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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 929

25 June 2003

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)

General Administrative Regulations, 2003

The Minister of Labour has, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, made the regulations in the Schedule.

SCHEDULE

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—

"bargaining council" means the bargaining council established by section 27 of the Labour Relations Act;

"CCMA" means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Labour Relations Act;

"Compensation Commissioner" means the Compensation Commissioner appointed under section 2 of the Compensation for Occupational Injuries and Diseases Act, 1993;

"Compensation for Occupational Injuries and Diseases Act" means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);

"Labour Court" means the Labour Court established by section 151 of the Labour Relations Act;

"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995);

"provincial director", in respect of the—

- (a) Province of Eastern Cape, means the Provincial Director: Eastern Cape, Department of Labour, Private Bag X9005, East London, 5200;
- (b) Province of Free State, means the Provincial Director: Free State, Department of Labour, P.O. Box 522, Bloemfontein, 9300;
- (c) Province of Gauteng in the Magisterial Districts of—
 - (i) Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom,

means the Provincial Director: Gauteng North, Department of Labour, P. O. Box 393, Pretoria, 0001; or

- (ii) Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria, means the Provincial Director: Gauteng South, Department of Labour, P. O. Box 4560, Johannesburg, 2000;

- (d) Province of KwaZulu-Natal, means the Provincial Director: KwaZulu-Natal, Department of Labour, P. O. Box 940, Durban, 4000;
- (e) Province of Mpumalanga, means the Provincial Director: Mpumalanga, Department of Labour, Private Bag X7263, Witbank, 1035;
- (f) Province of the Northern Cape, means the Provincial Director: Northern Cape, Department of Labour, Private Bag X5102, Kimberley, 8300;
- (g) Limpopo Province, means the Provincial Director: Limpopo, Department of Labour, Private Bag X9368, Pietersburg, 0700;
- (h) Province of North West, means the Provincial Director: North West, Department of Labour, Private Bag X1, Buhmansdrif, 2867; or
- (i) Province of the Western Cape, means the Provincial Director: Western Cape, Department of Labour, P. O. Box 872, Cape Town, 8000, and

"provincial executive manager" has a corresponding meaning;

"registered trade union for a workplace" means a trade union registered in terms of the Labour Relations Act, with members in that workplace;

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

"WCL 1", "WCL 2" and "WCL 22" means the prescribed forms for reporting of incidents and occupational diseases referred to in the Compensation for Occupational Injuries and Diseases Act.

Access to premises

2.(1) No person shall refuse an inspector entry into his or her premises to perform his or her functions unless that person is authorized to do so by any other law.

(2) An inspector or his or her assistant may require an employer or user to make a person available who has full knowledge of the hazards associated with the activities of the workplace to accompany him or her during the entire visit of the workplace.

Exemption

3. A certificate of exemption issued in terms of section 40 of the Act shall be signed by the chief inspector.

Copy of the Act

4. Every employer with five or more persons in his employ shall have a copy of the Act and the relevant regulations readily available at the work place: Provided that, where the total number of employees is less than five, the employer shall, on request of an employee, make a copy of the Act available to that employee.

Health and safety committee

5. Where a health and safety committee has been established in terms of section 19 of the Act, an employer shall—

- (a) make available a suitable meeting place to such committee; and
- (b) ensure that the records, as contemplated in section 20(2) of the Act, are kept for a period of at least three years.

Negotiations and consultations before designation of health and safety representatives

6.(1) The employer shall, in any workplace where there must be a health and safety representative in terms of section 17(1) of the Act and within four months after the commencement of these regulations or after commencing business, meet with the registered trade unions of that workplace in order to consult or bargain in good faith and conclude an agreement concerning the—

- (a) nomination or election of health and safety representatives;
- (b) terms of office of health and safety representatives and the circumstances and the prescribed manner in which they may be removed as health and safety representatives;
- (c) manner in which vacancies are to be filled;
- (d) manner in which health and safety representatives must perform their functions in terms of the Act; and
- (e) facilities, training and assistance that must be provided to a health and safety representative in terms of section 18(3) of the Act;

Provided that, where there is no registered trade union, the employer shall enter into consultation with all employee representatives in that workplace in order to conclude an agreement with regard to subregulation (1).

