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GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No. R. 2362

5 October 1990

MACHINERY AND OCCUPATIONAL SAFETY ACT, 1983 (ACT No. 6 OF 1983)

The Minister of Manpower has, under section 35 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), made the regulations contained in the Schedule hereto.

SCHEDULE

FACILITIES REGULATIONS

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 indicates otherwise—

“action level” means a time-weighted average concentration of a substance in the workplace air that is distinctly below the exposure limit for that substance, and at or above which level certain prescribed preventative measures must be taken;

“adjoining”, in relation to premises, means having a common boundary line;

“building work” means building work as defined in the General Administrative Regulations;

“drinking water” means water that complies with SABS 241;

“factory” means a factory as defined in the General Administrative Regulations;

“General Administrative Regulations” means the General Administrative Regulations promulgated in terms of section 35 of the Act and published under Government Notice No. R. 2206 of 5 October 1984;

“high-risk substance” means a substance listed in the Schedule to the General Administrative Regulations, as amended;

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No. R. 2362

5 Oktober 1990

WET OP MASJINERIE EN BEROEPSVEILIGHEID, 1983 (WET No. 6 VAN 1983)

Die Minister van Mannekrag het kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), die regulasies in die Bylae, uitgevaardig.

BYLAE

FASILITEITEREGULASIES

Woordomskrywing

1. In hierdie Regulasies het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“aangrensend”, met betrekking tot persele, dat daar 'n gemeenskaplike grenslyn is;

“aksievlak” 'n tydbeswaarde gemiddelde konsentrasie van 'n substans in die lug van die werkplek wat duidelik onder die blootstellingsdrempel vir daardie substans is en waarby of waarbo sekere voorgeskrewe voorkomingsmaatreëls nagekom moet word;

“Algemene Administratiewe Regulasies” die Algemene Administratiewe Regulasies kragtens artikel 35 van die Wet uitgevaardig en afgekondig by Goewermentskennisgewing No. R. 2206 van 5 Oktober 1984;

“bouwerk” bouwerk soos in die Algemene Administratiewe Regulasies omskryf;

“die Wet” die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983);

“drinkwater” water wat aan SABS 241 voldoen;

“fabriek” 'n fabriek soos in die Algemene Administratiewe Regulasies omskryf;

“hoërisikostof” 'n stof wat in die Bylae by die Algemene Administratiewe Regulasies, soos gewysig, gelys is;

"hot water" means water at a temperature of more than 35 °C;

"National Building Regulations" means the National Building Regulations made under section 17 (1) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and published under Government Notice No. R. 1081 of 10 June 1988, as amended;

"SABS 0400" means the South African Bureau of Standards' Code of Practice for the application of the National Building Regulations;

"SABS 241" means the South African Bureau of Standards' Standard Specification for Water for Domestic Supplies, SABS 241;

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

"the Act" means the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983).

Sanitation

2. (1) Every employer shall provide sanitary facilities at the workplace in accordance with the provisions of Parts F, P and Q of the National Building Regulations.

(2) Notwithstanding the provisions of subregulation (1), an employer may, where less than 11 persons are employed on one premises, make written arrangements for such persons to use closets and washbasins on adjoining premises: Provided that—

(a) such facilities are freely and readily accessible; and

(b) the facilities comply with the provisions of these Regulations as well as with SABS 0400 with respect to—

(i) the total number of employees who will be using the facilities; and

(ii) the condition of such facilities.

(3) Every employer shall—

(a) make toilet paper available to employees;

(b) provide every water closet pan designed to have a seat, with a seat;

(c) supply a towel to every employee for his sole use or disposable paper towels or hot air blowers or clean portions of continuous cloth towels, at the washbasins; and

(d) provide toilet soap or a similar cleansing agent to employees.

(4) Every employer shall, under the circumstances contemplated in Table 4 of Part P of SABS 0400, provide showers for the use of his employees, and he shall—

(a) provide running hot and cold or premixed hot and cold water for the washbasins and showers;

(b) ensure that the walls of that part of a room in which there are showers, are smooth and impermeable, and that the floor thereof is slip-free and sloped for effective drainage; and

(c) ensure that where showers are provided in a room with windows, such windows are glazed in obscure glass or similar material.

