

**Demonstrate Knowledge and  
Understanding of relevant current  
Occupational Health and Safety**



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## BEFORE YOU GET STARTED...

Dear Learner,

This Learner Guide contains all the information to acquire all the knowledge and skills leading to the unit standard:

Title: Demonstrate Knowledge And Understanding Of Relevant Current Occupational Health  
And Safety Legislation

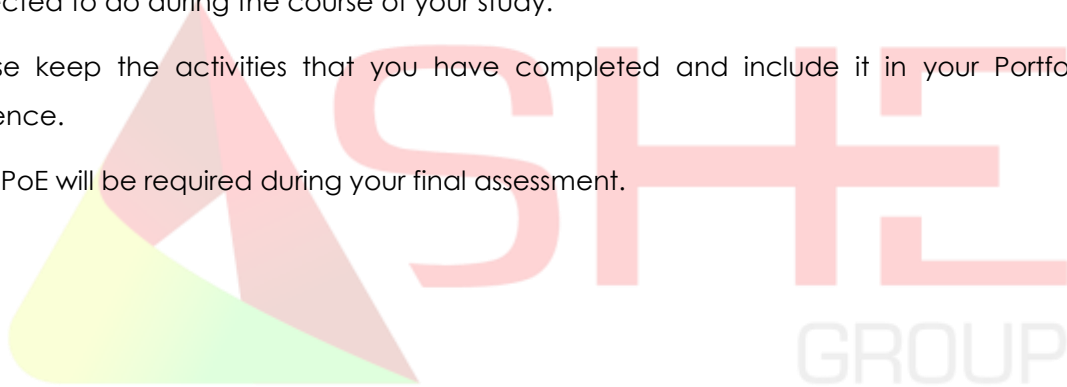
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The full unit standard is attached. Please read the unit standard at your own time. Whilst reading the unit standard, make a note of your questions and aspects that you do not understand, and discuss it with your facilitator.

This Learner Guide contains all the information, as well as the activities that you will be expected to do during the course of your study.

Please keep the activities that you have completed and include it in your Portfolio of Evidence.

Your PoE will be required during your final assessment.



## THE LEARNING EXPERIENCE...

**The Purpose:** Identify and solve problems and make decisions using critical and creative thinking. By implementing and maintaining health and safety legislation in a workplace, the individual will assist in solving problems.

**People credited with this unit standard are able to:**

Explain the basic principles of relevant current health and safety legislation and the consequences of non-compliance.



## WHAT IS THE ASSESSMENT ALL ABOUT?

Assessment takes place at different intervals of the learning process and includes various activities. Some activities will be done before the commencement (Baseline) of the program whilst others will be done during programme (Formative) delivery and other after completion (Summative) of the program.

You will be assessed during the course of your study. This is called formative assessment.

You will also be assessed on completion of this unit standard. This is called summative assessment.

Before your assessment, your assessor will discuss the unit standard with you. The assessment experience should be user friendly, transparent and fair. Should you feel that you have been treated unfairly, you have the right to appeal. Please ask your Assessor about the appeals process and make your own notes.

Your activities must be handed in from time to time on request of the facilitator and the assessor. Sources of information to complete these activities should be identified by your facilitator.

**Please note** that all completed activities, tasks and other items on which you were assessed must be kept in good order as it becomes part of your Portfolio of Evidence for final assessment.

Enjoy this learning experience...

# MODULE 1 – DEMONSTRATE KNOWLEDGE AND UNDERSTANDING OF THE BASIC PRINCIPLES OF THE RELEVANT LEGISLATION

## The Concept Of Civil Liability Is Explained With Examples (SO1-AC1)

A civil action is a lawsuit filed by a private person (not the government) against another private person. If you intentionally or even mistakenly injure someone or damage someone's property, you could end up being responsible for paying for the other person's losses. This is known as "civil liability."

The word "liability" means responsibility for the harm or damages suffered by the plaintiff. A person found liable in a civil action, upon a verdict in favour of the plaintiff, must pay the monetary damages.

Civil actions are categorized according to the type of injury or damage involved. They include "torts" (a French word that simply means "wrong," such as personal injury and wrongful death (wrongful death is a claim against a person who can be held liable for a death), contract disputes, product liability claims, and business disputes (such as patent infringement claims).

Example: A civil lawsuit would be a lawsuit by a person injured in a vehicle accident against the driver of the vehicle who caused the accident.

See the sections below for more on these types of civil cases.

### **Intentional Torts: Purposeful Acts**

Some civil wrongs result from intentionally "bad" acts, such as intentional fraud, damaging, lies, and employment discrimination. In these cases, the plaintiff must prove that the defendant purposely engaged in certain conduct, for example, by offering evidence that the defendant had spread false rumours that the plaintiff had engaged in a crime, knowing that the rumours were false.

### **Negligence Liability: Accidents**

Not all civil actions involve intentional conduct by the defendant. Plaintiffs in many civil cases claim that the defendant acted negligently and that this negligence caused their injuries or loss. In such cases, the plaintiff need not show any intent at all on the part of the defendant.

But, the plaintiff must show that the defendant had a duty to exercise due care in taking certain actions and failed to take such care.

Example: an employee or customer brings a personal injury lawsuit against a shop owner or contractor who didn't promptly take care of a spill that caused a customer to slip and result in injuries.

### **Vicarious Liability**

At times, the law imposes responsibility for civil wrongs on people or entities other than those actually engaging in the conduct that led to injury or damage. This is called vicarious liability. For example, an employer may be held vicariously liable for an employee's sexual harassment of another employee, if the employer knew about the harassment and failed to address it effectively.

## **The Concept Of Criminal Liability Is Explained With Examples (SO1-AC2)**

Criminal law, as distinguished from civil law, is a system of laws concerned with punishment of individuals who commit crimes. Thus, where in a civil case two individuals dispute their rights, a criminal prosecution involves the government deciding whether to punish an individual for either an act or an omission.

Criminal law related to construction and the law governing administrative offences continue to gain importance in the field of construction. The responsible persons at companies face the threat of fines and imprisonment. Fines are by no means any longer rare.

Criminal laws involve punishing the acts of human beings. In South Africa, criminal law is based on common law, and legislation. A crime is "an offence by breaking prohibitory rules or laws, to which legitimate punishments are attached. The standard of evidence in South Africa is Proof beyond Reasonable Doubt.

Examples of criminal law include cases of

- Burglary
- Assault
- Homicide (murder)
- Fraud and Theft: (White collar)
- Sexual Assault
- Receiving Stolen Goods
- Possession of Drugs
- Theft by trickery
- Insurance Fraud



## **Common Law Related To Construction**

When a specific matter is not governed by legislation, common law usually applies. South African common law is mainly the 17th and 18th century Roman-Dutch law that was transplanted to the Cape. This forms the basis of modern South African law and has binding authority.

When two parties have entered into a contract of the sale of goods is a contract by which the seller transfers or agrees to transfer the property in goods to the buyer for money, called the price. The terms of the contract refer to the respective duties and obligations of each party to the contract.

