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with effect from 3 May 2005.**

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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 1039

28 October 2005

DRAFT GENERAL HEALTH AND SAFETY REGULATIONS

The Minister of Labour has, in terms of section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) after consultation with the Advisory Council for Occupational Health and Safety, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or presentations on the proposed regulations to the Director-General: Department of Labour, Private Bag X117, Pretoria, 0001 (for attention the Chief Inspector: Occupational Health and Safety), within 90 days of the date of publication of this notice.

SCHEDULE

1. Definitions.

In these regulations the Act means the Occupational Health and Safety Act, 1983 (Act 85 of 1993), and any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise –

"Asbestos Regulations" means the Asbestos Regulations, 2001 as published under Government Notice No. R. 155 of 10 February 2002 under section 43 of the Act;

"Competent person" means any person having the knowledge, training, experience and qualifications specific to the work or task being performed: Provided that where appropriate qualifications and training are registered in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), these qualifications and training shall be deemed to be required qualifications and training;

"confined space" means an enclosed, restricted or limited space in which because of its construction, location or contents, or any work activity carried on therein, a hazardous substance may accumulate or an oxygen deficient atmosphere may occur, and includes any chamber, tunnel, pipe, pit, sewer, container, valve, pump, sump or similar construction, equipment, machinery or object in which a dangerous liquid or a dangerous concentration of gas, vapour, dust or fumes may be present;

"fire resistance" means the minimum period for which a building element or component will comply with the requirements for stability, integrity and insulation when tested in accordance with SABS 0177: Part II;

"flammable liquid" means any liquid which produces a vapour that forms an explosive mixture with air, and includes any liquid with a closed cup flash point of less than 55 degrees centigrade;

"Hazardous Chemical Substances Regulations" means the Hazardous Chemical Substances Regulations as published under Government Notice No. R.1179 of 25 August 1995 and as amended by Government notice No. R. 930 of 25 June 2003 under section 43 of the Act;

"Lead Regulations" means the Lead Regulations, 2001 as published under Government Notice No. R. 236 of 28 February 2002 under section 43 of the Act;

"lower explosive limit" means the lowest percentage, by volume, of flammable gas in air that will support combustion;

"Regulations for Hazardous Biological Agents" means the Regulations for Hazardous Biological Agents as published under Government Notice No. R. 1390 of 27 December 2001 under section 43 of the Act;

"SABS 0177 Part II" the South African Bureau of Standards' Code of Practice entitled 'Fire Resistance Test for Building Elements', SABS 0177:Part II 1981, published by the South African Bureau of Standards;

"SABS 0338" the South African Bureau of Standards' Code of Practice entitled Homologation of Respiratory Equipment, SABS 0338 of 1999, published by the South African Bureau on Standards;

"SABS 1451: Part I" South African Standard. Standard Specification for Hearing Protectors, Part I: Ear Muffs;

"SABS 1451: Part II" South African Standard. Standard Specification for Hearing Protectors, Part II: Ear plugs;

Personal protective equipment and facilities.

2.(1) Subject to the provisions of section 8(2)(d), every employer, self-employed person or user, as the case may be, shall make an evaluation of the risk attached to any condition or situation which may arise from the activities of

such employer, self-employed person or user, as the case may be, and to which persons at a workplace or in the course of their employment or in connection with the use of machinery are exposed, and he shall take such steps or precautionary measures as may be necessary to render the condition or situation safe and without risk to the health of persons.

(2) Where it is not practicable to safeguard the condition or situation contemplated in subregulation (1), the employer, self-employed person or user, as the case may be, shall take steps to reduce the risk as much as practicable, and shall provide free of charge and maintain in good and clean condition personal protective 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 and without risk to the health persons.

