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

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## GOVERNMENT NOTICE

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### DEPARTMENT OF LABOUR

No. R. 1039

28 October 2005

#### DRAFT GENERAL HEALTH AND SAFETY REGULATIONS

The Minister of Labour has, in terms of 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, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or presentations on the proposed regulations to the Director-General: Department of Labour, Private Bag X117, Pretoria, 0001 (for attention the Chief Inspector: Occupational Health and Safety), within 90 days of the date of publication of this notice.

#### SCHEDULE

##### 1. Definitions.

In these regulations the Act means the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise –

“Asbestos Regulations” means the Asbestos Regulations, 2001 as published under Government Notice No. R. 155 of 10 February 2002 under section 43 of the Act;

“Competent person” means any person having the knowledge, training, experience and qualifications specific to the work or task being performed: Provided that where appropriate qualifications and training are registered in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), these qualifications and training shall be deemed to be required qualifications and training;

“confined space” means an enclosed, restricted or limited space in which because of its construction, location or contents, or any work activity carried on therein, a hazardous substance may accumulate or an oxygen deficient atmosphere may occur, and includes any chamber, tunnel, pipe, pit, sewer, container, valve, pump, sump or similar construction, equipment, machinery or object in which a dangerous liquid or a dangerous concentration of gas, vapour, dust or fumes may be present;

"fire resistance" means the minimum period for which a building element or component will comply with the requirements for stability, integrity and insulation when tested in accordance with SABS 0177: Part II;

"flammable liquid" means any liquid which produces a vapour that forms an explosive mixture with air, and includes any liquid with a closed cup flash point of less than 55 degrees centigrade;

"Hazardous Chemical Substances Regulations" means the Hazardous Chemical Substances Regulations as published under Government Notice No. R.1179 of 25 August 1995 and as amended by Government notice No. R. 930 of 25 June 2003 under section 43 of the Act;

"Lead Regulations" means the Lead Regulations, 2001 as published under Government Notice No. R. 236 of 28 February 2002 under section 43 of the Act;

"lower explosive limit" means the lowest percentage, by volume, of flammable gas in air that will support combustion;

"Regulations for Hazardous Biological Agents" means the Regulations for Hazardous Biological Agents as published under Government Notice No. R. 1390 of 27 December 2001 under section 43 of the Act;

"SABS 0177 Part II" the South African Bureau of Standards' Code of Practice entitled 'Fire Resistance Test for Building Elements', SABS 0177:Part II 1981, published by the South African Bureau of Standards;

"SABS 0338" the South African Bureau of Standards' Code of Practice entitled Homologation of Respiratory Equipment, SABS 0338 of 1999, published by the South African Bureau on Standards;

"SABS 1451: Part I" South African Standard. Standard Specification for Hearing Protectors, Part I: Ear Muffs;

"SABS 1451: Part II" South African Standard. Standard Specification for Hearing Protectors, Part II: Ear plugs;

### **Personal protective equipment and facilities.**

2.(1) Subject to the provisions of section 8(2)(d), every employer, self-employed person or user, as the case may be, shall make an evaluation of the risk attached to any condition or situation which may arise from the activities of

such employer, self-employed person or user, as the case may be, and to which persons at a workplace or in the course of their employment or in connection with the use of machinery are exposed, and he shall take such steps or precautionary measures as may be necessary to render the condition or situation safe and without risk to the health of persons.

(2) Where it is not practicable to safeguard the condition or situation contemplated in subregulation (1), the employer, self-employed person or user, as the case may be, shall take steps to reduce the risk as much as practicable, and shall provide free of charge and maintain in good and clean condition personal protective equipment and facilities as may be necessary to ensure that any person exposed to any such condition or situation at a workplace or in the course of his employment or on premises where machinery is used is rendered safe and without ~~risk~~ to the health persons.

(3) Taking into account the nature of the hazard that is to be countered, and without derogating from the general duties imposed on employers and users by subregulations (1) and (2), the personal protective equipment and facilities contemplated in subregulation (2) shall include, as may be necessary—

