplated in regulation 2 shall ensure that a measurement programme of noise exposure at that workplace is –
   a) carried out in accordance with the provisions of these regulations;
   b) carried out only after the relevant health and safety representative or relevant health and safety committee has been informed thereof and given a reasonable period, as mutually agreed upon, to comment thereon;
   c) carried out by an approved noise inspection authority; and
   d) reviewed by such approved noise inspection authority in accordance with subregulation (2)
2) In order to comply with subregulation (1)(a), an employer shall ensure –
   a) that the measurement programme, in the case where a number of employees work in an area of approximately equal noise level, makes provision for the selection of not less than five locations which are representative of the positions occupied by employees well distributed over the area under investigation, and for the taking of measurements at each position as contemplated in SABS 083;
   b) that the measurement programme, in the case of an employee working at an approximately fixed location relative to the noise source, makes provision for the selection of a point to be taken at the approximate position of the person's ear that receives the higher noise level as contemplated in SABS 083; and
   c) that representative measurements are carried out at least every 24 months: Provided that whenever the noise is at or above the noise-rating limit, the provisions of regulation 10(1) shall apply.
3) An employer shall ensure that the results of measurements as contemplated in subregulation (2)(c) are recorded in the record required by regulation 11.

8. Medical surveillance

1) An employer shall establish and maintain a system of medical surveillance for all employees exposed to noise at or above the noise-rating limit.
2) An employer shall ensure that the medical surveillance contemplated in subregulation (1) –
   a) consists of a baseline audiogram which is recorded –
      i) in the case of a new employee, before the employee commences employment or within 30 days of commencement of such employment; or
      ii) in the case of all other employees in the employment of the employer, before 16 November 2003; and
      iii) in accordance with the requirements of regulation 10, 11 and 12: Provided that the baseline audiogram conducted in terms of regulation 10 of the Hearing Conservation Regulations shall serve as the baseline audiogram;
   b) consists of a periodic audiogram which is conducted in accordance with SABS 083 and which, during the first three years of employment, is obtained at least annually and thereafter at intervals which may be extended to a maximum period of two years if no other factor is present: Provided that –
      i) employees working in or exposed to enter, noise zones where the noise exposure equals or exceeds an 8-hour rating level of 105 dBA shall undergo audiometric testing at 6-monthly intervals until it is established that no external threshold shift is evident and thereafter the interval between tests may be extended to a maximum interval of one year; and
      ii) employees working in or exposed to enter, noise zones where the noise exposure equals or exceeds 100 dBA shall undergo audiometric tests at time intervals in accordance with subparagraph (i);

9. Noise zone

1) An employer or self-employed person shall ensure that –
   a) in any workplace or part of such workplace under his or her control, where the exposure to noise is at or above the noise-rating limit, that workplace or part thereof is zoned as a noise zone;
   b) prominent and legible signs are displayed at the entrance to a noise zone indicating that the relevant area is a noise zone and that hearing protection is required in such area;
   c) no person enters or remains in a noise zone unless he or she wears the required hearing protective equipment; and
   d) the reason why noise exposure is at or above the noise-rating limit is identified and that action is given, as soon as is reasonably practicable, by means other than the use of hearing protective equipment, to lower the noise level so that it is not at or above the noise-rating limit.

10. Control of noise exposure

1) An employer or self-employed person shall ensure that the exposure of a person to noise is either prevented or, where this is not reasonably practicable, reduced to a level that is not at or above the noise-rating limit by means of engineering control measures or, if the noise is not at or below the noise-rating limit, by means other than hearing protection, and where the noise rating limit is the result has been identified and action is taken as one is reasonably practicable, by means other than the use of hearing protective equipment, to lower excessive in that it does not exceed the noise-rating limit.
2) In order to comply with subregulation (1) an employer or self-employed person shall, as far as is reasonably practicable, reduce exposure to noise by implementing the following control measures in the following order of priority –
   a) Engineering control measures to eliminate or reduce noise at its source, or the modification of the routes by which noise reaches employees;
   b) administrative control measures to limit the number of persons exposed and the duration of exposure; and
   c) the use of hearing protective equipment if engineering and administrative control measures fail to reduce exposure below the noise-rating limit.