(3) Taking into account the nature of the hazard that is to be countered, and without derogating from the general duties imposed on employers and users by subregulations (1) and (2), the personal protective equipment and facilities contemplated in subregulation (2) shall include, as may be necessary—

- (a) suitable goggles, spectacles, face shields, welding shields, visors, hard hats, protective helmets, caps, gloves, gauntlets, aprons, jackets, capes, sleeves, leggings, spats, gaiters, protective footwear, protective overalls, or any similar personal protective 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 garments, waders, fire retardant or flame proof clothing, ice jackets, or any similar personal protective equipment of a type that will effectively protect the wearer thereof against harm;
- (c) harnesses, nets, fall arresters, life lines, safety hooks or any similar equipment of a type that will effectively protect persons against falls;
- (d) mats, barriers, locking out devices, safety signs or any similar facility that will effectively prevent slipping, unsafe entry or unsafe conditions;
- (e) protective ointments, ear muffs, ear plugs, respirators, breathing apparatus, masks, air lines, hoods, helmets or any similar personal protective equipment or facility of a type that will effectively protect against harm: Provided that hearing protective equipment shall be of a type that conforms to SABS 1451; Parts I and II: Provided further that respiratory protective equipment shall be of a type that conforms to SABS 033-99;

- (f) suitable insulating material underfoot where persons work on a floor made of metal, stone or concrete or other similar material; and
- (g) such personal protective equipment or facilities as may be necessary to render the persons concerned safe.

(4) Subject to the provisions of the Asbestos, Lead, Hazardous Chemical Substances Regulations and Regulations for Hazardous Biological Agents pertaining to personal protective equipment, an employer or user, as the case may be, shall take steps to ensure that no personal protective 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, maintenance, modification, mending or replacement, and no person shall remove any such personal protective equipment or facility from a workplace or premises where machinery is used, except for the aforesaid purposes.

(5) An employer or user shall instruct his employees in the proper use, maintenance and limitations of the personal protective equipment and facilities provided.

(6) An employer or user shall not require or permit any employee to work unless such an employee uses the required personal protective equipment or facility provided in terms of this 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 personal protective equipment or facilities.

Intoxication

3.(1) Subject to the provisions of subregulation (3), an employer, self-employed person 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, self-employed person 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.

(4) Where an employee is taking medication, which in the opinion of a medical practitioner or pharmacist may impair the employee's judgment or ability to perform work safely, that employee is obligated to inform the employer.

Display of substituted notices and signs

4. If the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer, a self-employed person or a user at a workplace, the employer, self-employed person or user may, in lieu thereof, display a corresponding symbolic sign or notice as contained in SABS 1186.

Admittance of persons

5.(1) Subject to the provisions of section 8 of the Act, an employer, self-employed person or user, as the case may be, shall not permit a person to enter a workplace where the health or safety of such person is at risk or may be at risk, unless such person enters such workplace with the express or implied permission of and subject to the conditions laid down by such employer or user. Provided that such express or implied permission shall not apply in respect of an inspector or any other person entitled by law to enter such workplace or premises.

(2) An employer, self-employed person or a user, as the case may be, shall, if he deems it necessary in the interests of health and safety, post up a notice at every entrance to a workplace prohibiting the entry of unauthorised persons to such workplace and no person shall enter or remain at such workplace without the permission of the employer or user, as the case may be.

Prevention of transmission of HIV, Hepatitis Virus and other Blood-borne diseases

- 6.(1) An employer shall take all reasonable steps—
- (a) to promote the use of standard precautions for the prevention of the transmission of the human immuno-deficiency virus, hepatitis B and any other blood-borne pathogens in the workplace; and

- (b) to ensure that all his or her employees receive adequate training in the use of standard precautions for the prevention of the transmission of the human immune-deficiency virus, hepatitis B and any other blood-borne pathogens in the workplace.