- (a) suitable goggles, spectacles, face shields, welding shields, visors, hard hats, protective helmets, caps, gloves, gauntlets, aprons, jackets, capes, sleeves, leggings, spats, gaiters, protective footwear, protective overalls, or any similar personal protective equipment or facility of a type that will effectively prevent bodily injury;
- (b) waterproof clothing, high visibility clothing, chemical resistant clothing, low temperature clothing, chain mail garments, waders, fire retardant or flame proof clothing, ice jackets, or any similar personal protective equipment of a type that will effectively protect the wearer thereof against harm;
- (c) harnesses, nets, fall arresters, life lines, safety hooks or any similar equipment of a type that will effectively protect persons against falls;
- (d) mats, barriers, locking out devices, safety signs or any similar facility that will effectively prevent slipping, unsafe entry or unsafe conditions;
- (e) protective ointments, ear muffs, ear plugs, respirators, breathing apparatus, masks, air lines, hoods, helmets or any similar personal protective equipment or facility of a type, that will effectively protect against harm: Provided that hearing protective equipment shall be of a type that conforms to **SABS 1451**; Parts I and II: Provided further that respiratory protective equipment shall be of a type that conforms to **SABS 033-99**;

- (f) suitable insulating material underfoot where persons work on a floor made of metal, stone or concrete or other similar material; and
- (g) such personal protective equipment or facilities as may be necessary to render the persons concerned safe.

(4) Subject to the provisions of the Asbestos, Lead, Hazardous Chemical Substances Regulations and Regulations for Hazardous Biological Agents pertaining to personal protective equipment, an employer or user, as the case may be, shall take steps to ensure that no personal protective equipment or facility provided as required by this or any other regulation is removed from a workplace or from premises where machinery is used, except for purposes of cleaning, repair, maintenance, modification, mending or replacement, and no person shall remove any such personal protective equipment or facility from a workplace or premises where machinery is used, except for the aforesaid purposes.

(5) An employer or user shall instruct his employees in the proper use, maintenance and limitations of the personal protective equipment and facilities provided.

(6) An employer or user shall not require or permit any employee to work unless such an employee uses the required personal protective equipment or facility provided in terms of this or any other regulation.

(7) The provisions of this regulation shall not be construed as derogating from the provisions of any specific regulation prescribing specific personal protective equipment or facilities.

### **Intoxication**

3.(1) Subject to the provisions of subregulation (3), an employer, self-employed person 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, self-employed person 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.

(4) Where an employee is taking medication, which in the opinion of a medical practitioner or pharmacist may impair the employee's judgment or ability to perform work safely, that employee is obligated to inform the employer.

#### **Display of substituted notices and signs**

4. If the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer, a self-employed person or a user at a workplace, the employer, self-employed person or user may, in lieu thereof, display a corresponding symbolic sign or notice as contained in **SABS 1186**.

#### **Admittance of persons**

5.(1) Subject to the provisions of section 8 of the Act, an employer, self-employed person 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 an inspector or any other person entitled by law to enter such workplace or premises.

(2) An employer, self-employed person 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.

#### **Prevention of transmission of HIV, Hepatitis Virus and other Blood-borne diseases**

- 6.(1) An employer shall take all reasonable steps —
- (a) to promote the use of standard precautions for the prevention of the transmission of the human immunodeficiencyvirus, hepatitis B and any other blood-borne pathogens in the workplace; and

- (b) to ensure that all his or her employees receive adequate training in the use of standard precautions for the prevention of the transmission of the human immune-deficiency virus, hepatitis B and any other blood-borne pathogens in the workplace.

(2) For the purpose of subregulation (1)(a) standard precautions shall include—

- (a) treating all blood and other body fluids as potentially infectious;
- (b) taking all reasonable steps to ensure such blood and other bodily fluids are suitably cleaned up in a manner to prevent biological agent disease transmission.
- (c) taking all reasonable steps to ensure that the disposal of such blood and other bodily fluids contaminated materials are suitably disposed of in accordance with the requirements of regulation 17 of the Regulations for Hazardous Biological Agents; and
- (d) furthermore, taking all reasonable steps as may be necessary to prevent the transmission of the human immune-deficiency virus, hepatitis B and other blood-borne pathogens.

### **First aid, emergency equipment, and procedures.**

7.(1) **An employer shall take all reasonable steps to ensure that persons at work receive prompt first aid treatment in the case of injury or emergency.**

(2) Where more than five employees are employed at a workplace, the employer of such employees shall provide a first aid box or boxes at or near the workplace which shall be readily available and accessible for the treatment of injured persons at that workplace.

- (3) (a) Taking into account the type of injuries that are likely to occur at a workplace, the nature of the activities performed and the

number of employees employed at such workplace, the employer shall make sure that the first aid box or boxes contemplated in subregulation (2) contain suitable first aid equipment listed in the Annexure hereto.

- (b) An employer shall ensure that only first aid equipment contemplated in paragraph (a) or other similar first aid equipment is kept in the first aid box or boxes.