(5) In respect of each room in which there are closets, urinals, showers or washbasins, every employer shall—

(a) provide a conspicuous sign outside the entrance to such a room to indicate the sex of the persons for whom the room is intended;

"Nasionale Bouregulasies" die Nasionale Bouregulasies kragtens artikel 17 (1) van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977), afgekondig by Goewermentskennisgewing No. R. 1081 van 10 Junie 1988, soos gewysig;

"SABS 0400" die Suid-Afrikaanse Buro vir Standaarde se Gebruikskode vir die toepassing van die Nasionale Bouregulasies;

"SABS 241" die Suid-Afrikaanse Buro vir Standaarde se Standaardspesifikasie vir Water vir Huishoudelike Gebruik, SABS 241;

"sanitêre fasiliteite" sanitêre toestelle soos gedefinieer in SABS 0400;

"warm water" water waarvan die temperatuur hoër as 35 °C is.

Sanitasie

2. (1) Elke werkgever moet sanitêre fasiliteite by 'n werkplek verskaf ooreenkomstig die bepalings van Dele F, P en Q van die Nasionale Bouregulasies.

(2) Ondanks die bepalings van subregulasie (1), kan 'n werkgever, waar minder as 11 persone op een perseel werkzaam is, skriftelik reëlings tref dat sodanige persone klosette en wasbakke op aangrensende persele gebruik: Met dien verstande dat—

(a) sodanige fasiliteite vrylik en geredelik toeganklik is; en

(b) die fasiliteite aan die bepalings van hierdie Regulasies sowel as SABS 0400 voldoen met betrekking tot—

(i) die totale aantal werknemers wat die fasiliteite sal gebruik; en

(ii) die toestand van sodanige fasiliteite.

(3) Elke werkgever moet—

(a) toilet papier aan werknemers beskikbaar stel;

(b) elke spoelklosetpan wat ontwerp is om 'n sitplek te hê, van 'n sitplek voorsien;

(c) 'n handdoek aan elke werknemer vir sy uitsluitlike gebruik verskaf, of wegdoenbare papierhanddoeke, warmlugwaaiers of skoon gedeeltes van materiaalrolhanddoeke by die wasbakke voorsien; en

(d) toiletseep of 'n soortgelyke reinigingsmiddel aan werknemers voorsien.

(4) Elke werkgever moet, onder omstandighede soos beoog in Tabel 4 van Deel P van SABS 0400, storte vir gebruik deur sy werknemers verskaf, en moet—

(a) lopende warm en koue of voorafvermengde warm en koue water vir die wasbakke en storte voorsien;

(b) toesien dat die mure van daardie gedeelte van 'n kamer waarin daar storte is, glad en waterdig is, en dat die vloer daarvan glyvry en skuins vir effektiewe dreinerings is; en

(c) toesien dat waar storte voorsien is in 'n kamer wat vensters het, sodanige vensters met ondeursigtige glas of soortgelyke materiaal toegevoeg is.

(5) Ten opsigte van elke kamer waarin daar klosette, urinale, storte of wasbakke is, moet elke werkgever—

(a) 'n opvallende teken buite die ingang van so 'n kamer aanbring waarop die geslag van die persone vir wie die kamer bedoel is, aangedui word;

(b) ventilate such rooms in accordance with the provisions of Part O of the National Building Regulations;

(c) provide the necessary screen walls, partitions or doors in order to ensure privacy; and

(d) ensure that water feeding to showers or washbasins on his premises which is not obtained from the water supply system of a local authority, complies with SABS 241.

Facilities for safekeeping

3. (1) An employer in a factory shall provide every employee in his service, excluding office workers, with a personal facility for safekeeping in which clothes and other personal items of the employee can be kept safely and in good condition.

(2) Every employer shall ensure that each employee referred to in subregulation (1) stores his clothing and other personal items in his facility for safekeeping.

(3) The provisions of this regulation shall not apply in respect of activities for which specific types or numbers of facilities for safekeeping are prescribed.

Change-rooms

4. (1) In respect of employees—

(a) for whom showers are prescribed; or

(b) who need to undress,

the employer shall provide separate change-rooms for males and females respectively, in accordance with the provisions of Part C of SABS 0400.

