

(1 May 1995 – to date)

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

(Gazette No. 14918, Notice No. 1158, dated 2 July 1993. Commencement date: 1 January 1994, except section 1(3)(b): to be proclaimed)

REGULATIONS FOR THE INTEGRATION OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, 1995

Government Notice R639 in Government Gazette 16387 dated 28 April 1995. Commencement date:
1 May 1995.

The Minister of Labour, under section 3 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), has made the regulations as set out in the Schedule.

SCHEDULE

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1. Definitions

In these regulations, unless the context otherwise indicates—

"Department of Labour" means the Department of Labour mentioned in column I of Schedule I to the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994);

"effective date" means the date on which the repeal of the repealed laws takes effect, being 1 May 1995;

"repealed law" means any one of the following laws repealed by section 1 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), namely—

- (a) the Machinery and Occupational Safety Act, 1985 (Act No. 24 of 1985), of the former Republic of Transkei;
- (b) the Occupational Safety Act, 1992 (Act No. 49 of 1992), of the former Republic of Bophuthatswana;
- (c) the Machinery and Occupational Safety Act, 1987 (Act No. 11 of 1987), of the former Republic of Venda;
- (d) the Machinery and Occupational Safety Act, 1984 (Act No. 35 of 1984), of the former Republic of Ciskei;
- (e) the Machinery and Occupational Safety Act, 1985 (Act No. 10 of 1985), of the former self-governing territory[*sic*] of KwaZulu; and
- (f) the Machinery and Occupational Safety Act, 1992 (Act No. 15 of 1992), of the former self-governing territory of Qwaqwa;

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

"territory" means any one of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the former self-governing territories of KwaZulu, Qwaqwa, Lebowa, Gazankulu, KaNgwane and KwaNdebele.

2. Health and safety representatives and committees

In applying section 17(1) of the Act within a territory, the business of an employer shall be deemed to have commenced on the effective date.

3. Inspectors

- (1) Any officer who, immediately prior to the effective date, holds the office of inspector by virtue of his or her designation as such in terms of any repealed law, shall be deemed to hold the office of inspector by virtue of a designation made in terms of section 28 of the Act.
- (2) Whenever the expression "inspector" appears in the Act, it means—

- (a) in the Province of Eastern Cape, an inspector in the office of the Provincial Director: Eastern Cape, Department of Labour, Private Bag X9005, East London, 5200;
- (b) in the Province of Eastern Transvaal, an inspector in the office of the Provincial Director: Eastern Transvaal, Department of Labour, Private Bag X7263, Witbank, 1035;
- (c) in the Province of the Orange Free State ("Free-State"), an inspector in the office of the Provincial Director: Free-State, Department of Labour, P.O. Box 522, Bloemfontein, 9300;
- (d) in the Province of Pretoria-Witwatersrand-Vereeniging ("Gauteng"), an inspector in the office of the Provincial Director: Gauteng, Department of Labour, P.O. Box 4560, Johannesburg, 2000;
- (e) in the Province of KwaZulu/Natal, an inspector in the office of the Provincial Director: KwaZulu/Natal, Department of Labour, P.O. Box 940, Durban, 4000;
- (f) in the Province of the Northern Cape, an inspector in the office of the Provincial Director: Northern Cape, Department of Labour, Private Bag X5012, Kimberley, 8300;
- (g) in the Province of Northern Transvaal, an inspector in the office of the Provincial Director: Northern Transvaal, Department of Labour, Private Bag X9368, Pietersburg, 0700;
- (h) in the Province of North-West, an inspector in the office of the Provincial Director: North-West, Department of Labour, Private Bag X2040, Mmabatho, 8681; and
- (i) in the Province of Western Cape, an inspector in the office of the Provincial Director: Western Cape, Department of Labour, P.O. Box 872, Cape Town, 8000.

4. Exemptions

Any exemption granted under a repealed law and in force immediately prior to the effective date, shall be deemed to have been granted under section 40 of the Act.

5. Prohibited work

Any work prohibited in terms of any repealed law shall be deemed to have been prohibited in terms of section 21 of the Act.

6. Reports to inspectors and chief inspectors

Any incident reported to an inspector or occupational disease reported to a chief inspector prior to the effective date in terms of a repealed law, shall be deemed to have been reported in accordance with section 24 or 25 of the Act respectively.

7. Records to be kept by employers

Records which were kept by an employer prior to the effective date in terms of any law, shall be deemed to be records which have been kept by him or her in terms of the Act.

8. Pending investigations

Any investigation in terms of a repealed law pending immediately prior to the effective date, shall be disposed of in accordance with such law as if it had not been repealed.

9. Pending prosecutions

Whereon the effective date any prosecution on account of an offence under a repealed law is pending, such prosecution shall be concluded as if such law had not been repealed.

10. Electrical installations

- (1) The provisions of the Electrical Installation Regulations, 1992, promulgated under Government Notice No. R. 2920 of 23 October 1992, shall not, for a period of 12 months from the effective date, be applied in regard to any electrical installation which exists on the effective date in a territory in which no enactment with similar provisions existed immediately prior to the effective date.
- (2) Any installation electrician or electrical contractor accredited or registered in terms of any repealed law, shall be deemed to have been accredited or registered in terms of the Electrical Installation Regulations, 1992.
- (3) Any certificate of compliance in respect of an electrical installation or part thereof, issued in terms of any repealed law, shall be deemed to have been issued in terms of the Electrical Installation Regulations, 1992.

11. Registered factories, boilers, lifts, escalators and passenger conveyors

- (1) Any factory which, immediately prior to the effective date, is registered as such in terms of any repealed law, shall be deemed to have been registered in terms of regulation 15 of the General Administrative Regulations promulgated under Government Notice No. R. 2206 of 5 October 1984.
- (2) Any boiler which, immediately prior to the effective date, is registered as such in terms of any repealed law, shall be deemed to have been registered in terms of regulation 5 (3) of the Vessels Under Pressure Regulations, 1992, promulgated under Government Notice No. R. 2919 of 23 October 1992.

- (3) Any lift, escalator or passenger conveyer which, immediately prior to the effective date, is registered as such in terms of any repealed law, shall for the purposes of regulation 2 (4) of the Lift, Escalator and Passenger Conveyer Regulations, 1994, promulgated under Government Notice No. R. 797 of 29 April 1994, be deemed to have been registered with the Department of Labour.

12. Compulsory notification to regional director or divisional inspector

Any notification given by an employer or any other person to a regional director or divisional inspector under any repealed law in compliance with the provisions thereof, shall be deemed to have been given under the corresponding provisions of the Act.

13. Short title and commencement

These regulations shall be called the Regulations for the Integration of the Occupational Health and Safety Act, 1995, and shall come into operation on 1 May 1995.