(4) Where more than 10 employees are employed at a workplace, the employer of such employees shall take steps to ensure that for every group of up to 50 employees at that workplace, or in the case of a shop or office as contemplated in the Basic Conditions of Employment Act (Act No. 75 of 1997), for every group of 100 employees, at least one person is designated in writing and readily available during normal working hours, who is in possession of a valid certificate of competency in first aid, issued by a person or organization approved by the chief inspector for this purpose: Provided that the person or organisation must be a registered entity in terms of the laws of the Republic of South Africa. Any entity or organization not incorporated shall have a maximum of 3 years from the promulgation of this regulation to register as a legal entity, failing which, its recognition as a First Aid Training Organisation will lapse.

(5) An employer shall at a workplace where (pesticides), hazardous chemical substances or hazardous biological agents as defined in both the hazardous chemical substances regulations and regulations for hazardous biological agents respectively are used, handled, processed or manufactured, ensure that the first aid worker referred to in subregulation (4) is trained in the first aid procedures that are necessary for the treatment of injuries that may result from such activities, including the acute detrimental effects of exposure to such hazardous chemical substances or hazardous biological agents, and in the emergency procedures which are necessary in the case of accidental leakage or dumping of such hazardous chemical substances or hazardous biological agents.

(6) An employer shall post a prominent notice or sign in a conspicuous place at a workplace, indicating where the first aid box or boxes are kept as well as the name of the person in charge of such first aid box or boxes.

(7) An employee suffering from an open wound, cut, sore or any similar injury, who works where hazardous chemical substances or hazardous biological agents contemplated in subregulation (5) is used, handled, processed or manufactured, shall report such injury to his employer forthwith. The employer may not permit such person to continue working before the injury has been cleaned with soap and water or with a diluted disinfectant and suitably dressed to eliminate blood or bodily fluids seepage through the dressing, where necessary.



(8) Where an employee is exposed or may be exposed to a potential hazard of injury to the eye through contact with a hazardous biological agent or hazardous chemical substance, the employer concerned shall make sure that there is an eye-wash fountain, or any similar facilities, in the immediate vicinity of the workplace of such employee and that the employee is trained in the use thereof.

(9) Where an employee is exposed to a potential hazard of injury to or absorption through the skin as a result of sudden contact with a large amount of hazardous chemical substances or hazardous biological agents, the employer concerned shall make sure that there is a fast-reacting deluge shower with clean water, or similar facility in the immediate vicinity of the workplace of such employee and that the employee is trained to use such facility in the use thereof.

### **Use and storage of flammable liquids.**

8. (1) No employer shall require or permit any person to work in a place where the vapour of any flammable liquid is generated to such an extent that it constitutes an actual or potential fire or explosion hazard or endangers the health or safety of any person, unless the provisions of subregulations (2) to (12) of this regulation are complied with.

(2) No employer shall require or permit a flammable liquid to be used or applied other than in a room, cabinet or other enclosure specially constructed for this purpose of fire resistant material, or in a place which, owing to its situation or construction or any other feature or circumstance, is of such a nature that—

- (a) no fire or explosion hazard is, or may be created thereat;
- (b) any vapour resulting from such use or application is effectively extracted and diluted into the atmosphere subject to the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965); and
- (c) no other workplace can or may be contaminated by such a vapour.

(3) An employer shall cause every room, cabinet or enclosure contemplated in subregulation (2) to be fitted with an efficient intake and exhaust ventilation system to remove any vapour there from and to prevent its re-circulation in a manner which may lead to the contamination of any other workplace or the creation of a fire or explosion hazard: Provided that, notwithstanding any other provision of this regulation, an employer shall provide every employee doing spraying with a respiratory protective equipment of a type approved by the Minister, and that any such employee shall while spraying use such respiratory protective equipment provided to him.

(4) Where spraying is done in any room the employer shall cause the ventilation system contemplated in subregulation (3) to conform to the following requirements:

- (a) If the air supply and extraction is horizontal, the average air speed measured at a level of 1,5 metre above the floor, or at the level of the platform on which persons stand to work, shall be not less than 0,5 metre per second.
- (b) if the air supply is vertical and the extraction thereof is done through slits or a grill along the side walls at floor level, the average air speed measured at a level of 1,5 metre above the floor, or at the level of the platform in which persons stand to work, shall not be less than **0,4** metre per second; or
- (c) if the air supply is vertical and the extraction thereof is done through a grill over the whole of the floor area, the average air speed measured at a level 1,5 metre above the floor, or at the level of the platform on which persons stand to work, shall not be less than 0,3 metre per second.