(2) An agreement referred to in subregulation (1) may include two or more employers as parties to the agreement.

(3) The conditions applicable to collective agreements in terms of the Labour Relations Act, read with the changes required by the context, shall apply to agreements concluded in terms of subregulation (1).

(4) A dispute shall exist if no agreement in terms of subregulation (1) is concluded on the arrangement and procedures for the nomination and the election of health and safety representatives at a workplace.

(5) If a dispute exists in terms of subregulation (4), any party to the dispute may refer the dispute to the CCMA or Bargaining Council.

(6) If a dispute is referred to the CCMA or Bargaining Council under subregulation (5), the CCMA shall attempt to resolve it through conciliation.

(7) If a dispute remains unresolved, any party to the dispute may request that it be resolved through arbitration, in which case the CCMA shall, taking into account the objectives of the Act and the proposals of the parties, determine the arrangement and procedures for the nomination or the election of the health and safety representatives.

Designation of health and safety representatives

7. An employer shall ensure that the designation of health and safety representatives is in accordance with the agreement contemplated in regulation 6.

Reporting of incidents and occupational diseases

8.(1) An employer or user, as the case may be, shall—

- (a) within seven days of any incident referred to in section 24(1)(a) of the Act, give notice thereof to the provincial director in the form of WCL1 or WCL 2; and
- (b) where a person, in consequence of such an incident, dies, becomes unconscious, suffers the loss of a limb or part of a limb, or is otherwise injured or becomes ill to such a degree that he or she is likely either to die or to suffer a permanent physical defect, such incident, including any other incident contemplated in section 24(1)(b) and (c) of the Act, shall forthwith also be reported to the provincial director by telephone, facsimile or similar means of communication.

(2) If an injured person dies after notice of the incident in which he or she was injured was given in terms of subregulation (1), the employer or user, as the case may be, shall forthwith notify the provincial director of his or her death.

(3) Whenever an incident arising out of or in connection with the activities of persons at work occur to persons other than employees, the user, employer or self-employed person, as the case may be, shall forthwith notify the provincial director by facsimile or similar means of communication as to the—

- (a) name of the injured person;
- (b) address of the injured person;
- (c) name of the user, employer or self-employed person;
- (d) address of the user, employer or self-employed person;

- (e) telephone number of the user, employer or self-employed person;
- (f) name of contact person;
- (g) details of incident:
 - (i) What happened;
 - (ii) where it happened (place);
 - (iii) when it happened (date and time);
 - (iv) how it happened;
 - (v) why it happened; and
 - (h) names of witnesses.

(4) Any registered medical practitioner shall, within 14 days of the examination or treatment of a person for a disease contemplated in section 25 of the Act, give notice thereof to the chief inspector and the employer in the form of WCL 22.

(5) Any other person not contemplated in this regulation may in writing give notice of any disease contemplated in section 25 of the Act, to the employer and chief inspector.

Recording and investigation of incidents

9.(1) An employer or user shall keep at a workplace or section of a workplace, as the case may be, a record in the form of Annexure 1 for a period of at least three years, which record shall be open for inspection by an inspector, of all incidents which he or she is required to report in terms of section 24 of the Act and also of any other incident which resulted in the person concerned having had to receive medical treatment other than first aid.

(2) An employer or user shall cause every incident which must be recorded in terms of subregulation (1), to be investigated by the employer, a person appointed by him or her, by a health and safety representative or a member of a health and safety committee within 7 days from the date of the incident and finalised as soon as is reasonably practicable, or within the contracted period in the case of contracted workers.

(3) The employer or user shall cause the findings of the investigation contemplated in subregulation (2) to be entered in Annexure 1 immediately after completion of such investigation.

(4) An employer shall cause every record contemplated in subregulation (1) to be examined by the health and safety committee for that workplace or section of the workplace at its next meeting and shall ensure that necessary actions, as may be reasonable practicable, are implemented and followed up to prevent the recurrence of such incident.