In defining the implied terms the protection of the parties are established and therefore gives rise to any remedies that may be provided by these terms.

Terms that may be implied into a construction contract include:

- A duty to cooperate: the employer must do what is necessary to ensure completion of the contract, by reference to the express contract terms
- A duty to give up possession of the site within a reasonable time: this only applies in certain types of contract (e.g. not maintenance or refurbishment)
- An obligation not to hinder/prevent the contractor: the contractor must not be prevented from performing its obligations under the contract in a regular and ordinary manner
- An obligation to exercise a discretion honestly, in good faith: the discretion must however be exercised for its proper purpose, and not arbitrarily or capriciously

## **Reasons For The Existence Of The Legislation Are Explained With Reference To Good Corporate Governance (SO1-AC3)**

Corporate governance is defined as 'a system by which companies are directed and controlled.

Corporate governance refers to a framework of procedures, policies, and rule that is used to determine the overall performance, direction and compliance of the company.

Rules of corporate governance for effective corporate governance are:

- Commitment begins at the top.
- Accountability must be established and communicated clearly.
- Alignment between the structure and the business is imperative.
- Flexibility to adapt and build up on the sustainability program across business units and regions can advance the sustainability agenda.

Globally, health systems governance has received increased attention as it influences the core goals of good health outcomes, responsiveness to community expectations, and fair

financial contribution. The World Health Organization (WHO) has proposed six building blocks of a health system that are essential to achieve these goals, with leadership and governance as the most important building block. The 2015 sustainable development goals have underscored the importance of governance in achieving health and development objectives. Numerous definitions of health systems governance have been proposed. King has proposed that effectiveness and ethical leadership constitute the most important characteristics of organisational governance. This paper uses the WHO definition which states that health systems governance is a national function that requires the existence of strategic frameworks 'combined with effective oversight, coalition-building, the provision of appropriate regulations and incentives, and accountability'.

The International Labour Organization (ILO) Convention defines OHS as 'services' entrusted with essentially preventive functions and responsible for advising the employer, the workers and their representatives on matters relevant to establishing a healthy and safe working environment. OHS are regarded as specialised healthcare services, of which one of the goals is to monitor and protect workers' health in their place of employment. OHS governance is critical as ineffective governance contributes to financial losses through work-related ill-health, injuries and sickness absenteeism, and the large burden of occupational disease and injury. Evidence also shows that poorly-regulated health services lead to distortions in the type, quantity, distribution, quality and price of services, a concern that has been raised in the occupational health (OH) sector.

South Africa is a member state of the ILO (International Labour Organization) authorised International Convention known as the Occupational Safety and Health Convention. In consort with the WHO building blocks for a health system, this Convention requires that member states develop a national policy for health and safety with objectives;

- Indicate the roles
- Functions and responsibilities of stakeholders
- Apply a system of inspection with adequate penalties to enforce the laws and regulations.
- Provide guidance to employers and stakeholders on compliance with legal obligations and, through consultation, ensure necessary co-ordination between stakeholders to give effect to Convention

The Convention also recommends the establishment of a central, oversight body.

The objectives of the Convention were endorsed at the 13th Joint ILO/WHO Committee on Occupational Health, which recommends that basic occupational health services (BOHS) should be available to all workers. The objective of BOHS is the provision of OHS to all workplaces that either do not have such services or have services that do not meet the

current OH needs. It is estimated that 10% to 15% of the global working population have access to some form of OHS, and that coverage is required in all sectors of the economy, including formal, informal and self-employed, regardless of occupation, size of workforce, geographical location or mode of employment. The BOHS model proposes four levels of service delivery, ranging from services to employees where there are no on-site OH services to comprehensive OHS delivered through multi-disciplinary teams, creating a diverse system of service delivery.

The legislative framework within which OH is practiced in South Africa is complex, with several government departments having a legislative responsibility. Two government departments administer OH activities in the workplace, i.e. the Department of Mineral Resources (DMR) through the Mine Health and Safety Act (MHSA) which administers OH in mines and quarries, and the Department of Labour (DoL) through the Occupational Health and Safety Act (OHSA) which administers OH in all other sectors.

### **Review of Legislation And Policy Documents**

From July 2013 to July 2014, a review was conducted of the South African legislation and policy documents governing OH, OHS and occupational healthcare establishments. Reviewed data sources included the websites of the ILO, WHO, South African National Government, Department of Health, Department of Labour, Department of Mineral Resources, and Sabinet (South African Bibliographic and Information Network). Key words in the document review included: occupational health, occupational healthcare services, occupational health legislation, and governance of occupational health. The specific laws reviewed were the South African Constitution, OHSA, MHSA, NHA, Civil Aviation Act, Merchant Shipping Act, Health Professions Act, and the Nursing Act.

A strong legislated framework is in place for healthcare in South Africa but with limited control over the behaviour of service providers in the private sector where governance is perceived as voluntary. Evidence suggests that self-regulation is successful under conditions of effective governance

### **The Generic Structure Of The Legislation Is Known And The Acts And Regulations Are Used To Access Information On Three Different Aspects (SO1-AC4)**

The Act consists of 50 sections as approved by parliament.

The aim of the OHS Act is to provide for the safety and health of persons at work and in connection with the use of plant and machinery. It further provides for the protection of people other than people at work from hazards arising out of or in connection with the activities from people at work.

The main objective of the Act could be described as a pro-active attempt to prevent and avoid work related injuries and illness. The Act governs the health, safety and environment for the diverse industry of South Africa. It regulates and control health and safety in all organisations, from a normal office environment to more hazardous environments like industrial plants and construction sites.

The generic structure of the legislation is used to access information on three different aspects

- a) Provides the primary framework within which the Contractor is required to demonstrate compliance with certain requirements for occupation health and safety established by the Occupational Health and Safety Act of 1993;
- b) Establishes the manner in which the Contractor is to manage the risk of health and safety incidents in the execution of the contract; and
- c) Establishes the manner in which the Employer's health and safety agent will interact with the Contractor.

## **The Responsibility Of An Organisation To Ensure Compliance Within The Generic Framework Of The Legislation Is Explained Relative To The Duties Of Employer, Employees And Contractors (SO1-AC5)**

### **General Duties Of Employers To Their Employees**

8. (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 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 Duties Of Employees At Work**

14. Every employee shall at work-

(a) take reasonable care for the health and safety of himself and of other persons you may be affected by his actions or omissions;

(b) as regards any duty or requirement imposed on his employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed or complied with;

(c) carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health or safety;

(d) if any situation which is unsafe or unhealthy comes to his attention, as soon as practicable report such situation to his employer or to the health and safety representative for his workplace or section thereof, as the case may be, who shall report it to the employer; and

(e) if he is involved in any incident which may affect his health or which has caused an injury to himself, report such incident to his employer or to anyone authorized thereto by the employer, or to his health and safety representative, as soon as practicable but not later than the end of the particular shift during which the incident occurred, unless the circumstances were such that the reporting of the incident was not possible, in which case he/shall report the incident as soon as practicable thereafter.

