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IMPORTANT NOTICE

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GENERAL NOTICE

NOTICE 391 OF 2010

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

DRAFT AMENDMENT TO THE CONSTRUCTION REGULATIONS, 2003

The Minister of Labour, on the recommendation of the Advisory Council of Occupational Health and Safety, hereby published under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the draft amendment to the Construction Regulations as set out in the Schedule, for general information and comment.

Any Comments or representation with regards to this amendment are to be lodged in writing to the Director General: Department of Labour, Private Bag X 117, Pretoria, 0001, within 60days from the date of publication of this notice.

SCHEDULE

Definitions

1 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—

"agent" means any competent person who acts as a representative for a client in managing the overall construction work performed for that client;

"angle of repose" means the steepest angle of a surface at which a mass of loose or fragmented material will remain stationary in a pile on the surface, rather than sliding or crumbling away;

"bulk mixing plant" means machinery, appliances or other similar devices that are assembled in such a manner so as to be able to mix materials in bulk for the purposes of using the mixed product for construction work;

"client" means any person for whom construction work is performed;

"competent person" means any person—

(a) having the knowledge, training, experience, and, where applicable, qualifications specific to the work or task being performed: Provided that where appropriate qualifications and training are registered in terms of the provisions of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), those qualifications and training must be regarded as the required qualifications and training; or

(b) declared competent by an accredited assessor or institution;

"construction site" means a work place where construction work is being performed;

"construction work" means any work in connection with—

(a) the construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure; or

(b) the construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation; or the moving of earth, clearing of land, the making of excavation, piling, system or any similar civil engineering structure or any similar type of work;

"construction vehicle" means a vehicle used as a means of conveyance for transporting persons or material or both such persons and material, as the case may be, both on and off the construction site for the purposes of performing construction work;

"contractor" means an employer who performs construction work;

"design" in relation to any structure includes drawings, calculations, design details and specifications;

"designer" means—

(a) a person who—

(i) prepares a design;

(ii) checks and approves a design; or

- (iii) arranges for any person at work under his or her control (including an employee of that person where he or she is the employer) to prepare a design;
- (b) an architect or engineer contributing to, or having overall responsibility for a design;
- (c) a building services engineer designing details for fixed plant;
- (d) a surveyor specifying articles or drawing up specifications;
- (e) a contractor carrying out design work as part of a design and building project;
- (f) any competent person designing false work, including its components, form work and support work; and
- (g) an interior designer, shop-fitter or landscape architect.

"ergonomics" means the addressing of the interaction between an employee and his or her workplace and the environment for human use in order to optimize human well-being and overall system performance;

"excavation work" means the making of any man-made cavity, trench, pit or depression formed by cutting, digging or scooping;

"explosive powered tool" means a tool that is activated by an explosive charge and that is used for driving bolts, nails and similar objects for the purpose of providing fixing;

"fall prevention equipment" means equipment used to prevent persons from falling from a fall risk position, including personal equipment, body harness, single belt, lanyards, lifelines or physical equipment such as guardrails, screens, barricades, anchorages or similar equipment;

"fall arrest equipment" means equipment used to arrest a person in a fall, including personal equipment such as body harness, lanyards, deceleration devices, lifelines or similar equipment, but excludes single belts;

"fall protection plan" means a documented plan, which includes—

- (a) all risks relating to working from a fall risk position, considering the nature of work undertaken;
- (b) the procedures and methods to be applied in order to eliminate the risk; and
- (c) a rescue plan and procedures;

"fall risk" means any potential exposure to falling either from, off or into:

"false work" means a combined system of formwork and support work;

"formwork" means temporary or permanent shutters used to form wet concrete into an element of a structure, and includes both horizontally and vertically placed shutters;

"hazard identification" means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed;

"health and safety file" means a file, or other record containing the information required in these Regulations;

"health and safety plan" means a documented plan which addresses identified hazards and includes safe work procedures and other measures to mitigate, reduce or control the identified hazards;

"health and safety specification" means a site, activity or project specific document of all health and safety requirements pertaining to the associated works on a specific construction site, in order to ensure the health and safety of persons on or near the site;

"material hoist" means a hoist used to lower or raise material and equipment, and includes a cantilevered platform hoist, a mobile hoists, a friction drive hoist, a scaffold hoists, a rack and pinion hoist and a combination hoist;

"medical certificate of fitness" means a certificate contemplated in regulation ...;

"method statement" means a written document detailing the key activities to be performed in order to reduce as reasonably as practicable the hazards identified in any risk assessment;

"mobile plant" means any machinery, appliance or other similar device that is able to move independently, and used for the purpose of performing construction work on a construction site;

"National Building Regulations" means the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and promulgated by Government Notice No. R. 2378 of 30 July 1990, as amended by Government Notices Nos R. 432 of 8 March 1991, R. 919 of 30 July 1999 and R. 547 of 30 May 2008;

"occupational safety practitioner" means any person competent in occupational safety and certified as such by an institution accredited by the South African National Accreditation System (SANAS) having the knowledge, training, experience and qualifications specific to the occupational safety aspects of 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), those qualifications and training shall be must be regarded the required qualifications and training;

"permit" means a document issued in terms of regulation 3 by the provincial director authorizing a client to commence or continue with construction work;

"person day" means one normal working shift of carrying out construction work by a person on a construction site;

"principal contractor" means an employer who performs construction work and is appointed by a client to be in overall control and management of a part of or the whole of a construction site;

"professional engineer or professional certificated engineer" means a person holding registration as either a Professional Engineer or Professional Certificated Engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

"professional technologist" means a person holding registration as a Professional Engineering Technologist in terms of the Engineering Profession Act, 2000;

"provincial director" means the provincial director as defined in regulation 1 of the General Administrative Regulations under the Act;

"risk assessment" means a process of determining all risks associated with all hazards at a specific construction site, in order to identify the steps needed to be taken to eliminate, mitigate, and control such hazards;

"roof apex height" means the dimensional height in meters measured from the lowest ground level abutting any part of a building to the highest point of the roof;

"scaffold" means a temporary elevated platform and supporting structure used for providing access to and supporting workmen or materials or both;

"shoring" means a structure such as a hydraulic, mechanical or timber/steel system that supports the sides of an excavation and which is intended to prevent the cave-in or the collapse of the sides of an excavation, and **"shoring system"** has a corresponding meaning;

"structure" means—

(a) any building, steel or reinforced concrete structure (not being a building), railway line or siding, bridge, waterworks, reservoir, pipe or pipeline, cable, sewer, sewage works, fixed vessels, road, drainage works, earthworks, dam, wall, mast, tower, tower crane, bulk mixing plant, pylon, surface and underground tanks, earth retaining structure or any structure designed to preserve or alter any natural feature, and any other similar structure;

(b) any false work, scaffold or other structure designed or used to provide support or means of access during construction work; or

(c) any fixed plant in respect of construction work which includes installation, commissioning, decommissioning or dismantling and where any such work involves a risk of a person falling;

"support work" means the temporary structure erected to support the formwork before the casting of a concrete element of a structure;

"suspended platform" means a working platform suspended from supports by means of one or more separate ropes from each support;

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

"tunneling" means the construction of any tunnel beneath the natural surface of the earth for a purpose other than the searching for or winning of a mineral.

Scope of application

2. These Regulations apply to all persons involved in construction work.

Application for permit to perform construction work

3. (1) A client who intends to have construction work carried out must apply to the provincial director in writing for a permit to perform construction work at least 14 days before that work is to be carried out if the intended construction work will—

- (a) exceed 30 days or will involve more than 300 person days of construction work;
- (b) include excavation work;
- (c) include working at a height where there is risk of falling;
- (d) include the demolition of a structure; or
- (e) include the use of explosives to perform construction work.

- (2) An application contemplated in subregulation (1) must be done in a form similar to Annexure 1
- (3) The provincial director must issue a permit in writing to perform construction work contemplated in subclause (1) and must assign a site specific number for each such construction site.
- (4) The number contemplated in subregulation (3) must be displayed at the main entrance to the site for which the number is assigned.
- (5) A permit contemplated in this regulation may only be granted if—
- (a) the fully completed documents contemplated in regulation 4(1)(a) and (b) have been submitted;
 - (b) proof in writing with regard to the registration and good standing of the principal contractor as contemplated in regulation 4(1)(i) and (j) has been submitted; and
 - (c) proof in writing that regulation 4(1) (c), (d), (e), (f), (g) and (h) has been complied with, has been submitted
- (6) A client must ensure that the principal contractor keeps a copy of the permit contemplated in subregulation (1) in the occupational health and safety file for inspection by an inspector, the client and the client's agent or employee, and that the unique number issued with the permit is displayed in an appropriate place at the entrance to the construction site.
- (7) No construction work contemplated in subregulation (1) may be commenced or carried out before the permit and number contemplated in subregulation (3) are issued and assigned.

