

# Health & Safety at Mines

## Roles and responsibility's.

# CHAPTER 1

## *Objects of the ACT.*

- to protect the *health* and *safety* of **persons** at mines;
- to require *employers* and **employees** to identify *hazards* and eliminate, control, and minimize the *risks* relating to *health* and *safety* at mines;
- to provide for **employee** participation in matters of health and safety through health and safety representatives and the health and safety committees at mines;

**This is all of us  
sitting here  
today and our  
colleagues  
working with  
us.**

# CHAPTER 2

## Health and Safety Act at Mines

### 2. Employer to ensure Safety

To assist the employer in his functions he can appoint.

#### 2A. Chief executive officer charged with certain functions.

- (1) Every *chief executive officer* must take reasonable steps to ensure that the functions of the **employer** contemplated in this Act, are properly performed.
- (2) Without derogating from any responsibility or liability of the *CEO* in terms of subsection (1), the *CEO* may entrust any function contemplated in the said subsection to any person under the control of the *CEO*, which person must act subject to the control and directions of the *CEO*.
- (4) Subsections (1) and (2) do not relieve the **employer** of any duty imposed on **employers** by *this Act*.

- 4 Employer may entrust functions to another person. - (1)**  
an *employer* may appoint any person except a *manager* to perform any function entrusted to the *employer* by sections 2 and 3 of *this Act*.
- (4) the appointment of a *person* under subsection (1) does not relieve the *employer* of any duty imposed on *employers* by *this Act* or any other law.

## The employer must appoint / engage.

3. **Employer must appoint a Manager** –(1) The *employer* of every *mine* that is being worked must-
  - (a) appoint one or more *managers* with the qualifications as may be *prescribed* to be reasonable for the day to day management and operation of the *mine*, and if more than one *manager* is appointed, ensure that the *managers* functions do not overlap;
  - (b) supply the *managers* with the means to perform their functions and
  - (c) take **reasonable steps** to ensure that the *managers* perform their functions.
- (2) **the appointment of a *manager* does not relieve the *employer* of any duty imposed on *employers* by *this Act* or any other law.**

**12. (1)** The *employer* must engage the part-time or full-time services of a person qualified in *occupational hygiene* techniques to measure levels of exposure to *hazards* at the mine

**13 (3)(a)(i) Employer to establish system of medical surveillance**

- (a) Engage the part-time or full-time services of-
- (i) an occupational medical practitioner.

**14.1(8)** Must ensure that the input of a competent person is properly and timeously considered and integrated into the *mine* design, planning and operations.

**6. Employer to ensure adequate supply of health and safety equipment.**

- (3) every **employer** must take reasonable steps to ensure all **employees** who are required to use **personal protective equipment** are **instructed** in the proper use, the limitations and the appropriate **maintenance** of that equipment.

## 7. Employer to staff mine with due regard to health and safety.

- (2) The *employer* may appoint any person with qualifications as may be *prescribed* to perform any function of the *employer* in terms of *this Act*.
- (3) The appointment of a person under subsection (2) does not relieve the *employer* of any duty imposed on *employers* by this Act.
- (4) A *manager* may appoint any person with qualifications as may be *prescribed* to perform any function of the *manager* in terms of this Act.
- (5) *the appointment of a person under subsection (4) does not relieve the manager of any duty imposed on managers by this Act or any other law.*

## 8. Employer must establish health and safety policy.

- (2) The **employer** must consult with the **health and safety committee** on the preparation of the document and policies.

## 9. Code of practice.

- (1) Any **employer** may prepare and implement a code of practice on any matter affecting the **health** or **safety** of **employees** and other persons who may be directly affected by activities at the mine.
- (4) The **employer** must consult with the **health and safety committee** on the preparation, implementation or revision of any code of practice.