Witness at inquiry

10.(1) When an inspector is directed to hold a formal inquiry into an incident in terms of section 32(1) of the Act, he or she shall notify the employer or user concerned of the date, time and place of such inquiry.

(2) The employer or user shall forthwith advise in writing those persons who witnessed an incident, the union recognised by him or her and any other person specified by the inspector, of such date, time and place, and that their presence shall be required at the inquiry.

(3) The employer or user concerned shall ascertain which of the persons he or she has advised in terms of subregulation (2) are likely to refuse to attend the inquiry, and shall forthwith advise the inspector of the names and addresses of such persons in for the inspector to subpoena such persons.

(4) A subpoena issued in terms of section 32(2) of the Act shall be in the form of Annexure 2: Provided that, when a subpoena is served personally on a person, the service of such subpoena may be effected by any person authorised thereto by the inspector who has signed it.

Returns

11. An employer or a user shall on demand furnish the inspector with such returns as may be required for the purposes of the administration of the Act.

Offences and penalties

12. Any person who—

- (a) contravenes or fails to comply with any provision of regulations 2(1), 4, 5, 6(1), 7, 8(1), 8(2), 8(3), 8(4), 9(1), 9(2), 9(3), 9(4), 10(2) or 10(3);
- (b) fails to furnish a return required in terms of regulation 11; or
- (c) refuses or fails to comply, to the best of his or her ability, with a request made by the inspector to make available a person to accompany him or her during the visit of the workplace,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues 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

13. Regulations 1, 2, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, and 17 of the General Administrative Regulations, published under Government Notice No. R: 1449 of 6 September 1996, are hereby repealed.

ANNEXURE 1

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
(ACT NO 85 OF 1993)

REGULATION 9 OF THE GENERAL ADMINISTRATIVE REGULATIONS

RECORDING AND INVESTIGATION OF INCIDENTS

A. RECORDING OF INCIDENT

1. Name of employer

2. Name of affected person.....

3. Identity number of affected person.....

4. Date of incident5. Time of incident.....

6. Part of body affected	Head or Neck	Eye	Trunk	Finger	Hand
	Arm	Foot	Leg	Internal	Multiple

7. Effect on person	Sprains or strains	Contusion or wounds	Fractures	Burns	Amputation
	Electric shock	Asphyxiation	Unconsciousness	Poisoning	Occupational Disease

8. Expected period of disablement	0-13 days	2-4 weeks	>4-16 weeks	>16-52 weeks	>52 weeks or permanent disablement	Killed
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9. Description of occupational disease.....

10. Machine/process involved/type of work performed/exposure**

11. Was the incident reported to the Compensation Commissioner and Provincial Director?

Yes	No
-----	----

12. Was the incident reported to the police?*

Yes	No
-----	----

13. SAPS office and reference

*to be completed in case of a fatal incident.

** in case of a hazardous chemical substance, indicate substance exposed to

B. INVESTIGATION OF THE ABOVE INCIDENT BY A PERSON DESIGNATED THERETO

1. Name of investigator
2. Date of investigation
3. Designation of Investigator
4. Short description of incident
.....
.....
.....
5. Suspected cause of incident
.....
.....
.....
6. Recommended steps to prevent a recurrence
.....
.....
.....
.....

.....
Signature of Investigator

.....
Date

C. ACTION TAKEN BY EMPLOYER TO PREVENT THE RECURRENCE OF A SIMILAR INCIDENT

.....
.....
.....

.....
Signature of employer

.....
Date

D. REMARKS BY HEALTH AND SAFETY COMMITTEE

Remarks

.....
.....
.....

.....
Signature of Chairperson of Health and Safety Committee

.....
Date..

ANNEXURE 2**OCCUPATIONAL HEALTH AND SAFETY ACT, 1993****(ACT NO 85 OF 1993)****REGULATION 10 OF THE GENERAL ADMINISTRATIVE REGULATIONS****SUBPOENA TO ATTEND INQUIRY**

To

.....(Name and address of witness)

.....

In terms of section 32(2) of the Occupational Health and Safety Act, 1993, you are hereby subpoenaed to appear before me in person at

..... (address)

on (date) at the hour of (time) to give evidence regarding

.....

and to bring with you, and there and then produce to me, those books, writing or things, and persons specified hereunder:

1.....

