



Government Gazette

REPUBLIC OF SOUTH AFRICA

Regulation Gazette

No. 7679

Vol. 456

Pretoria

3

June

2003

No. 25044



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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 728

3 June 2003

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993(ACT NO.85 OF 1993)

DRAFT FACILITIES REGULATIONS, 2003

The Minister of Labour intends, in terms of section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director General of Labour, Private Bag x117, Pretoria, 0001 (for the attention of the Chief Director: Occupational Health and Safety), within 90 days of the date of publication of this notice.

SCHEDULE

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context indicates otherwise—

"adjoining", in relation to premises, means having a common boundary line;

"construction work" any work in connection with:

- (a) the erection, maintenance, alteration, renovation, repair, demolition, or dismantling of or addition to a building or any similar engineering structure,
 - (b) the installation, erection or dismantling of plant or machinery,
 - (c) the construction, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway line, street, runway, sewer or water reticulation system or any similar civil engineering structure,
- or

(d) the moving of earth, clearing of land, the making of an excavation, piling, tunneling or work on any similar project;

"drinking water" means water that complies with SABS 241;

"General Administrative Regulations" means the General Administrative Regulations promulgated in terms of section 43 of the Act and published in the Government Notice No.R.1449 of 6 September 1996;

"hot water" means water at a temperature more than 35 deg.C;

"National Building Regulations" means the National Building Regulations made under section 17(1) of the National Building Regulations and Building Standards Act, 1977(Act No.103 of 1977), and published under Government Notice No.R1081 of 10 June 1988, as amended;

"SABS 0400" means the South African Bureau of Standards' Code of Practice for the application of the National Building Regulations.

"SABS 241" means the South African Bureau of Standards' Standard Specification for Water for Domestic Supplies, SABS 241;

"sanitary facilities" means sanitary fixtures as defined in SABS 0400;

"the Act" means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993).

Sanitation

2.(1) Every employer shall provide sanitary facilities at the workplace in accordance with the provisions of Part F, P and Q of the application of the National Building Regulations.

(2) Notwithstanding the provisions of sub-regulation (1), an employer may, where less than 11 persons are employed on one premises, make written arrangements for such persons to use closets and washbasins on adjoining premises: Provided that -

(a) such facilities are freely and readily accessible; and

- (b) the facilities comply with the provisions of these Regulations as well as with SABS 0400 with respect to-
 - (i) the total number of employees who will be using the facilities; and
 - (ii) the condition of such facilities.
- (3) Every employer shall—
 - (a) Make toilet paper available to employees;
 - (b) provide every water closet pan designed to have a seat, with a seat;
 - (c) supply a towel to every employee for his sole use or disposable paper towels or hot air blowers or clean portions of continuous cloth towels, at the washbasins; and
 - (d) provide toilet soap or a similar cleansing agent to employees.
- (4) Every employer shall, under the circumstances contemplated in Table 4 of Part P of SABS 0400, provide showers for the use of his employees, and he shall—
 - (a) provide running hot and cold or premixed hot and cold water for the washbasins and showers;
 - (b) ensure that the walls of that part of a room in which there are showers, are smooth and impermeable, and that the floor thereof is slip-free and sloped for effective drainage; and
 - (c) ensure that where showers are provided in a room with windows, such windows are glazed in obscure glass or similar material.
- (5) In respect of each room in which there are closets, urinals, showers or washbasins, every employer shall—
 - (a) provide a conspicuous sign outside the entrance to such room to indicate the sex of the persons for whom the room is intended;
 - (b) ventilate such rooms in accordance in terms of the provisions of Part O of the application of the National Building Regulations;
 - (c) provide the necessary screen walls, partitions or doors in order to provide privacy; and
 - (d) ensure that water feeding to showers or washbasins on his premises which is not obtained from the water supply system of a local authority, complies with SABS 241.

Facilities for Safekeeping

3. (1) An employer in a workplace shall provide every employee in his service, excluding office workers, with a personal facility for safekeeping in which clothes or other personal items of the employee can be kept safely and in a good condition.
- (2) Every employer shall ensure that every employee referred in sub-regulation (1) shall store his clothing and other personal items in his facility for safekeeping.
- (3) The provisions of this regulation shall not apply in respect of activities for which specific types or numbers of facilities for safekeeping are prescribed.

