CHAPTER 6. OCCUPATIONAL HEALTH AND SAFETY

The Occupational Health and Safety Act 85 of 1993 (OH&S Act) requires that an Employer bring about and maintain, as far as is "reasonably practicable", a work environment that is safe to all and without risk to the health of workers. This means the Employer must ensure that the workplace is free of substances, articles, equipment, processes, etc. that will or may cause injury, damage or disease. Where this is not possible, the Employer must inform workers of these dangers, how to avoid them and how to work safely.

However, it is not expected of the Employer to take sole responsibility for health and safety. The Act is based on the principle that dangers in the workplace must be addressed by communication and cooperation between the employee and the Employer. The employee and the Employer must share the responsibility for health and safety in the workplace. Both parties must pro-actively identify dangers and develop control measures to make the workplace safe. To achieve this objective every Employer and worker has to know their rights and duties as prescribed in the OH&S Act. These factors alone are the most powerful sections of the OH&S Act. They emphasise the need for this dual partnership between Employer and employee and provide for an understanding of the necessary statutory requirements.

For this legislation, SANRAL would be the Employer and Routine Road Maintenance (RRM) Contractors the employee, notwithstanding that Contractors are employers in their own right. Therefore a Section 37(2) of the OH&S Act Agreements with Mandataries should be completed. The OH&S Act, being "Self Regulatory", is supported by a number of Regulations, in particular the Construction Regulations, that add clarification to the manner in which the above is to be attained. Construction Regulation 4(5) makes provision for the Employer (SANRAL) to appoint an "Agent" (Consulting Engineer/Route Manager) who will carry out the duties of the Employer as imposed in Construction Regulation 4. In order to sufficiently activate these duties the Agent or his representative must be familiar with the requirement of the OH&S Act and registered with the Board of Registration of the Occupational Health and Safety Association. Therefore SANRAL, in appointing an Agent will ensure that on awarding the contract that the necessary OH&S expertise and resources are acquired by the Agent in order that it may be in a position to maintain the above legislative requirement.

Appendix C contains a document that highlights most of the relevant requirements in terms of the OH&S Act that may be necessary within the confines of Routine Road Maintenance Contracts. The most reasonable method of ensuring a safe working environment is by developing an OH&S system based on the requirements of Appendix C and which includes audits or inspections of the workplace.

Together with this system Appendix C provides for a comprehensive audit schedule that covers all aspects at any construction site. It is this document or parts thereof that can be used by the Agent and Contractor alike to satisfy themselves that all statutory requirements have been met.