

Guidance Note	Forms and Precedents	Checklists	Other Resources
<b>1. UNDERSTANDING OHS LAW</b>			
1.1 Purpose and scope OHS law			
1.1.1 Overview of occupational health and safety law			
1.1.2 Common law OHS duties and remedies			
1.2 Standards policies and guidelines			
1.2.1 OHS standards and guidelines			
1.2.2 Complying with OHSAS 18001	Health and safety policy		
1.2.3 OHS policies and procedures	Health and safety policy		

<b>2. INSTITUTIONAL FRAMEWORK FOR OHS REGULATION</b>			
2.1 OHS institutions			
2.1.1 Roles and responsibilities of OHS regulatory bodies			
2.1.2 OHS inspectorate			
2.1.3 Advisory council for OHS			
2.2. Accredited bodies			
2.2.1 Approved inspection authorities	Annexure 3 – Application for approval as an approved inspection authority for electrical machinery		
	Annexure 2 – Application for approval as approved inspection authority for electrical installations		SANAS FAQ
			SANAS Explosives Regulations Guideline
			Explanatory notes on the Major Installation Regulations
			Explanatory notes on the Explosives Regulations

Guidance Note	Forms and Precedents	Checklists	Other Resources
<b>3. GENERAL DUTIES</b>			
3.1 Duties of employers			
3.1.1 General duties of employers to employees			Case summary: City of Tshwane Metropolitan Municipality v Engineering Council of SA & Another [2010] 3 BLLR 229 (SCA)
3.1.2 Victimisation and protected disclosures			Case summary of City of Tshwane Metropolitan Municipality v Engineering Council of SA & Another [2010] 3 BLLR 229
3.1.3 Identifying hazards and assessing risks			
3.1.4 Housekeeping		Facility Regulations checklist	Premises and housekeeping inspection sheet
		Environmental Regulations for Workplaces checklist	
		Construction Regulations, 2003 checklist	
3.1.5 Informing and training employees			Annexure D – Bio-hazard sign
3.1.6 Provision of personal protective equipment		Construction regulations, 2014 checklist	
		Noise-induced Hearing Loss Regulations checklist	
		Asbestos Regulations checklist	
		Hazardous Chemical Substances Regulations checklist	
		Regulations for Hazardous Biological Agents checklist	
		Electrical Machinery Regulations checklist	
		Lead Regulations checklist	
		General Safety Regulations checklist	
3.1.7 Medical surveillance		Lead Regulations checklist	
3.1.8 Employers duties to regulatory authority	W.As.2 – Registration of employer		

Guidance Note	Forms and Precedents	Checklists	Other Resources
	W.As. 8 – Return of earnings		
<b>3.2 Duties of self-employed persons</b>			
3.2.1 General duties of self-employed persons			
<b>3.3 Duties of employees</b>			
3.3.1 General duties of employees			
<b>3.4 Duties of manufacturers and suppliers</b>			
3.4.1 General duties of manufacturers and suppliers			
3.4.2 Specific duties of manufacturers and suppliers	Material safety data sheet		Guide to completing material safety data sheets

#### 4. DUTIES IN RESPECT OF PREMISES

<b>4.1 Building design and equipment</b>			
4.1.1 Overview of safe building requirements			
4.1.2 Access to the workplace		General Safety Regulations checklist	
4.1.3 Displaying health and safety signage			Annexure D – Bio-hazard sign
4.1.4 Windows and lighting			
4.1.5 Ventilation requirements for the workplace		Regulation 5 of the Environmental Regulations for Workplaces checklist	
4.1.6 Determining the need for changing rooms and showers at work		Facility Regulation checklist	
4.1.7 Legal requirements to provide sanitation facilities		Facility Regulation checklist	
4.1.8 Compliance for facilities using flammable liquids			
4.1.9 Flammable stores			FPASA bulletin GF 11
4.1.10 Electrical installations	Annexure 1 - Certificate of compliance  Annexure 4 - Notice of commencement of installation work.		