(2) For the purpose of subregulation (1)(a) standard precautions shall include—

- (a) treating all blood and other body fluids as potentially infectious;
- (b) taking all reasonable steps to ensure such blood and other bodily fluids are suitably cleaned up in a manner to prevent biological agent disease transmission.
- (c) taking all reasonable steps to ensure that the disposal of such blood and other bodily fluids contaminated materials are suitably disposed of in accordance with the requirements of regulation 17 of the Regulations for Hazardous Biological Agents; and
- (d) furthermore, taking all reasonable steps as may be necessary to prevent the transmission of the human immune-deficiency virus, hepatitis B and other blood-borne pathogens.

First aid, emergency equipment, and procedures.

7.(1) An employer shall take all reasonable steps to ensure that persons at work receive prompt first aid treatment in the case of injury or emergency.

(2) Where more than five employees are employed at a workplace, the employer of such employees shall provide a first aid box or boxes at or near the workplace which shall be readily 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 contemplated in subregulation (2) contain suitable first aid equipment listed in the Annexure hereto.

- (b) An employer shall ensure that only first aid equipment contemplated in paragraph (a) or other similar first aid equipment is kept in the first aid box or boxes.

(4) Where more than 10 employees are employed at a workplace, the employer of such employees shall take steps to ensure that for 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 (Act No.75 of 1997), for every group of 100 employees, at least one person is designated in writing and readily available during normal working hours, who is in possession of a valid certificate of competency in first aid, issued by a person or organization approved by the chief inspector for this purpose: Provided that the person or organisation must be a registered entity in terms of the laws of the Republic of South Africa. Any entity or organization not incorporated shall have a maximum of 3 years from the promulgation of this regulation to register as a legal entity, failing which, its recognition as a First Aid Training Organisation will lapse.

(5) An employer shall at a workplace where (pesticides), hazardous chemical substances or hazardous biological agents as defined in both the hazardous chemical substances regulations and regulations for hazardous biological agents respectively are used, handled, processed or manufactured, ensure that the first aid worker referred to in subregulation (4) 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 hazardous chemical substances or hazardous biological agents, and in the emergency procedures which are necessary in the case of accidental leakage or dumping of such hazardous chemical substances or hazardous biological agents.

(6) An employer shall post a prominent notice or sign in a conspicuous place at a workplace, indicating where the first aid box or boxes are kept as well as the name of the person in charge of such first aid box or boxes.

(7) An employee suffering from an open wound, cut, sore or any similar injury, who works where hazardous chemical substances or hazardous biological agents contemplated in subregulation (5) is used, handled, processed or manufactured, shall report such injury to his employer forthwith. The employer may not permit such person to continue working before the injury has been cleaned with soap and water or with a diluted disinfectant and suitably dressed to eliminate blood or bodily fluids seepage through the dressing, where necessary.

(8) Where an employee is exposed or may be exposed to a potential hazard of injury to the eye through contact with a hazardous biological agent or hazardous chemical substance, the employer concerned shall make sure that there is an eye-wash 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 to a potential hazard of injury to or absorption through the skin as a result of sudden contact with a large amount of hazardous chemical substances or hazardous biological agents, the employer concerned shall make sure that there is a fast-reacting deluge shower with clean water, or similar facility in the immediate vicinity of the workplace of such employee and that the employee is trained to use such facility in the use thereof.

Use and storage of flammable liquids.

8. (1) No employer shall require or permit any person to work in a place where the vapour of any flammable liquid is generated to such an extent that it constitutes an actual or potential fire or explosion hazard or endangers the health or safety of any person, unless the provisions of subregulations (2) to (12) of this regulation are complied with.

(2) No employer shall require or permit a flammable liquid to be used or applied other than in a room, cabinet or other enclosure specially constructed for this purpose of fire resistant material, or in a place which, owing to its situation or construction or any other feature or circumstance, is of such a nature that—

- (a) no fire or explosion hazard is, or may be created thereat;
- (b) any vapour resulting from such use or application is effectively extracted and diluted into the atmosphere subject to the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965); and
- (c) no other workplace can or may be contaminated by such a vapour.