### **contractor management**

The contractor also appoint subcontractors, who have special expertise, to execute certain parts of a project that cannot be constructed by the contractor.

The roles and responsibilities of contractors may be slightly different from a project to another but the general roles and responsibilities of contractors are nearly the same which are presented below:

- Plan important project development and implementation in advance
- Determination and estimation of various issues in the project such as needed material and equipment
- Anticipation of any potential modification in the project
- Making sure that health, safety and environmental specifications are followed
- Practicing excellent communication between all parties involved in the construction such as client and subcontractors
- Comply with legal and regulatory requirements
- Mandatory agreement - 37.2. Contractor Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act.
- COID registration (letter of good standing)
- Medical certificates
- Employee certifications and qualifications (competence)
- Machinery and equipment checks and certifications
- Risk assessments for activities

## **The Legislative Accountability Of The Chief Executive Officer And/Or Employer Is Explained, And An Indication Is Given Of The Legal Implications Of Non-Compliance. (SO1-AC6)**

The primary responsibility for ensuring a safe and healthy work environment is placed on the Chief Executive Officer or the person deemed to be the Chief Executive Officer of the organisation. Therefore, if a company has a board of directors, the board must decide who will be the person with the most authority. The OHS Act will consider this person to be the 16.1 as defined in Act.

Section 1 of the OHS Act defines the Chief Executive Officer as follows:

- (1) "Chief executive officer", in relation to a body corporate means the person who is responsible for the overall management and control of the business of such body corporate or enterprise;

Section 16(1) of the OHSA, appoints the CEO as the accountable person who should provide and maintain a safe and healthy work environment that is without risk to employees and others.

Section 16.2 - 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.

Thus, Section 16(2) appointee(s) will be responsible for the management of occupational health and safety matters at the designated area of appointment. After appointment they will be legally bound to help and assist the CEO with safety management over these designated areas.

The delegation of the above mentioned does not include the accountability, which is squarely placed at the CEO's feet.

This is stated in Section 16 (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.

### **Offences and Penalties**

Section 38 of the OHSA is clear about the penalties for non-compliance:

- (1) Any person who-
  - (a) contravenes or fails to comply with a provision of section 7, 8, 9, 10 (1), (2) or (3), 12, 13, 14, 15, 16 (1) or (2), 17 (1), (2) or (5), 18 (3), 19 (1), 20 (2) or (4), 22, 23, 24 (1) or (2), 25, 26,

29 (3), 30 (2) or (6), 34 or 36(p) shall be guilty of an offence and on conviction be liable to a fine not exceeding R50000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) Any employer who does or omits to do an act, thereby causing any person to be injured at a workplace, or, in the case of a person employed by him, to be injured at any place in the course of his employment, or any user who does or omits to do an act in connection with the use of plant or machinery, thereby causing any person to be injured, shall be guilty of an offence if that employer or user, as the case may be, would in respect of that act or omission have been guilty of the offence of culpable homicide had that act or omission caused the death of the said person, irrespective of whether or not the injury could have led to the death of such person, and on conviction be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.





## MODULE 2 – EXPLAIN THE REQUIREMENTS FOR COMPLIANCE AS STIPULATED IN THE CURRENT LEGISLATION

### The Structures Required To Facilitate Application Of The Legislation In An Organisation Are Identified An Indication Is Given Of The Appointments Required To Achieve Compliance (SO2-AC1)

The OHS Act and its Regulations require a number of appointments to be made.

The following documents must be provided in the Health and Safety Plan

- Health and Safety Policy signed by CEO or statement of commitment to HSE
- Letter of good standing with the Compensation Commissioner, Federated Employers or similar insurer.
- HSE Organogram (or table), outlining the HSE Team, as well as the appointment(s) they have under the Act and Regulations (reference to specific section/regulation applicable to appointment)
- The competency of each member of the HSE Team must be provided and should include knowledge, training, experience & qualifications specific to the appointment.
- Indicate the estimated number of employees to be working on site.
- Indicate the expected number of sub-contractors to be appointed by the Principal Contractor.

Signed copies of the following legal appointments must be provided in the Health, Safety and Environmental Plan:

Appointment	OHS-ACT/ Regulation reference
CEO	16.2
HSE Representative (if necessary)	Section 17(1)
Incident Investigator	GAR 9(2)
First Aiders	GSR 3(4)
Fire Fighters	ER 9 & CR 29
Risk Assessor - HCS Reg (Incl. Asbestos & Lead	CR 9

The following competent persons, where applicable, shall be appointed in writing prior to any work being carried out, and shall adhere to the requirements of the specific sub-regulations.

The competency of each of these appointed competent persons must be provided and should include knowledge, training, experience & qualifications specific to the appointment.

The table below indicates the applicability of the appointments but contractors should by no means be limited to these indications.

Appointment	OHS-ACT/ Regulation reference
Construction Manager	CR 8 (1)
Assistant Construction Manager	CR 8 (2)
Construction H&S Officer where applicable	CR 8 (5)
Construction Supervisor	CR 8 (7)
Construction Assistant Supervisor	CR 8(8)
Risk assessor	CR 9(1)
Fall Protection Competent Person	CR 10 (1)
Temporary works competent person	CR12 (2)
Excavation Work Supervisor	CR 13 (1)(a)
Demolition Work Competent Person	CR 14 (1)
Competent Person (Use of Explosives for Demolition Work)	CR14(11)
Scaffolding Erector/ Team Leader/ Inspector	CR 16 (1)
Suspended platform Competent Person	CR 17(1)
Rope Access Work Competent Person	CR 18 (1) (a)
Material Hoist Competent Person	CR 19(8)(a)
Bulk Mixing Plant Competent Person	CR 20 (1)
Explosive Powered Tools Competent Person	CR 21(2)(b)
Construction Vehicle and Mobile Plant Competent Person	CR23 (1)(d)

Electrical Machinery Competent Person	CR 24 (c)
Stacking and Storage Supervisor	CR 28 (a)
Fire Equipment Inspector	CR 29(h)

Indicate in the Health and safety plan which of these listed appointments are applicable to the construction work in question.

No work involving any of the listed appointments may be performed without the knowledge and approval of an appointed competent person.

### **The Duties Of Any Three Designated Appointments Are Explained With Reference To Responsibilities And Accountability (SO2-AC2)**

Below three designated appointments will be explained:

#### **Management And Supervision Of Construction Work**

8. (1) A principal contractor must in writing appoint one full-time competent person as the construction manager with the duty of managing all the construction work on a single site, including the duty of ensuring occupational health and safety compliance, and in the absence of the construction manager an alternate must be appointed by the principal contractor.

(2) A principal contractor must upon having considered the size of the project, in writing appoint one or more assistant construction managers for different sections thereof: Provided that the designation of any such person does not relieve the construction manager of any personal accountability for failing in his or her management duties in terms of this regulation.

