

(3 August 2004 – 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)

FACILITIES REGULATIONS, 2004

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Commencement date: 3 August 2004.

As amended by:

Government Notice R1045 in Government Gazette 26753, dated 10 September 2004 (Correction Notice).

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

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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 otherwise indicates-

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

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

"hot water" means water at a temperature more than 35 degrees Celsius;

"hazardous biological agent" means a hazardous biological agent defined as such in regulation 1 of the Regulations for Hazardous Biological Agents promulgated by Government Notice No. R. 1390 of 27 December 2001;

"hazardous chemical substance" means a substance defined as such in regulation 1 of the Hazardous Chemical Substances Regulations promulgated by Government Notice No. R. 1179 of 25 August 1995 as amended by Government Notice No. R. 930 of 25 June 2003;

"National Building Regulations" means the National Building Regulations promulgated by Government Notice No. R. 1081 of 10 June 1988;

"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;

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

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

2. Sanitation

- (1) Every employer shall provide sanitary facilities at a workplace in accordance with Parts F, P and Q of the application of the National Building Regulations.
- (2) Notwithstanding the provisions of subregulation (1), an employer may, where less than 11 persons are employed on one premises, make arrangements in writing 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 free of charge 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 or her sole use or disposable paper towels or hot air blowers or clean portions of continuous cloth towels, at washbasins; and
 - (d) provide toilet soap or a similar cleansing agent free of charge 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 or her employees, and he or she shall -
- (a) provide running hot and cold or premixed hot and cold water for 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 gender of the persons for whom the room is intended;
 - (b) ventilate such rooms in accordance with the provisions of Part O of 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 or her premises which is not obtained from the water supply system of a local authority, complies with SABS 241.

3. Facilities for Safekeeping

- (1) An employer in a workplace shall provide every employee in his or her 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 subregulation (1) shall store his or her clothing and other personal items in his or her 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.

4. Changing rooms

- (1) In respect of employees -
 - (a) for whom showers are prescribed; or
 - (b) who need to undress, the employer shall provide separate changing rooms for males and females respectively, in accordance with Part C of SABS 0400.
- (2) An employer contemplated in sub-regulation (1) shall -
 - (a) ensure that a changing room is not connected directly by means of a door or of any other opening to any room in which there is exposure to a hazardous chemical substance or a hazardous biological agent; 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 changing room for the maximum number of employees that will be using such changing room at any one time;
 - (c) not store any material, tools or other goods not related to use of a changing room in such changing 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 changing room in order to afford privacy;
 - (f) provide a conspicuous sign at the entrance to a changing room to indicate the gender of the persons for whom the changing room is intended;
 - (g) provide facilities for the drying of wet clothes, if the employees for whom the changing room has been provided, may become wet in the course of their work;
 - (h) ensure that every changing room is naturally or artificially ventilated in accordance with Part O of the National Building Regulations; and

- (i) ensure that no employee referred to in subregulation (1) changes his or her clothing at any other place at a workplace than in the changing room provided for him or her.
- (3) Subject to the provisions of regulation 5 an employer may allow a changing room to be used for the partaking of meals provided that -
 - (a) an obscure partition that reaches the ceiling or roof is installed between showers and eating places; and
 - (b) there is no direct communication between the changing room and the toilet facilities.

5. Dining-rooms

- (1) Notwithstanding the provisions of regulation 4 (3), every employer of employees who at a workplace -
 - (a) are exposed to a hazardous chemical substance or a hazardous biological agent;
 - (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; or
 - (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) An employer contemplated in subregulation (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 there is exposure to a hazardous chemical substance or hazardous biological agent; 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 Part O of the National Building Regulations.

6. Prohibition

Every employer shall -

- (a) prohibit smoking, eating or drinking at workplaces contemplated in regulation 5(1); and
- (b) display conspicuous signs or notices at such workplaces prohibiting smoking, eating or drinking.

7. Drinking water

Every employer shall -

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

8. Seats

Every employer shall -

- (a) where reasonably practicable, provide an ergonomically sound seat 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.

9. Condition of rooms and facilities

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.

10. Offences and penalties

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 or 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.

11. Repeal of regulations

The Facilities Regulations promulgated by Government Notice No. R 2362 of October 1990, are hereby repealed.

(Regulation 11 corrected by Government Notice R1045 in Government Gazette 26753, dated 10 September 2004)

12. Short Title

These regulations shall be called the Facilities Regulations, 2004.