

# Occupational Health and Safety Act

## General Duties of the Employer in the Workplace



### 1.0

### SECTION 8 of the OHS ACT

#### General duties of employers to their employees

1. Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.
2. Without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular-
  - i. the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health;
  - ii. taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment;
  - iii. making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances;
  - iv. establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his business, and he shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures;
  - v. providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees;
  - vi. as far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;

- vii. taking all necessary measures to ensure that tire requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is used;
- viii. enforcing such measures as may be necessary in the interest of health and safety;
- ix. ensuring that work is performed and that plant or machinery is used under the general supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the employer are implemented; and
- x. causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b).

## **2.0**

### **SECTION 9 of the OHS ACT**

#### General duties of employers and self-employed persons to persons other than their employees

1. Every employer shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.
2. Every self-employed person shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that he and other persons who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.

## **3.0**

### **SECTION 13 of the OHS ACT**

#### Duty to inform

Without derogating from any specific duty imposed on an employer by this Act, every employer shall:

- (a) as far as is reasonably practicable, cause every employee to be made conversant with the hazards to his health and safety attached to any work which he has to perform, any article or substance which he has to produce, process, use, handle, store or transport and any plant or machinery which he is required or permitted to use, as well as with the precautionary measures which should be taken and observed with respect to those hazards;
- (b) inform the health and safety representatives concerned beforehand of inspections, investigations or formal inquiries of which he has been notified by an inspector, and of any application for exemption made by him in terms of section 40; and

- (c) inform a health and safety representative as soon as reasonably practicable of the occurrence of an incident in the workplace or section of the workplace for which such representative has been designated.

#### **4.0**

#### **SUMMARY: Duties of Employees**

## **DUTIES OF EMPLOYERS**

**Provide a safe and healthy working environment.**



**Provide and maintain safe systems and equipment.**



**Eliminate or mitigate any potential hazard.**



**Provide information, instructions, training and supervision.**

- **Ensure safety and prevention of risk.**

- **Provide welfare facilities and arrangements.**

- **Develop, enforce and monitor health and safety measures.**

- **Inform employees of their scope of authority.**