2.....

3.....

Office Stamp

Signature of Inspector.....

Warning!! Failure to obey this subpoena renders you liable to prosecution.

FOR OFFICIAL PURPOSES ONLY

I, the undersigned, certify that I have served this subpoena upon the named person by-

* (a) delivering a true copy to him or her PERSONALLY; or

* (b) delivering, as he or she could not be found, a true copy

to.....

a person apparently over the age of 16 years and apparently residing or employed at the witness's place of *RESIDENCE/EMPLOYMENT/BUSINESS;

at(time)(day).....(month) 200.....

Place Signature of empowered officer.....

Full names.....

Signature of recipient.....

Full names.....Capacity/relationship to the

witness.....

No. R. 929

25 Junie 2003

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993 (WET No. 85 VAN 1993)**Algemene Administratiewe Regulasies, 2003**

Die Minister van Arbeid het, kragtens artikel 43 van die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), na oorleg met die Adviesraad vir Beroepsgesondheid en Veiligheid, die regulasies in die Bylae uitgevaardig.

BYLAE**Omskrywing**

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

“**Arbeidshof**” die Arbeidshof ingestel by artikel 151 van die Wet op Arbeidsverhoudinge;

“**bedingingsraad**” die bedingingsraad ingestel by artikel 27 van die Wet op Arbeidsverhoudinge;

“**die Wet**” die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993);

“**geregistreerde vakbond vir 'n werkplek**” 'n vakbond geregistreer ingevolge die Wet op Arbeidsverhoudinge, met lede in daardie werkplek;

“**KVBA**” die Kommissie vir Versoening, Bemiddeling en Arbitrasie ingestel by artikel 112 van die Wet op Arbeidsverhoudinge;

“**provinsiale direkteur**”, ten opsigte van die—

- (a) Provinsie Oos-Kaap, die Provinsiale Direkteur: Oos-Kaap, Departement van Arbeid, Privaatsak X9005, East London, 5200;
- (b) Provinsie Vrystaat, die Provinsiale Direkteur: Vrystaat, Departement van Arbeid, Posbus 522, Bloemfontein, 9300;
- (c) Provinsie Gauteng in die Landdrosdistrikte van—
 - (i) Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs en

Wonderboom, die Provinsiale Direkteur: Gauteng-Noord, Departement van Arbeid, Posbus 393, Pretoria, 0001; of

- (ii) Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging en Westonaria, die Provinsiale Direkteur: Gauteng- Suid, Departement van Arbeid, Posbus 4560, Johannesburg, 2000;
- (d) Provinsie KwaZulu-Natal, die Provinsiale Direkteur: KwaZulu-Natal, Departement van Arbeid, Posbus 940, Durban, 4000;
- (e) Provinsie Mpumalanga, die Provinsiale Direkteur: Mpumalanga, Departement van Arbeid, Privaatsak X7263, Witbank, 1035;
- (f) Provinsie Noord-Kaap, die Provinsiale Direkteur: Noord-Kaap, Departement van Arbeid, Privaatsak X5102, Kimberley, 8300;
- (g) Provinsie Limpopo, die Provinsiale Direkteur: Limpopo, Departement van Arbeid, Privaatsak X9368, Pietersburg, 0700;
- (h) Provinsie Noordwes, die Provinsiale Direkteur: Noordwes, Departement van Arbeid, Privaatsak X1, Buhrmansdrif, 2867; of
- (i) Provinsie Wes-Kaap, die Provinsiale Direkteur: Wes-Kaap, Departement van Arbeid, Posbus 872, Kaapstad, 8000; en het **"provinsiale uitvoerende bestuurder"** 'n ooreenstemmende betekenis;

"Vergoedingskommissaris" die Vergoedingskommissaris aangestel kragtens artikel 2 van die Wet op Vergoeding vir Beroepsbeserings en -Siektes, 1993;

"WCL 1", "WCL 2" en "WCL 22" die voorgeskrewe vorms vir aanmelding van voorvalle en beroepsiektes genoem in die Wet op Vergoeding vir Beroepsbeserings en -Siektes;

"Wet op Arbeidsverhoudinge" die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995); en

"Wet op Vergoeding vir Beroepsbeserings en -Siektes" die Wet op Vergoeding vir Beroepsbeserings en -Siektes, 1993 (Wet No. 130 van 1993).