(2) An employer contemplated in subregulation (1) shall—

(a) ensure that a change-room is not connected directly by means of a door or any other opening to any room in which the exposure to a high-risk substance is equal to or above the action level for such high-risk substance or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;

(b) provide adequate seating in the form of chairs or benches in every change-room for the maximum number of employees that will be using such change-room at any one time;

(c) not store any materials, tools or other goods not related to the use of a change-room in such change-room or allow such items to be stored therein;

(d) where a change-room has windows, glaze such windows in obscure glass or similar material;

(e) screen the entrance to every change-room in order to afford privacy;

(f) provide a conspicuous sign at the entrance to a change-room to indicate the sex of the persons for whom the change-room is intended;

(g) provide facilities for the drying of wet clothes, if clothes of the employees for whom a change-room has been provided, may become wet in the course of their work;

(h) ensure that every change-room is naturally or artificially ventilated in accordance with the provisions of Part O of the National Building Regulations; and

(b) sodanige kamer ventileer ooreenkomstig die bepalings van Deel O van die Nasionale Bouregulasies;

(c) die nodige skermure, afskortings of deure voorsien ten einde privaatheid te verseker; en

(d) toesien dat water voorsien aan storte of wasbakke op sy perseel, wat nie van 'n plaaslike owerheid se watervoorsieningstelsel verkry word nie, aan SABS 241 voldoen.

Bewaringsfasiliteite

3. (1) Met die uitsondering van kantoorwerkers moet 'n werkgever in 'n fabriek elke werknemer in sy diens van 'n persoonlike bewaringsfasiliteit voorsien, waarin klere en ander persoonlike artikels van die werknemer veilig en in 'n goeie toestand bewaar kan word.

(2) Elke werkgever moet toesien dat elke werknemer in subregulasie (1) bedoel, sy klere en ander persoonlike artikels in sy bewaringsfasiliteit bêre.

(3) Die bepalings van hierdie regulasie is nie van toepassing ten opsigte van aktiwiteite waarvoor spesifieke tipes of hoeveelhede bewaringsfasiliteite voorgeskryf word nie.

Kleedkamers

4. (1) Ten opsigte van werknemers—

(a) vir wie storte voorgeskryf word; of

(b) wat moet ontklee,

moet die werkgever afsonderlike kleedkamers vir, onderskeidelik, mans en vrouens voorsien in ooreenstemming met die bepalings van Deel C van SABS 0400.

(2) 'n Werkgever bedoel in subregulasie (1) moet—

(a) toesien dat 'n kleedkamer nie direk deur middel van 'n deur of enige ander opening verbind is met enige kamer waarin die blootstelling aan 'n hoërisikostof gelyk is aan, of hoër is as die aksievlak vir sodanige hoërisikostof, of waarin ongelooide huide of velle, of ongewaste wol of sybokhaar behandel, geprosesseer of opgeberg word nie;

(b) genoegsame sitplekke in die vorm van stoele of banke in elke kleedkamer voorsien vir die maksimum aantal werknemers wat sodanige kleedkamer op enige bepaalde tyd sal gebruik;

(c) nie enige materiale, gereedskap of ander goedere wat nie met die gebruik van 'n kleedkamer in verband staan nie, in 'n kleedkamer opberg of toelaat dat dit daarin opgeberg word nie;

(d) waar 'n kleedkamer vensters het, sodanige vensters met ondeursigtige glas of soortgelyke materiaal toemaak;

(e) die ingang na elke kleedkamer afskerm ten einde privaatheid te verskaf;

(f) 'n opvallende teken buite die ingang na 'n kleedkamer aanbring waarop die geslag van die persone vir wie die kleedkamer bedoel is, aangedui word;

(g) fasiliteite voorsien om nat klere droog te maak, indien klere van die werknemers vir wie 'n kleedkamer voorsien is, in die loop van hul werk nat kan word;

(h) toesien dat elke kleedkamer voorsien is van natuurlike of kunsmatige ventilasie ooreenkomstig die bepalings van Deel O van die Nasionale Bouregulasies; en

(i) ensure that no employee referred to in subregulation (1) changes his clothing at any other place at a workplace than in a change-room provided for him.

(3) Subject to the provisions of regulation 5 an employer may allow a change-room to be used for the partaking of meals provided that—

(a) an obscure partition of at least two metres high is installed between showers and eating places; and

(b) there is no direct communication between the change-room and toilet facilities.

Dining-rooms

5. (1) Notwithstanding the provisions of regulation 4 (3), every employer of employees who at a workplace—

(a) are exposed to a high-risk substance in a quantity equal to or above the action level for such high-risk substance;

(b) come into physical contact with any known poisonous substance which may cause illness if taken orally;

(c) are exposed to dirt, dust, soot or similar filth: Provided that when the question arises as to what constitutes dirt, dust, soot or similar filth, the decision of an inspector shall be conclusive; or

(d) handle or process untanned hides or skins, or unwashed wool or mohair,

shall provide a separate dining-room or eating place on the premises, which in respect of the maximum number of employees who will be using it at any one time, shall be in accordance with Part C of SABS 0400.