(5) Where spraying is done in any cabinet or enclosure as contemplated in subregulation (2), the employer shall cause the ventilation system contemplated in subregulation (3) to comply with the following requirements:

- (a) Where the area of the open face of the cabinet is not more than one square metre, the average speed of air movement through the said face shall not be less than one metre, per second;
- (b) where the area of the open face is more than one square metre but less than ~~two~~ square metre, the average speed of air movement through the said face shall not be less than 0,75 metre per second; or
- (c) where the area of the open face is equal to or exceeds two square metres, the average speed of air movement through the said face shall not be less than 0,5 metres per second.

(6) With regard to the ventilation system contemplated in subregulation (3) the employer shall cause—

- (a) all ducts, trunks and enclosures of the system to be of fire resistant material with a smooth interior finish and to be constructed in such a manner as to facilitate the cleaning thereof;
- (b) the system to be kept in operation during working hours as well as for at least the period of time thereafter that may be necessary to clear the vapour from the atmosphere of the room, cabinet or enclosure to below 25 per cent of the lower explosive limit of that vapour; and

- (c) the work to be so organised that the flow of air towards the intake of such ventilation system is not obstructed and draws the spray or vapour of the flammable liquid away from any employee operating the equipment.

(7) With regard to any room contemplated in subregulation (2) the employer shall cause every such room—

- (a) with a floor area exceeding 20 square metre to have at least two separate entrances at opposite ends of the room, which shall be fitted with doors opening outwards that cannot be locked; and
- (b) to be fitted with an inspection window of strengthened and shatterproof glass that cannot be opened.

(8) (a) An employer shall not permit—

- (i) any fire, flame or naked light or anything which may generate static electricity or any other thing which may ignite a flammable liquid or its vapour, to be used in or taken into any room, cabinet or enclosure in which flammable liquid is used, sprayed or stored and shall post a suitable and conspicuous sign prohibiting any such act at the entrances to any such room, cabinet or enclosure;
- (ii) any person to smoke in any place in which flammable liquid is used or stored, and such employer shall post a suitable and conspicuous notice prohibiting such smoking at all the entrances to any such place; and
- (iii) any process or installed fitting capable of causing sparks or fire, or the application of any heat for the drying of sprayed or treated articles, to be or take place in any room, cabinet or enclosure used for spraying, before the space or atmosphere has been cleared of all vapour.
- (iv) any person spraying flammable to remain or conduct work in any room, cabinet or enclosure as contemplated in subregulation(2) unless he is wearing respiratory protective equipment.

(9) With respect to any room, cabinet or enclosure contemplated in subregulation (2), the employer shall cause—

- (a) discarded cotton waste, cleaning rags or similar material to be removed daily and safely disposed of;
- (b) only that quantity of flammable liquid needed for work on one day to be taken into or kept in such room, cabinet or

enclosure: Provided that partially consumed stock may be stored in a properly marked fireproof storage cabinet inside the work place;

- (c) all drums, cans, canisters or similar containers holding flammable liquids to be kept tightly closed when not in actual use and, after their contents have been used up, to be removed from the workplace and safely disposed of daily; and
  - (d) every such room, cabinet or enclosure to be kept clean and all fans, ducts, trunks and enclosures of the ventilation system contemplated in subregulation (3) to be kept clean and in good working order: Provided that any cleaning, scraping or scouring shall be done with implements that cannot cause sparking if the concentration of the vapour exceeds 25 per cent of the lower explosive limit of that vapour.
- (10) An employer shall cause every flammable liquid store to be—
- (a) separated with a fire resisting material with a fire resistance of two hours from any room, cabinet or enclosure contemplated in subregulation (2);
  - (b) constructed of fire resisting material with a fire resistance of two hours;
  - (c) constructed in such a way that, in case of spillage, a volume of the flammable liquid in question equal to the quantity of flammable liquid ordinarily kept in store plus 10 per cent of that quantity, can be contained;
  - (d) ventilated to the open air in such a manner that vapour cannot accumulate inside the store; and
  - (e) clearly marked with a sign indicating that it is such a store and also indicating the amount of flammable liquid which may be stored therein.

(11) Taking into account the construction and location of the premises in question and the quantity and types of flammable liquids involved, an employer shall install an adequate amount of efficient fire fighting equipment in suitable locations in and around every building in which such substances are used, handled or stored, or as may be recommended by the fire chief of the local authority concerned.

(12) The provisions of this regulation shall not be construed as applying to the use of flammable liquids in the course of or in connection with construction work: Provided that every employer engaged in building work shall ensure that, where flammable liquids are used or applied at the workplace Concerned, this is done in such a manner that no fire or explosion hazard is created, and that the workplace is efficiently ventilated: Provided that where the workplace cannot be ventilated effectively the employer shall provide every employee involved with a

respiratory protective equipment of a type approved by the Minister, and shall take steps to ensure that every such employee, while using or applying flammable liquid, uses the apparatus supplied to him.

