

No. R. 786

14 June 2002

**REGULATIONS UNDER THE MINE HEALTH AND SAFETY ACT, 1996
(ACT 29 OF 1996)**

In terms of section 98(1)(s) of the Mine Health and Safety Act, 1996 (Act 29 of 1996), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby make the Regulations in the Schedule.

The baseline audiogram in terms of regulation 11.4(4) must be conducted and recorded by no later than 16 November 2003 in respect of employees in employment at a mine on the date of publication of this Government Notice. For any employee employed after that date and in respect of whom a valid baseline audiogram has not been recorded, the time period in regulation 11.4(4) must be complied with.



**MS P MLAMBO-NGCUKA
MINISTER MINERALS AND ENERGY**

SCHEDULE

CHAPTER 11

OCCUPATIONAL MEDICINE

11.4 NOISE

System of Medical Surveillance

- 11.4(1) The *employer* must establish and maintain a system of *medical surveillance*, as contemplated in section 13, of all *employees* in any *working place* where the equivalent, continuous A-weighted sound pressure level, normalised to an eight hour working day or a forty hour working week, is equal to or exceeds 85 dB(A).

Types of Audiograms

- 11.4(2) The system of *medical surveillance* contemplated in regulation 11.4 (1) must consist of a baseline **audiogram**, periodic **audiograms** and an exit **audiogram**.
- 11.4(3) A competent person must perform all **audiograms**.

Baseline Audiogram

- 11.4(4) A baseline **audiogram** must be recorded before an *employee* commences employment or within 30 days of commencement of employment in any *working place* contemplated in regulation 11.4(1).
- 11.4(5) Testing for the baseline **audiogram** must not be done within 16 hours from when an *employee* has been exposed to an environment in which the noise

level was equal to or exceeded 85 dB(A). The use of hearing protection devices to effect this attenuation will not be acceptable.

- 11.4(6) The baseline **audiogram** is the better of the *employee's* two **audiograms** performed on the same day and that do not differ from each other by more than 10 dB for any of the following measured test frequencies, i.e. 0.5, 1, 2, 3, and 4 kilohertz (kHz).
- 11.4(7) If it is impossible to obtain two **audiograms** that comply with the requirements of regulation 11.4 (6), the *employees* must be referred to a competent person to establish baseline-hearing levels in accordance with regulation 11.4 (6).
- 11.4(8) If it is impossible for the competent person to establish baseline-hearing levels as contemplated in regulation 11.4 (7), the competent person may establish baseline-hearing levels by using other techniques, such as speech reception thresholds.

Periodic Audiograms

- 11.4(9) The *employer* must ensure that a periodic **audiogram** is obtained at least annually for all *employees* subject to *medical surveillance* in terms of regulation 11.4(1).
- 11.4(10) The periodic **audiogram** contemplated in regulation 11.4(9) must be performed at least 16 hours after any exposure of the *employees* to a noise level equal to or exceeding 85 dB(A.) Use of appropriate hearing protection devices to reduce exposure will be acceptable.

Exit Audiogram

- 11.4(11) In addition to the exit medical examination for the purposes of section 17, the *employer* must arrange

an **audiogram** for every employees subject to *medical surveillance* in terms of regulation 11.4 (1) and who is permanently transferred to a *working place* in respect of which *medical surveillance* is not required under regulation 11.4(1).

- 11.4(12) An **audiogram** conducted within the preceding six months may be used as an exit **audiogram** for purposes of section 17 or regulation 11.4(11).

CHAPTER 20

DEFINITIONS

20. "Audiogram" means a chart, graph or table indicating the hearing threshold levels of an individual as a function of frequency (viz. 0.5,1,2,3,4,6 and 8 kilohertz), as determined during a measurement of a person's hearing threshold levels by means of monaural, pure-tone, air-conduction threshold tests;

CHAPTER 22

SCHEDULES

22.15(11)(a) "Competent person" for purposes of sub-regulation 11.4(3) means:

- (i) A person registered with the Health Professions Council in any of the following three categories:
 - (a) as an ear, nose and throat specialist;
 - (b) in speech therapy and audiology; or
 - (c) as an occupational medical practitioner; or
- (ii) A person qualified in audiometric techniques from an institution registered with the relevant Education and Training Quality Assurer (ETQA) registered in terms of the South African Qualifications Authority Act (Act No. 58 of 1995).

22.15(11)(b) "Competent person" for purposes of sub-regulations 11.4(7) and 11.4(8) means

- (i) A person registered as an audiologist with the Health Professions Council.