(3) Where the construction manager has not appointed assistant construction managers as contemplated in sub regulation (2), or, in the opinion of an inspector, a sufficient number of such assistant construction managers have not been appointed, that inspector must direct the construction manager in writing to appoint the number of assistant construction managers indicated by the inspector, and those assistant construction managers must be regarded as having been appointed under sub regulation (2).

(4) No construction manager appointed under sub regulation (1) may manage any construction work on or in any construction site other than the site in respect of which he or she has been appointed.

(5) A contractor must, after consultation with the client and having considered the size of the project, the degree of danger likely to be encountered or the accumulation of hazards or risks on the site, appoint a full-time or part-time construction health and safety officer in

writing to assist in the control of all health and safety related aspects on the site: Provided that, where the question arises as to whether a construction health and safety officer is necessary, the decision of an inspector is decisive.

(6) No contractor may appoint a construction health and safety officer to assist in the control of health and safety related aspects on the site unless he or she is reasonably satisfied that the construction health and safety officer that he or she intends to appoint is registered with a statutory body (SACPCMP) approved by the Chief Inspector and has necessary competencies and resources to assist the contractor

(7) A construction manager must in writing appoint construction supervisors responsible for construction activities and ensuring occupational health and safety compliance on the construction site.

(8) A contractor must, upon having considered the size of the project, in writing appoint one or more competent employees for different sections thereof to assist the construction supervisor contemplated in sub regulation (7), and every such employee has, to the extent clearly defined by the contractor in the letter of appointment, the same duties as the construction supervisor: Provided that the designation of any such employee does not relieve the construction supervisor of any personal accountability for failing in his or her supervisory duties in terms of this regulation.

(9) Where the contractor has not appointed an employee as contemplated in sub regulation (8), or, in the opinion of an inspector, a sufficient number of such employees have not been appointed, that inspector must instruct the employer to appoint the number of employees indicated by the inspector, and those employees must be regarded as having been appointed under sub regulation (8).

(10) No construction supervisor appointed under sub regulation (7) may supervise any construction work on or in any construction site other than the site in respect of which he or she has been appointed: Provided that if a sufficient number of competent employees have been appropriately designated under sub regulation (7) on all the relevant construction sites, the appointed construction supervisor may supervise more than one site.

**Notes:** Regulation 8(1) The Construction manager must demonstrate competency in relation to work being performed and the ability to manage construction work which may include making all statutory appointments in terms of health and safety.

## **Risk Assessor**

9. (1) A contractor must, before the commencement of any construction work and during such construction work, have risk assessments performed by a competent person appointed in writing, which risk assessments form part of the health and safety plan to be applied on the site, and must include—

- (a) the identification of the risks and hazards to which persons may be exposed to;
  - (b) an analysis and evaluation of the risks and hazards identified based on a documented method;
  - (c) a documented plan and applicable safe work procedures to mitigate, reduce or control the risks and hazards that have been identified;
  - (d) a monitoring plan; and
  - (e) a review plan.
- (2) A contractor must ensure that as far as is reasonably practicable, ergonomic related hazards are analysed, evaluated and addressed in a risk assessment.
- (3) A contractor must ensure that all employees under his or her control are informed, instructed and trained by a competent person regarding any hazard and the related work procedures and or control measures before any work commences, and thereafter at the times determined in the risk assessment monitoring and review plan of the relevant site.
- (4) A principal contractor must ensure that all contractors are informed regarding any hazard that is stipulated in the risk assessment before any work commences, and thereafter at the times that may be determined in the risk assessment monitoring and review plan of the relevant site.
- (5) A contractor must consult with the health and safety committee or, if no health and safety committee exists, with a representative trade union or representative group of employees, on the monitoring and review of the risk assessments of the relevant site.
- (6) A contractor must ensure that copies of the risk assessments of the relevant site are available on site for inspection by an inspector, the client, the client's agent, any contractor, any employee, a representative trade union, a health and safety representative or any member of the health and safety committee.
- (7) A contractor must review the relevant risk assessment—
- (a) where changes are affected to the design and or construction that result in a change to the risk profile; or
  - (b) when an incident has occurred.

**Notes:**

Regulation 9(7)(a) must be read with Regulation 5(1)(r); 5(2) and Regulation 7(1)(c)(ix)

**Health And Safety Committees**

Section 19(1): An employer shall in respect of each workplace where two or more health and safety representatives have been designated, establish one or more health and safety

committees and, at every meeting of such a committee as contemplated in subsection (4), consult with the committee with a view to initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of his employees at work.

(2) A health and safety committee shall consist of such number of members as the employer may from time to time determine: Provided that-

(a) if one health and safety committee has been established in respect of a workplace, all the health and safety representatives for that workplace shall be members of the committee;

(b) if two or more health and safety committees have been established in respect of a workplace, each health and safety representative for that workplace shall be a member of at least one of those committees; and

(c) the number of persons nominated by an employer on any health and safety committee established in terms of this section shall not exceed the number of health and safety representatives on that committee.

(3) The persons nominated by an employer on a health and safety committee shall be designated in writing by- the employer for such period as may be determined by him, while the health and safety representatives shall be members of the committee for the period of their designation in terms of section 17(1).

(4) A health and safety committee shall hold meetings as often as may be necessary, but at least once every three months, at a time and place determined by the committee: Provided that an inspector may by notice in writing direct the members of a health and safety committee to hold a meeting at a time and place determined by him: Provided further that, if more than 10 per cent of the employees at a specific workplace has handed a written request to an inspector, the inspector may by written notice direct that such a meeting be held.

(5) The procedure at meetings of a health and safety committee shall be determined by the committee.

(6) (a) A health and safety committee may co-opt one or more persons by reason of his or their particular knowledge of health or safety matters as an advisory member or as advisory members of the committee.

(b) An advisory member shall not be entitled to vote on any matter before the committee.

(7) If an inspector is of the opinion that the number of health and safety committees established for any particular workplace is inadequate, he may in writing direct the employer to establish for such workplace such number of health and safety committees as the inspector may determine.

## Functions of Health And Safety Committees

20. (1) A health and safety committee-

(a) may make recommendations to the employer or, where the recommendation fail to resolve the matter, to an inspector regarding any matter affecting the health or safety of persons at the workplace or any section thereof for which such committee has been established;

(b) shall discuss any incident at the workplace or section thereof in which or in consequence of which any person was injured, became ill or died, and may in writing report on the incident to an inspector; and

(c) shall perform such other functions as may be prescribed

(2) A health and safety committee shall keep record of each recommendation made to an employer in terms of subsection (1)(a) and of any report made to an inspector in terms of subsection (1)(b).

(3) A health and safety committee or a member thereof shall not incur any civil liability by reason of the fact only that it or he failed, to do anything which it or he may or is required to do in terms of this Act.

(4) An employer shall take the prescribed steps to ensure that a health and safety committee complies with the provisions of section 19(4) and performs the duties assigned to it by subsections (1) and (2).