Toegang tot perseel

2.(1) Geen persoon mag aan 'n inspekteur, om sy of haar werksaamhede te verrig, toegang weier tot sy of haar perseel nie tensy daardie persoon by enige ander wet daartoe gemagtig is.

(2) 'n Inspekteur of sy of haar assistent kan van 'n werkgewer of gebruiker vereis om iemand wat volledige kennis van die gevare verbonde aan die bedrywighede van die werkplek het, beskikbaar te stel om hom of haar gedurende die hele besoek aan die werkplek te vergesel.

Vrystelling

3. 'n Vrystellingssertifikaat uitgereik ingevolge artikel 40 van die Wet moet deur die hoofinspekteur onderteken wees.

Afskrif van die Wet

4. Elke werkgewer met vyf of meer persone in sy of haar diens moet 'n afskrif van die Wet en die tersaaklike regulasies geredelik beskikbaar by die werkplek hê. Met dien verstande dat, waar die getal werknemers minder as vyf is, die werkgewer op versoek van 'n werknemer 'n afskrif van die Wet aan daardie werknemer beskikbaar moet stel.

Gesondheids- en veiligheidskomitee

5. Waar 'n gesondheids- en veiligheidskomitee ingevolge artikel 19 van die Wet ingestel is, moet 'n werkgewer—

- (a) 'n geskikte bymekaarkomplek aan 'n gesondheids- en veiligheidskomitee beskikbaar stel; en
- (b) verseker dat die rekords beoog in artikel 20(2) van die Wet gehou word vir 'n tydperk van minstens drie jaar.

Onderhandelinge en oorlegplegings voor aanwysing van gesondheids- en veiligheidsverteenwoordigers

6.(1) Die werkgewer moet binne vier maande na die inwerkingtreding van hierdie regulasies of na aanvang van werksaamhede in enige werkplek waar daar 'n gesondheids- en veiligheidsverteenwoordiger ingevolge artikel 17(1) van die Wet moet wees, met die geregistreerde vakbonde van daardie werkplek vergader ten einde te goeder trou oor 'n ooreenkoms oorleg te pleeg of dit te onderhandel en 'n ooreenkoms te sluit rakende die—

- (a) die benoeming of verkiesing van gesondheids- en veiligheidsverteenwoordigers;
- (b) ampstermyne van gesondheids- en veiligheidsverteenwoordigers en die omstandighede en die voorgeskrewe wyse waarop hulle as gesondheids- en veiligheidsverteenwoordigers ontslaan mag word;
- (c) wyse waarop vakatures gevul moet word;
- (d) wyse waarop gesondheids- en veiligheidsverteenwoordigers hulle werksaamhede ingevolge die Wet moet verrig; en
- (e) fasiliteite, opleiding en bystand wat aan 'n gesondheids- en veiligheidsverteenwoordigers ingevolge artikel 18(3) van die Wet voorsien moet word;

(2) 'n Ooreenkoms bedoel in subregulasie (1) kan twee of meer werkgewers as partye by die ooreenkoms insluit.

(3) Die voorwaardes ingevolge die Wet op Arbeidsverhoudinge van toepassing op kollektiewe ooreenkomste, gelees met die veranderings vereis deur die samehang, is van toepassing op ooreenkomste gesluit ingevolge subregulasie (1).

(4) 'n Geskil bestaan indien geen ooreenkoms ingevolge subregulasie (1) gesluit word oor die reëling en prosedures vir die benoeming en die verkiesing van gesondheids- en veiligheidsverteenwoordigers by 'n werkplek nie.

(5) Indien 'n geskil ingevolge subregulasie (4) bestaan, kan enige party by die geskil die geskil na die KVBA of Bedingsingsraad verwys.

