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Occupational lung diseases in SAMI Legislative aspects



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PRESENTATION OUTLINE

1. Introduction
2. MHSA
3. Regulations for OLD
4. Requirements for OLD Medical surveillance
5. The Constitution
6. Conclusion



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INTRODUCTION

- Leon Commission of Inquiry, established in 1994.
 - Investigate legal regulation of OHS
 - More critical of regulation of OH in SAMI
 - No control or monitoring of OD
 - Key to control: control of working environment
 - Made recommendations for improvement including:
 1. Drafting of the MHSA—regulation of H&S in the SAMI
 2. Ensuring employers monitor absence of adverse health effects amongst mine workers.
 3. MRAC responsible for drafting the Act



MINE HEALTH AND SAFETY ACT

- MHPA was published in Government Gazette June 1996
- Came in force on 15 January 1997
- Provides protection of health safety in the SAMI
- The responsibility for health and safety lies with employer
- Necessary to establish a system of medical surveillance of employees exposed to health hazards- Section 13 of the MHPA
- Able to monitor occupational diseases and adv health effects



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REGULATIONS FOR OLD

- For occupational lung diseases regulations are in place as follows:
 1. Regulation 11(5) : med surveillance for asbestos dust exposure
 2. Regulation 11(6) : med surveillance for coal dust exposure
 3. Regulation 11(7): med surveillance for silica dust exposure
- In all these regulations initial; periodical and exit medical surveillance are conducted.



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REQUIREMENTS FOR OLD MEDICAL SURVEILLANCE

- During initial; periodical and exit examinations, the following must be performed:
 1. Completion of appropriate respiratory questionnaire; medical and occupational history
 2. Cardio-respiratory exam which includes:
 - A full size chest x-ray
 - Lung function test



THE CONSTITUTION

- Overarching supreme law of the RSA and is the foundation for all Acts, including the MHPA
- MHPA is in sync with the Constitution in terms of rights
- The right to a healthy and safe work environment is not expressly dealt with in the Constitution.
- The right emerges from the right of all individuals to an environment that is healthy and not harmful to their health.
- Constitutionally the State needs to develop, implement and enforce appropriate policies, legislation, regulations and other subordinate legislation, like guidelines, hence
- Guidelines on airborne pollutants and on TB management ; lung function test etc to monitor health of employees and regulate the safety of working environments(hazard identification).



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CONCLUSION

- Controlling and monitoring airborne pollutants constitutes primary prevention of hazards
- Followed by medical surveillance as secondary prevention
- Reporting of occupational diseases necessary to give an indication of disease trends; also inform legislative reform
- Ms Mahlaba will cover reporting and stats indicating trends over specific periods.



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CONCLUSION

Thank you

Kea leboha

Merci



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