Duties of client

4. (1) A client must—
- (a) prepare a baseline risk assessment for an intended construction work project;
 - (b) prepare a suitable, sufficiently documented and site specific health and safety specification for the intended construction work based on the baseline risk assessment contemplated in paragraph (a);
 - (c) provide the designer with the health and safety specification contemplated in paragraph (b);
 - (d) ensure that the designer takes the prepared health and safety specification into consideration;
 - (e) ensure that as far as is reasonably practicable the services of an approved inspection authority be utilized to give input at the early design stage and where such an authority has not been appointed at that stage, he or she must be given the opportunity to make an input at a later stage;
 - (f) include the health and safety specification in the tender documents;
 - (g) ensure that potential principal contractors submitting tenders have made adequate provision for the cost of health and safety measures;
 - (h) ensure that the principal contractor to be appointed has the necessary competencies and resources to carry out the construction work safely;
 - (i) ensure prior to work commencing on site that every principal contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in

- the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);
- (j) ensure prior to work commencing on site that every principal contractor is registered and in good standing with the Unemployment Insurance Fund, as contemplated in the Unemployment Insurance Act, 2001 (Act No. 63 of 2001);
 - (k) appoint every principal contractor in writing for the project or part thereof on the construction site;
 - (l) discuss and negotiate with the principal contractor the contents of the principal contractor's health and safety plan contemplated in regulation 5(1), and must thereafter finally approve that plan for implementation;
 - (m) ensure that no construction work commences until the principal contractor's health and safety plan has been approved;
 - (n) ensure that a copy of the principal contractor's health and safety plan is available on request to an employee, inspector or contractor;
 - (o) ensure that the principal contractor's health and safety plan is implemented and maintained on the construction site: Provided that the steps taken must include periodic health and safety audits at intervals mutually agreed upon between the client and principal contractor, but at least every 14 days;
 - (p) ensure that a copy of the audit report contemplated in regulation 29(3)(d) is provided to the principal contractor within seven days after the audit;
 - (q) stop any contractor from executing construction work which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site or which poses a threat to the health and safety of persons;
 - (r) ensure that where changes are brought about to the design or construction, sufficient health and safety information and appropriate resources are made available to the principal contractor to execute the work safely; and
 - (s) ensure that the health and safety file is kept and maintained by the principal contractor as contemplated in regulation 5(1)(b).

(2) Where a client requires additional work to be performed as a result of a design change or as a result of an error in construction due to the actions of the client, the client must ensure that sufficient safety information and appropriate additional resources are available to execute the required work safely.

(3) Where a fatality or permanent disabling injury occurs on a construction site, the client must provide the provincial director with a full report as directed by the inspector who is conducting the investigation under section 24 of the Act, and must include the measures that the client intends to implement within 30 days to ensure a safe construction site as far as is reasonably practicable.

(4) A client may, without derogating from his or her responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, shall as far as reasonably practicable apply to the agent so appointed.

(5) An agent contemplated in subregulation (4) must perform the duties of the client contemplated in regulation 4, including—

- (a) the base line risk assessment contemplated in subregulation (1);

- (b) safety management system audits, which include—
 - (i) inspections;
 - (ii) surveys;
 - (iii) monitoring;
 - (iv) incident investigations;
 - (v) complaints; and
 - (vi) audit debriefing to the client's project management and the principal contractor before leaving the premises; and
- (c) reporting of information obtained on subregulation (1), (2) and (3) to—
 - (i) the client, who must submit a copy of the report to the principal contractor within 7 days after the audit; and
 - (ii) the Department of Labour, where necessary, or if required to do so by the chief inspector.

Duties of principal contractor and contractor

5. (1) A principal contractor must—
- (a) provide and demonstrate to the client a suitable, sufficiently documented and site specific health and safety plan, based on the client's documented health and safety specifications contemplated in regulation 4(1)(b), which shall be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the principal contractor as work progresses;
 - (b) ensure that a health and safety file, which must include all documentation required in terms of the Act and these Regulations, is opened and kept on site and is made available to an inspector, the client, the client's agent or a contractor upon request;
 - (c) take the reasonable steps that are necessary to ensure co-operation between all contractors to enable each of those contractors to comply with these Regulations;
 - (d) on appointing any other contractor, in order to ensure compliance with the provisions of the Act—
 - (i) provide any contractor who is tendering to perform construction work for the principal contractor, with the relevant sections of the health and safety specifications contemplated in regulation 4(1)(b) pertaining to the construction work which has to be performed;
 - (ii) ensure that potential contractors submitting tenders have made sufficient provision for health and safety measures during the construction process;
 - (iii) ensure that no contractor is appointed to perform construction work unless the principal contractor is reasonably satisfied that the contractor that he or she intends to appoint, has the necessary competencies and resources to perform the construction work safely;
 - (iv) ensure prior to work commencing on site that every contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993;
 - (v) appoint each contractor in writing for the part of the project on the construction site;

- (vi) take reasonable steps to ensure that each contractor's health and safety plan contemplated in subregulation (2)(a) is implemented and maintained on the construction site: Provided that the steps taken must include periodic audits at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 14 days;
 - (vii) stop any contractor from executing construction work which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site or which poses a threat to the health and safety of persons; and
 - (viii) ensure that where changes are brought about to the design and construction, sufficient health and safety information and appropriate resources are made available to the contractor to execute the work safely;
- (e) discuss and negotiate with the contractor the contents of the health and safety plan contemplated in subregulation (2)(a), and must thereafter finally approve that plan for implementation;
 - (f) ensure that a copy of his or her health and safety plan contemplated in paragraph (a), as well as the contractor's health and safety plan contemplated in subregulation (2)(a), is available on request to an employee, an inspector, a contractor, the client or the client's agent;
 - (g) hand over a consolidated health and safety file to the client upon completion of the construction work and must, in addition to the documentation referred to in subregulation (2)(b), include a record of all drawings, designs, materials used and other similar information concerning the completed structure; and
 - (h) ensure that in addition to the documentation required in the health and safety file in terms of paragraph (g) and subregulation (2)(b), a comprehensive and updated list of all the contractors on site accountable to the principal contractor, the agreements between the parties and the type of work being done are included and available..
- (2) A contractor—
- (a) must provide and demonstrate to the principal contractor a suitable and sufficiently documented health and safety plan, based on the relevant sections of the client's health and safety specification contemplated in regulation 4(1)(b) and provided by the principal contractor in terms of subregulation (1)(d)(i), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the contractor as work progresses;
 - (b) must ensure that a health and safety file, which must include all documentation required in terms of the Act and these Regulations, is opened and kept on site and made available to an inspector, the client, the client's agent or the principal contractor upon request;
 - (c) may not appoint another contractor to perform construction work unless he or she is reasonably satisfied that the contractor that he or she intends to appoint has the necessary competencies and resources to perform the construction work safely;
 - (d) must co-operate with the principal contractor as far as is necessary to enable each of them to comply with the provisions of the Act; and

- (e) must as far as is reasonably practicable, promptly provide the principal contractor with any information which might affect the health and safety of any person at work carrying out construction work on the site or any person who might be affected by the work of such a person at work or which might justify a review of the health and safety plan.

(3) Where a contractor appoints another contractor to perform construction work, the duties determined in subregulation (1)(b) to (h) that apply to the principal contractor apply to the contractor as if he or she were the principal contractor.

(4) A contractor must complete an Annexure 2 form or similar before sending employees for a medical examination and ensure that all his or her employees have a valid medical certificate of fitness.

Supervision of construction work

6. (1) A contractor must in writing appoint one full-time competent employee as the construction supervisor with the duty of supervising all the construction work on the site, including the duty of ensuring occupational health and safety compliance, and in the absence of the construction supervisor an alternate must be appointed by the contractor.

(2) A contractor must upon having considered the size of the project, in writing appoint one or more competent employees for different sections thereof to assist the construction supervisor contemplated in subregulation (1), and every such employee has, to the extent clearly defined by the contractor in the letter of appointment, the same duties as the construction supervisor: Provided that the designation of any such employee does not relieve the construction supervisor of any personal accountability for failing in his supervisory duties in terms of this regulation.