(6) Indien 'n geskil na die KVBA of Bedingsingsraad verwys word kragtens subregulasie (5), moet die KVBA poog om dit deur versoening te besleg.

(7) Indien 'n geskil onbesleg bly, kan enige party by die geskil versoek dat dit deur arbitrasie besleg word, in welke geval die KVBA, met inagneming van die oogmerke van die Wet en die voorstelle van die partye, die reëling en prosedures vir die benoeming of die verkiesing van die gesondheids- en veiligheidsverteenwoordigers moet bepaal.

Aanwysing van gesondheids- en veiligheidsverteenwoordigers

7. 'n Werkgewer moet toesien dat gesondheids- en veiligheidsverteenwoordigers aanwys word ooreenkomstig die ooreenkoms beoog in regulasie 6.

Aanmelding van voorvalle en beroepsiektes

8.(1) 'n Werkgewer of gebruiker, na gelang van die geval, moet—

(a) binne sewe dae na enige voorval bedoel in artikel 24(1)(a) van die Wet, die provinsiale direkteur daarvan verwittig in die vorm van WCL1 of WCL 2; en

(b) waar 'n persoon sterf, bewusteloos raak, 'n ledemaat of deel van 'n ledemaat verloor, of dermate andersins beseer of siek word dat hy of sy waarskynlik of sal sterf of aan 'n permanente liggaamsgebrek sal ly, sodanige voorval, met inbegrip van enige ander voorval beoog in artikel 24(1)(b) en (c) van die Wet, onverwyld ook by die provinsiale direkteur per telefoon, faksimilee of soortgelyke kommunikasiemiddel aangemeld word.

(2) Indien 'n beseerde persoon doodgaan nadat ingevolge subregulasie (1) kennis gegee is van die voorval waarin hy of sy beseer is, moet die werkgewer of gebruiker, na gelang van die geval, die provinsiale direkteur onverwyld van sy of haar dood verwittig.

(3) Telkens wanneer 'n voorval wat spruit uit of met die bedrywighede van persone by die werk in verband staan, gebeur met ander persone as werknemers, moet die gebruiker, werkgewer of persoon in eie diens, na gelang van die geval, die provinsiale

(3) Telkens wanneer 'n voorval wat spruit uit of met die bedrywighede van persone by die werk in verband staan, gebeur met ander persone as werknemers, moet die gebruiker, werkgever of persoon in eie diens, na gelang van die geval, die provinsiale direkteur onverwyld per faksimile of soortgelyke kommunikasie-middel verwittig van die —

- (a) naam van die beseerde persoon;
- (b) adres van die beseerde persoon;
- (c) naam van die gebruiker, werkgever of persoon in eie diens;
- (d) adres van die gebruiker, werkgever of persoon in eie diens;
- (e) telefoonnommer van die gebruiker, werkgever of persoon in eie diens;
- (f) naam van kontakpersoon;
- (g) besonderhede van die voorval:
 - (i) Wat gebeur het;
 - (ii) waar dit gebeur het (plek);
 - (iii) wanneer dit gebeur het (datum en tyd);
 - (iv) hoe dit gebeur het; en
 - (v) waarom dit gebeur het; en
- (h) name van getuies.

(4) Enige geregistreerde geneesheer moet binne 14 dae vanaf die ondersoek of behandeling van 'n persoon vir 'n siekte beoog in artikel 25 van die Wet, die hoofinspekteur en die werkgever daarvan verwittig in die vorm van WCL 22.

(5) Enige ander persoon nie beoog in die regulasie nie, mag die werkgever en hoofinspekteur skriftelik van enige siekte beoog in artikel 25 van die Wet verwittig.

Optekening en ondersoek of voorvalle

9.(1) 'n Werkgever of gebruiker moet by 'n werkplek of afdeling van 'n werkplek, na gelang van die geval, in die vorm of Aangangsel 1 vir 'n tydperk van minstens drie jaar 'n rekord hou van alle voorvalle waaroor hy of sy ingevolge artikel 24 van die Wet verslag moet doen en ook van enige ander voorval wat daarop uitgeloop het dat die betrokke persoon ander mediese behandeling as noodhulp moes ontvang, welke rekord oop vir inspeksie deur 'n inspekteur sal wees.