## The Obligations Of The Employer To Provide The Means To Comply With Legislation Is Explained With Reference To Resources And Financing (SO2-AC3)

All employers, regardless of size, are required to comply with the requirements of the Occupational Health and Safety legislation. But in many industries, including construction, smaller companies tend to see compliance as a burden in terms of both time and money - and many slips under the radar because there are too many of them for the authorities to police effectively.

However, as health, safety and environmental legislation becomes more firmly established and, particularly, as employees become more aware of their right to a safe working environment, non-compliance will become more and more of a risk. Cases like the silicosis (*chronic lung disease*) and listeriosis (*bacterial disease*).

But a growing chance of getting caught out should not be motivating factor; compliance for its own sake never yields the best results. That's particularly true when it comes to OHS because there are so many benefits to be had from taking a proactive approach.

At the most fundamental level, complying with health, safety and environmental legislation reduces the risk of employees being injured or killed — a real possibility in the construction industry.

Skilled and experienced workers should be seen as an asset in which the company has invested; replacing them is costly. At the same time, an employer who provides safe working conditions is also likely to benefit from better labour relations generally, not forgetting improved employee engagement and staff retention and less absenteeism.

Smaller contractors that take health, safety and environmental legislation seriously will find their reputation with the larger construction companies is improved, thus their chances of being included in big projects. Safety-conscious companies are more reliable on all sorts of levels.

An important driver in this regard is the focus on making workplaces safer and more welcoming for women. At present, unfortunately, many industries are hostile environments for women — sexual harassment (and worse) rates are high, ablution facilities are lacking and even equipment and clothing are often unsuited to females. And yet women constitute half the potential workforce, and studies show that productive women benefit society as a whole because they tend to invest in their children's education.

The short-term need to get the job done, means programmes like health, safety and environmental legislation are ignored, even if the long-term future of the company may be compromised.

The construction industry as a whole could be well on the way to repositioning itself as one that not only fulfils its contractual obligations, but also as a valuable, strategic partner in the bigger task of building an inclusive, growing economy.



## **MODULE 3 – DETERMINE THE MANAGEMENT CONTROLS REQUIRED UNDER THE LEGISLATION TO ACHIEVE COMPLIANCE**

### **Aspects of the Legislation Applicable To A Specific Operation Are Identified And A Compliance Plan Is Drafted. (SO3-AC1)**

Accidents involving ladders leads to an alarmingly high amount of work related incidents. The use of ladders is usually associated with the performance of work or tasks from an elevated position. When visiting a construction site, I saw a pregnant lady on a step ladder painting. When I walked closer to her to discuss the matter, I saw that the ladder she was standing on was defective and poorly maintained.

Working on heights is traditionally labelled or classified as a high-risk activity. Incident records include numerous accounts of workers killed in falls from ladders. Serious head injuries and broken bones are frequent outcomes from ladder mishaps. Many electrocution deaths are caused by ladders that accidentally make contact with electrical sources like high power lines.

Typical questions asked in this regard include questions like:

What is meant by “working at heights”? How high is a height? From what height should a ladder or scaffolds be used? What are the requirements set for ladders?

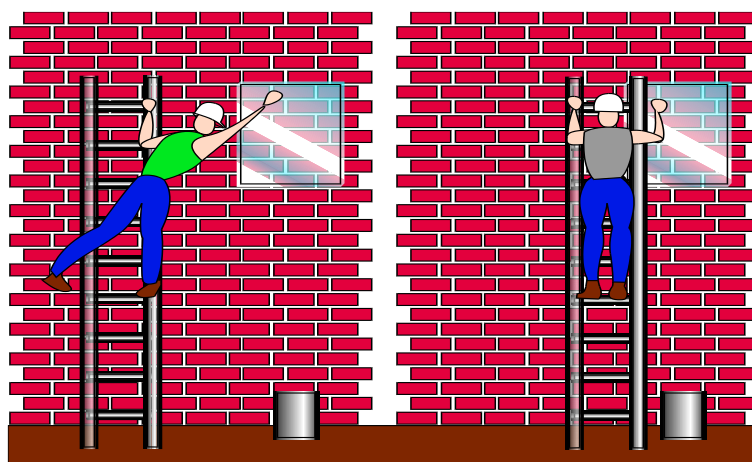
General Safety Regulation of the Occupational Health and Safety Act (Act 85 of 1993), deals with “work in elevated positions”. No specific height is mentioned by this regulation; in fact, anything off ground should be considered as a height or elevated position.

This regulation stipulates that no person may work or be allowed to work in an elevated position (above ground level) unless such work is performed safely from a ladder or scaffolding, or from a position where such person has been made as safe as if he or she were working from scaffolding. How many times do we climb on items like a chair or drum to reach an item from a shelf or cupboard?

#### **Conditions and Compliance for the Safe use of Ladder at Work:**

- Employees who use ladders must be trained in proper selection, inspection, use and storage.
- Always inspect the ladder prior to using it. If the ladder is damaged, it must be removed from service and tagged until repaired or discarded.

- Always maintain a 3-point (two hands and a foot, or two feet and a hand) contact on the ladder when climbing. Keep your body near the middle of the step and always face the ladder while climbing (see diagram).
- Ladders must be free of any slippery material on the rungs, steps or feet.
- Do not use a self-supporting ladder (e.g., step ladder) as a single ladder or in a partially closed position.
- Do not use the top step/rung of a ladder as a step/rung unless it was designed for that purpose.
- Use a ladder only on a stable and level surface, unless it has been secured (top or bottom) to prevent displacement.
- Do not place a ladder on boxes, barrels or other unstable bases to obtain additional height.
- Do not move or shift a ladder while a person or equipment is on the ladder.
- An extension or straight ladder used to access an elevated surface must extend at least 3 feet above the point of support (see diagram). Do not stand on the three top rungs of a straight, single or extension ladder.
- The proper angle for setting up a ladder is to place its base a quarter of the working length of the ladder from the wall or other vertical surface (see diagram).
- A ladder placed in any location where it can be displaced by other work activities must be secured to prevent displacement or a barricade must be erected to keep traffic away from the ladder.
- Be sure that all locks on an extension ladder are properly engaged.
- Do not exceed the maximum load rating of a ladder. Be aware of the ladder's load rating and of the weight it is supporting, including the weight of any tools or equipment.



**Unsafe**

**Safe**

## **Deviations From The Plan Are Identified And An Indication Is Given To Control Measures Required To Achieve Compliance. (SO3-AC2)**

Ladders are an essential part of production and maintenance within a company. This program has been developed to establish guidelines for safe and proper use of ladders.

- Supervisors are responsible to monitor employee activities as related to this program and correct actions that are unsafe or in violation of this program.
- Supervisors are responsible to replace defective ladders that have been removed from service and not allow defective tools to be used.
- Employees are responsible to inspect ladders before each use.
- Employees are responsible to remove defective ladders from service and turn them in to their supervisors

### **General Policies and Procedures**

Straight ladders: Rungs/steps, rungs/steps connections to side rails, side rails, braces, feet and warning labels present and legible

Extension ladders: Rungs/steps, rungs/steps connections to side rails, side rails, braces, extension locks, ladder stops, rope, feet and warning labels present and legible

Step ladders: Rungs/steps, rungs/steps connections to side rails, joints, side rails, braces, spreaders and spreader locks, feet and warning labels present and legible

If any of these components are found to be defective or damaged in any way, missing or inoperable, the ladder will not be used and these defects or damage will be reported to a supervisor.