(3) Where the contractor has not appointed an employee as contemplated in subregulation (2), or, in the opinion of an inspector a sufficient number of such employees have not been appointed, that inspector must instruct the employer to appoint the number of employees indicated by the inspector, and the provisions of subregulation (2) apply in respect of those employees as if they were in the first instance appointed under subregulation (2).

(4) No construction supervisor appointed under subregulation (1) may supervise any construction work on or in any construction site other than the site in respect of which he or she has been appointed: Provided that if a sufficient number of competent employees have been appropriately designated under subregulation (2) on all the relevant construction sites, the appointed construction supervisor may supervise more than one site.

(5) If a construction supervisor appointed under subregulation (1) for more than one construction site is in the opinion of an inspector not able to supervise the works satisfactorily, the inspector must instruct the contractor to appoint the required number of employees as contemplated in subregulation (2) to assist the construction supervisor, or instruct the contractor to appoint a suitable construction supervisor

(6) A contractor must, after consultation with the client and having considered the size of the project, the degree of dangers likely to be encountered or the accumulation of hazards or risks on the site, appoint a full-time or part-time construction health and safety practitioner in writing to assist in the control of all safety related aspects on the site: Provided that, where

the question arises as to whether a construction health and safety practitioner is necessary, the decision of an inspector shall be decisive.

(7) No contractor may appoint a construction health and safety practitioner to assist in the control of health and safety related aspects on the site unless he or she is reasonably satisfied that the construction health and safety practitioner that he or she intends to appoint has the necessary competencies and resources to assist the contractor.

Risk assessment

7. (1) A contractor must before the commencement of any construction work and during such construction work cause risk assessments to be performed by a competent person appointed in writing, which risk assessments form part of the health and safety plan to be applied on the site, and must include at least—

- (a) the identification of the risks and hazards to which persons may be exposed to;
- (b) an analysis and evaluation of the risks and hazards identified;
- (c) a documented plan of safe work procedures to mitigate, reduce or control the risks and hazards that have been identified;
- (d) a monitoring plan; and
- (e) a review plan .

(2) A contractor must ensure that as far as is reasonably practicable, ergonomic related hazards are analyzed, evaluated and addressed in a risk assessment.

(3) A contractor must ensure that copies of the risk assessments of the relevant site are available on site for inspection by an inspector, the client, the client's agent, any contractor, any employee, a representative trade union, a health and safety representative or any member of the health and safety committee.

(4) A contractor must consult with the health and safety committee or, if no health and safety committee exists, with a representative trade union or representative group of employees, on the monitoring and review of the risk assessments of the relevant site.

(5) A contractor must ensure that all employees under his or her control are informed, instructed and trained by a competent person regarding any hazard and the related work procedures before any work commences, and thereafter at the times that may be determined in the risk assessment monitoring and review plan of the relevant site.

(6) A principal contractor must ensure that all contractors are informed regarding any hazard that is stipulated in the risk assessment before any work commences, and thereafter at the times that may be determined in the risk assessment monitoring and review plan of the relevant site.

(7) A contractor must cause the relevant risk assessment to be reviewed—

- (a) where changes are effected to the design and construction work;
- (b) when an incident has occurred; and
- (c) at intervals not exceeding one month.

(8) No contractor may allow or permit any employee or person to enter any site, unless that employee or person has undergone health and safety induction training pertaining to the hazards prevalent on the site at the time of entry.

(9) A contractor must ensure that all visitors to a construction site undergo health and safety induction pertaining to the hazards prevalent on the site and must ensure that such visitors have the necessary personal protective equipment.

(10) Any person on site must—

- (a) be in possession of proof of the health and safety induction training contemplated in subregulation (8), prior to entering the construction site; and
- (b) carry the proof contemplated in paragraph (a) for the duration of that project or for the period that the person will be on the construction site.

(11) An employee performing construction work must be in possession of a valid medical fitness certificate.

Fall protection

8. (1) A contractor must cause—

- (a) the designation of a competent person, responsible for the preparation of a fall protection plan;
- (b) the fall protection plan contemplated in paragraph (a) to be implemented, amended where and when necessary and maintained as required; and
- (c) steps to be taken in order to ensure continued adherence to the fall protection plan.

(2) The fall protection plan contemplated in subregulation (1), must include—

- (a) a risk assessment of all work carried out from a fall risk position and the procedures and methods used to address all the risks identified per location;
- (b) the processes for the evaluation of the employees' medical fitness necessary to work at a fall risk position and the records thereof;
- (c) the programme for the training of employees working from fall risk position and the records thereof; and
- (d) the procedure addressing the inspection, testing and maintenance of all fall protection equipment.

(3) A contractor must ensure that a construction supervisor appointed under regulation 6(1), is in possession of the most recently updated version of the fall protection plan.

(4) A contractor must ensure that—

- (a) all unprotected openings in floors, edges, slabs, hatchways and stairways are adequately guarded, fenced or barricaded or that similar means are used to safeguard any person from falling through such openings;
- (b) no person is required to work in a fall risk position, unless such work is performed safely as if working from a scaffold or ground level;
- (c) notices are conspicuously placed at all openings where the possibility exists that a person might fall through such openings;
- (d) fall prevention and fall arrest equipment are—
 - (i) suitable and of sufficient strength for the purpose for which they are being used having regard to the work being carried out and the load, including any person, they are intended to bear; and

- (ii) securely attached to a structure or plant, and the structure or plant and the means of attachment thereto are suitable and of sufficient strength and stability for the purpose of safely supporting the equipment and any person who could fall;
 - (e) fall arrest equipment is used only where it is not reasonably practicable to use fall prevention equipment; and
 - (f) suitable and sufficient steps are taken to ensure, as far as is reasonably practicable, that in the event of a fall by any person, the fall arrest equipment or the surrounding environment does not cause injury to the person.
- (5) Where roof work is being performed on a construction site, the contractor must ensure that in addition to the requirements set out in subregulations (2) and (4), it is furthermore indicated in the fall protection plan—
 - (a) that the roof work has been properly planned;
 - (b) that the roof erectors are competent to carry out the work;
 - (c) that no employee is permitted to work on roofs during inclement weather conditions or if any conditions are hazardous to the health and safety of the employee;
 - (d) that prominent warning notices are to be placed where all covers to openings are not of sufficient strength to withstand any imposed loads and where fragile material exists;
 - (e) that the areas mentioned in paragraph (d) are to be barricaded off to prevent persons from entering;
 - (f) that suitable and sufficient platforms, coverings or other similar means of support have been provided to be used in such a way that the weight of any person passing across or working on or from fragile material is supported; and
 - (g) that there are suitable and sufficient guard-rails, barriers and toe-boards or other similar means of protection to prevent, as far as is reasonably practicable, the fall of any person, material or equipment.

Structures

- 9. (1) A contractor must ensure that—
 - (a) all reasonably practicable steps are taken to prevent the uncontrolled collapse of any new or existing structure or any part thereof, which may become unstable or is in a temporary state of weakness or instability due to the carrying out of construction work; and
 - (b) no structure or part of a structure is loaded in a manner which would render it unsafe.
- (2) The designer of a structure —
 - (a) must take reasonable steps to ensure that the applicable requirements of SANS 10 400 and the National Building Regulations are complied with in the design;
 - (b) must take into consideration the health and safety specification submitted by the client;
 - (c) must, before the contract is put out to tender, make available to the client all relevant health and safety information about the design of the relevant structure that may affect the pricing of the construction work;

- (d) must inform the contractor in writing of any known or anticipated dangers or hazards relating to the construction work, and make available all relevant information required for the safe execution of the work upon being designed or when the design is subsequently altered;
- (e) must, subject to the provisions of paragraphs (a) and (c), ensure that the following information is included in a report and made available to the contractor:
 - (i) A geo-science technical report where appropriate;
 - (ii) the loading that the structure is designed to withstand; and
 - (iii) the methods and sequence of construction process;
- (f) may not include anything in the design of the structure necessitating the use of dangerous procedures or materials hazardous to the health and safety of persons, which can be avoided by modifying the design or by substituting materials;
- (g) must take into account the hazards relating to any subsequent maintenance of the relevant structure and must make provision in the design for that work to be performed to minimize the risk;
- (h) must, when mandated by the client to do so, carry out the necessary inspections at appropriate stages to verify that the construction of the relevant structure is carried out in accordance with his design, provided that if the designer is not so mandated, the client's appointed agent in this regard shall be responsible to carry out such inspections.
- (i) must when mandated by the client as contemplated in subregulation (h), stop any contractor from executing any construction work which is not in accordance with the relevant design's health and safety aspects, and if the designer is not so mandated, the client's appointed agent in that regard must stop that contractor from executing that construction work;
- (j) must when mandated as contemplated in subregulation (h) in his or her final inspection of the completed structure in accordance with the National Building Regulations include the health and safety aspects of the structure as far as reasonably practicable declare the structure safe for use, and issue a completion certificate to the client and copy to the contractor; and
- (k) must ensure that during commissioning, cognizance is taken of ergonomic design principles in order to minimize ergonomic related hazards in all phases of the life cycle of a structure.