12. Hearing protective equipment

1) Where hearing protective equipment is provided, an employer or self-employed person shall ensure that –
   a) the equipment is capable of reducing the noise-rating limit;
   b) the equipment is correctly selected and properly used;
   c) employees receive training, information, training and supervision that are necessary with regard to the use of the equipment; and
   d) the equipment is kept in good condition and efficient working order.
2) An employer or self-employed person shall, as far as is reasonably practicable –
   a) issue no reusable hearing protective equipment to any person, unless the hearing protective equipment is properly decontaminated and, where appropriate, sterilized;
   b) provide separate containers or storage facilities for hearing protective equipment when not in use; and
   c) ensure that all hearing protective equipment that is used is adjusted and used in such a way that it does provided for it.

13. Maintenance of control measures

1) Every employer or self-employed person shall ensure that anything that he or she provides for the benefit of employees in compliance with his or her duties under these regulations –
   a) is fully operational for a period exceeding six months; and, in the case of a continuous offence, to an additional fine of R250 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of imprisonment shall not in no case exceed 90 days.

GENERAL ADMINISTRATIVE

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise –
"bargaining council" means the bargaining council established in terms of section 27 of the Labour Relations Act;
"CCMA" means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Labour Relations Act;
"Compensation Commissioner" means the Compensation Commissioner appointed under section 2 of the Compensation for Occupational Injuries and Diseases Act, 1993;
"Compensation for Occupational Injuries and Diseases Act" means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);
"council" means the Labour Court established by section 151 of the Labour Relations Act;
"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995);
"provincial executive manager" has a corresponding meaning;
"registered trade union for a workplace" means a trade union registered in terms of the Labour Relations Act, with members in that workplace;
"the Act" means the Occupational Health and Safety Act, 1993(Act No. 85 of 1993); and
"WCL 1", "WCL 2" and "WCL 22" means the prescribed forms for reporting of incidents and occupational diseases referred to in the Compensation for Occupational Injuries and Diseases Act.

2. Access to premises

1) No person shall refuse an inspector entry into his or her premises to perform his or her functions unless that person is authorized to do so by any other law.
2) An inspector or his or her assistant may require an employer or user to make a person available who has full knowledge of the hazards associated with the activities of the workplace to accompany him or her during the entire visit of the workplace.

3. Exemption

A certificate of exemption issued in terms of section 40 of the Act shall be signed by the chief inspector.

4. Copy of the Act

Every employer with five or more persons in his employ shall have a copy of the Act and the relevant regulations readily available at the work place: Provided that, where the total number of employees is less than five, the employer shall, on request of an employee make a copy of the act available to that employee.

5. Health and safety committee

1) Where a health and safety committee has been established in terms of section 19 of the Act, an employer shall-
   a) make available a suitable meeting place to such committee; and
   b) ensure that the records, as contemplated in section 20(2) of the Act, are kept for a period of at least three years.

6. Negotiations and consultations before designation of health and safety representatives

1) The employer shall, in any workplace where there must be a health and safety representative in terms of section 17(1) of the Act and within four months after the commencement of these regulations or after commencing business, meet with the registered trade unions of that workplace in order to consult or bargain in good faith and conclude an agreement concerning the-
   a) number of health and safety representatives to be designated;
   b) terms of office of health and safety representatives and the circumstances and the prescribed manner in which they may be removed as health and safety representatives;
   c) manner in which vacancies are to be filled;
   d) manner in which health and safety representatives must perform their functions in terms of the Act; and
   e) facilities, training and assistance that must be provided to a health and safety representative in terms of section 18(3) of the Act;
   Provided that, where there is no registered trade union, the employer shall enter into consultation with all employees contemplated in section 17(1) of the Act in order to conclude such an agreement.
2) An agreement referred to in subregulation (1) may include two or more employers as parties to the agreement.
3) The conditions applicable to collective agreements in terms of the Labour Relations Act, read with the changes required by the context, shall apply to agreements concluded in terms of subregulation (1).
4) A dispute shall exist if no agreement in terms of subregulation (1) is concluded on the arrangement and procedures for the nomination and the election of health and safety representatives at a workplace.
5) If a dispute exists in terms of subregulation (4), any party to the dispute may refer the dispute to the CCMA or a bargaining council.
6) The CCMA or a bargaining council to which a dispute is referred must attempt to resolve the dispute through conciliation.
7) If a dispute remains unresolved, any party to the dispute may request that the dispute be resolved through arbitration, in accordance with section 49A shall, taking into account the objectives of the Act and the proposals of the parties, determine the arrangement and procedures for the nomination and the election of the health and safety representatives.

