

WIETA				
	Code Principle	Safe and Healthy Work Environment	Date	April 2016
	Subject	Extract form OHS Act, 1993 and Regulations	Internal Ref	03.02(a)
	Legal reference	Section 16(2) Appointment		

### **Responsibility of Chief Executive Officer**

In accordance with the provisions of the OHS Act, 1993 the Chief Executive Officer of an organization is ultimately responsible to ensure compliance with the provisions of the Occupational health and Safety Act, 1993, incorporated Regulations and Standards. Although the Chief Executive Officer may assign any of his duties to any person under his control, he cannot assign his legal liability. The CEO will be held liable in the event of one of his subordinates failing to comply with the instruction given to him by the CEO. It stays the responsibility of the CEO to ensure that his subordinates perform the functions he assigned to them. Although liability also remains with the CEO it may be important to assign duties under Section 16(2) to other members of the management team.

### **Section 16 of the Occupational Health and Safety Act, 1993**

Chief executive officer charged with certain duties.

- (1) Every chief executive officer shall as far as is reasonably practicable ensure that the duties of his employer as contemplated in this Act, are properly discharged.
- (2) Without derogating from his responsibility or liability in terms of subsection (1), a chief executive officer may assign any duty contemplated in the said subsection, to any person under his control, which person shall act subject to the control and directions of the chief executive officer.
- (3) The provisions of subsection (1) shall not, subject to the provisions of section 37, relieve an employer of any responsibility or liability under this Act.
- (4) For the purpose of subsection (1), the head of department of any department of State shall be deemed to be the chief executive officer of that department.