If defects are found, the ladder will be removed from service by the supervisor.

At no time will defective ladders be kept on the premises for any reason.

Ladder compliance checklist:

<b>Dimension</b>	<b>Observed</b>	<b>Criteria</b>	<b>Compliance</b>
Height between rungs	220	225-300	x
Width between strings	305	300-600	x
Clear toe space	400	>200	√
Partial toe space	400	>150	√
Diameter of rungs	15	20-35	x
Height of ladder	2860	6000 landings	√
Fall protection provided	No	Fall >2000	x
Height to cage	N/A	2200-3000	√
Cage diameter	N/A	650-800	√
Sq cage depth	N/A	700-800	√
Sq cage width	N/A	650-700	√
distance between cage rails	N/A	<300	√
height between cage hoops	N/A	<1500	√
Top cage hoop at handrail	N/A	Level	√
Height of handrail at top	550 partial	>1100	x
Width of strings at top	220	600-700	x
Top rung level with landing	Yes	Level	√
Clear distance behind user	1000+	>600	√
Secure fixings	Yes	Secure	√
Sufficient fixings	Yes	Varies	√
Rigid strings	Yes	Stiff	√
Clear of traffic routes	Yes	No hazard	√
Clear of services	Yes	No hazard	√
Lighting level	Yes	Adequate	√
Floor surfaces clean/clear	Yes	Avoid slips/trips	√
Is ladder appropriate	No	Stairs practical?	x
<p><b>Comments:</b> This ladder appears to be fabricated locally and does not meet a number of design criteria. For example, the hand holds and rails at high level are poor and transfer down onto the ladder is not easy. There is space available to install a proper staircase if access is required on a regular basis. The roof to which access is gained is also poorly organised and may not be strong enough to support a person's weight throughout and there are no delineated routes or guardrails.</p>			

## Control Measures Are Assessed And Reviewed. (SO3-AC3)

Control measures are the things you put in place to reduce risk and prevent harm.

Control measures may include one of the following:

- Removal
- Rules
- Procedures
- Equipment
- Exclusions
- Training
- Supervision
- Limitations
- Preventions
- Methods
- Arrangements

Elimination should always be the first control measure you consider.

Examples of elimination:

- Use extendable tools to eliminate work at height
- Materials delivered cut to size to remove the use of blades
- Cordless equipment to get rid of trailing cables

Substitution is the second-best control measure you could use. Maybe the risk cannot be removed entirely, but could it be reduced by replacing the material, substance or process with something less dangerous.

Examples of substitution:

- Replacing ladders with tower scaffolds

Engineering controls could be collective (protecting all workers e.g.) or individual protecting a single user. Give priority to measures which protect collectively over individual measures.

Examples of engineering controls:

- Installing guard rails to fall hazards

Administrative controls are rules and systems to carry out the work. What procedures you need to work safely?

Examples of administrative controls:

- Banning work at height and lifting operations in bad weather

## MODULE 4 – DEMONSTRATE KNOWLEDGE AND UNDERSTANDING OF RECORD KEEPING REQUIRED BY THE LEGISLATION

### Documents That Have Legal Status Are Named And An Indication Is Given Of Why Each Is Necessary And The Time Frames Relating To Each Of The Documents Are Explained (SO4-AC1)

All records, despite their retention period, must be easily accessible (managed) and kept in a secure, dry and fireproof establishment, either internally (archive room) or externally (commercial storage areas).

The most H&S documents that need to be retained fall under employment records. Legally the following H&S records should be retained:

The **COID Act No. 130 of 1993** states that all employee records for time worked, overtime, earnings and payments must be kept for **4 Years**.

The **OHS Act No. 85 of 1993** states the following retention periods.

Document	Legal reference	Retention
All employee medical surveillance records– base line audiogram included	Noise induced hearing loss Regulations, 2003	40 years
	Lead Regulations, 2001	40 years
	Hazardous Biological Agent Regulations, 2001	40 years
	Asbestos Regulations, 2001	40 years
	HCS Regulations, 1995	30 years
Noise monitoring and all assessments	Noise induced hearing loss Regulations, 2003	40 years
Air monitoring and all assessments	Lead Regulations, 2001	40 years
	Hazardous Biological Agent Regulations,	40 years

	2001	
	Asbestos Regulations, 2001	40 years
	HCS Regulations, 1995	30 years
All health and safety committee appointments, meeting minutes and recommendations	General Administrative Regulations, 2003	3 years
Records of incidents / accidents	General Administrative Regulations, 2003	3 years

## **The Use Of Documents And Records Is Explained With Reference To Legal Compliance And Corporate Governance (SO4-AC2)**

Record management is all tasks dedicated to information management throughout its life cycle - supported as records - that belongs to an organization; from the moment of its creation or insertion in the company to its eventual destruction or disposal taking into consideration as well their role in business process management.

According to the international standard ISO 15489: Information and documentation - Records management, it defines the record as the information created, received and maintained as evidence and information of an organization or person, in compliance with its legal obligations or business transactions.

Organization's records management involve identifying, classifying, storing - document storage - recovering, controlling and preserving or destroying records.

Unlike many sources of information, records have a distinctive feature that is the life cycle; which includes the creation, processing, distribution, maintenance, evaluation and application of disposal - meaning the destruction of the record or the permanent conservation.

Compliance with legal requirements

Compliance with legal requirements or applicable regulations means ensuring compliance with the records management policies, verifying that the company is aligned - for example - with the procedures for the retention of records, marked by law.

Records management can exist without an enterprise content management system, but it is much easier to manage them (especially if they are in digital format) with the help of an electronic records management system.

Compliance with regulations or legal requirements is something that, in essence, any organization has to do in its day to day.

The use of records management systems helps companies propose, apply and develop the necessary policies and procedures; since non-compliance with regulations can lead to significant penalties and affect the continuity of the organization. Electronic records management systems help mitigate financial responsibility and the risk of litigation when deviations are detected in compliance with applicable legal requirements.

By having a document management system, we can manage any audit or inspection with higher solvency and effectiveness. Besides, the growing number of regulatory initiatives and legal regulations is increasingly sophisticated and complicated to maintain.





## MODULE 5 – EXPLAIN THE LEGAL OBLIGATIONS OF THE EMPLOYER IN TERMS OF TRAINING AND COMMUNICATION

### The Training Required To Ensure That Employees Are Conversant With The Hazards And Precautions Necessary To Ensure Health And Safety In The Workplace. (SO5-AC1)

The Occupational Safety and Health Administration's (OSHA) regulations explicitly require the employer to train employees in the safety and health aspects of their jobs. Other OSHA standards make it the employer's responsibility to limit certain job assignments to employees who are "certified," "competent," or "qualified. A competent person is an employee who is able to recognize hazards associated with a particular task, and has the ability to mitigate those hazards. Many OSHA construction standards require someone onsite – such as a foreman, supervisor or other employee – to be designated as a competent person.

