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CONTENTS

No.	Page No.	Gazette No.
GOVERNMENT NOTICE		
Labour, Department of		
<i>Government Notice</i>		
R. 924 Occupational Health and Safety Act (85/1993): Facilities Regulations, 2004...	3	26636

INHOUD

No.	Bladsy No.	Koerant No.
GOEWERMENSKENNISGEWING		
Arbeid, Departement van		
<i>Goewermenskennisgewing</i>		
R. 924 Wet op Beroepsgesondheid en Veiligheid (85/1993): Fasiliteiteregula- sies, 2004.....	10	26636

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 924

3 August 2004

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

FACILITIES REGULATIONS, 2004

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—

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

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

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

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

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

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

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

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

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

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

Sanitation

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

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

- (a) such facilities are freely and readily accessible; and
- (b) the facilities comply with the provisions of these Regulations as well as with SABS 0400 with respect to—
 - (i) the total number of employees who will be using the facilities; and
 - (ii) the condition of such facilities.

(3) Every employer shall—

- (a) make toilet paper available free of charge to employees;
- (b) provide every water closet pan designed to have a seat, with a seat;
- (c) supply a towel to every employee for his or her sole use or disposable paper towels or hot air blowers or clean portions of continuous cloth towels, at washbasins; and

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

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

- (a) provide running hot and cold or premixed hot and cold water for washbasins and showers;
- (b) ensure that the walls of that part of a room in which there are showers, are smooth and impermeable, and that the floor thereof is slip-free and sloped for effective drainage; and
- (c) ensure that where showers are provided in a room with windows, such windows are glazed in obscure glass or similar material.

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

- (a) provide a conspicuous sign outside the entrance to such room to indicate the gender of the persons for whom the room is intended;
- (b) ventilate such rooms in accordance with the provisions of Part O of National Building Regulations;
- (c) provide the necessary screen walls, partitions or doors in order to provide privacy; and
- (d) ensure that water feeding to showers or washbasins on his or her premises which is not obtained from the water supply system of a local authority, complies with SABS 241.

Facilities for Safekeeping

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

(2) Every employer shall ensure that every employee referred in subregulation (1) shall store his or her clothing and other personal items in his or her facility for safekeeping.

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

Changing rooms

4. (1) In respect of employees—

- (a) for whom showers are prescribed; or
- (b) who need to undress, the employer shall provide separate changing rooms for males and females respectively, in accordance with Part C of SABS 0400.

(2) An employer contemplated in sub-regulation (1) shall—

- (a) ensure that a changing room is not connected directly by means of a door or of any other opening to any room in which there is exposure to a hazardous chemical substance or a hazardous biological agent; or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;
- (b) provide adequate seating in the form of chairs or benches in every changing room for the maximum number of employees that will be using such changing room at any one time;
- (c) not store any material, tools or other goods not related to use of a changing room in such changing room or allow such items to be stored therein;
- (d) where a change-room has windows, glaze such windows in obscure glass or similar material;
- (e) screen the entrance of every changing room in order to afford privacy;
- (f) provide a conspicuous sign at the entrance to a changing room to indicate the gender of the persons for whom the changing room is intended;
- (g) provide facilities for the drying of wet clothes, if the employees for whom the changing room has been provided, may become wet in the course of their work;
- (h) ensure that every changing room is naturally or artificially ventilated in accordance with Part O of the National Building Regulations; and
- (i) ensure that no employee referred to in subregulation (1) changes his or her clothing at any other place at a workplace than in the changing room provided for him or her.

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

- (a) an obscure partition that reaches the ceiling or roof is installed between showers and eating places; and
- (b) there is no direct communication between the changing room and the toilet facilities.

Dining-rooms

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

- (a) are exposed to a hazardous chemical substance or a hazardous biological agent;
- (b) come into physical contact with any known poisonous substance, which may cause illness if taken orally;
- (c) are exposed to dirt, dust, soot or similar filth; or
- (d) handle or process untanned hides or skins, or unwashed wool or mohair,

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

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

- (a) provide tables and chairs in every dining room for the maximum number of employees who will be using the dining room at any one time;
- (b) ensure that a dining-room or eating place is not connected directly by means of a door or any other opening with any room in which there is exposure to a hazardous chemical substance or hazardous biological agent; or in which untanned hides or skins or unwashed wool or mohair are treated, processed or stored;
- (c) not store any material, tools or other goods not related to use of a dining-room in such dining-room or allow such items to be stored therein; and
- (d) ensure that every dining room is naturally or artificially ventilated in accordance with Part O of the National Building Regulations.

Prohibition

6. Every employer shall—

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

Drinking water

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

Seats

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

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.