8. Reporting of incidents and occupational diseases

1) An employer or user, as the cases may be, shall-
   a) within seven days of the incident referred to in section 24(1)(a) of the Act, give notice thereof to the provincial director in the form of WCL1 or WCL2; and
   b) where an employee has died in consequence of such an incident, dies, becomes unconscious, suffers the loss of a limb or part of a limb, or is otherwise injured or harmed to such a degree that he or she is likely either to die or to remain permanently disabled in consequence of such incident, including any other incident contemplated in section 24(1)(b) and (c) of the Act, shall forthwith also be reported to the provincial director by telephone, facsimile or similar means of communication.
2) If an injured person dies after notice of the incident in which he or she was injured was given in terms of subregulation (1), the employer or user, as the case may be, shall forthwith notify the provincial director of his or her death.
3) Whenever an incident arising out of or in connection with the activities of persons at work occurs on premises other than employees, the user, employer or self-employed person, as the case may be, shall forthwith notify the provincial director by facsimile or similar means of communication as to the-
   a) name of the injured person;
   b) address of the injured person;
   c) name of the user, employer or self-employed person;
   d) address of the user, employer or self-employed person;
   e) telephone number of the user, employer or self-employed person;
   f) name of the occupation;
   g) details of the incident:
      i) What happened;
      ii) where it happened (place);
      iii) when it happened (date and time);
      iv) how it happened;
      v) why it happened; and
      vi) name of witnesses.
4) Any report required in terms of this regulation shall, within 14 days of the examination or treatment of a person for a disease contemplated in section 20 of the Act, give notice thereof to the chief inspector and the employer in the form of WCL22.
5) Any report required in terms of subregulation 3 shall ensure that a measurement programme of noise exposure at that workplace is –
   a) carried out in accordance with the provisions of these regulations;
   b) carried out only after the relevant health and safety representative or relevant health and safety committee has been informed thereof and given a reasonable period, as mutually agreed upon, to comment thereon;
   c) carried out by an approved noise inspection authority; and
   d) reviewed by such approved noise inspection authority in accordance with subregulation (2)
2) In order to comply with subregulation (1)(a), an employer shall ensure –
   a) that the measurement programme, in the case where a number of employees work in an area of approximately equal noise level, makes provision for the selection of not less than five locations which are representative of the positions occupied by employees well distributed over the area under investigation, and for the taking of measurements at each position as contemplated in SABS 083;
   b) that the measurement programme, in the case of an employee working at an approximately fixed location relative to the noise source, makes provision for the selection of a point to be taken at the approximate position of the person's ear that receives the higher noise level as contemplated in SABS 083; and
   c) that representative measurements are carried out at least every 24 months: Provided that whenever the noise is at or above the noise-rating limit, the provisions of regulation 10(1) shall apply.
3) An employer shall ensure that the results of measurements as contemplated in subregulation (2)(c) are recorded in the record required by regulation 11.