(2) The employer referred to in subregulation (1) shall—

(a) provide tables and chairs in every dining room for the maximum number of employees that will be using the dining-room at any one time;

(b) ensure that a dining-room or eating place is not connected directly by means of a door or any other opening with any room in which the exposure to a high-risk substance is equal to, or above the action level for such high-risk substance or in which untanned hides or skins, or unwashed wool or mohair are treated, processed or stored;

(c) not store any materials, tools or other goods not related to the use of a dining-room, in such dining-room or allow such items to be stored therein; and

(d) ensure that every dining-room is naturally or artificially ventilated in accordance with the provisions of Part O of the National Building Regulations.

Prohibition

6. Every employer shall—

(a) prohibit smoking and the consumption of food or drink at all workplaces contemplated in regulation 5 (1) and shall ensure that no person smokes, eats or drinks in any such place; and

(b) display conspicuous signs or notices at such workplaces prohibiting smoking, eating or drinking.

(i) toesien dat geen werknemer in subregulasie (1) bedoel, op enige ander plek by 'n werkplek as in 'n kleedkamer wat vir hom voorsien is, verkleed nie.

(3) Behoudens die bepalings van regulasie 5, kan 'n werkgewer toelaat dat 'n kleedkamer vir die nuttig van etes gebruik word, mits—

(a) 'n ondeursigtige afskorting van minstens twee meter hoog tussen storte en eetplekke geïnstalleer word; en

(b) daar geen direkte verbinding tussen die kleedkamer en toiletgeriewe is nie.

Eetkamers

5. (1) Ondanks die bepalings van regulasies 4 (3), moet elke werkgewer van werknemers wat by 'n werkplek—

(a) blootgestel is aan 'n hoërisikostof in 'n hoeveelheid gelykstaande aan, of hoër as die aksievlak vir sodanige hoërisikostof;

(b) fisies in aanraking kom met enige bekende giftige substansie wat siekte kan veroorsaak as dit deur die mond ingeneem word;

(c) blootgestel is aan vullis, stof, roet of dergelike vuilgoed: Met dien verstande dat wanneer die vraag ontstaan wat vullis, stof, roet of dergelike vuilgoed uitmaak, die beslissing van 'n inspekteur afdoende is; of

(d) ongelooide huide of velle, of ongewaste wol of sybokhaar hanteer of prosesseeer,

'n aparte eetkamer of eetplek op die perseel voorsien, wat ten opsigte van die maksimum aantal werknemers wat dit op enige bepaalde tyd sal gebruik, ooreenkomstig Deel C van SABS 0400 is.

(2) 'n Werkgewer in subregulasie (1) bedoel, moet—

(a) tafels en stoele in elke eetkamer voorsien vir die maksimum aantal werknemers wat die eetkamer op enige bepaalde tyd sal gebruik;

(b) toesien dat 'n eetkamer of eetplek nie direk deur middel van 'n deur of enige ander opening verbind is met enige kamer waarin die blootstelling aan 'n hoërisikostof gelyk is aan, of hoër is as die aksievlak vir sodanige hoërisikostof, of waarin ongelooide huide of velle, of ongewaste wol of sybokhaar behandel, geprosesseeer of opgeberg word nie;

(c) nie enige materiale, gereedskap of ander goedere wat nie met die gebruik van 'n eetkamer in verband staan nie, in 'n eetkamer opberg of toelaat dat dit daarin opgeberg word nie; en

(d) toesien dat elke eetkamer voorsien is van natuurlike of kunsmatige ventilasie ooreenkomstig die bepalings van Deel O van die Nasionale Bouregulasies.

Verbod

6. Elke werkgewer moet—

(a) by alle werkplekke in subregulasie 5 (1) bedoel, rook en die gebruik van voedsel of drank by sodanige werkplekke verbied, en moet toesien dat niemand in so 'n plek rook, eet of drink nie; en

(b) opvallende tekens of kennisgewings by sodanige werkplekke aanbring wat rook, eet en drink verbied.

Drinking water**7. Every employer shall —**

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

Seats**8. Every employer shall —**

- (a) where reasonably practicable, provide a seat for every employee whose work can be efficiently performed while sitting;
- (b) where reasonably practicable, permit an employee whose work is ordinarily performed standing to take advantage of any opportunity for sitting which may occur, and for this purpose the employer shall provide seating facilities; and
- (c) provide seats with back rests where the nature of the work performed by employees is such that such seats can be used.