### **Work in confined spaces.**

9.(1) An employer or user of machinery shall take steps to ensure that a confined space is entered by an employee or any other person only after the air therein has been tested and evaluated by a person who is competent to pronounce on the safety thereof, and who has certified in writing that the confined space is safe and will remain safe while any person is in the confined space, taking into account the nature and duration of the work to be performed therein.

(2) Where the provisions of subregulation (1) cannot be complied with, the employer or user of machinery, as the case may be, shall take steps to ensure that any confined space in which there exists or is likely to exist a hazardous gas, vapour, dust or fumes, or which has or is likely to have, an oxygen content of less than 20 percent by volume, is entered by an employee or other person only when—

- (a) subject to the provisions of subregulation (3), the confined space is purged and ventilated to provide a safe atmosphere therein and measures necessary to maintain a safe atmosphere therein have been taken; and
- (b) the confined space has been isolated from all pipes, ducts and other connecting openings by means of effective blanking other than the shutting or locking of a valve or a cock, or, if this is not practicable, only when all valves and cocks which are a potential source of danger have been locked and securely fastened by means of chains and padlocks.

(3) Where the provisions of subregulation (2)(a) cannot be complied with, the employer or use of machinery shall take steps to ensure that the confined space in question is entered only when the employee or person entering such confined space is using respiratory protective equipment of a type approved by the Minister and, further, that—

- (a) the provisions of subregulation (2)(b) are complied with;
- (b) any employee or person entering the confined space is using a safety harness to which a rope is securely attached which reaches beyond the access to the confined space, and the free end of which is attended to by a person referred to in paragraph (c);
- (c) at least one other person trained in resuscitation and in recognising confined space hazards and precautions is and remains in attendance immediately outside the entrance of the

- confined space in order to assist or remove any person or persons from the confined space, if necessary; and
- (d) effective self-contained breathing apparatus and resuscitation of a type approved by the Minister is available immediately outside the confined space.
- (4) An employer or user shall take steps to ensure that all persons vacate a confined space on completion of any work therein.
- (5) Where the hazardous gas, vapour, dust or fumes contemplated in subregulation (2) are of an explosive or flammable nature, an employer or user shall further take steps to ensure that such a confined space is entered only if—
- (a) the concentration of gas, vapour, dust or fumes does not exceed 25 per cent of the lower explosive limit of the gas, vapour, dust or fumes concerned where the work to be performed is of such a nature that it does not create a source of ignition, or
- (b) such concentration does not exceed 10 per cent of the lower explosive limit of the gas, vapour, dust or fumes where any other work is performed nearby the confined space.
- (6) The provisions of this regulation shall mutatis mutandis also apply, in so far as they can be so applied, to any work which is performed in any place or space on the outside of and bordering on or in the immediate vicinity of, any confined space, and in which place or space, owing to its proximity to the confined space, any hazardous article, oxygen deficient atmosphere or dangerous concentration of gas, vapour, dust or fumes may occur or be present.

#### **Work in elevated positions.**

10. No employer shall require or permit any person to work in an elevated position, and no person shall work in an elevated position, 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 were working from scaffolding.

#### **Working in danger of engulfment.**

11. No employer shall require or permit any person to, and no person shall, enter any place from or into which solid or particulate material is being discharged where a danger exists of a person being engulfed by such solid or particulate material, unless—

- (a) such a person is provided with and properly uses a safety harness and rope;

- (b) at least one other person who has been properly instructed to recognize engulfment hazards and precautions, is and remains in attendance outside such place to keep the person therein under continuous observation in order to render assistance in case of emergency; and
- (c) the precautions prescribed by regulation 9 of these regulations are taken if dangerous gas, fumes, dust, vapour or oxygen deficiency atmosphere may be present in such a place.

### **Stacking of articles.**

12.(1) No employer shall require or permit the building of stacks which consist of successive tiers, one on top of the other, unless—

- (a) the stacking operation is executed by or under the personal supervision of a person with specific knowledge and experience of this type of work;
  - (b) the base is level and capable of sustaining the weight exerted on it by the stack;
  - (c) the articles in the lower tiers are capable of sustaining the weight exerted on them by the articles stacked above them;
  - (d) all the articles which make up a single tier are consistently of the same size, shape and mass;
  - (e) pallets and containers are in good condition; and
  - (f) any support structure used for the stacking of articles is structurally sound and can support the articles to be stacked on it.
- (2) An employer shall not permit—
- (a) articles to be removed from a stack except from the topmost tier or part of that tier; and
  - (b) anybody to climb onto or from a stack, except if the stack is stable and the climbing is done with the aid of a ladder or other safe facility or means.
- (3) An employer shall take steps to ensure that—
- (a) persons engaged in stacking operations do not come within reach of machinery or equipment which may endanger their safety;
  - (b) stacks that are in danger of collapsing are dismantled immediately in a safe manner; and
  - (c) the stability of stacks is not endangered by vehicles or other machinery or persons moving past them.