Guidance Note	Forms and Precedents	Checklists	Other Resources
	Annexure 6 – Application for duplicate certificate issued in terms of the Electrical Installation Regulations		
	Sample clause – Responsibility for electrical installations		
4.1.11 Major hazard installations			
<b>4.2. Gas duties in respect of premises</b>			
4.2.1 Installation and maintenance of gas reticulation equipment			
4.2.2 Storage and handling of liquid petroleum gas			
<b>4.3 Fire safety in the workplace</b>			
4.3.1 Overview of fire safety requirements			Fire protection and prevention inspection sheet
4.3.2 Fire safety requirements for buildings			Fire protection and prevention inspection sheet
4.3.3 Fire hazards			
			Fire protection and prevention inspection sheet
4.3.4 Fire-fighting equipment			

#### 5. DUTIES IN RESPECT OF SPECIFIC HAZARDS

<b>5.1 Inherently dangerous work</b>			
5.1.1 Overview of the regulation of dangerous work		Stacking of articles checklist	Toolkit on Standard Operating Procedures.
5.1.2 Permit to work and lock-out systems		Steps involved in a lock-out or tag out programme	
5.1.3 Working in elevated positions and using ladders	Appointment letter for ladder inspector	General Safety Regulations checklist	
		Fixed ladder inspection checklist	
5.1.4 Working in confined spaces or at risk of engulfment	Record of explanation and understanding of safe working procedures	General Safety Regulations checklist	
5.1.5 Hot work	Hot work permit		
	Hot work permit register		
5.1.6 Diving work			Table of appointments and registrations under diving regulations

Guidance Note	Forms and Precedents	Checklists	Other Resources
			Code of practice – Commercial diver training 2014
			Code of practice – Inshore diving 2014
			Code of practice – For scientific diving 2014
			Code of practice – Diving in benign conditions 2014
			Code of practice – Offshore diving 2014
<b>5.2 Hazardous machinery and equipment</b>			
5.2.1 Regulations relating to hazardous machinery and equipment			
5.2.2 Employers duties regarding hazardous machinery	Example of appointment letter		Mechanical personal safeguarding inspection sheet
5.2.3 Employees duties regarding hazardous machinery			Mechanical personal safeguarding inspection sheet
5.2.4 Pressure equipment			
<b>5.3 Hazardous substances in the workplace</b>			
5.3.1 Overview of the regulation of hazardous substances in the workplace			
5.3.2 Hazardous chemical substances	Material safety data sheet	Training for exposure to hazardous chemical substances checklist	
		Hazardous chemical substances regulations checklist	Guide to completing material safety data sheets
		Silica exposure compliance checklist	
5.3.3 Lead		Lead Regulations checklist	
		Training in respect of lead exposure	
		List of information pertinent to medical surveillance reports	
5.3.4 Asbestos	Asbestos assessment report	Training in respect of exposure to asbestos	
		Asbestos Regulations checklist	

Guidance Note	Forms and Precedents	Checklists	Other Resources
5.3.5 Radioactive substances		Information to be included in stock record	
5.3.6 Hazardous biological agents			Annexure D – Bio-hazard sign
			Annexure E - Indications Concerning Containment Measures and Containment Levels
			Annexure C - Precautions for workplaces
		Training in respect of exposure to hazardous biological agents	Annexure A - Indicative list of incidents
		Regulations for Hazardous Biological Agents checklist	
5.3.7 Transportation of hazardous and dangerous substances			Transport safety standards incorporated into the National Road Traffic Regulations
<b>5.4 Flammable substances in the workplace</b>			
5.4.1 Safety requirements for flammable substances			
5.4.2 Safety requirements for flammable liquids			
<b>5.5 Explosives in the workplace</b>			
5.5.1 Premises where explosives are manufactured, tested, used or stored	Explosive workplace License application form		
	Guide to licensing of explosives workplaces		
5.5.2 Operation of explosives workplaces			Explosives workplace safety guide
5.5.3 Safe handling of explosives			
5.5.4 Manufacturing and importing explosives			
<b>5.6. Hazardous fumes and odours in the workplace</b>			
5.6.1 Hazardous fumes and offensive odours			
5.6.2 Duties in respect of hazardous fumes and offensive odours			
<b>5.7 Dust and particulates in the workplace</b>			
5.7.1 Overview of the regulation of dust and particulates			

Guidance Note	Forms and Precedents	Checklists	Other Resources
5.7.2 Duties in respect of dust and particulates			
<b>5.8 Noise in the workplace</b>			
5.8.1 Employers duties in respect of workplace noise	W.Cl.1 – Employer's report of an occupational disease		
	W.Cl.2 – Employer's report of an accident		
		Information to be recorded in medical surveillance report	
		Noise-induced Hearing Loss Regulations checklist	
		Training programme curriculum checklist	
		Are you complying with the noise induced hearing loss regulations	
5.8.2 Employee's duties in respect of noise at the workplace			
<b>5.9 Flooding in the workplace</b>			
5.9.1 Flooding hazards in the workplace			