(3) A contractor must ensure that all drawings pertaining to the design of the relevant structure are kept on site and are available on request by an inspector, other contractors, the client and the client's agent or employee.

(4) Any owner of a structure must ensure that inspections of that structure are carried out periodically by competent persons in order to render the structure safe for continued use: Provided that the inspections are carried out at least once every six months for the first two years and thereafter yearly, and records of such inspections must be kept and made available to an inspector upon request.

(5) Any owner of a structure must ensure that the structure is maintained in such a manner that the structure remains safe for continued use and records of such maintenance must be kept and made available to an inspector upon request.

Formwork and support work

10. (1) A contractor must ensure that—
- (a) all formwork and support work operations are carried out under the supervision of a competent person who has been appointed in writing for that purpose;
 - (b) all formwork and support work structures are adequately designed erected, supported, braced and maintained so that they will be capable of supporting all anticipated vertical and lateral loads that may be applied to them, and that no loads are imposed onto the structure that the structure is not designed to withstand;
 - (c) the designs of formwork and support work structures are done with close reference to the structural design drawings, and where any uncertainty exists the structural designer should be consulted;
 - (d) detailed activity specific drawings pertaining to the design of formwork or support work structures are kept on the site and are available on request by an inspector, other contractors, the client, the client's agent or any employee;
 - (e) all equipment used in the formwork or support work structure are carefully examined and checked for suitability by a competent person, before being used;
 - (f) all formwork and support work structures are inspected by a competent person immediately before, during and after the placement of concrete, after inclement weather or any other imposed load and at least on a daily basis until the formwork and support work structure has been removed and the results have been recorded in a register and made available on site;
 - (g) no person may cast concrete, until written authorization has been given by the competent person contemplated in paragraph (a);
 - (h) if, after erection, any formwork or support work structure is found to be damaged or weakened to such a degree that its integrity is affected, it is safely removed or reinforced immediately;
 - (i) adequate precautionary measures are taken in order to—
 - (i) secure any deck panels against displacement; and
 - (ii) prevent any person from slipping on support work or formwork due to the application of formwork or support work release agents;
 - (j) as far as is reasonably practicable, the health of any person is not affected through the use of solvents or oils or any other similar substances;
 - (k) upon casting concrete, the support work or formwork structure is left in place until the concrete has acquired sufficient strength to support safely its own weight and any imposed loads and is not removed until written authorization has been given by the competent person contemplated in paragraph (a);
 - (l) provision is made for safe access by means of secured ladders or staircases for all work to be carried out above the foundation bearing level;
 - (m) all employees required to erect, move or dismantle formwork and support work structures are provided with adequate training and instruction to perform those operations safely; and
 - (n) the foundation conditions are suitable to withstand the loads caused by the temporary works structure and any imposed loads in accordance with the temporary works design.

- (2) A temporary works designer must ensure that—
- (a) all temporary works are adequately designed so that it will be capable of supporting all anticipated vertical and lateral loads that may be applied;
 - (b) the designs of temporary works are done with close reference to the structural design drawings issued by the contractor, and where uncertainty exists the contractor must be consulted
 - (c) all drawings and calculations pertaining to the design of temporary works are kept at the office of the temporary works designer and are made available on request by an inspector; and
 - (d) the loads caused by the temporary works and any imposed loads are clearly indicated in the design.
- (3) A contractor must appoint in writing a temporary works designer or competent person to inspect and approve the erected temporary works on site before use.

Excavation work

11. (1) A contractor must ensure that all excavation work is carried out under the supervision of a competent person who has been appointed in writing for that purpose.
- (2) A contractor must evaluate, as far as is reasonably practicable, the stability of the ground before excavation work begins.
- (3) A contractor who performs excavation work —
- (a) must take suitable and sufficient steps in order to prevent, as far as is reasonably practicable, any person from being buried or trapped by a fall or dislodgement of material in an excavation;
 - (b) may not require or permit any person to work in an excavation which has not been adequately shored or braced: Provided that shoring and bracing may not be necessary where—
 - (i) the sides of the excavation are sloped to at least the maximum angle of repose measured relative to the horizontal plane; or
 - (ii) such an excavation is in stable material: Provided that—
 - (aa) permission has been given in writing by the appointed competent person contemplated in subregulation (1) upon evaluation by him or her of the site conditions; and
 - (bb) where any uncertainty pertaining to the stability of the soil still exists, the decision from a professional engineer or a professional technologist competent in excavations is decisive and such a decision must be noted in writing and signed by both the competent person contemplated in subregulation (1) and the professional engineer or technologist, as the case may be;
 - (c) must take steps to ensure that the shoring or bracing contemplated in paragraph (b) is designed and constructed in a manner that renders it strong enough to support the sides of the excavation in question;
 - (d) must ensure that no load, material, plant or equipment is placed or moved near the edge of any excavation where it may cause its collapse and consequently endangers the safety of any person,

- unless precautions such as the provision of sufficient and suitable shoring or bracing are taken to prevent the sides from collapsing;
- (e) must ensure that where the stability of an adjoining building, structure or road is likely to be affected by the making of an excavation, the steps are taken that may be necessary to ensure the stability of such building, structure or road and the safety of persons;
- (f) must cause convenient and safe means of access to be provided to every excavation in which persons are required to work, and such access may not be further than 6 meters from the point where any worker within the excavation is working;
- (g) must ascertain as far as is reasonably practicable the location and nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must before the commencement of excavation work that may affect any such service, take the steps that may be necessary to render the circumstances safe for all persons involved;
- (h) must cause every excavation, including all bracing and shoring, to be inspected—
- (i) daily, prior to the commencement of each shift;
 - (ii) after every blasting operation;
 - (iii) after an unexpected fall of ground;
 - (iv) after damage to supports; and
 - (v) after rain,
- by the competent person contemplated in subregulation (1), in order to ensure the safety of the excavation and of persons, and those results must be recorded in a register kept on site and made available to an inspector, the client, the client's agent, any other contractor or any employee upon request;
- (i) must cause every excavation which is accessible to the public or which is adjacent to public roads or thoroughfares, or whereby the safety of persons may be endangered, to be—
- (i) adequately protected by a barrier or fence of at least 1 metre in height and as close to the excavation as is practicable; and
 - (ii) provided with warning illuminants or any other clearly visible boundary indicators at night or when visibility is poor,
- or have resort to any other suitable and sufficient precautionary measure where subparagraphs (i) and (ii) are not practicable.
- (j) must ensure that all precautionary measures stipulated for confined spaces as determined in the General Safety Regulations promulgated by Government Notice No. R. 1031 of 30 May 1986, as amended, are complied with when entering any excavation;
- (k) must ensure that, where the excavation work involves the use of explosives, a method statement is developed in accordance with the applicable explosives legislation, by an appointed person who is competent in the use of explosives for excavation work and that the procedures therein are followed; and
- (l) must cause warning signs to be positioned next to an excavation within which or where persons are working or carrying out inspections or tests.

Demolition work

12. (1) A contractor must appoint a competent person in writing to supervise and control all demolition work on site.

(2) A contractor must ensure that prior to any demolition work being carried out, and in order to ascertain the method of demolition to be used, a detailed structural engineering survey of the structure to be demolished is carried out by a competent person and that a method statement on the procedure to be followed in demolishing the structure is developed.

(3) During a demolition, a competent person must check the structural integrity of the structure at intervals determined in the method statement contemplated in subregulation (2), in order to avoid any premature collapses.