9. Recording and Investigation of Incidents

1) An employer or user shall, where at a workplace or section of a workplace, as the case may be, a record in the form of Annexure 1 for a period of at least three years, which record shall be open for inspection by an inspector; of all incidents which he or she is required to report in terms of section 24 of the Act and also of any other incident which occurs at his or her workplace resulting in a fatality or a serious illness or injury or harm other than first aid.
2) The employer or user shall cause every incident, which must be recorded in terms of subregulation (1), to be investigated by the employer, a person appointed by him for the purpose, by a health and safety representative or a member of a health and safety committee within 7 days from the date of the incident and finalised as soon as is reasonably practicable, or within the contracted period in the case of contracted workers.
3) The employer or user shall cause the findings of the investigation contemplated in subregulation (2) to be entered in Annexure 1 immediately after completion of such investigation.
4) An employer shall cause every record contemplated in subregulation (1), to be examined by the health and safety committee for that workplace or section of the workplace at its next meeting and shall ensure that necessary steps, as may be reasonable practicable, are implemented and followed up to prevent a recurrence of such incident.

10. Witness at inquiry

1) When an inspector is directed to hold a formal inquiry into an incident in terms of section 32(1) of the Act, he or she shall notify the employer or user concerned of the date, time and place of such inquiry.
2) The employer or user shall forthwith advise in writing those persons who witnessed an incident, the union recognised by him or her and any other person specified by the inspector, of such date, time and place, and that their presence shall be required at the inquiry.
3) The employer or user concerned shall ascertain which of the persons he or she notified in terms of subregulation (2) are likely to refuse to attend the inquiry, and shall forthwith advise the inspector of the names and addresses of such persons in for the inspector to subpoena such persons.
4) A subpoena issued in terms of section 32(2) of the Act shall be in the form of Annexure 2: Provided that, when a subpoena is served personally on a person, the service of such subpoena may be effected by any person authorised thereto by the inspector who has signed it.

11. Returns

An employer or a user shall on demand furnish the inspector with such returns as may be required for the purposes of the administration of the Act.

GENERAL SAFETY

2. Personal safety equipment and facilities

1) Subject to the provisions of paragraphs (f), (g), (h) and (i) of regulation 6 of the General Administrative Regulations published under Government Notice R. 2108 of 5 October 1990, every employer and every user of machinery shall make an assessment of the risk attached to any condition or situation which may arise from the activities of such employer or user, as the case may be, and to which persons at a workplace or in the course of their employment in connection with such machinery may be exposed, and such steps as may under the circumstances be necessary to make such condition or situation safe. (Replaced by GNR. 1994 by Government Notice R. 1162 of 29 June 1995)
2) Where it is not practicable to safeguard the condition or situation contemplated in subregulation (1), the employer or user of machinery, as the case may be, shall take steps to reduce the risk as much as is practicable, and shall provide free of charge and maintain in a good and clean condition such safety equipment and facilities as may be necessary to ensure that any person exposed to any such condition or situation at a workplace or in the course of his employment or on premises where machinery is used is rendered safe.
3) Taking into account the nature of the hazard that is to be counteracted, and without limiting the general duties imposed on employers and users of machinery by subregulations (1) and (2), the safety equipment and facilities contemplated in subregulation (2) shall include, as may be applicable, the following:
   a) clothing: aprons, overalls, fire resistant, welding shields, visors, face masks, protective helmets, caps, gloves, gauntlets, aprons, jackets, capes, sleeves, leggings, spats, gaiters, protective footwear, protective overalls, or any similar safety equipment or facility of a type that will effectively prevent bodily injury;
   b) waterproof clothing, high-visibility clothing, chemical-resistant clothing, low temperature clothing, chain mail gauntlets, waders, aprons, or any similar safety equipment or facility of a type that will effectively prevent injury, unsafe entry or unsafe conditions;
   c) protective ointments, ear-muffs, ear-plugs, respirators, breathing apparatus, masks; air lines, hoods, helmets, or any similar safety equipment or facility of a type that will effectively prevent bodily injury;
   d) suitable insulating material underfoot where persons work on a floor made of metal slore, concrete or other similar material; and
   e) suitable safety equipment or facilities for persons who are required to work at a height of more than 1 meter.
4) An employer or user of machinery, as the case may be, shall take steps to ensure that any machinery, equipment or facility provided as required by this or any other regulation is removed from a workplace or from premises where machinery is used, except for purposes of cleaning, repair, overhaul or replacement, and no person shall, except under such safety equipment or facility provided at a workplace or premises where machinery is used, except for the aforesaid purposes.
5) An employer shall ensure that any machinery, equipment or facility contemplated in paragraphs of the safety equipment and facilities provided.
6) An employer shall not require or permit any employee to work unless such an employee uses the required safety equipment or facility contemplated in this or any other regulation or any other regulation.
7) The provisions of this regulation shall not be construed as derogating from the provisions of any specific regulation prescribing specific safety equipment or facilities.