(2) 'n Werkgever of gebruiker moet elke voorval wat ingevolge subregulasie (1) aangemeld moet word, binne 7 dae vanaf die datum van die voorval laat ondersoek deur die werkgever, 'n persoon deur hom of haar aangestel, deur 'n gesondheids- en

veiligheidsvertegenwoordiger of 'n lid van 'n gesondheids- en veiligheidskomitee, en so gou redelik doenlik of binne die kontraktydperk, in die geval van kontrakwerkers, afgehandel word.

(3) Die werkgewer of gebruiker moet die bevindings van die ondersoek beoog in subregulasie (2) onmiddellik na afhandeling van sodanige ondersoek in Aanhangsel 1 laat aanteken.

(4) 'n Werkgewer moet elke rekord beoog in subregulasie (1) deur die gesondheids- en veiligheidskomitee vir daardie werkplek of afdeling van die werkplek by sy volgende vergadering laat ondersoek, en moet verseker dat die nodige stappe wat redelikerwys doenlik is, geïmplementeer en opgevolg word om 'n herhaling van sodanige voorval te verhoed.

Getuie by ondersoek

10.(1) Wanneer 'n inspekteur opdrag gegee word om 'n formele ondersoek na 'n voorval ingevolge artikel 32(1) van die Wet te hou, moet hy of sy die betrokke werkgewer of gebruiker van die datum, tyd en plek van sodanige ondersoek verwittig.

(2) Die werkgewer of gebruiker moet daardie persone wat getuies van 'n voorval was, die vakbond deur hom of haar erken en enige ander persoon deur die inspekteur genoem, onverwyld skriftelik verwittig van sodanige datum, tyd en plek, en dat hulle teenwoordigheid by die ondersoek vereis word.

(3) Die betrokke werkgewer of gebruiker moet vasstel watter van die persone wat hy of sy ingevolge subregulasie (2) verwittig het, waarskynlik sal weier om die ondersoek by te woon, en moet die inspekteur onverwyld inlig van die name en adresse van sodanige persone sodat die inspekteur sodanige persone kan dagvaar.

(4) 'n Dagvaarding uitgereik ingevolge artikel 32(2) van die Wet moet in die vorm of Aanhangsel 2 wees: Met dien verstande dat, wanneer 'n dagvaarding in persoon aan 'n persoon beteken word, die betekening van sodanige dagvaarding uitgevoer kan word deur enige persoon daartoe gemagtig deur die inspekteur wat dit onderteken het.

Opgawes

11. 'n Werkgewer of 'n gebruiker moet die inspekteur op aanvraag voorsien van sodanige opgawes as wat vereis word vir doeleindes van die administrasie van die Wet.

Misdrywe en strawwe

12. Enige persoon wat—

- (a) enige bepaling van regulasie 2(1), 4, 5, 6(1), 7, 8(1), 8(2), 8(3), 8(4), 9(1), 9(2), 9(3), 9(4), 10(2) of 10(3) oortree of versuim om daaraan te voldoen;
- (b) vesuim om 'n opgawe ingevolge regulasie 11 in te dien; of

- (c) weier of versuim om te voldoen, na die beste van sy of haar vermoë, aan 'n versoek gerig deur die inspekteur om 'n persoon beskikbaar te stel om hom of haar gedurende die besoek aan die werkplek te vergesel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande en, in die geval van 'n voortgesette misdryf, met 'n bykomende boete van R200 vir elke dag waarop die misdryf voortduur of met bykomende gevangenisstraf van een dag vir elke dag waarop die misdryf voortduur. Met dien verstande dat die tydperk van sodanige bykomende gevangenisstraf in geen geval 90 dae mag oorskry nie.

Herroeping van regulasies

13. Regulasies 1, 2, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, en 17 van die Algemene Administratiewe Regulasies, gepubliseer kragtens Goewementenskennisgewing No. R. 1449 van 6 September 1996, word hierby herroep.