## 10. Employer to provide health and safety training. (Training)

- (1) As far as *reasonable practicable*, every employer must-
  - (a) provide **employees** with any information, instruction, training or supervision that is necessary to enable them to perform their work safely and without **risk** to **health**; and
  - (b) ensure that every **employee** becomes familiar with work related **hazards** and **risks** and the measures that must be taken to eliminate, control and minimize those **hazards** and **risks**.
- (2) As far as *reasonable practicable*, every **employer** must ensure that every **employee** is properly trained-

## 11. Employer to assess and respond to risk.

- (2) Every **employer**, after consulting the **health and safety committee** at the *mine*, must determine all measures, including changing the organisation of work and the design of safe systems of work
- (4) Every **employer** must
  - (a) periodically review *hazards* identified and *risks* assessed including the results of *occupational hygiene* measurements and *medical surveillance*, to determine whether further elimination, control and minimisation of *risk* is possible; and
  - (b) consult with the **health and safety committee** on the review.

## 21. Manufacturer's and supplier's duty for health and safety.

- (1) Any person who-
  - (a) designs, manufactures, repairs, imports or supplies any article for use at a *mine* must ensure, as far as *reasonable practicable*-
    - (i) that the article is safe and without *risk* to *health* and *safety* when used **properly**; and
    - (ii) that it complies with all requirements in terms of this *act*.

## 22. **Employees** duties for health and safety.-

- (a) take reasonable care to protect their **own health and Safety**;
- (b) take reasonable care to protect the **health and safety of other persons** who may be affected by any act or omission of that **employee**;
- (c) use and take proper care of **protective clothing**, and other **health and safety facilities** and **equipment** provided for the protection, **health** or **safety** of that **employee** and other **employees**;
- (d) report promptly to their immediate supervisor any situation which the **employee** believes presents a **risk** to the **health** or **safety** of that **employee** or any other person, and with which the **employee** cannot properly deal;
- (e) **co-operate** with any **person** to permit compliance with the **duties** and **responsibilities** placed on that **person** in terms of **this Act**; and
- (f) comply with the **prescribed health** and **safety** measures.

- 23. Employees' right to leave dangerous working place.-** (1) The *employee* has the right to leave any *working place* whenever –
- (a) circumstances arise at that *working place* which, with reasonable justification, appear to that **employee** to pose a serious danger to the **health or safety** of that **employee**: or
  - (b) the **health and safety representative** responsible for that *working place* directs that **employee** to leave that *working place*.
- (2) Every **employer**, after consulting the **health and safety committee** at the mine, must determine effective procedures for the general exercise of the rights granted by subsection (1), and those procedures must provide for-
- (a) notification of supervisors and **health and safety representatives** of dangers which have been perceived and respond to in terms of subsection (1);
  - (b) participation by representatives of **employer** and representatives of the **employees** in endeavouring to resolve any issue that may arise from the exercise of the right referred to in subsection (1)

- (c) participation, where necessary, by an *inspector* or technical advisor to assist in resolving any issue that may arise from the exercise of the right referred to in subsection (1);
  - (d) where appropriate, the assignment to suitable alternative work of any **employee** who left, or refuses to work in, a **working place** contemplated in subsection (1); and
  - (e) notification to any **employee** who has perform work or is requested to perform work in a **working place** contemplated in subsection (1) of the fact that another **employee** has refused to work there and of the reason for that refusal.
- (3) If there is no **health and safety committee** at a *mine*, the consultation required in subsection (2) must be held with –
- (a) the **health and safety representatives**: or
  - (b) if there is no **health and safety representative** at the *mine*, with the employees.
- (4) The **Minister**, by notice in the **Gazette**, must determine minimum requirements for the procedures contemplated in subsection (2)

## CHAPTER 3

29. **Election and appointment of representatives.**- (1) At a *mine* referred to in section 25 (1) (20 or more employees) the *employees* in a designated *working place* **may elect form among themselves health and safety representatives,**
- (4) The *employees* elected as representatives in terms of this section must be appointed by the *employer* in the *prescribed* manner.
30. **Rights and powers of representatives** – (1) A *Health and safety representative* may-
34. **Establishment of health and safety committees.**
- (3) A *health and safety committee* must consist of –
- (a) at least four *employee* representatives; and
  - (b) a number of *employer* representatives equal to or less than the number of *employee* representatives.