(3) An employer shall cause every room, cabinet or enclosure contemplated in subregulation (2) to be fitted with an efficient intake and exhaust ventilation system to remove any vapour there from and to prevent its re-circulation in a manner which may lead to the contamination of any other workplace or the creation of a fire or explosion hazard: Provided that, notwithstanding any other provision of this regulation, an employer shall provide every employee doing spraying with a respiratory protective equipment of a type approved by the Minister, and that any such employee shall while spraying use such respiratory protective equipment provided to him.

(4) Where spraying is done in any room the employer shall cause the ventilation system contemplated in subregulation (3) to conform to the following requirements:

- (a) If the air supply and extraction is horizontal, the average air speed measured at a level of 1,5 metre above the floor, or at the level of the platform on which persons stand to work, shall be not less than 0,5 metre per second.
- (b) if the air supply is vertical and the extraction thereof is done through slits or a grill along the side walls at floor level, the average air speed measured at a level of 1,5 metre above the floor, or at the level of the platform in which persons stand to work, shall not be less than 0,4 metre per second; or
- (c) if the air supply is vertical and the extraction thereof is done through a grill over the whole of the floor area, the average air speed measured at a level 1,5 metre above the floor, or at the level of the platform on which persons stand to work, shall not be less than 0,3 metre per second.

(5) Where spraying is done in any cabinet or enclosure as contemplated in subregulation (2), the employer shall cause the ventilation system contemplated in subregulation (3) to comply with the following requirements:

- (a) Where the area of the open face of the cabinet is not more than one square metre, the average speed of air movement through the said face shall not be less than one metre per second;
- (b) where the area of the open face is more than one square metre but less than two square metre, the average speed of air movement through the said face shall not be less than 0,75 metre per second; or
- (c) where the area of the open face is equal to or exceeds two square metres, the average speed of air movement through the said face shall not be less than 0,5 metres per second.

(6) With regard to the ventilation system contemplated in subregulation (3) the employer shall cause—

- (a) all ducts, trunks and enclosures of the system to be of fire resistant material with a smooth interior finish and to be constructed in such a manner as to facilitate the cleaning thereof;
- (b) the system to be kept in operation during working hours as well as for at least the period of time thereafter that may be necessary to clear the vapour from the atmosphere of the room, cabinet or enclosure to below 25 per cent of the lower explosive limit of that vapour; and

- (c) the work to be so organised that the flow of air towards the intake of such ventilation system is not obstructed and draws the spray or vapour of the flammable liquid away from any employee operating the equipment.
- (7) With regard to any room contemplated in subregulation (2) the employer shall cause every such room—
- (a) with a floor area exceeding 20 square metre to have at least two separate entrances at opposite ends of the room, which shall be fitted with doors opening outwards that cannot be locked; and
- (b) to be fitted with an inspection window of strengthened and shatterproof glass that cannot be opened.
- (8) (a) An employer shall not permit—
- (i) any fire, flame or naked light or anything which may generate static electricity or any other thing which may ignite a flammable liquid or its vapour, to be used in or taken into any room, cabinet or enclosure in which flammable liquid is used, sprayed or stored and shall post a suitable and conspicuous sign prohibiting any such act at the entrances to any such room, cabinet or enclosure;
- (ii) any person to smoke in any place in which flammable liquid is used or stored, and such employer shall post a suitable and conspicuous notice prohibiting such smoking at all the entrances to any such place; and
- (iii) any process or installed fitting capable of causing sparks or fire, or the application of any heat for the drying of sprayed or treated articles, to be or take place in any room, cabinet or enclosure used for spraying, before the space or atmosphere has been cleared of all vapour.
- (iv) any person spraying flammable to remain or conduct work in any room, cabinet or enclosure as contemplated in subregulation(2) unless he is wearing respiratory protective equipment.
- (9) With respect to any room, cabinet or enclosure contemplated in subregulation (2), the employer shall cause—
- (a) discarded cotton waste, cleaning rags or similar material to be removed daily and safely disposed of;
- (b) only that quantity of flammable liquid needed for work on one day to be taken into or kept in such room, cabinet or

enclosure: Provided that partially consumed stock may be stored in a properly marked fireproof storage cabinet inside the work place;

