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	Code Principle	Safe and Healthy Work Environment	Date	April 2016
	Subject	Extract form OHS Act, 1993 and Regulations	Internal Ref	03.01(a)
	Legal reference	Section 8 of the OHS Act, 1993 and General Safety Regulation 2		

Section 8 as per the Occupational Health and Safety Act, 1993

General duties of employers to their employees:

- (1) Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.
- (2) Without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular—
 - (a) the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health;
 - (b) taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment;
 - (c) making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances;
 - (d) establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his business, and he shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures;
 - (e) providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees;
 - (f) as far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to

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operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;

- (g) taking all necessary measures to ensure that the requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is used;
- (h) enforcing such measures as may be necessary in the interest of health and safety;
- (i) ensuring that work is performed and that plant or machinery is used under the general supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the employer are implemented; and
- (j) causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b).

General Safety Regulation 2 as promulgated under the Occupational Health and Safety Act, 1993 - Personal Safety Equipment and Facilities.

(1) Subject to the provisions of paragraphs (f), (g), (h) and (i) of regulation 5 of the General Administrative Regulations published under Government Notice R2206 of 5October 1984, every employer and every user of machinery shall make an evaluation 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 or in connection with the use of machinery are exposed, and he shall take such steps as may under the circumstances be necessary to make such condition or situation safe.

(2) Where it is not practicable to safeguard the condition or situation contemplated in sub-regulation (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


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person exposed to any such condition or a 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 countered, and without derogating from the general duties imposed on employers and users of machinery by sub-regulations (1) and (2), the safety equipment and facilities contemplated in sub-regulation (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 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 garments, waders, fire retardant or flame-proof clothing, ice-jackets, or any similar safety equipment of a type that will effectively protect the wearer thereof against harm;
- (c) belts, 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 safety equipment or facility of a type that will effectively protect against harm;
- (f) suitable insulating material underfoot where persons work on a floor made of metal, stone, concrete or other similar material; and
- (g) generally, such safety equipment or facilities as may be necessary to render the persons concerned safe.

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- (4) An employer or a user of machinery, as the case may be, shall take steps to ensure that no safety 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 safety equipment or facility from a workplace or premises where machinery is used, except for the aforesaid purposes.
- (5) An employer shall instruct his employees in the proper use, maintenance and limitations 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 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 safety equipment or facilities.