## CHAPTER 7

**84. Safety equipment not to be interfered with.**- Unless specifically authorised by the *employer*, no person-

- (a) Other than an *inspector* acting in terms of section 50, **may remove personal protective equipment from a mine, or cause that equipment to be removed;**
- (b) Other than an *inspector* acting in terms of section 50, **may remove anything that is provided in the interest of health or safety, or cause that equipment to be removed; or**
- (c) **may alter, damage, misuse, render ineffective or interfere with anything that is provided in the interest of *health or safety*, or cause that equipment to be altered, damaged, misused, rendered ineffective or interfered with.**

# REGULATIONS IN TERMS OF THE MINE HEALTH AND SAFETY ACT 29 OF 1996

Chapter 3  
Electricity

Chapter 4  
Explosives

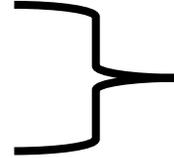
Chapter 5  
Fires and Explosions

Chapter 6  
Health and Safety Representatives  
and Committees

Employer must take reasonable practical measures to ensure **Competent Persons appointed to assist the Employer**

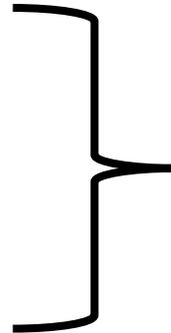
**Persons appointed to assist the Employees and the Employer**

Chapter 8  
Machinery and Equipment



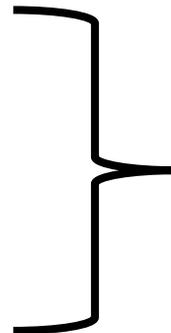
Employer must take reasonable practical measures to ensure  
**Competent Persons appointed to assist the Employer**

Chapter 9  
Mine Environmental Engineering  
and Occupational Hygiene



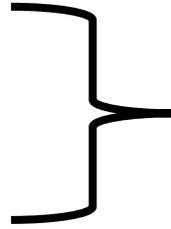
Report to the Employer  
**Competent Person appointed to assist the Employer**

Chapter 10  
Miscellaneous and General  
Provisions  
Hazardous Location



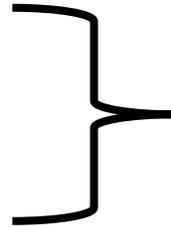
Employer must take reasonable practical measures to ensure  
**Competent Persons appointed to assist the Employer**

Chapter 11  
Occupational Health



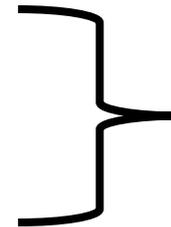
Report to the Employer  
**Competent Persons appointed to assist the Employer**

Chapter 13  
Outlets, Ladderways and  
Travelling Ways



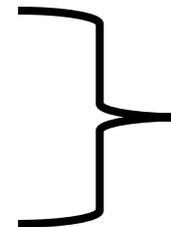
The employer must  
**Competent Person appointed to assist the Employer**

Chapter 14  
Protection of the Surface and  
the Workings



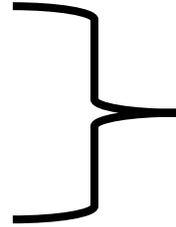
The employer must  
**Competent Person appointed to assist the Employer**