- (c) all drums, cans, canisters or similar containers holding flammable liquids to be kept tightly closed when not in actual use and, after their contents have been used up, to be removed from the workplace and safely disposed of daily; and
- (d) every such room, cabinet or enclosure to be kept clean and all fans, ducts, trunks and enclosures of the ventilation system contemplated in subregulation (3) to be kept clean and in good working order: Provided that any cleaning, scraping or scouring shall be done with implements that cannot cause sparking if the concentration of the vapour exceeds 25 per cent of the lower explosive limit of that vapour.

(10) An employer shall cause every flammable liquid store to be—

- (a) separated with a fire resisting material with a fire resistance of two hours from any room, cabinet or enclosure contemplated in subregulation (2);
- (b) constructed of fire resisting material with a fire resistance of two hours;
- (c) constructed in such a way that, in case of spillage, a volume of the flammable liquid in question equal to the quantity of flammable liquid ordinarily kept in store plus 10 per cent of that quantity, can be contained;
- (d) ventilated to the open air in such a manner that vapour cannot accumulate inside the store; and
- (e) clearly marked with a sign indicating that it is such a store and also indicating the amount of flammable liquid which may be stored therein.

(11) Taking into account the construction and location of the premises in question and the quantity and types of flammable liquids involved, an employer shall install an adequate amount of efficient fire fighting equipment in suitable locations in and around every building in which such substances are used, handled or stored, or as may be recommended by the fire chief of the local authority concerned.

(12) The provisions of this regulation shall not be construed as applying to the use of flammable liquids in the course of or in connection with construction work: Provided that every employer engaged in building work shall ensure that, where flammable liquids are used or applied at the workplace concerned, this is done in such a manner that no fire or explosion hazard is created, and that the workplace is efficiently ventilated: Provided that where the workplace cannot be ventilated effectively the employer shall provide every employee involved with a

respiratory protective equipment of a type approved by the Minister, and shall take steps to ensure that every such employee, while using or applying flammable liquid, uses the apparatus supplied to him.

Work in confined spaces.

9.(1) An employer or user of machinery shall take steps to ensure that a confined space is entered by an employee or any other person only after the air therein has been tested and evaluated by a person who is competent to pronounce on the safety thereof, and who has certified in writing that the confined space is safe and will remain safe while any person is in the confined space, taking into account the nature and duration of the work to be performed therein.

(2) Where the provisions of subregulation (1) cannot be complied with, the employer or user of machinery, as the case may be, shall take steps to ensure that any confined space in which there exists or is likely to exist a hazardous gas, vapour, dust or fumes, or which has or is likely to have, an oxygen content of less than 20 percent by volume, is entered by an employee or other person only when—

- (a) subject to the provisions of subregulation (3), the confined space is purged and ventilated to provide a safe atmosphere therein and measures necessary to maintain a safe atmosphere therein have been taken; and
- (b) the confined space has been isolated from all pipes, ducts and other connecting openings by means of effective blanking other than the shutting or locking of a valve or a cock, or, if this is not practicable, only when all valves and cocks which are a potential source of danger have been locked and securely fastened by means of chains and padlocks.

(3) Where the provisions of subregulation (2)(a) cannot be complied with, the employer or use of machinery shall take steps to ensure that the confined space in question is entered only when the employee or person entering such confined space is using respiratory protective equipment of a type approved by the Minister and, further, that—

- (a) the provisions of subregulation (2)(b) are complied with;
- (b) any employee or person entering the confined space is using a safety harness to which a rope is securely attached which reaches beyond the access to the confined space, and the free end of which is attended to by a person referred to in paragraph (c);
- (c) at least one other person trained in resuscitation and in recognising confined space hazards and precautions is and remains in attendance immediately outside the entrance of the