(4) Unless a stack is otherwise supported an employer shall take steps to ensure that tiers of stacked material or palletized materials consisting of sacks, cases, cartons, tins, drums or similar containers—

- (a) are secured by laying up articles in a header and stretcher fashion and that the comers are securely bonded; and
- (b) are stepped back half the depth of a single container at least every fifth tier or that, alternatively, successive tiers are stepped back by a lesser amount: provided that at least the same average angle of inclination to the vertical is achieved: Provided further that where the containers are of a regular shape and their nature and size are such that the stack will be stable, they may be stacked with the sides of the stack vertical if the total height of the stack does not exceed three times the smaller dimension of the underlying base of the stack.

(5) Notwithstanding the provisions of subregulation (4), free standing stacks that are built with the aid of machinery may, with the approval of an inspector, be built to a height and in a manner permitted by the nature of the containers being stacked: Provided that—

- (a) the stacks are stable and do not overhang; and
- (b) the operator of the stacking machinery is rendered safe as regards falling articles and from falling, while elevated, from the stacking machinery.

#### **Welding, flame cutting, soldering and similar operations.**

13.(1) No employer or user shall require or permit welding or flame cutting operations to be undertaken, unless—

- (a) the person operating the equipment has been fully instructed in the safe operation and use of such equipment and in the hazards which may arise from its use;
- (b) effective protection is provided and used for the eyes and respiratory system and, where necessary, for the face, hands, feet, legs, body and clothing of persons performing such operations, as well as against heat, incandescent or flying particles and dangerous radiation;
- (c) leads and electrode holders are effectively insulated; and
- (d) the workplace is effectively partitioned off where practicable and where not practicable all other persons exposed to the hazards contemplated in paragraph (b) are warned and provided with suitable protective equipment.



(2) No employer or user shall require or permit welding or flame cutting operations to be undertaken in a confined space, unless—

- (a) effective ventilation is provided and maintained;
- (b) masks or hoods maintaining a supply of safe air for breathing are provided and used by the persons performing such operations; or
- (c) effective measures are taken to reduce flammable gasses, vapours or similar materials to concentration levels below 25% of their lower flammable limit.

(3) No employer or user shall require or permit electric welding to be undertaken in wet or damp places, inside metal vessels or in contact with large masses of metal, unless—

- (a) the insulation of the electrical leads is in a sound condition;
- (b) the electrode holder is completely insulated to prevent accidental contact with current carrying parts;
- (c) the welder is completely insulated by means of boots, gloves or rubber mats; and
- (d) at least one other person who has been properly instructed to assist the welder in case of an emergency is and remains in attendance during operations:

Provided that the provisions of this subregulation shall not apply to a welding process where the maximum voltage to earth does not exceed 50 volts.

(4) No employer or user shall require or permit welding, flame cutting, grinding, soldering or similar work to be undertaken in respect of any tube, tank, drum, vessel or similar object or container where such object or container—

- (a) is completely closed, unless a rise in internal pressure cannot render it dangerous; or
- (b) contains any substance which, under the action of heat, may—
  - (i) ignite or explode; or
  - (ii) react to form dangerous or poisonous substances, unless a person who is competent to pronounce on the safety thereof has, after examination, certified in writing that any such danger has been removed by opening, ventilating or purging with water or steam, or by any other effective means.

(5) Where hot work involving welding, cutting, brazing or soldering operations is carried out at places, other than workplaces which have been specifically designated and equipped for such work, the employer shall take steps to ensure that proper and adequate fire precautions are taken.

**Operating trains.**

14.(1) An employer or user who operates a train or a train of tramway trucks, as the case may be, shall cause a signalman carrying a red flag or red light to be stationed at every level crossing where a railway line or tramway crosses or joins a railway or a road, or shall provide other adequate means at such crossing to warn—

- (a) the driver of the train or the train of tramway trucks of the approach of a train; and
- (b) traffic on the road of the approach of the train of tramway trucks.

(2) An employer or user of machinery shall not permit a train or a train of tramway trucks to be run over a level crossing contemplated in subregulation (1) at a speed in excess of 10 kilometers per hour.