A few of OSHA's training requirements are listed below:

- **Emergency Action Plan.** Employers required by an OSHA regulation to have an emergency action plan and must train a sufficient number of employees to assist in safe and orderly emergency evacuation.
  - **Personal Protective Equipment (PPE).** Employers must provide training to any employee required by OSHA regulations to wear PPE.
  - **Hazard Communication.** Employers with hazardous chemicals in the workplace must provide employees with effective training at the time of their initial assignment and whenever a new chemical hazard is introduced into their work area.
  - **First Aid.** If an infirmary, clinic, or hospital isn't close to the workplace, the employer must ensure that one or more individuals are adequately trained to provide first aid
- There are many more OSHA regulations that require training. Be sure to comply with all regulations that apply to your industry, workplace, and employees.

#### **Risks, precautions required for safe work, equipment for safe work procedures, duty to report and monitoring of the quality of the health and safety programme.**

The organisation should measure, monitor and evaluate safety and health. Written safe procedures for those operations that require them available, e.g. workplace precautions, risk control systems or management arrangements.

Critical safety and health issues, which should be addressed and allocated resources, in the safety and health plan include the:

Design, provision and maintenance of a safe place of work for all employees

Design, provision and maintenance of any article, plant, equipment or machinery for use at work in a safe manner, provision of systems of work that are planned, organised, performed, maintained or revised, so as to be safe, particularly for safety critical process operations or services

Performance of ongoing hazard identification and Risk Assessments, and compliance with the general principles of prevention as set out in the legislation

Provision and distribution of safety and health information, instruction, training and supervision as required

Operation of safety and health consultation, employee participation and safety representation programmes

Review and keeping up-to-date the safety and health in order to prevent adverse effects on the safety and health of employees from changing processes, procedures and conditions in the workplace

Appointment of people responsible for keeping safety and health control systems in place and making them aware of their responsibilities

Establishment of monitoring arrangements, including safety and health inspections and audits, which should be used by the employer to ensure ongoing compliance with legal duties, responsibilities and controls

Development of in-house safety and health competence

Use of standards, Codes of Practice, guidelines or industry practices

Co-operation required from employees and disciplinary procedures for non-compliance.

However, this list is not exhaustive and the critical safety and health issues that could be covered by the policy will depend on the risks in the organisation. If the above issues are adequately covered elsewhere in the Safety Statement or in the safety and health management system, they might need only to be referred to in the safety and health policy. Backup documentation may also be referred to in the policy.

## **The Legal Requirements In Respect Of Training Are Explained For A Specific Workplace (SO5-AC2)**

Training is helping and showing employees what they should and should not do when they carry out their workplace activities.

Employees should be suitably trained in all aspects of their job from the most unskilled to the riskiest activities in the workplace.

Suitable employee training can reduce workplace incidents and accidents which in turn can lead to reduced costs, lower insurance premiums and fewer potential lawsuits. It would also promote a healthier, safer and happier workforce.

Workplace instruction can be carried out in various ways, it could be a written document such as a method statement, or it could be verbal communication from a line manager or colleague.

For legal requirements and health and safety purposes, you will need to take appropriate action to protect employees; this can include the provision of information, training and supervision.

You have a legal duty under 'The Management of Health and Safety at Work Regulations 1999' (MHSWR) to co-operate with other employers to ensure compliance with health and safety law.

The Health and Safety at Work Act 1974 requires employers to provide free of charge training, instruction and supervision necessary for all its employees. Those who have control over premises have to consider the safety of anyone who comes on the premises, including contractors and customers.

The Management of Health and Safety at Work Regulations 1999 places a duty on employers to assess and manage risks to their employees and others arising from work activities. Employees must work safely in accordance with their training and the instructions given to them.

### **The Duties Of Employees To Comply With Health And Safety Requirements And Report Health And Safety Risks Or Threats Are Explained And A Process Is Proposed To Ensure Compliance (SO5-AC3)**

Employees who fail to obey lawful and reasonable instructions of their employers may be charged with 'insubordination', which if serious, can even lead to a dismissal. The courts have held that under certain circumstances, the employer can dismiss an employee(s) for not complying with the Health and Safety Regulations.

Although the OHS Act largely places the duty for health and safety on the shoulders of management, the workforce are also bound to comply with certain legal prescriptions.

It is the duty of every employee at work to take reasonable care for the health and safety for themselves as well as other persons. Every worker is in other words responsible to take care of his or her own health and safety. The unsafe acts of the worker may not negatively impact

or endanger others. Other persons normally include co-workers, contractors, visitors and even the public.

The employee is also duty bound to co-operate with the employer where the OHS Act imposes a duty or requirement to be performed or complied with. Workers are legally bound to comply with the prescriptions of the OHS Act. Employees should always carry out and obey lawful orders and obey the health and safety rules and procedures laid down by the employer.

Please note that safety rules and procedures of an employer may be more specific towards the employer's own work environment and conditions. Sometimes the internal health and safety policies, rules and procedures of an employer might even be more specific and better than the ones provided by the OHS Act. In cases like these the employee needs to adhere to the employer's prescriptions.

If any unsafe or unhealthy situation is observed by an employee, he or she must report it to the employer or to the health and safety representative of the workplace. Whenever an employee is involved in any incident or observe any unsafe or unhealthy situation, it must be reported to the employer or the health and safety representative.

These incidents need to be reported as soon reasonably practicable, not later than the end of the particular shift. An employee may also give information to an inspector from the Department of Labour when required.

All employees have the right to be informed. The employer should ensure that the employee clearly understands the health and safety hazards of any work being done, anything being produced, processed, used, stored, handled or transported, and any equipment or machinery being used. The employer must then provide information about precautionary measures against these hazards.

No employee may intentionally or recklessly interfere with damage or misuse things provided for health or safety; this includes safety equipment and personal protective equipment, firefighting equipment etc.

Employees have the right not to be victimized by the employer. No employer may dismiss an employee from his or her service, reduce an employee's salary or alter or reduce an employee's service position to terms or conditions that is less favourable to the employee, because:

Based on Legislation in section 26, of the Occupational Health and Safety Act

An employee that contravenes a section of the OHS Act could be prosecuted. They could receive a fine, penalty and even imprisonment. (Maximum fine of R 50 000 or imprisonment for a period not exceeding 12 months or both such fine and such imprisonment)

# UNIT STANDARD



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## SOUTH AFRICAN QUALIFICATIONS AUTHORITY REGISTERED UNIT STANDARD:

### Conduct a continuous risk assessment in a workplace

SAQA US ID	UNIT STANDARD TITLE			
120330	Conduct a continuous risk assessment in a workplace			
ORIGINATOR				
SGB Occupational Health and Safety				
PRIMARY OR DELEGATED QA BODY				
-				
FIELD		SUBFIELD		
Field 09 - Health Sciences and Social Services		Preventive Health		
ABET BAND	UNIT STANDARD TYPE	PRE-2009 NQF LEVEL	NQF LEVEL	CREDITS
Undefined	Regular-Fundamental	Level 3	NQF Level 03	4
REGISTRATION STATUS		REGISTRATION START DATE	REGISTRATION END DATE	SAQA DECISION NUMBER
Reregistered		2015-07-01	2018-06-30	SAQA 10105/14
LAST DATE FOR ENROLMENT		LAST DATE FOR ACHIEVEMENT		
2019-06-30		2022-06-30		

In all of the tables in this document, both the pre-2009 NQF Level and the NQF Level is shown. In the text (purpose statements, qualification rules, etc), any references to NQF Levels are to the pre-2009 levels unless specifically stated otherwise.