<b>6. INCIDENTS INVESTIGATIONS AND INQUIRIES</b>			
<b>6.1 Reporting incidents</b>			
6.1.1 Overview of duties to report accidents and incidents	W.Cl.1(E) - Employer's report of an occupational disease		
	W.Cl.14 - Notice of occupational disease and compensation		
	W.As.32 - Report of accident		
	W.Cl.4 - First medical report in respect of an accident		
	W.Cl.5 - Final or progress medical report in respect of an accident		
	W.Cl.6 - Resumption report		
	W.Cl.22 - First medical report in respect of an occupational disease		

Guidance Note	Forms and Precedents	Checklists	Other Resources
	W.Cl.26 - Final or progress medical report in respect of an occupational disease		
6.1.2 Reporting of incidents to inspectors	Form W.Cl.1 – Employer's report of an occupational disease		
	W.Cl.2 – Employer's report of an accident		
	Annexure 1 – Recording and investigation of incidents		
	W.Cl.4 - First medical report in respect of an accident		
	W.Cl.5 - Final or progress medical report in respect of an accident		
6.1.3 Giving notice of accidents under COIDA	W.As.32 - Report of accident		
			Case summary: Mankayi v Anglogold Ashanti
			Case summary: ER24 v Smith
			Case Summary: Crown Chickens v Rieck
			Case Summary: Thomas v Minister of Defence
	W.Cl.3 – Notice of accident and claim for compensation		
	W.Cl. 2 – Employer's report of an accident		
6.1.4 Investigating incidents	Annexure 1 – Recording and investigation of incidents		
<b>6.2. Investigations</b>			
6.2.1 Investigations by inspectors	Annexure 1 – Recording and investigation of incidents		
6.2.2 Appealing against inspectors decision	Notice of appeal		
<b>6.3. Formal inquiries</b>			
6.3.1 Overview of formal inquiries			Case summary: Industrial Health Resource Group and others v Minister of Labour
6.3.2 Preparing for an investigation or formal inquiry	Annexure 1 – Recording and investigation of incidents		

Guidance Note	Forms and Precedents	Checklists	Other Resources
	Annexure 2 – Subpoena to attend inquiry		
6.3.3 Co-operation with investigations and formal inquiries			
6.3.4 Giving evidence at formal inquiries	Annexure 2 – Subpoena to attend inquiry		
6.4 Appealing decisions in terms of COIDA and OHSA			
6.4.1 Application to court for relief			

## 7. MANAGING OHS COMPLIANCE

### 7.1 OHS management responsibilities

7.1.1 Responsibility for the acts or omissions of others			
7.1.2 The allocation of OHS responsibilities	Delegation of duties to principal section 16(2) appointee email		
	Delegation of duties to principal section 16(2) appointee letter		
7.1.3 Appointments	Section 16(2) designation letter		
	Delegation of duties email		
	Delegation of duties letter		
	Delegation of duties to principal section 16(2) appointee letter		
	Delegation of duties to principal section 16(2) appointee email		
	Appointment of health and safety committee chairperson letter		
	Appointment of health and safety committee chairperson email		
	Designation as member of health and safety committee letter		
	Designation as member of health and safety committee email		
	Designation as health and safety representative email		
	Designation as health and safety representative letter		

Guidance Note	Forms and Precedents	Checklists	Other Resources
7.1.4 Health and safety representatives	Appointment of health and safety committee chairperson letter	Have health and safety representative been appointed at your workplace	
	Appointment of health and safety committee chairperson email		
	Designation as member of health and safety committee letter		
	Designation as member of health and safety committee email		
	Designation as health and safety representative letter		
	Designation as health and safety representative email		
7.1.5 Health and safety committees	Letter of designation	Have health and safety representative been appointed at your workplace	
	Appointment of health and safety committee chairperson email		
	Appointment of health and safety committee chairperson letter		
	Designation as member of health and safety committee letter		
	Designation as member of health and safety committee email		
	Designation as health and safety representative letter		
	Designation as health and safety representative email		
7.2 OHS management systems			
7.2.1 Establishing an OHS management systems	Health and safety policy		
7.2.2 Record keeping			
	Annexure 1 – Recording and investigation of incidents		
	W.As.8 – Return of earnings		