Condition of rooms and facilities

9. Every employer shall maintain all rooms and facilities which are prescribed or provided for in terms of the provisions of these regulations, in a clean, hygienic, safe, whole and leak-free condition, and in a good state of repair: Provided that an inspector may, by notice in writing, direct an employer to take such steps as the inspector deems necessary for the employer to comply with this regulation and the decision of an inspector in this regard shall be conclusive.

Offences and penalties

10. Any person who contravenes or fails to comply with any provision of regulation 2 (1), 2 (3), 2 (4), 2 (5), 3 (1), 3 (2), 4, 5, 6, 7, 8 or 9 shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of R5 or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

Repeal of regulations

11. Regulations B.3, B.4, B.7, B.8, B.9, B.10 and B.16, of the regulations published under Government Notice No. R. 929 of 28 June 1963 as amended, are hereby repealed.

Short title

12. These regulations shall be called the **Facilities Regulations, 1990**.

No. R. 2375

5 October 1990

**MACHINERY AND OCCUPATIONAL SAFETY
ACT, 1983 (ACT No. 6 OF 1983)**

FACILITIES REGULATIONS**INCORPORATION OF SAFETY STANDARD**

Under the powers vested in me by section 36 (1) of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), I, Eli van der Merwe Louw, Minister of Manpower, hereby incorporate the South African Bureau of Standards' Standard Specification for Water for Domestic Supplies, SABS 241-1984, into the Facilities Regulations, 1990.

E. VANDER M. LOUW,
Minister of Manpower.

Drinkwater**7. Elke werkgever moet —**

- (a) genoegsame drinkwater vir sy werknemers by hul werkplek beskikbaar stel; en
- (b) krane en pype wat water bevat wat nie vir menslike gebruik geskik is nie, duidelik en opvallend as sodanig merk.

Sitplekke**8. Elke werkgever moet —**

- (a) waar redelikerwys uitvoerbaar, 'n sitplek voorsien vir elke werknemer wie se werk doeltreffend verrig kan word terwyl hy sit;
- (b) waar redelikerwys uitvoerbaar, 'n werknemer wie se werk normaalweg staande verrig word, toelaat om gebruik te maak van enige kans wat mag voorkom om te sit, en vir hierdie doel moet die werkgever sitplekke voorsien; en
- (c) sitplekke met rugleunings voorsien waar die aard van die werk wat werknemers verrig, sodanig is dat sulke sitplekke gebruik kan word.

Toestand van kamers en fasiliteite

9. Elke werknemer moet alle kamers en fasiliteite wat voorgeskryf is, of voorsien word ingevolge die bepalinge van hierdie regulasies, in 'n skoon, higiëniese, veilige, heel, lekvrye en werkende toestand hou: Met dien verstande dat 'n inspekteur 'n werkgever by skriftelike kennisgewing kan gelas om sodanige stappe te neem as wat die inspekteur nodig ag vir die werkgever om aan hierdie regulasie te voldoen en die beslissing van 'n inspekteur in hierdie verband, sal afdoende wees.

Misdrywe en strawwe

10. Enigiemand wat 'n bepaling van regulasie 2 (1), 2 (3), 2 (4), 2 (5), 3 (1), 3 (2), 4, 5, 6, 7, 8 of 9 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en, in die geval van 'n voortdurende misdryf, met 'n addisionele boete van R5 of met addisionele gevangenisstraf van een dag vir elke dag waarop die misdryf voortduur: Met dien verstande dat die tydperk van addisionele gevangenisstraf in geen geval 90 dae mag oorskry nie.

Herroeping van regulasies

11. Regulasies B.3, B.4, B.7, B.8, B.9, B.10 en B.16 van die regulasies afgekondig by Goewermentskennisgewing No. R. 929 van 28 Junie 1963, soos gewysig, word hierby herroep.

Kort titel

12. Hierdie regulasies heet die **Fasiliteitsregulasies, 1990**.

No. R. 2375

5 Oktober 1990

WET OP MASJINERIE EN BEROEPSVEILIGHEID, 1983 (WET No. 6 VAN 1983)

FASILITEITEREGULASIES**INLYWING VAN VEILIGHEIDSTANDAARD**

Kragtens die bevoegdheid my verleen by artikel 36 (1) van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), lyf ek, Eli van der Merwe Louw, Minister van Mannekrag, hierby die Suid-Afrikaanse Buro vir Standaarde se Standaardspesifikasie vir Water vir Huishoudelike Gebruik, SABS 241-1984 by die Fasiliteiteregulasies, 1990, in.

E. VANDER M. LOUW,
Minister van Mannekrag.

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