(3) No person shall drive or permit any other person to drive a locomotive, unless authorised to do so by his employer or the user as the case may be.

(4) An employer or user shall not, except as provided for in subregulation (5), authorize any person to drive a locomotive while it is being used for the conveyance of persons other than those required for the working of the locomotive or train, unless such person *is* the holder of a locomotive engine driver's certificate issued by the South African Transport Services or in terms of regulations made under the Mines and Works Act, 1956 (Act 27 of 1956).

(5) In the case of a locomotive other than a steam locomotive, having a design speed not exceeding 20 kilometers per hour, an employer or user of machinery, as the case may be, may authorize a person who has attained the age of 18 years to drive such a locomotive while it is being used for the conveyance of persons: Provided that -

- (a) the employer or user of machinery is satisfied that the sight and hearing of any such person are not defective and that he does not suffer from any other physical or mental infirmity which is likely to interfere with the efficient and safe performance of his duties; and
- (b) the person so authorised is competent to carry out the duties assigned to him.

(6) The provisions of this regulation shall not apply to trains operated by the South African Transport Services.

**Ladders.**

15. (1) An employer shall ensure that every ladder is constructed of sound material and is suitable for the purpose for which it is used; and—

- (a) is fitted with non skid devices at the bottom ends and hooks or similar devices at the upper ends of the stiles which shall ensure the stability of the ladder during normal use; or
- (b) is so lashed, held or secured whilst being used as to ensure the stability of the ladder under all conditions and at all times.

(2) No employer shall use a ladder, or permit it to be used, if it—

- (a) (i) has rungs fastened to the stiles only by means of nails, screws, spikes or in like manner; and
- (ii) has rungs which have not been properly let into the stiles: Provided that in the case of welded ladders or ladders of which the rungs are bolted or riveted to the stiles, the rungs need not be let into the stiles; or
- (b) has any damaged stiles, damaged or missing rungs, or defective spreaders or defective non-skid devices, where provided.

(3) No employer may permit that—

- (a) a ladder which is required to be leaned against an object for support be used which is longer than 9 m; and
- (b) except with the approval of an inspector, the reach of a ladder be extended by fastening together two or more ladders: Provided that the provisions of this subregulation shall not apply to available standard length extension or freestanding ladders.

(4) In the case of wooden ladders the employer shall ensure that they—

- (a) are constructed of straight grained wood, free from defects, and with the grain running the length of the stiles and rungs; and
- (b) are not painted or covered in any manner:

Provided that ladders may be treated with oil or covered with clear varnish or wood preservative.

(5) When work is done from a ladder, the employer shall—

- (a) take special precautionary measures to prevent articles from falling off; and
- (b) provide suitable sheaths or receptacles in which hand tools shall be kept when not being used.

(6) An employer shall ensure that a fixed ladder which exceeds 5 metre in length and is attached to a vertical structure with an inclination to the horizontal level of 75 degree or more—

- (a) has its rungs at least 150 mm away from the structure to which the ladder is attached; and
- (b) is provided with a cage which—
  - (i) extends from a point not exceeding 2,5 metre from the lower level to a height of at least 900 mm above the top level served by the ladder; and
  - (ii) shall afford firm support along its whole length for the back of the person climbing the ladder, and for which purpose no part of the cage shall be more than 700 mm away from the level of the rungs: Provided that the foregoing provisions of paragraph (b) shall not apply if platforms, which are spaced not more than 8 m apart and suitable for persons to safely rest on, are provided.

### Ramps.

16. (1) An employer shall ensure that every ramp—

- (a) is constructed in accordance with accepted technical standards;
- (b) has a safety factor of at least two with respect to the load it is expected to carry: provided that the design makes sufficient provision for the load on the ramp as a result of the turning, braking and acceleration of vehicles, if the ramp is used for vehicles; and
- (c) has an inclination to the horizontal level of not more than 34 degree or one vertical to one and one half horizontal.

(2) An employer shall ensure that every ramp—

- (a) the inclination of which renders additional foothold necessary, but in every case where the inclination is more than 14 degree or one vertical to four horizontal, is provided with stepping laths which—
  - (i) are placed at suitable intervals; and
  - (ii) extend the full width of the ramp: Provided that the stepping laths may be interrupted over a width not exceeding 230 mm to facilitate the movement of wheelbarrows; and
- (b) which is higher than 2m and is provided on both sides with—

- (i) substantial guard rails which are at least 900 mm and not exceeding 1000 mm in height, and
- (ii) toe boards which are at least 150 mm high and so affixed that no open space exists between the toe board and the ramp.