AANHANGSEL 1

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993
(WET NO 85 VAN 1993)

REGULASIE 9 VAN DIE ALGEMENE ADMINISTRATIEWE REGULASIES

AANMELDING EN ONDERSOEK VAN VOORVALLE

A. AANMELDING VAN VOORVAL

1. Naam van werkgever

.....

2. Naam van geraakte persoon

.....

3. Identiteitsnommer van geraakte persoon

.....

4. Datum van voorval 4. Tyd van voorval

5. Liggaamsdeel geraak

Kop of Nek	Oog	Romp	Vinger	Hand
Arm	Voet	Been	Intern	Veelvoudig

6. Uitwerking op persoon

Verstuiptings of ooreisings	Kneusing of wonde	Frakture	Brand- wonde	Amputasie
Elektriese skok	Asfiksie	Bewuste- loosheid	Vergiftiging	Beroep- siekte

7. Verwagte tydperk van ongeskiktheid

0-13 dae	2-4 weke	>4-16 weke	>16-52 weke	>52 weke of permanente ongeskiktheid	Dood
----------	----------	------------	-------------	--------------------------------------	------

8. Beskrywing van beroepsiekte

.....

9. Masjien/proses betrokke/soort werk verrig /blootstelling**

.....

.....

.....

10. Is die voorval aan die Vergoedingskommissaris of Provinsiale Direkteur gerapporteer?

Ja	Nee
----	-----

11. Is die voorval by die polisie aangemeld?*

Ja Nee

12. SAPD-kantoor en verwysingsnommer*

* Vul in geval van 'n noodlottige voorval in.

** In geval van gevaarlike chemiese substansie, dui substansie waaraan blootgestel is, aan.

B. ONDERSOEK VAN BOVERMELDE VOORVAL DEUR 'N PERSOON DAARVOOR AANGEWYS

1. Naam van Ondersoeker

2. Datum van ondersoek

3. Hoedanigheid van Ondersoeker

4. Kort beskrywing van voorval

5. Vermoedelike oorsaak van voorval

6. Aanbevole stappe om herhaling te verhoed

Handtekening van Ondersoeker

Datum

C. STAPPE GEDOEN DEUR WERKGEWER OM HERHALING VAN SOORTGELYKE VOORVAL TE VERHOED

Handtekening van werkgewer

Datum

D. OPMERKINGS DEUR GESONDHEIDS- EN VEILIGHEIDSKOMITEE

Opmerkings

Handtekening van Voorsitter van Gesondheids- en Veiligheidskomitee

AANHANGSEL 2**WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993****(WET NO 85 VAN 1993)****REGULASIE 10 VAN DIE ALGEMENE ADMINISTRATIEWE REGULASIES****DAGVAARDING OM ONDERSOEK BY TE WOON**

Aan
.....(Naam en adres van getuie)
.....

Ingevolge artikel 32(2) van die Wet op Beroepsgesondheid en Veiligheid, 1993, word u
hierby gedagvaar om in persoon voor my te verskyn te

..... (adres)
op (datum) om (tyd) om getuienis te
lewer betreffende

.....
en om saam met u saam te bring, en vir my daar en dan te bring, daardie boeke,
geskrewe stukke of goed, en persone hiema vermeld:

- 1.....
- 2.....
- 3.....

Kantoorstempel

Handtekening van Inspekteur.....

**Waarskuwing!! Versuim om die dagvaarding te gehoorsaam, stel u aan vervolging
bloot.**

SLEGS VIR AMPTELIKE DOELEINDES

Ek, die ondergetekende, sertifiseer dat ek die dagvaarding beteken het aan vermelde persoon deur -

*(a) aflewering van 'n ware afskrif aan hom/haar **PERSOONLIK**; of

*(b) aflewering, aangesien hy of sy nie te vinde was nie, 'n ware afskrif aan

.....
'n persoon wat klaarblyklik ouer as 16 jaar is en klaarblyklik woon of werk by die getuie se plek van **WONING/WERK/BESIGHEID**;

te(tyd)(dag)..... (maand) 200....

Plek Handtekening van gemagtigde beampte

Volle name.....

Handtekening van ontvanger

Volle name.....

Hoedanigheid/verwantskap ten opsigte van die getuie

.....

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