Offences and penalties

10. Any person who contravenes or fails to comply with any provisions of regulation 2 (1), 2(3), 2(4), 2(5), 3(1), 3(2), 4, 5, 6, 7, 8 or 9 shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues or additional imprisonment of one day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

Repeal of regulations

11. The Facilities Regulations promulgated by Government Notice No. R 2375 of October 1990, are hereby repealed.

Short Title

12. These regulations shall be called the Facilities Regulations, 2004.

No. R. 924

3 Augustus 2004

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993**FASILITEITEREGULASIES, 2004**

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

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het 'n 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;

"die Wet" die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993).

"drinkwater" water wat aan SABS 241 voldoen;

"gevaarlike biologiese agens" 'n gevaarlike biologiese agens as sodanig omskryf in regulasie 1 van die Regulasies vir Gevaarlike Biologiese Agense soos afgekondig by Goewermentskennisgewing No. R. 1390 van 27 Desember 2001;

"gevaarlike chemiese substansie" 'n stof as sodanig omskryf in regulasie 1 van die Regulasies betreffende Gevaarlike Chemiese Substansies afgekondig by Goewermentskennisgewing No. R. 1179 van 25 Augustus 1995 soos gewysig by Goewermentskennisgewing No. R. 930 van 25 Junie 2003;

"Nasionale Bouregulasies" die Nasionale Bouregulasies afgekondig by Goewermentskennisgewing No. R.1081 van 10 Junie 1988;

"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;

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

"warm water" water waarvan die temperatuur hoër is as 35 grade Celsius.

Sanitasie

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

(2) Ondanks die bepalings van subregulasie (1) kan 'n werkgewer waar daar minder as 11 persone op een perseel werksaam 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
die fasiliteite aan die bepalings van hierdie Regulasies sowel as aan 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 werkgewer moet—

- (a) toiletpapier gratis aan werknemers beskikbaar stel;
- (b) elke spoelklosetpan wat ontwerp is om 'n sitplek te hê, van 'n sitplek te voorsien;
- (c) 'n handdoek aan elke werknemer vir sy of haar uitsluitlike gebruik verskaf, of wegdoenbare papierhanddoeke of warmlugwaaiers of skoon gedeeltes van materiaalrolhanddoeke by wasbakke voorsien; en
- (d) toiletseep of 'n soortgelyke skoonmaakmiddel gratis aan werknemers voorsien.

(4) Elke werkgewer moet, onder die omstandighede soos beoog in Tabel 4 van Deel P van SABS 0400, storte vir die gebruik van sy of haar werknemers verskaf, en hy of sy 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 deel van 'n vertrek waarin daar storte is, glad en waterdig is, en dat die vloer daarvan glyvry is en skuins vir effektiewe dreinerings is; en
- (c) toesien dat waar storte voorsien is in 'n vertrek wat vensters het, sodanige vensters van ondeursigtige glas of van soortgelyke materiaal is.

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

- (a) 'n opvallende teken buitekant die ingang van so 'n vertrek aanbring waarop die geslag van die persone vir wie die vertrek bedoel is, aangedui word;
- (b) sodanige vertrekke ventileer in ooreenstemming met die bepalinge van Deel O van die Nasionale Bouregulasies;
- (c) die nodige skermure, afskortings of deure voorsien ten einde die nodige privaatheid te verseker; en

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

Bewaringsfasiliteite

3. (1) Met die uitsondering van kantoorwerkers moet 'n werkgewer in 'n werkplek elke werknemer in sy of haar diens van 'n persoonlike bewaringsfasiliteit voorsien waarin klere of ander persoonlike items van die werknemer veilig en in 'n goeie toestand bewaar kan word.

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

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

Kleedkamers

4. (1) Ten opsigte van werknemers—

- (a) vir wie storte voorgeskryf word; of
(b) wat moet ontklee, moet die werkgewer afsonderlike kleedkamers vir, onderskeidelik, mans en vrouens voorsien, in ooreenstemming met Deel C van SABS 0400.