(4) A contractor who performs demolition work—

- (a) must with regard to a structure being demolished, take steps to ensure that—
 - (i) no floor, roof or other part of the structure is overloaded with debris or material in a manner which would render it unsafe;
 - (ii) all reasonably practicable precautions are taken to avoid the danger of the structure collapsing when any part of the framing of a framed or partly framed building is removed, or when reinforced concrete is cut; and
 - (iii) precautions are taken in the form of adequate shoring or other means that may be necessary to prevent the accidental collapse of any part of the structure or adjoining structure;
- (b) may not require or permit any person to work under overhanging material or structure, which has not been adequately supported, shored or braced;
- (c) must take steps to ensure that any support, shoring or bracing contemplated in paragraph (b), is designed and constructed so that it is strong enough to support the overhanging material;
- (d) must where the stability of an adjoining building, structure or road is likely to be affected by demolition work on a structure, take the steps as may be necessary to ensure the stability of such structure or road and the safety of persons;
- (e) must ascertain as far as is reasonably practicable the location and nature of electricity, water, gas or other similar services which may in anyway, be affected by the work to be performed, and must before the commencement of demolition work that may affect any such service, take the steps that may be necessary to render circumstances safe for all persons involved;
- (f) must cause every stairwell used and every floor where work is being performed in a building being demolished, to be adequately illuminated by either natural or artificial means;
- (g) must cause convenient and safe means of access to be provided to every part of the demolition site in which persons are required to work; and
- (h) must erect a catch platform or net above an entrance or passageway or above a place where persons work or pass under, or fence off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons

are kept safe where there is a danger or possibility of persons being struck by falling objects.

(5) A contractor must ensure that no material is dropped to any point, which falls outside the exterior walls of the structure, unless the area is effectively protected.

(6) No person may dispose of waste and debris from a high place by a chute unless the chute—

- (a) is adequately constructed and rigidly fastened;
- (b) if inclined at an angle of more than 45 degrees to the horizontal, is enclosed on its four sides;
- (c) if of the open type, is inclined at an angle of less than 45 degrees to the horizontal;
- (d) where necessary, is fitted with a gate at the bottom end to control the flow of material; and
- (e) is discharged into a container or an enclosed area surrounded by barriers.

(7) A contractor must ensure that every chute used to dispose of rubble is designed in such a manner that rubble does not free-fall and that the chute is strong enough to withstand the force of the debris traveling along the chute.

(8) A contractor must ensure that no equipment is used on floors or working surfaces, unless such floors or surfaces are of sufficient strength to support the imposed loads.

(9) Where a risk assessment indicates the presence of asbestos, a contractor must ensure that all asbestos related work is conducted in accordance with the Asbestos Regulations, 2001, promulgated by Government Notice No. R. 155 of 10 February 2002, as amended.

(10) Where a risk assessment indicates the presence of lead, a contractor must ensure that all lead related work is conducted in accordance with the Lead Regulations, 2001, promulgated by Government Notice No. R.236 of 28 February 2002, as amended.

(11) Where the demolition work involves the use of explosives, a method statement must be developed in accordance with the applicable explosives legislation, by an appointed person who is competent in the use of explosives for demolition work and all persons involved in demolition works must adhere to demolition procedures issued by the appointed person.

(12) A contractor must ensure that all waste and debris are as soon as reasonably practicable removed and disposed of from the site in accordance with the applicable legislation.

Tunneling

13. (1) A contractor performing tunneling activities must comply with the Mine Health and Safety Act, 1996 (Act No. 29 of 1996).

(2) No person may enter a tunnel, which has a height dimension of less than 800 millimeters.

Scaffolding

14. (1) A contractor must ensure that all scaffolding work operations are carried out under the supervision of a competent person who has been appointed in writing for that purpose and that all scaffold erectors, team leaders and inspectors are competent to carry out their work.

(2) A contractor using access scaffolding, must ensure that such scaffolding, when used, complies with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act.

Suspended platforms

15. (1) A contractor must ensure that all suspended platform work operations are carried out under the supervision of a competent person who has been appointed in writing for that purpose, and that all suspended platform erectors, operators and inspectors are competent to carry out their work.

(2) No contractor may use or permit the use of a suspended platform, unless—

- (a) the design, stability and construction thereof comply with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act;
- (b) he or she is in possession of a certificate of system design issued by a professional engineer, certificated engineer or a professional technologist for the use of the suspended platform system; and
- (c) he or she is, prior to the commencement of the work, in possession of an operational compliance plan developed by a competent person based on the certificate of system design contemplated in subparagraph (b) and applicable to the environment in which the system is being used, which operational compliance plan must include proof of the—
 - (i) appointment of the competent person contemplated in subregulation (1);
 - (ii) competency of erectors, operators and inspectors;
 - (iii) operational design calculations which should comply with the requirements of the system design certificate;
 - (iv) performance test results;
 - (v) sketches indicating the completed system with the operational loading capacity of the platform;
 - (vi) procedures for and records of inspections having been carried out; and
 - (vii) procedures for and records of maintenance work having been carried out;

(3) A contractor making use of a suspended platform system must submit a copy of the certificate of system design contemplated in subregulation (2)(b), including a copy of the design calculations, sketches and test results, to the provincial director before commencement of the use of the system and must further indicate the intended type of work that the system will be used for.

(4) A contractor must submit a copy of the certificate of system design in the manner contemplated in subregulation (3) for every new project.

(5) A contractor must ensure that the outriggers of each suspended platform—

- (a) are constructed of material of adequate strength and have a safety factor of at least four in relation to the load it is to carry; and
 - (b) have suspension points provided with stop devices or other effective devices at the outer ends to prevent the displacement of ropes.
- (6) A contractor must ensure that—
 - (a) the parts of the building or structure on which the outriggers of a suspended platform are supported, are checked by means of calculations to ensure that the required safety factor is adhered to without risk of damage to the building or structure;
 - (b) the suspension wire rope and the safety wire rope are separately connected to the outrigger;
 - (c) each person on a suspended platform is provided with and wears a safety harness as a fall prevention device, which must at all times be attached to the suspended platform or to the anchorage points on the structure while on the suspended platform;
 - (d) the hand or power driven machinery to be used for the lifting or lowering of the working platform of a suspended platform is constructed and maintained in such a manner that an uncontrolled movement of the working platform cannot occur;
 - (e) the machinery referred to in paragraph (d) is so situated that it is easily accessible for inspection;
 - (f) the rope connections to the outriggers are vertically above the connections to the working platform; and
 - (g) where the working platform is suspended by two ropes only, the connections of the ropes to the working platform are of a height above the level of the working platform to ensure the stability of the working platform.
- (7) A contractor must ensure that a suspended platform—
 - (a) is suspended as near as possible to the structure to which work is being done to prevent as far as is reasonably practicable horizontal movement away from the face of the structure;
 - (b) is fitted with anchorage points at a height of 1,8 metres above the working platform, to which workers shall attach the lanyard of the safety harness worn and used by the worker and such anchorage connections shall have sufficient strength to withstand any potential load applied to it; and
 - (c) is fitted with a conspicuous notice easily understandable by all workers working with the suspended platform, showing—
 - (i) the maximum mass load;
 - (ii) maximum number of persons; and
 - (iii) the maximum total mass load including load and persons which the suspended platform can carry.
- (8) A contractor must cause—
 - (a) the whole installation and all working parts of a suspended platform to be thoroughly examined in accordance with the manufacturer's specification;
 - (b) the whole installation to be subjected to a performance test as determined by the standard to which the suspended platform was manufactured;
 - (c) the performance test contemplated in paragraph (b) to be done by a competent person appointed in writing with the knowledge and

experience of erection and maintenance of suspended platforms or similar machinery and who must determine the serviceability of the structures, ropes, machinery and safety devices before they are used, every time suspended platforms are erected;

- (d) the performance test contemplated in paragraph (b) of the whole installation of the suspended platform to be subjected to a load equal to that prescribed by the manufacturer or, in the absence of such load, to a load of 110 percent of the rated mass load, at intervals not exceeding 12 months and in such a manner that every part of the installation is stressed accordingly.

(9) A contractor must, in addition to subregulation (8), cause every hoisting rope, hook or other load-attaching device which forms part of the suspended platform to be thoroughly examined in accordance with the manufacturer's specification by the competent person contemplated in subregulation (8) before they are used every time they are assembled, and, in cases of continuous use, at intervals not exceeding three months.

(10) A contractor must ensure that the suspended platform supervisor contemplated in subregulation (1), or the suspended platform inspector contemplated in subregulation (8)(c), carries out a daily inspection of all the equipment prior to use, including establishing whether—

- (a) all connection bolts are secure;
- (b) all safety devices are functioning;
- (c) all safety devices are not tampered with or vandalized;
- (d) the total maximum mass load of the platform is not exceeded;
- (e) the occupants in the suspended platform are using safety harnesses which have been properly attached;
- (f) there are no visible signs of damage to the equipment; and
- (g) all reported operating problems have been attended to.