2A. Intoxication

1) Subject to the provisions of subregulation (3), an employer or a user, as the case may be, shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace.
2) Subject to the provisions of subregulation (3), no person at a workplace shall be under the influence of or have in his or her possession or partake of or offer any other person intoxicating liquor or drugs.
3) An employer or a user, as the case may be, shall, in the case where a person is taking medicines, only allow such person to perform duties at the workplace if the side effects of such medicine do not constitute a threat to the health or safety of the person concerned or other persons at such workplace.

2B. Display of substituted notices and signs

If the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer or by a user at a workplace, the employer or user may, in lieu thereof, display a corresponding symbolic sign, as contained in a safety standard incorporated for this purpose under regulations under section 43 of the Act, in which case the employer or user shall be deemed to have complied with such provisions.

3. First aid, emergency equipment and procedures

1) An employer shall take all reasonable steps that are necessary under the circumstances, to ensure that persons at work receive prompt first aid treatment in the event of an injury.
2) Where more than two employees are employed at a workplace, the employer shall ensure that a sufficient number of first aid boxes or at near the workplace which shall be available and accessible for the treatment of injured persons at that workplace.
3) a) Taking into account the type of injuries that are likely to occur at a workplace, the nature of the activities performed and the number of employees employed at such workplace, the employer shall make sure that the first aid box or boxes contained in subregulation (2) contain suitable first aid equipment which include at least the items listed in the Annexure hereto.
   b) Such an employer shall make sure that any articles and equipment contemplated in subregulation (a) or other similar equipment is replaced as soon as it is used or expired.
4) Where more than 10 employees are employed at a workplace, the employer shall ensure that the steps to ensure that at least every group of up to 50 employees at that workplace, or in the case of a shop or an office as contemplated in the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983), for every group of up to 100 employees, at least one person is readily available during normal working hours, who is in possession of a valid certificate of competency in first aid, issued by -
   a) the SA Red Cross Society;
   b) the St. John Ambulance;
   c) the SA Red Cross Society; or
   d) a person or organisation approved by the chief inspector for this purpose.
5) An employer shall at a workplace where a high risk substance or toxic, corrosive or similar hazardous substances are used, handled, processed or manufactured, ensure that the first aid worker contemplated in subregulation (1) is trained in the first aid procedures that are necessary for the treatment of injuries that may result from such activities, including the acute detrimental effects of exposure to such substances, and in the emergency procedures which are necessary in the case of accidental spillage or escape of such substances.
6) An employer shall affix a prominent notice or sign in a conspicuous place at a workplace, indicating where the first aid box or boxes are situated and the name and address of the person in charge thereof.
7) An employer shall ensure that any person wounded, cut, sore or any similar injury, who works in a workroom where a substance contemplated in subregulation 5 is used, handled, processed or manufactured, shall report such injury to his employer forthwith. The employer may not permit such employee to continue working before the injury has been cleared with soap and water or with a diluted disinfectant.
8) Where an employee is exposed or can be exposed to a potential hazard of injury to the eye through contact with a biological or chemical substance, the employer concerned shall make sure that there is an eyewash fountain or any similar facilities, in the immediate vicinity of the workplace of such employee and that the employee is trained in the use thereof.
9) Where an employee is exposed or can be exposed to a potential hazard of injury or absorption through the skin as a result of sudden contact with a large amount of toxic, corrosive, high risk or similar hazardous substance, the employer concerned shall make sure that there is a fast-reacting deluge-shower with clean water or a similar facility in the immediate vicinity of the workplace of such employee and that the employee is trained in the use thereof.