This unit standard does not replace any other unit standard and is not replaced by any other unit standard.

#### PURPOSE OF THE UNIT STANDARD

Persons credited with this unit standard will be able to:

- Explain the legal and specified requirements for conducting continuous risk assessments.
- Prepare to conduct a continuous risk assessment.
- Conduct a continuous risk assessment.
- Initiate remedial action and follow up on Continuous Risk Assessment.

#### LEARNING ASSUMED TO BE IN PLACE AND RECOGNITION OF PRIOR LEARNING

- Communications at NQF Level 2
- Mathematical Literacy at NQF Level 2

#### UNIT STANDARD RANGE

NB: All the Specific Outcomes and Assessment Criteria are assessed in accordance with legal and specified

requirements and - where applicable - consequences to health and safety.

Specified requirements include legal and site-specific requirements and are contained in one or more of the following documents:

Legal:

- Mine Health and Safety Act
- Occupational Health and Safety Act
- Chief Inspector of Mines' Directives

Site-specific:

- Health and safety agreements
- Codes of practice
- Standards
- Standards task procedures
- Risk Assessments procedures
- Occupational Health and Safety Risk Management Programme
- Managerial Instructions
- Mine Standard Procedures
- List of Recorded OH&S Risks
- Working Guides / Permits
- MSDS
- Equipment and Materials Specifications

**Specific Outcomes and Assessment Criteria:**

**SPECIFIC OUTCOME 1**

Explain the legal and specified requirements for conducting continuous risk assessments.

**ASSESSMENT CRITERIA**

**ASSESSMENT CRITERION 1**

The continuous risk assessment process is explained.

**ASSESSMENT CRITERION 2**

The relevant documentation required for conducting a continuous risk assessment is named.

**ASSESSMENT CRITERION RANGE**

Types of documentation include, but are not limited to:

- Pre use checklists
- Planned task observations forms
- Critical parts inspection form
- Structured inspection checklists
- Mine Standards
- Procedures
- Task directives
- Analyses

**ASSESSMENT CRITERION 3**

The relevant hazards and risks likely to be encountered during a specific continuous risk assessment are named.

**ASSESSMENT CRITERION 4**

The importance of conducting continuous risk assessment in a manner that fosters teamwork and avoids conflict is explained.

**SPECIFIC OUTCOME 2**

Prepare to conduct a continuous risk assessment.

**ASSESSMENT CRITERIA**

**ASSESSMENT CRITERION 1**

Appropriate documentation appropriate is selected.

## **ASSESSMENT CRITERION 2**

Various physical and environmental conditions which could exist are evaluated.

## **ASSESSMENT CRITERION 3**

The persons, tools and the materials required to conduct the continuous risk assessment are verified as fit for purpose and available.

## **ASSESSMENT CRITERION 4**

Consequences for not conforming to legal and specified requirements in preparing for risk assessment are explained.

## **SPECIFIC OUTCOME 3**

Conduct a continuous risk assessment.

## **ASSESSMENT CRITERIA**

### **ASSESSMENT CRITERION 1**

Hazard identification is conducted correctly.

### **ASSESSMENT CRITERION 2**

Significant hazards are systematically identified, utilising the elected hazard identification technique.

### **ASSESSMENT CRITERION RANGE**

Techniques include, but are not limited to:

- Pre use checklists
- Planned task observations
- Critical parts inspections
- Structured inspections

### **ASSESSMENT CRITERION 3**

Relevant documentation is completed.

## **SPECIFIC OUTCOME 4**

Initiate remedial action and follow up on Continuous Risk Assessment.

## **ASSESSMENT CRITERIA**

### **ASSESSMENT CRITERION 1**

Remedial action for hazards is implemented accordingly.

### **ASSESSMENT CRITERION 2**

Follow-up action on continuous risk assessments is implemented accordingly.

### **ASSESSMENT CRITERION 3**

The consequences of non-compliance to the procedures for initiating remedial action and follow-up on continuous risk assessment are explained.

## **UNIT STANDARD ACCREDITATION AND MODERATION OPTIONS**

- Anyone assessing a learner against this unit standard must be registered as an assessor with the relevant ETQA or ETQA that has a Memorandum of Understanding in place with the relevant ETQA.
- Any institution offering learning that will enable achievement of this unit standard must be accredited as a provider by the relevant ETQA or ETQA that has a Memorandum of Understanding in place with the relevant ETQA.
- Moderation of assessment will be overseen by the relevant ETQA according to the moderation guidelines and the agreed ETQA procedures.

## **UNIT STANDARD ESSENTIAL EMBEDDED KNOWLEDGE**

N/A

**UNIT STANDARD DEVELOPMENTAL OUTCOME**

N/A

**UNIT STANDARD LINKAGES**

N/A

**Critical Cross-field Outcomes (CCFO):**

**UNIT STANDARD CCFO IDENTIFYING**

Solve problems. By doing the continuous risk assessment, the individual will be required to embark on remedial action, which requires problem solving.

**UNIT STANDARD CCFO WORKING**

Work effectively with others as a member of a team / group / organization / community. The individual will have to take reasonable care of oneself and other's safety in the workplace, which shows concern for entire team and not only oneself.

**UNIT STANDARD CCFO ORGANISING**

Organise and manage oneself and one's activities responsibly and effectively. As part of the team, the individual will take into account the activities around him/her and ensure that his/her actions are complementary.

**UNIT STANDARD CCFO COLLECTING**

Collect, organize and critically evaluate information. When doing the continuous risk assessment, the individual will have to collect and organise information in such a way that he/she will be able to evaluate it and make decisions.

**UNIT STANDARD CCFO COMMUNICATING**

Communicate effectively using visual, mathematics and language skills in the modes of oral and written presentations. Remedial action resulting from doing the continuous risk assessment, must be communicated to all relevant persons.

**UNIT STANDARD CCFO SCIENCE**

Use science and technology effectively and critically (showing responsibility toward the environment and health of others). Science and technology are used at the appropriate level, e.g. in interpreting data.

**UNIT STANDARD CCFO DEMONSTRATING**

Demonstrate an understanding of the world as a set of related systems. He/she must understand the impact of his/her or others' actions in the overall objectives of the workplace.