(11) A contractor must ensure that all inspection and performance test records are kept on the construction site at all times and made available to an inspector, the client, the client's agent or any employee upon request.

(12) A contractor must ensure that all employees required to work or to be supported on a suspended platform are—

- (a) medically fit to work safely in a fall risk position or such similar environment by being in possession of a medical certificate of fitness;
- (b) competent in conducting work related to suspended platforms safely;
- (c) trained or received training which includes at least—
 - (i) how to access and egress the suspended platform safely;
 - (ii) how to correctly operate the controls and safety devices of the equipment;
 - (iii) information on the dangers related to the misuse of safety devices; and
 - (iv) information on the procedures to be followed in the case of—
 - (aa) an emergency;
 - (bb) the malfunctioning of equipment; and

- (cc) the discovery of a suspected defect in the equipment; and
- (v) instructions on the proper use of safety harnesses.

(13) A contractor must ensure that where the outriggers of a suspended platform are to be moved, only persons trained and competent to effect such move, perform this task and that an inspection be carried out and the results thereof be recorded by the competent person contemplated in subregulation (8)(c) prior to re-use of the suspended platform.

(14) A contractor must ensure that the suspended platform is properly isolated after use at the end of each working day in such a manner that no part of the suspended platform presents a danger to any person thereafter.

Boatswain's chair

16. (1) A contractor must ensure that every boatswain's chair or similar device is securely suspended and is constructed in a manner to prevent any occupant from falling therefrom.

(2) A contractor must ensure that an inspection is carried out by a competent person prior and a performance test immediately after a boatswain's chair has been erected and thereafter a visual inspection must be carried out by the user on a daily basis prior to use.

(3) A contractor must ensure that the occupant in the boatswain's chair is using a safety harness which has been properly attached at a minimum of 0,8 meters above the seat.

(4) A user must cause every attaching device which forms an integral part of a boatswain's chair to be so designed or proportioned that accidental disconnection of the load under working conditions cannot take place.

(5) A user must cause the whole installation of a boatswain's chair to be thoroughly examined and subjected to a performance test, as prescribed by the manufacturer, by a person who has knowledge and experience of the erection and maintenance of the type of equipment involved and who must determine the serviceability of the structures, ropes and safety devices before they are put into use every time they are dismantled and re-erected, and thereafter at intervals not exceeding 3 months: Provided that in the absence of the prescribed performance test the whole installation of the boatswain's chair must be tested with 110 percent of the rated mass load, applied over the complete lifting range of equipment and in such a manner that every part of the installation is stressed accordingly.

(6) A user of a boatswain's chair must at all times keep on his premises a register in which he must record or cause to be recorded full particulars of any performance test and examination prescribed by subregulation (5) and any modification or repair to the equipment, and the user must ensure that the register is available on request for inspection by an inspector.

Material hoists

17. (1) A contractor must ensure that every material hoist and its tower have been constructed of sound material in accordance with the generally accepted technical standards and are strong enough and free from defects.

(2) A contractor must cause the tower of every material hoist to be—
(a) erected on firm foundations and secured to the structure or braced by steel wire guy ropes, and to extend to a distance above the

- highest landing to allow a clear and unobstructed space of at least 900 millimeters for overtravel;
- (b) enclosed on all sides at the bottom, and at all floors where persons are at risk of being struck by moving parts of the hoist, except on the side or sides giving access to the material hoist, with walls or other effective means to a height of at least 2100 millimeters from the ground or floor level; and
 - (c) provided with a door or gate at least 2100 millimeters in height at each landing, and that door or gate must be kept closed except when the platform is at rest at such a landing.
- (3) A contractor must cause—
- (a) the platform of every material hoist to be designed in a manner that it safely contains the loads being conveyed and that the combined weight of the platform and the load does not exceed the designed lifting capacity of the hoist;
 - (b) the hoisting rope of every material hoist which has a remote winch to be effectively protected from damage by any external cause to the portion of the hoisting rope between the winch and the tower of the hoist; and
 - (c) every material hoist to be provided with an efficient brake capable of holding the platform with its maximum load in any position when power is not being supplied to the hoisting machinery.
- (4) No contractor may require or permit trucks, barrows or material to be conveyed on the platform of a material hoist and no person may so convey trucks, barrows or material unless such articles are secured or contained in a manner that displacement thereof cannot take place during movement.
- (5) A contractor must cause a notice, indicating the maximum mass load which may be carried at any one time and the prohibition of persons from riding on the platform of the material hoist, to be affixed around the base of the tower and at each landing.
- (6) A contractor of a material hoist may not require or permit any person to operate that hoist, unless the person is competent in the operation of material hoist.
- (7) No contractor may require or permit any person to ride on a material hoist.
- (8) A contractor must cause every material hoist—
- (a) to be inspected on a daily basis by a competent person who has been appointed in writing and has the experience pertaining to the erection and maintenance of material hoists or similar machinery;
 - (b) inspection contemplated in paragraph (a), to include the determination of the serviceability of the entire material hoist, including guides, ropes and their connections, drums, sheaves or pulleys and all safety devices;
 - (c) inspection results to be entered and signed in a record book, which must be kept on the premises for that purpose; and
 - (d) to be properly maintained and the maintenance records in this regard must be kept on site.

Bulk mixing plant

18. (1) A contractor must ensure that the operation of a bulk mixing plant is supervised by a competent person who has been appointed in writing and is—

- (a) aware of all the dangers involved in the operation thereof; and
 - (b) conversant with the precautionary measures to be taken in the interest of health and safety.
- (2) No person supervising or operating a bulk mixing plant may authorize any other person to operate the plant, unless that person is competent to operate a bulk mixing plant.
- (3) A contractor must ensure that the placement and erection of a bulk mixing plant complies with the requirements set out by the manufacturer and that such plant is erected as designed.
- (4) A contractor must ensure that all devices to start and stop a bulk mixing plant are provided and that those devices are—
 - (a) placed in an easily accessible position; and
 - (b) constructed in a manner to prevent accidental starting.
- (5) A contractor must ensure that the machinery and plant selected is suitable for the mixing task and that all dangerous moving parts of a mixer are placed beyond the reach of persons by means of doors, covers or other similar means.
- (6) No person may be permitted to remove or modify any guard or safety equipment relating to a bulk mixing plant, unless authorized to do so by the appointed person contemplated in subregulation (1).
- (7) A contractor must ensure that all precautionary measures stipulated for confined spaces as determined in the General Safety Regulations promulgated by Government Notice No. R. 1031 of 30 May 1986, as amended, are complied with when entering any silo.
- (8) A contractor must ensure that a record is kept of any repairs or maintenance to a bulk mixing plant and that it is made available, on site, to an inspector, the client, the client's agent or any employee upon request.
- (9) A contractor must ensure that all lifting machines and lifting tackle used in the operation of a bulk mixing plant complies with the Driven Machinery Regulations, 1988, promulgated by Government Notice No. R. 295 of 26 February 1988, as amended.
- (10) A contractor must ensure that all precautionary measures are adhered to regarding the usage of electrical equipment in explosive atmospheres when entering a silo, as contemplated in the Electrical Installation Regulations, 2009, promulgated by Government Notice No. R. 242 of 16 March 2009, as amended.

Explosive powered tools

19. (1) No contractor may use or permit any person to use an explosive powered tool, unless—
- (a) the user is provided with and uses suitable protective equipment;
 - (b) the user is trained in the operation, maintenance and use of such a tool;
 - (c) the explosive powered tool is provided with a protective guard around the muzzle end, which effectively confines any flying fragments or particles; and
 - (d) the firing mechanism is so designed that the explosive powered tool will not function unless—
 - (i) it is held against the surface with a force of at least twice its weight; and

- (ii) the angle of inclination of the barrel to the work surface is not more than 15 degrees from a right angle.
- (2) A contractor must ensure that—
 - (a) only cartridges suited for the relevant explosive powered tool and the work to be performed are used;
 - (b) an explosive powered tool is cleaned and examined daily before use and as often as may be necessary for its safe operation by a competent person who has been appointed for that purpose;
 - (c) the safety devices of an explosive powered tool are in proper working order prior to use;
 - (d) when not in use, an explosive powered tool and its cartridges are locked up in a safe place, which is inaccessible to unauthorized persons;
 - (e) an explosive powered tool is not stored in a loaded condition;
 - (f) a warning notice is displayed in a conspicuous manner in the immediate vicinity wherever an explosive powered tool is used;
 - (g) the issuing and collection of cartridges and nails or studs of an explosive powered tool are—
 - (i) controlled and done in writing by a person having been appointed in writing for that purpose; and
 - (ii) recorded in a register by a competent person and that the recipient has accordingly signed for the receipt thereof as well as the returning of any spent and unspent cartridges.

