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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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### DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 928

25 June 2003

### OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 GENERAL AMENDMENT

The Minister of Labour, has under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, made the regulations in the Schedule.

#### SCHEDULE

1. The General Administrative Regulations, promulgated by Government Notice No. R. 1449 of 6 September 1996, are hereby amended by the deletion of regulation 10, 11 and 13.
2. The General Safety Regulations, promulgated by Government Notice No. R. 1031 of 30 May 1986, are hereby amended by—  
(a) the insertion of the following regulations after regulation 2:

#### “Intoxication

2A.(1) Subject to the provisions of subregulation (3), an employer or a user, as the case may be, shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace.

(2) Subject to the provisions of subregulation (3), no person at a workplace shall be under the influence of or have in his or her possession or partake of or offer any other person intoxicating liquor or drugs.

(3) An employer or a user, as the case may be, shall, in the case where a person is taking medicines, only allow such person to perform duties at the workplace if the side effects of such medicine do not constitute a threat to the health or safety of the person concerned or other persons at such workplace.

#### Display of substituted notices and signs

2B. If the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer or by a user at a workplace, the employer or user may, in lieu

thereof, display a corresponding symbolic sign, as contained in a safety standard incorporated for this purpose into these regulations under section 44 of the Act, in which case the employer or user shall be deemed to have complied with such provisions.

### **Admittance of persons**

2C.(1) Subject to section 8 of the Act, an employer or user, as the case may be, shall not permit a person to enter a workplace where the health or safety of such person is at risk or may be at risk, unless such person enters such workplace with the express or implied permission of and subject to the conditions laid down by such employer or user: Provided that such express or implied permission shall not apply in respect of a person entitled by law to enter such workplace or premises.

(2) An employer or a user, as the case may be, shall, if he deems it necessary in the interests of health and safety, post up a notice at every entrance to a workplace prohibiting the entry of unauthorised persons to such workplace and no person shall enter or remain at such workplace without the permission of the employer or user, as the case may be.”; and

(b) the insertion in regulation 14 of the expressions “2A” and “2C” as follows:

### **“Offences and penalties**

14. Any person who contravenes or fails to comply with any provision of regulation 2(1), 2(2) [read with 2(3) ], 2(4), 2(5), 2(6), 2A, 2C, 3, 4, 5, 6, 7, 8(1), 8(2), 8(3), 8(4), 9, 10(1), 10(2), 10(3), 10(4), 11(1), 12, 13A, 13B, 13C, 13D, 13E, 13F, or 13G 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, or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.”.