#### **Offences and penalties.**

17. Any person who contravenes or fails to comply with any provision of regulation 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 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.

#### **Withdrawal of regulations.**

18. The following are hereby repealed:
- (a) General Safety Regulations and Annexure published under Government Notice 1031 of 30 May 1986, as substituted by Government Notice No. R. 2245 of 1992, amended by Government Notice No. R. 928 of 25 June 2003; and
  - (b) Incorporation of Safety Standards by Government Notice No. R. 283 of 28 March 1991.

#### **Short title.**

19. These regulations shall be called the General Health and Safety Regulations, 2004.

**ANNEXURE 1****(Regulation 7)****MINIMUM CONTENTS OF A FIRST AID BOX**

In the case of shops and offices, the quantities stated under items 1, 8, 9 10, 14, 15, 17 and 18 may be reduced by half.

- Item 1: Wound cleaner/antiseptic (100 ml).
- Item 2: swabs for cleaning wounds.
- Item 3: wool for padding (100 g).
- Item 4: sterile gauze (minimum quantity 10).
- Item 5: 1 pair forceps (for splinters).
- Item 6: 1 pair scissors (minimum size 100 mm);
- Item 7: 1 set safety pins.
- Item 8: 4 triangular bandages.
- Item 9: 4 roller bandages (75 mm x 5 m).
- Item 10: 4 roller bandages (100 mm x 5 m).
- Item 11: 1 roll elastic adhesive (25 mm x 3 m).
- Item 12: 1 Non-allergic adhesive strip (25mm x 3m).
- Item 13: 1 packet adhesive dressing strips (minimum quantity, 10. assorted sizes).
- Item 14: 4 First aid dressings (75 mm x 100 mm).
- Item 15: 4 First aid dressings (150 mm x 200 mm).
- Item 16: 2 straight splints
- Item 17: 2 Pairs large and 2 Pairs medium disposable latex gloves.
- Item 18: 2 CPR mouth pieces or similar devices.
- Item 19. An adequate supply of absorbent material for the absorption of blood and other body fluids spilled
- Item 20. Disinfectant to disinfect the area after cleaning up blood and other body fluids spilled.
- Item 21. 2 Pairs large and 2 pairs medium disposable rubber household gloves.
- Item 22. A suitable sized impervious bag for the safe disposal of blood and other body fluid contaminated biohazard materials.

## **INCORPORATION OF HEALTH AND SAFETY STANDARD INTO THE GENERAL SAFETY REGULATIONS**

Under the powers vested in me by section **44** of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993), I Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, after consultation with the Advisory Council for Occupational Health and Safety, hereby incorporate in the General Health and Safety Regulations, 2004, the health and safety standards specified in the Schedule.

MMS MDLADLANA  
Minister of Labour

### **SCHEDULE**

#### **1. Reulation 2**

The South African Bureau of Standards Code of Practice SABS 0338-1999 entitled:

“Homologation of Respiratory equipments”

#### **2. Reulation 9**

The South African Bureau of Standards Code of Practice SABS 0177: Part II-1981 entitled:

“Fire Resistance Test for Building Elements”

#### **3. Reulation 13**

British standard specifications BS 6158 entitled “Specification for Safety Devices for Fuel Gases and Oxygen or Compressed Air for Welding, Cutting and Related Processes”.

Din standard specifications Din 8521 entitled “Safety Devices against Flashback Backflow in Welding, Cutting and Allied Processes - Safety Requirements, Testing”.

International Standards Organisation specification ISO 5175 entitled “Equipment Used in Gas Welding, Cutting and Allied Processes Safety Devices of Fuel Gases and Oxygen or Compressed Air - General Specifications, Requirements and Tests”.

#### **4. Regulation 13**

The South African Bureau of Standards Code of Practice SABS 087 entitled "Handling, Storage and Distribution of Liquefied Petroleum Gas in Domestic, Commercial and Industrial Installations".

Part I: "Consumer Liquefied Petroleum Gas Cylinder Installations".

Part II: "Installations in Mobile Units and Small Non-Permanent buildings"

Part 111: "Bulk Liquefied Petroleum Gas Storage and Allied Facilities at Consumer's premises".

Part IV: "Transportation of Liquefied Petroleum Gas in Bulk by Road".

Part V: "Liquefied Petroleum **Gas** as Engine Fuel".

Part VII: "Retail outlet and similar Liquefied Petroleum Gas Filling Sites for Small Containers".

Part VIII: "The Fuelling of Fork Lift Trucks and Other Liquefied Petroleum Gas Operated Vehicles".

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