Cranes

20. A contractor must, in addition to compliance with the Driven Machinery Regulations promulgated by Government Notice No. R. 533 of 16 March 1990, ensure that where tower cranes are used—

- (a) they are designed and erected under the supervision of a competent person;
- (b) a relevant risk assessment and method statement are developed and applied taking into account—
 - (i) the effects of wind forces on the crane, that a wind speed device is fitted and provides the operator with an audible warning when the wind speed exceeds the design engineer's specification;
 - (ii) the bearing capacity of the ground on which the tower crane is to stand is adequate and where the ground is unstable additional measures are taken to stabilize the area; and
 - (iii) the bases for the tower cranes and tracks for rail-mounted tower cranes are firm and level;
- (c) the tower crane operators are competent to carry out the work safely; and
- (d) the tower crane operators are medically fit to work in such an environment by being in possession of a medical certificate of fitness.

Construction vehicles and mobile plant

21. (1) A contractor must ensure that all construction vehicles and mobile plant—
- (a) are of an acceptable design and construction;
 - (b) are maintained in a good working order;

- (c) are used in accordance with their design and the intention for which they were designed, having due regard to safety and health;
 - (d) are operated by workers who—
 - (i) have received appropriate training, are certified competent and in possession of proof of competency and are authorised in writing to operate those construction vehicles and mobile plant;
 - (ii) when operating on public roads complies with the National Road Traffic Act, 1996 (Act No. 93 of 1996); and
 - (iii) are medically fit to operate those construction vehicles and mobile plant by being in possession of a medical certificate of fitness;
 - (e) have safe and suitable means of access and egress;
 - (f) are properly organized and controlled in any work situation by providing adequate signaling or other control arrangements to guard against the dangers relating to the movement of vehicles and plant, in order to ensure their continued safe operation;
 - (g) are prevented from falling into excavations, water or any other area lower than the working surface by installing adequate edge protection, which may include guardrails and crash barriers;
 - (h) are fitted with structures designed to protect the operator from falling material or from being crushed should the vehicle or mobile plant overturn;
 - (i) are equipped with an acoustic warning device that makes sound when approaching an object.
 - (j) are equipped with an automatic acoustic reversing alarm; and
 - (k) are inspected on a daily basis using a relevant checklist prior to use by the authorised operator or driver and the findings of such inspection are recorded in a register kept in the construction vehicle or mobile plant.
- (2) A contractor must ensure that—
- (a) no person rides or be required or permitted to ride on a construction vehicle or mobile plant otherwise than in a safe place provided thereon for that purpose;
 - (b) every construction site is organized in such a way that, as far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health;
 - (c) the traffic routes are suitable for the persons, construction vehicles or mobile plant using them, are sufficient in number, in suitable positions and of sufficient size;
 - (d) every traffic route is, where necessary, indicated by suitable signs;
 - (e) all construction vehicles and mobile plant left unattended at night, adjacent to a public road in normal use or adjacent to construction areas where work is in progress, have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, in order to identify the location of the vehicles or plant;
 - (f) all construction vehicles or mobile plant when not in use, have buckets, booms or similar appendages, fully lowered or blocked, controls in a neutral position, motors stopped, wheels chocked, brakes set and ignition secured;
 - (g) whenever visibility conditions warrant additional lighting, all mobile plant are equipped with at least two headlights and two taillights when in operation;

- (h) tools, material and equipment are secured and separated by means of a physical barrier in order to prevent movement when transported in the same compartment with employees;
- (i) vehicles used to transport employees have seats firmly secured and adequate for the number of employees to be carried; and
- (j) all construction vehicles or mobile plant traveling, working or operating on public roads comply with the requirements of the National Road Traffic Act, 1996.

Electrical installations and machinery on construction sites

22. A contractor must, in addition to compliance with the Electrical Installation Regulations, 2009, promulgated by Government Notice No. R. 242 of 6 March 2009, and the Electrical Machinery Regulations, 1988, promulgated by Government Notice No. R. 1593 of 12 August 1988, respectively, as amended, ensure that—

- (a) before construction commences and during the progress thereof, adequate steps are taken to ascertain the presence of and guard against danger to workers from any electrical cable or apparatus which is under, over or on the site;
- (b) all parts of electrical installations and machinery are of adequate strength to withstand the working conditions on construction sites;
- (c) the control of all temporary electrical installations on the construction site is designated to a competent person who has been appointed in writing for that purpose;
- (d) all temporary electrical installations used by the contractor are inspected at least once a week by a competent person and the inspection findings are recorded in a register kept on the construction site; and
- (e) all electrical machinery is inspected on a daily basis using a relevant checklist prior to use by the authorized operator or user and the inspection findings are recorded in a register kept on the construction site.

Use and temporary storage of flammable liquids on construction sites

23. A contractor must, in addition to compliance with the provisions for the use and storage of flammable liquids as determined in the General Safety Regulations promulgated by Government Notice No. R. 1031 of 30 May 1986, as amended, ensure that—

- (a) where flammable liquids are being used, applied or stored at the workplace concerned, it is done in a manner that does not cause a fire or explosion hazard, and that the workplace is effectively ventilated;
- (b) no person smokes in any place in which flammable liquid is used or stored, and the contractor must affix a suitable and conspicuous notice at all entrances to any such areas prohibiting such smoking;
- (c) an adequate amount of efficient fire-fighting equipment is installed in suitable locations around the flammable liquids store with the recognized symbolic signs;
- (d) only the quantity of flammable liquid needed for work on one day is taken out of the store for use;
- (e) all containers holding flammable liquids are kept tightly closed when not in actual use and, after their contents have been used up, are removed from the construction site and safely disposed of;

- (f) where flammable liquids are decanted, the metal containers are bonded and earthed; and
- (g) no flammable material, including cotton waste, paper, cleaning rags or similar material is stored together with flammable liquids.

Water environments

24. (1) A contractor must ensure that where construction work is done over or in close proximity to water, provision is made for—

- (a) preventing persons from falling into water; and
- (b) the rescuing of persons in danger of drowning.

(2) A contractor must ensure that where a person is exposed to the risk of drowning by falling into the water, the person is provided with and wears a lifejacket.

Housekeeping and general safeguarding on construction sites

25. A contractor must, in addition to compliance with the Environmental Regulations for Workplaces, 1987, promulgated by Government Notice No. R. 2281 of 16 October 1987, as amended, ensure that—

- (a) suitable housekeeping is continuously implemented on each construction site, including provisions for the—
 - (i) proper storage of materials and equipment; and
 - (ii) removal of scrap, waste and debris at appropriate intervals;
- (b) materials required for use, are not placed on the site so as to obstruct means of access to and egress from workplaces and passageways;
- (c) materials no longer required for use do not accumulate on and are removed from the site at appropriate intervals;
- (d) waste and debris are not disposed of from a high place with a chute, unless the chute complies with the requirements set out in regulation 12(6);
- (e) construction sites in built-up areas, adjacent to a public way, are suitably and sufficiently fenced off and provided with controlled access points to prevent the entry of unauthorized persons; and
- (f) a catch platform or net is erected above an entrance or passageway or above a place where persons work or pass under, or fence off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons are kept safe in the case of danger or possibility of persons being struck by falling objects.

Stacking and storage on construction sites

26. A contractor must, in addition to compliance with the provisions for the stacking of articles as determined in the General Safety Regulations promulgated by Government Notice No. R 1031 of 30 May 1986, as amended, ensure that—

- (a) a competent person is appointed in writing with the duty of supervising all stacking and storage on a construction site;
- (b) adequate storage areas are provided;
- (c) there are demarcated storage areas; and
- (d) storage areas are kept neat and under control.

