

SUMMARY OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

Summaries of legislation are ordinarily prescribed summaries of a particular Act. These summaries have to be displayed at prominent places in the workplace in order to allow employees to take notice of and understand the legislation.

The purpose of the Occupational Health and Safety Act is to provide for the health and safety of persons at a workplace, particularly when the workplace entails the use of heavy machinery. The Act also provides for the protection of persons working in conditions hazardous to health and safety by virtue of the activities at the workplace. This is particularly relevant for schools offering technical skills such as carpentry, metalwork, etc.

The following summary complies with the requirements and the following pages can be displayed at a prominent place on the school premises.

Summary of the Occupational Health and Safety (OHS) Act 85 of 1993

Background

The OHS Act aims to protect the well-being of workers and is enforced by the Department of Labour, whose inspectors may:

- enter any workplace without prior notice;
- request any documents;
- inspect any condition, article, plant or process;
- take samples or seize any article;
- issue summons to someone or question any person within the workplace.

Main aim

To ensure the health and safety of all employees at work, and to protect other persons, other than employees, from hazards arising from or in connection with the activities of employees at the workplace. The Act presents a proactive attempt by government to minimise, prevent and avoid work-related injuries and illnesses by overseeing occupational health and safety across the diverse industries of South Africa and in all organisations, from a normal office environment to more hazardous workplaces, such as industrial plants and construction sites.

RESPONSIBILITIES OF EMPLOYERS

Prepare a health and safety policy statement

The chief inspector may direct certain employers to prepare a written policy on the protection of employees' health and safety at work. This policy must:

- Provide a description of the organisation;
- Describe how the health and safety policy ought to be carried out and reviewed;
- Set out clear guidelines pertaining to occupational health and safety; and
- be prominently displayed at the workplace.

Provide a safe working environment (section 8)

Section 8 pertains to the duties of employers and is one of the most important provisions of the OHS Act. Successful implementation of section 8 will ensure that the company addresses and meets most requirements. Employers have the responsibility to provide an environment that is safe and poses no unreasonable risks to employee health, and safety ought to be stated very clearly. Employers should also regularly evaluate working areas and carry out risk assessments and regular health and safety inspections. The employer must evaluate all work, activities and systems that could present potential risks to the company's employees. Moreover, section 8 directs employers to provide precautionary measures and systems to prevent workplace injuries. The section also calls on employers to provide "supervision" to ensure health and safety at work. This role is assigned to the appointed health and safety supervisor, who also represents the employer and management at health and safety committee meetings and in an overall health and safety capacity.

Inform employees

Employers must ensure that all employees clearly understand the potential risks and hazards present in the workplace. The OHS Act stipulations and health and safety guidelines must be communicated to all employees through so-called "toolbox talks" (informal safety meetings), notice boards, newsletters and the company intranet.

Report incidents

Employers must notify the Department of Labour of any injuries, illnesses or high-risk hazards (such as a chemical spill). The Department will investigate the incidents and hazards, and ensure that both the employer and employees have done their best to abide by the OHS Act and try to prevent the incident from occurring. Where negligence is confirmed, such person could be held criminally liable for their acts or omissions.

EMPLOYEES' RESPONSIBILITIES

Employees are equally responsible for their own health and safety, and should take reasonable care of those around them as well. Employees are to comply with any health and safety requirements, but the employer cannot expect cooperation if working conditions are unsafe. Therefore, employees are responsible to obey all lawful instructions or rules that are implemented for their benefit.