4. Work in elevated positions

No employer shall require or permit any person to work in an elevated position, and no person shall work in an elevated position, unless such work is performed safely from a ladder or scaffolding, or from a position where such person has been made as safe as if he were working from scaffolding

4A. Ladders

1) An employer shall ensure that every ladder is constructed of sound material and is suitable for the purpose for which it is used, and -
   a) is fitted with non-slick devices at the bottom ends and hooks or similar devices at the upper ends of the stiles which shall ensure the stability of the ladder during normal use; or stability of the ladder under adverse conditions and at all times.
2) No employer shall use a ladder, or permit it to be used, if it -
   a) has any defective rung, tread or step, or any loose nuts of nails, screws, spikes or in like manner; or
   b) has rungs which have been properly let into the stiles: Provided that in the case of welded ladder or ladders of which the rungs are bolted or riveted to the stiles, the rungs need not be let into the sides; or
   b) has damaged stiles, or damaged or missing rungs.
3) No employer may permit that -
   a) a ladder which is required to be leaned against an object for support be used which is longer than 6 m; and
   b) except with the approval of an inspector, the reach of a ladder be extended by fastening together two or more ladders: Provided that the use of this subparagraph shall not be deemed to prohibit the use of fire-extending ladders.
4) In the case of wooden ladders the employer shall ensure that -
   a) the ladders are constructed of straight grained wood, free from defects, and with the grain running in the length of the stiles and rungs; and
   b) the ladders are not painted or covered in any manner, unless it has been established that there are no cracks or other inherent weaknesses: Provided that ladders may be treated with oil or covered with clear varnish or wood preservative.
5) When work is done from a ladder, the employer shall -
   a) provide such protective measures to prevent articles from falling off; and
   b) provide suitable shoults or receptacles in which hand tools shall be kept when not being used.

Minimum contents of a First Aid Box

In the case of shops and offices, the quantities stated under items 1, 8, 9, 10, 14, 15, 17, and 18 may be reduced by half.

Item 1	Wound cleaner (antiseptic (100ml)
Item 2	Swabs for cleaning wounds
Item 3	Cotton wool for padding (100g)
Item 4	Sterile gauze (minimum quantity 10)
Item 5	Roll of adhesive plaster (1m x 1cm)
Item 6	1 pair of scissors (minimum size 100mm)
Item 7	1 set of safety pins
Item 8	4 triangular bandages
Item 9	4 roller bandages (75mm x 5m)
Item 10	4 roller bandages (100mm x 5m)
Item 11	1 roll of elastic adhesive (25mm x 3m)
Item 12	1 roll of adhesive plaster (25mm x 3m)
Item 13	1 Packet of adhesive dressing strips (minimum quantity 10 assorted sizes)
Item 14	4 First aid dressing (75mm x 100mm)
Item 15	4 First aid dressings (150mm x 200mm)
Item 16	2 Straight splints
Item 17	2 Pairs large and 2 pairs medium disposable latex gloves
Item 18	2 CPR mouth pieces or similar devices

GENERAL MACHINERY

2. Supervision of machinery

1) In order to ensure that the provisions of the Act and these Regulations in relation to machinery are complied with, an employer or user of machinery shall, in respect of any machine, in writing designate a person in a full-time capacity to supervise every permanent or part of which machinery is being used.
2)"The chief inspector may, subject to such conditions as he may impose, permit an employer or user of machinery to designate more than one person in terms of subregulation (1).
3) Subject to the provisions of this regulation, an employer designated in terms of subregulation (1) shall be a competent person.
4) (a) (i) the sum of the power generated by machinery on or in the premises in question and the power derived from other sources, including the generation of steam for process purposes, exceeds 1200 kW, but is less than 3 000 kW, the employer designated in terms of subregulation (1) shall be a person as referred to in paragraph (b), (c) or (d) of the definition of 'competent person';
   (ii) the sum of the power so derived, the person so designated shall be a person as referred to in paragraph (c), or (d) of the said definition;
   (c) For the purpose of paragraph (a), the power derived from the generation