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

- (a) verseker dat 'n kleedkamer nie direk verbind is, deur middel van 'n deur of enige ander opening, met enige vertrek waarin daar blootstelling aan 'n gevaarlike chemiese substansie of 'n gevarlike biologiese agens is nie; of waarin ongelooidde huide of velle of ongewaste wol of bokhaar behandel, geprosesseer of geberg word nie;

- (b) voldoende sitplek in die vorm van stoele of banke in elke kleedkamer voorsien vir die maksimum aantal werknemers wat sodanige kleedkamers op enige bepaalde tydstip 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 nie 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 verleen;
 - (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 die kleedkamer voorsien is, in die loop van hulle werk nat kan word;
 - (h) toesien dat elke kleedkamer voorsien is van natuurlike of kunsmatige ventilasie ooreenkomstig Deel 0 van die Nasionale Bouregulasies; en
 - (i) toesien dat geen werknemer in subregulasie (1) bedoel, op enige ander plek by 'n werkplek as in die kleedkamer wat vir hom of haar voorsien is, verkleed nie.
- (3) Behoudens die bepalings van regulasie 5 kan 'n werknemer toelaat dat 'n kleedkamer vir die nuttiging van etes gebruik word mits –
- (a) 'n ondeursigtige afskorting wat tot by die plafon of dak reik tussen die storte en eetplekke geïnstalleer word; en
 - (b) daar nie direkte verbinding tussen die kleedkamer en die toiletfasiliteite is nie.

Eetkamers

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

- (a) blootgestel is aan 'n gevaarlike chemiese substansie of 'n gevaarlike biologiese agens;
- (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; of
- (d) ongelooide huide of velle, of ongewaste wol of sybokhaar hanteer of prosesseer,

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

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

- (a) tafels en stoele in elke eetkamer voorsien vir die maksimum aantal werknemers wat die eetkamer op enige bepaalde tydstop sal gebruik;
- (b) toesien dat 'n eetkamer of eetplek nie direk deur middel van 'n deur of enige ander opening verbind is met 'n vertrek waarin daar blootstelling is aan 'n gevaarlike chemiese substansie of gevaarlike biologiese agens of waarin ongelooide huide of velle, of ongewaste wol of sybokhaar behandel, geprosesseer of geberg 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 regulasie 5(1) bedoel, rook en die gebruik van voedsel of drank verbied; en

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

Drinkwater

- 7. Elke werkgewer moet –
 - (a) genoegsame drinkwater vir sy of haar werknemers by hulle 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.

Sitplek

- 8. Elke werkgewer moet –
 - (a) waar redelikerwys uitvoerbaar, 'n ergonomies geskikte sitplek voorsien vir elke werknemer wie se werk doeltreffend verrig kan word terwyl hy of sy 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 werkgewer sitplekke voorsien; en
 - (c) sitplekke met rugleunings voorsien waar die aard van werk wat werknemers verrig word, sodanig is dat sulke sitplekke gebruik kan word.

Toestand van vertrekke en fasiliteite

- 9. Elke werkgewer moet alle vertrekke en fasiliteite wat ingevolge hierdie regulasies voorgeskryf of bepaal word, in 'n skoon, higiëniese, veilige, heel, lekvrye en werkende toestand hou.

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 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande en, in die geval van 'n voortdurende misdryf, met 'n addisionele boete van R200 of addisionele 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

11. Die Fasiliteiteregulasies afgekondig by Goewermentskennisgewing No. R. 2375 van Oktober 1990 word hierby herroep.

Kort titel

Hierdie regulasies heet die Fasiliteiteregulasies, 2004.