Guidance Note	Forms and Precedents	Checklists	Other Resources
<b>8. COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES</b>			
<b>8.1 Employers obligations under COIDA</b>			
8.1.1 Employee's right to compensation for disability or death			Case summary: ER24 Holdings v Smith NO and another
			Case law summary: Mankayi v AngloGold Ashanti Limited
8.1.2 Employer's duties under COIDA			
			Case summary: Crown Chickens v Rieck
			Case summary: Thomas v Minister of Defence and Military Veterans
	W.As.2 – Registration of employer		
	W.As. 8 – Return of earnings		
	COID – W.A.36 – Remuneration difference		
	COID – W.As.21 – Return of earnings extension		
8.1.3 Duties of mandators and contractors			
8.1.4 Giving notice of occupational diseases	W.CI.14 – Notice of an occupational disease and claim for compensation		
	W.CI 2 – Employer's report of an accident		
	W.CI.1(E) - Employer's report of an occupational disease		
<b>8.2 Compensation for accidents</b>			
8.2.1 Making compensation claims for accidents			Steps to take to apply for increased compensation
8.2.2 Inquiries and considerations of claims	W.G.28 – Subpoena		
8.2.3 Compensation due for accidents			
<b>8.3 Compensation for occupational disease</b>			
8.3.1 Process of claiming compensation for occupational diseases			Steps to take to apply for increased compensation
8.3.2 Compensation due for occupational diseases			Steps to take to apply for increased compensation

Guidance Note	Forms and Precedents	Checklists	Other Resources
<b>8.4 Administrative reviews objections and appeals</b>			
8.4.1 Reviews and objections to Director-General's decision	W.G.29 - Objection against a decision of the commissioner		
8.4.2 High court appeals and other relief			
8.4.3 Payment of compensation			
<b>8.5 Legal proceedings under COIDA</b>			
8.5.1 Evidence in legal proceedings under COIDA			

<b>9. LEGAL LIABILITY AND PROCEEDINGS</b>			
<b>9.1. Liability for non-compliance under COIDA and OHSA</b>			
9.1.1 Criminal liability under OHS Law			List of ancillary offences
			List of offences under the OHSA
			List of offences relating to interference of duties under OHSA
9.1.2 Offences in terms of COIDA			
9.1.3 Civil liability under OHSA			
9.1.4 Minimising the risk of liability			
<b>9.2 Legal proceedings under OHSA</b>			
9.2.1 OHS litigation	Notice of appeal		
9.2.2 Evidence in legal proceedings			

<b>10. OHS IN THE CONSTRUCTION AND DEMOLITION SECTOR</b>			
<b>10.1 General duties on construction and demolition sites</b>			
10.1.1 Overview of OHS in the construction sector			
10.1.2 Construction sector organisations	Application for contractor registration		
	Annexure 1 – Application for a permit to do construction work		The South African Council for the Project and Construction Management Professions (web)
			Construction Health and Safety Accord
10.1.3 Client's duties	Example of appointment letter		
			CIDB grading system

Guidance Note	Forms and Precedents	Checklists	Other Resources
10.1.4 Health and safety agent's duties	Example of appointment letter		
10.1.5 Designer's duties			
10.1.6 Principal contractor's duties	Annexure 3 – Medical certificate of fitness		
10.1.7 Duties of a contractor	Annexure 3 – Medical certificate of fitness		
	Annexure 2 – Notification of construction work		
<b>10.2. Construction hazards and risks</b>			
10.2.1 Risk assessment for construction work			
10.2.2 General OHS requirements for construction site		Environmental Regulations for Workplaces checklist	

Guidance Note	Forms and Precedents	Checklists	Other Resources
10.2.3 Inherently dangerous activities on site	BDM 13 – Application for demolition in terms of regulation E1 of the National Building Regulations		
	BDM 10 – Notice of intention to commence demolition of a Building		
10.2.4 Use of hazardous equipment on site	Annexure 3 – Medical certificate of fitness		
<b>10.3 Managing OHS on construction sites</b>			
10.3.1 Allocating OHS responsibilities			List of construction appointments required
10.3.2 Documents and record keeping	Annexure 3 – Medical certificate of fitness		