Fire precautions on construction sites

27. A contractor must, in addition to compliance with the Environmental Regulations for Workplaces, 1987, promulgated by Government Notice No. R. 2281 of 16 October 1987, as amended, ensure that—

- (a) all appropriate measures are taken to avoid the risk of fire;
- (b) sufficient and suitable storage is provided for flammable liquids, solids and gases;
- (c) smoking is prohibited and notices in this regard are prominently displayed in all places containing readily combustible or flammable materials;
- (d) in confined spaces and other places in which flammable gases, vapours or dust can cause danger—
 - (i) only suitably protected electrical installations and equipment, including portable lights, are used;
 - (ii) there are no flames or similar means of ignition;
 - (iii) there are conspicuous notices prohibiting smoking;
 - (iv) oily rags, waste and other substances liable to ignite are without delay removed to a safe place; and
 - (v) adequate ventilation is provided;
- (e) combustible materials do not accumulate on the construction site;
- (f) welding, flame cutting and other hot work are done only after the appropriate precautions as required have been taken to reduce the risk of fire;
- (g) suitable and sufficient fire-extinguishing equipment is placed at strategic locations or as may be recommended by the Fire Chief or local authority concerned, and that such equipment is maintained in a good working order;
- (h) the fire equipment contemplated in paragraph (g) is inspected by a competent person, who has been appointed in writing for that purpose, in the manner indicated by the manufacturer thereof;
- (i) a sufficient number of workers are trained in the use of fire-extinguishing equipment;
- (j) where appropriate, suitable visual signs are provided to clearly indicate the escape routes in the case of a fire;
- (k) the means of escape is kept clear at all times;
- (l) there is an effective evacuation plan providing for all –
 - (i) persons to be evacuated speedily without panic;
 - (ii) persons to be accounted for; and
 - (iii) plant and processes to be shut down; and
- (m) a siren is installed and sounded in the event of a fire.

Construction employees' facilities

28. (1) A contractor must, in addition to the construction site provisions as determined in the Facilities Regulations, 2004, promulgated by Government Notice No. R. 924 of 3 August 2004, as amended, provide at or within reasonable access of every construction site, the following clean and maintained facilities:

- (a) Shower facilities after consultation with the employees or employees representatives, or at least one shower facility for every 15 persons;
- (b) at least one sanitary facility for every 30 workers;
- (c) changing facilities for each sex; and
- (d) sheltered eating areas.

(2) A contractor must provide reasonable and suitable living accommodation for the workers at construction sites who are far removed from their homes and where adequate transportation between the site and their homes, or other suitable living accommodation, is not available.

Construction health and safety technical committee.

29. (1) The chief inspector of occupational health and safety must establish a construction health and safety technical committee which must consist of—

- (a) a person who shall be the chairperson;
- (b) two persons designated by the Director-General of the Department of Labour from the employees of that Department;
- (c) two persons to represent the Department of Public Works, one each designated by the Built Environmental Council and the Construction Industry Development Board;
- (d) one person to represent Higher Education in the field of Construction and related studies designated by the Director General of the Department of Higher Education;
- (e) one person designated by the South African Property Owners Association;
- (f) two persons designated by employer's organizations to represent employers who are directly involved in the construction industry from civils and building.
- (g) two persons designated by employees organizations to represent the unions who are directly involved in the construction industry;
- (h) one person to represent Consultants who are directly involved in the construction industry; and
- (i) persons who are knowledgeable about the matters to be dealt with by the Committee who have been co-opted by the Committee with the authorization of the chief inspector..

(2) The chief inspector of occupational health and safety must appoint the members of the Construction Health and Safety Technical Committee for the period that he or she may determine at the time of appointment: Provided that the chief inspector of occupational health and safety may discharge a member at any time, for reasons that are fair and just, and appoint a new member in his or her place.

(3) The Construction Health and Safety Technical Committee must—

- (a) advise the chief inspector of occupational health and safety on construction related codes, standards and training requirements: Provided that any accredited or approved training must be in accordance with South African Qualifications Authority standards;
- (b) designate persons to examine safety systems and safety records of companies who have high incident rates and provide recommendations to the chief inspector of occupational health and safety on the findings;
- (c) make recommendations and submit reports to the chief inspector of occupational health and safety regarding any matter to which these regulations relate;
- (d) advise the chief inspector of occupational health and safety regarding any matter referred to the Construction Regulations Technical Committee by the chief inspector of occupational health and safety;
- (e) perform any other function for the administration of a provision of these Regulations that may be requested by the chief inspector of occupational health and safety;

- (f) conduct its work in accordance with the instructions and rules of conduct framed by the chief inspector of occupational health and safety; and
- (g) refer appeals against decisions of the Construction Regulations Technical Committee to the chief inspector of occupational health and safety.

(4) A person affected by any decision of the Construction Health and Safety Technical Committee may appeal against such decision to the chief inspector of occupational health and safety within 30 days of such decision becoming known and the decision of the chief inspector shall be final and binding.

Approved inspection authorities

30. (1) The Chief Inspector may approve as an Inspection Authority any organisation that has been accredited in terms of the provision of the Act and these Regulations.

(2) The Approved Inspection Authority will perform its functions as prescribed by the guidance document issued by the Department of Labour for Approved Inspection Authorities performing work in the construction sector.

(3) The Chief Inspector may at any time withdraw any approval of an approved inspection authority, subject to section 35 of the Act.

Offences and penalties

31. Any person who contravenes or fails to comply with any of the provisions of regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, is guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum of 12 months and, in the case of a continuous offence, not exceeding an additional fine of R200 or additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.

Repeal of regulations

32. The Construction Regulations, 2003, promulgated by Government Notice No. R. 1010 of 18 July 2003, are hereby repealed.

Short title

33. These regulations are called the Construction Regulations, 2009.

ANNEXURE 1

APPLICATION FOR A PERMIT TO DO CONSTRUCTION WORK

[In terms of Regulation 3 of Construction Regulations, 2009]

This document must be submitted with the Health and Safety specification, health and Safety plan and a baseline risk assessment

Authorisation/Unique No.	LABOUR CENTRE	OFFICIAL APPROVAL STAMP
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1. Name and postal address of the applicant/client: _____
2. Name and address of the agent (if available): _____
3. Name and postal address of the appointed principal contractor: _____
4. Name and telephone no. of principal contractor's contact person: _____
5. Name, postal address and telephone no. of designer of the project: _____
6. Name and contact no. of Supervisor in terms of regulation 6 (1): _____
7. Exact physical address of the construction and site office: _____
8. Nature of construction work: _____

- | | |
|--------------------------------------|-------------------------------------|
| 9. Expected commencement date: _____ | 10. Expected completion date: _____ |
|--------------------------------------|-------------------------------------|

11. Estimated maximum number of persons on the construction site: _____
12. Planned number of contractors on site accountable to principal contractor: _____
13. Name(s) of contractors appointed: _____

- | | |
|---|---|
| 14. _____
Signature of client/Client's Agent | 15. _____
Signature of the principal contractor. |
|---|---|

16. Date of application: _____

FOR OFFICE ONLY.

17. Submitted documents prescribed in Construction Reg. 3 (4) (Please Tick ✓):

CR 4(1)(a)	CR 4 (1)(b)	CR 4 (1); (c-j)	
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18. Result of the application (Please Tick ✓): **Approved** **Declined**

19. Reason for declining the application: _____

20. Withdrawal of permit: _____

21. Date of withdrawal: _____ Date of revoking the withdrawal: _____

Signature of approving Officer

Signature of revoking Officer

Annexure 2

OCCUPATIONAL HEALTH AND SAFETY ACT, 85 OF 1993

Construction Regulation 5(4)

Medical Certificate of Fitness

Name of Employee _____ ID Number _____ Co. Number _____

	<p>* Possible Exposures e.g. noise, heat, fall risk, confined space etc.</p>	<p>* Job Specific Requirements e.g. Operating Mobile Crane, Digging Trenches, Erecting Formwork & Supportwork etc.</p>	<p>* Protective Equipment e.g. Dust Respirator (Light Duty), Welding Gloves etc.</p>
<p>* Occupation e.g General Worker, Labourer, Welder, Bricklayer, Steel fixer, Mobile Crane Operator, etc.</p>			
<p>* The Employer to complete the information in the spaces marked with an * before sending the Employee for a medical examination</p> <p>Declaration by the Medical Examiner:</p> <p>I certify that I have, by examination and testing, using the above criteria specified by the employer, satisfied myself that the abovementioned employee is fit to perform the duties as described by the employer in the matrix above.</p> <p>Occupational Medicine Practitioner/Occupational Health Nursing Practitioner: (Please Print Name) _____</p> <p>Signature _____ Practice Number: _____ Date: _____</p> <p>Address: _____</p>			