Change-rooms

4. (1) In respect of employees—
- (a) for whom showers are prescribed, or
 - (b) who need to undress, the employer shall provide separate change rooms for males and females respectively, in accordance with the provisions of Part C of SABS 0400.
- (2) An employer contemplated in sub-regulation (1) shall—
- (a) ensure that a change-room is not connected directly by means of a door or of any other opening to any room in which the exposure to a Chemical Substances in excess of half the OEL for that HCS or Biological Agents as contemplated in regulation 2(1) of the Regulations for Hazardous Biological Agents; or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;
 - (b) provide adequate seating in the form of chairs or benches in every change-room for the maximum number of employees that will be using such change-room at any one time;
 - (c) not store any material, tools or other goods not related to use of a change-room in such change-room or allow such items to be stored therein;

- (d) where a change-room has windows, glaze such windows in obscure glass or similar material;
 - (e) screen the entrance of every change-room in order to afford privacy;
 - (f) provide a conspicuous sign at the entrance to a change-room to indicate the sex of the persons for whom the change-room is intended;
 - (g) provide the facilities for the drying of wet clothes, if the employees for whom the change-room has been provided, may become wet in the course of their work;
 - (h) ensure that every change-room is naturally or artificially ventilated in accordance with the provisions of Part O of the application of the National Building Regulations; and
 - (i) ensure that no employee referred to in sub regulation (1) changes his clothing at any other place at a workplace than in the change-room provided for him.
- (3) Subject to the provisions of regulation 5 an employer may allow a change-room to be used for the partaking of meals provided that—
- (a) an obscure partition of at least two metres high is installed between showers and eating places; and
 - (b) there is no direct communication between the change-room and the toilet facilities.

Dining-rooms

5. (1) Notwithstanding the provisions of regulation 4 (3), every employer of employees who at a workplace—
- (a) are exposed to a Hazardous Chemical Substances in excess of half the OEL for that HCS or Biological Agents as contemplated in regulation 2(1) of the Regulations for Hazardous Biological agents;
 - (b) come into physical contact with any known poisonous substance, which may cause illness if taken orally;
 - (c) are exposed to dirt, dust, soot or similar filth;
 - (d) handle or process untanned hides or skins, or unwashed wool or mohair, shall provide a separate dining-room or eating place on the premises which in respect of the maximum number of employees who will be using it at any one time, shall be in accordance with part C of SABS 0400.

(2) The employer referred to in sub-regulation (1) shall -

- (a) provide tables and chairs in every dining room for the maximum number of employees who will be using the dining room at any one time;
- (b) ensure that a dining-room or eating place is not connected directly by means of a door or any other opening with any room in which the exposure to a Chemical Substances in excess of half the OEL for that HCS or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;
- (c) not store any material, tools or other goods not related to use of a dining-room in such dining-room or allow such items to be stored therein; and
- (d) ensure that every dining room is naturally or artificially ventilated in accordance with the provisions of Part O of the application of the National Building Regulations.

Prohibition

6. Every employer shall—

- (a) prohibit smoking and the consumption of food or drink at workplaces contemplated in regulation 5 (1) or that conflicts with the national smoking regulations and shall ensure that no person smokes, eats or drinks in any such place;
- (b) display conspicuous signs or notices at such workplaces prohibiting smoking, eating or drinking.

Drinking water

7. Every employer shall—

- (a) make available adequate supply of drinking water for his employees at their workplace;
and
- (b) clearly and conspicuously mark such, taps and pipes that is not fit for human consumption.

Seats**8. Every employer shall—**

- (a) where reasonably practicable, provide a seat that is ergonomically sound for every employee whose work can be effectively performed while sitting;
- (b) where reasonably practicable, permit an employee whose work is normally performed standing to take advantage of any opportunity for sitting which may occur, and for this purpose the employer shall provide seating facilities; and
- (c) provide seats with backrests where the nature of work performed by the employees is such that such seats can be used.

Condition of rooms and facilities

9. Every employer shall maintain all rooms and facilities which are prescribed or provided for in terms of the provisions of these regulations, in a clean, hygienic, safe, whole and leak-free condition, and in a good state of repair: Provided that an inspector may, by notice in writing, direct an employer to take such steps as the inspector deems necessary for the employer to comply with this regulation and the decision of an inspector in this regard shall be conclusive.

Offences and penalties

10. Any person who contravenes or fails to comply with any provisions of regulation 2 (1), 2(3), 2(4), 2(5), 3(1), 3(2), 4, 5, 6, 7, 8, or 9 shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues additional imprisonment of one day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

Repeal of regulations

11. The Facilities Regulations, published under Government Notice No. R 1593 of 12 August 1988, are hereby repealed.

Short Title

- 12.** These regulations shall be called the Facilities Regulations, 2003.
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