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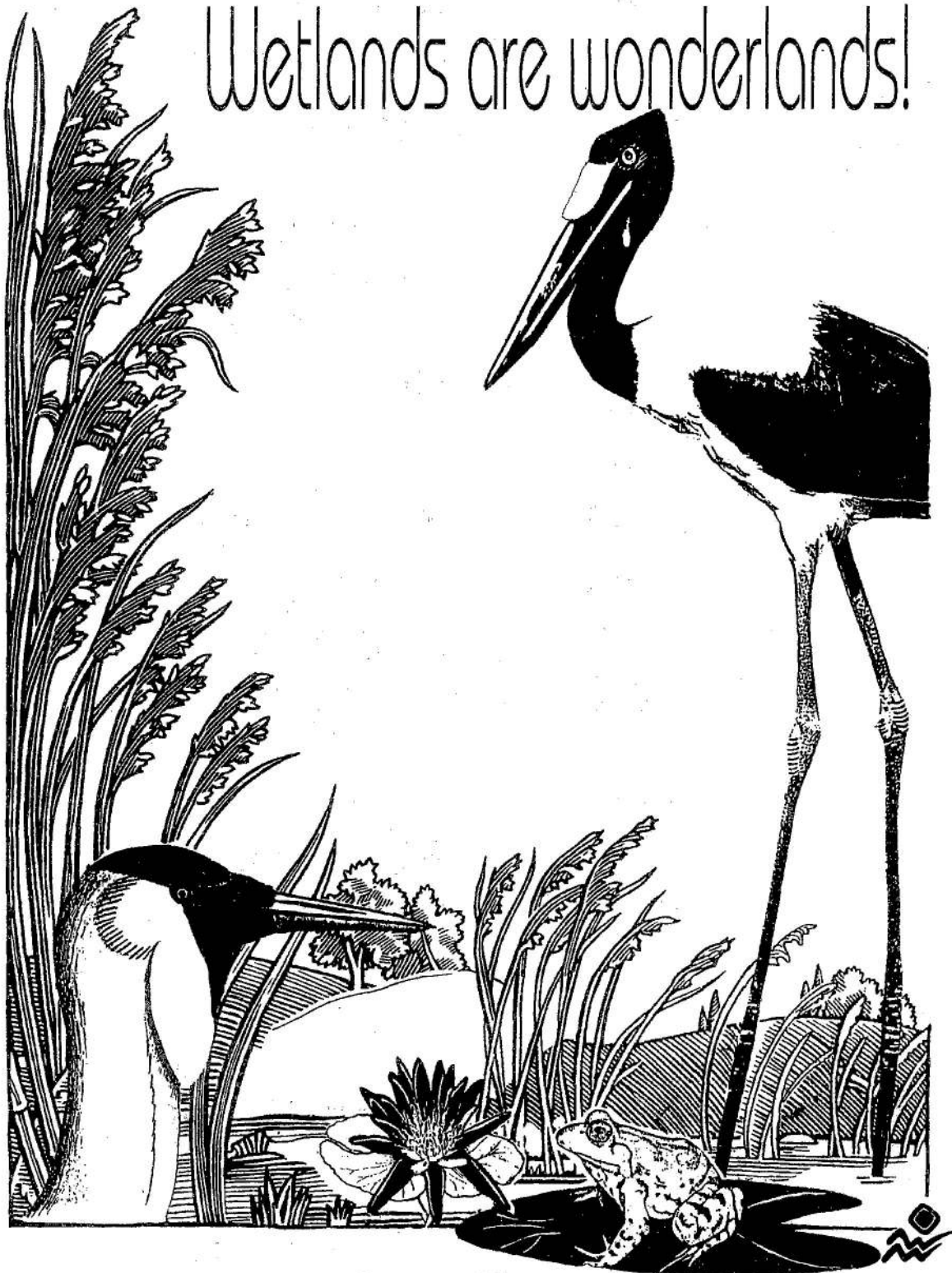
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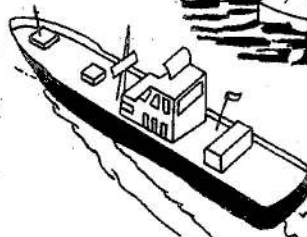
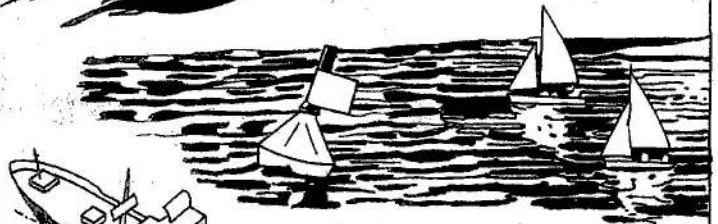
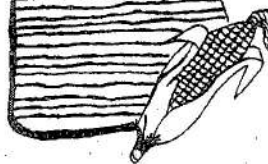
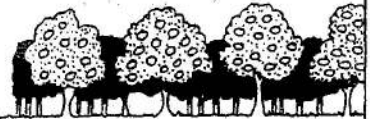
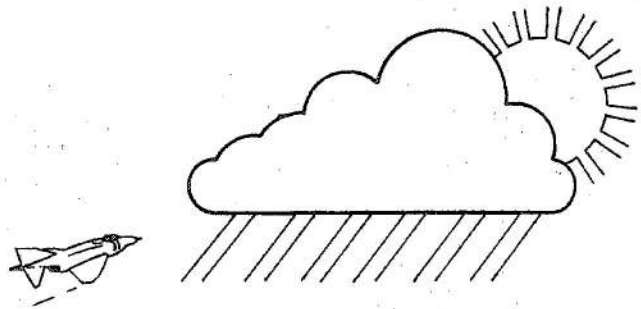
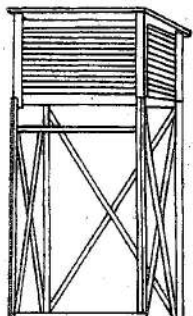
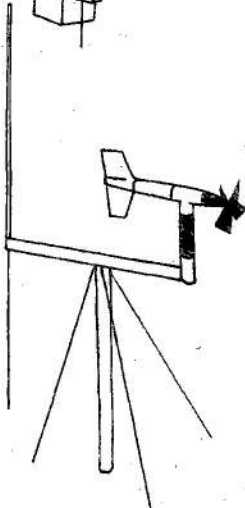
Wetlands are wonderlands!



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