Chapter 16  
Rescue, First Aid, Emergency  
Preparedness and Response



The employer must  
**Competent Person appointed to assist the Employer**

Chapter 17  
Surveying, Mapping and Mine  
Plans



Employer appoint  
**Competent Person to assist the  
Employer**

**What is my point with this  
presentation?**

**It is always easy to blame the EMPLOYER when things go wrong**

**A question that we need to ask our self?**

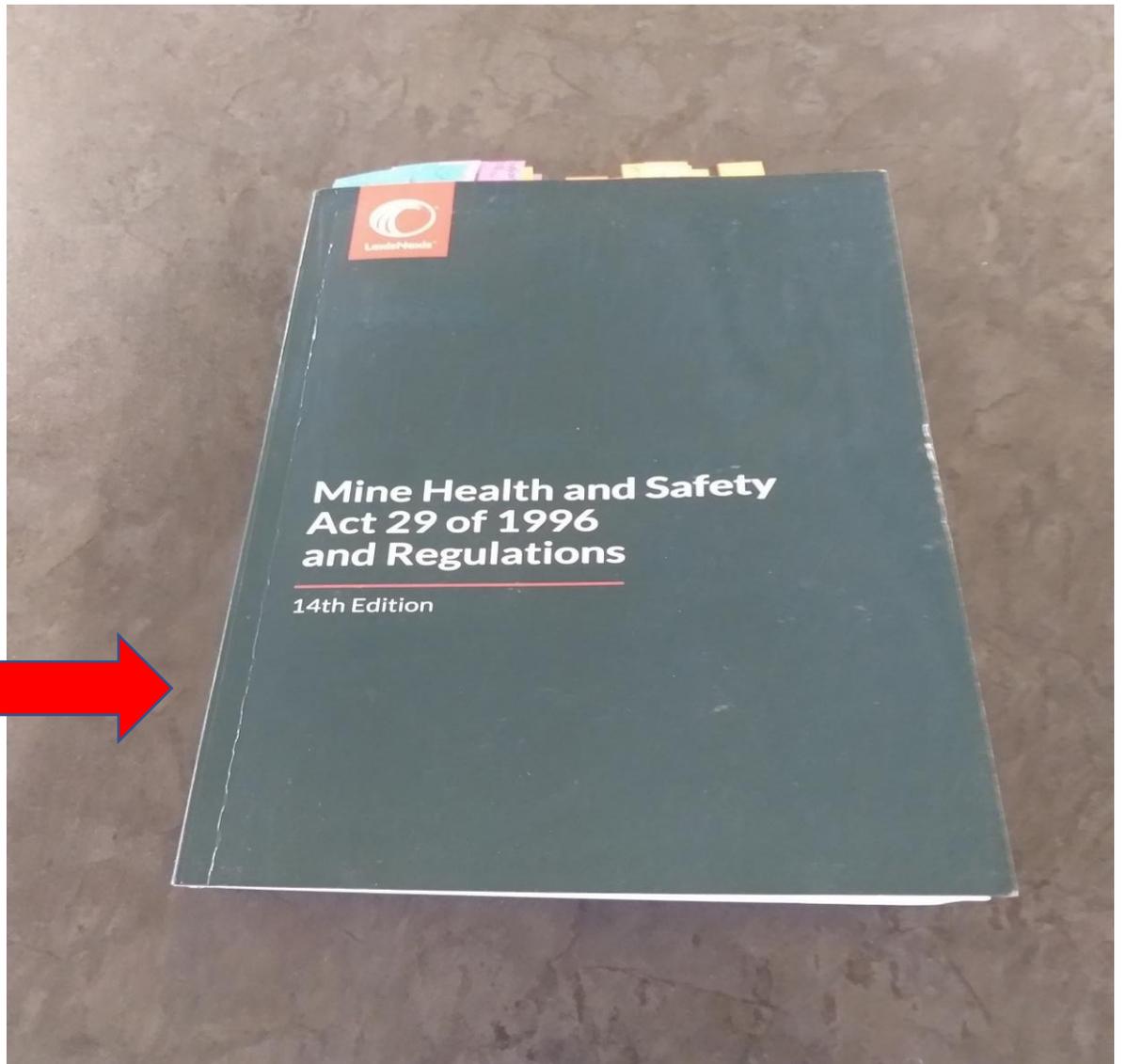
**Do we assist him for what we appointed for?**

**Or**

**Do we only look for things to blame him?**

**Any Questions ?**

**Please refer to  
this manual  
for answers.**



**Thank You**