

OHSA amendments apply to both employers and the self-employed

The Occupational Health and Safety Amendment (OHSA) Bill has just been published for public comment, and will apply not just to employers, but self-employed people too. In addition, it also introduces a number of onerous governance requirements that employers now need to comply with.



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HR expert and COO of Global Business Solutions, John Botha, discusses which of the amendments will be the most significant for employers.

Employers will need to conduct a detailed risk assessment in their particular workplaces to evaluate the risks to employee health and safety from workplace hazards. From these findings, a mandatory safety management system needs to be developed. This will consist of a number of elements that are geared towards maintaining health and safety in the workplace. This compliance framework will have to be continually reviewed by the CEO or the person to whom this has been delegated and is effectively agnostic to the size of the business.

Another significant amendment is that the OHSA Bill extends to self-employed people as well. The Bill states that self-employed people have a duty to make sure that people, who are affected by their actions, are not affected by any health and safety hazards. Self-employed people will therefore have a greater onus than before in formalising health and safety measures.

Further to the above, it is currently a requirement that workplaces with more than 20 employees elect a health and safety representative if there are up to 50 or 100 employees in shops/offices and other workplaces respectively. Over and above that, additional health and safety representatives need to be appointed. Only if there are two or more health and safety representatives, a health and safety committee needs to be established. Under the proposed amendments, however, a health and safety committee will have to be established even if there is only one health and safety representative.

When one considers the fact that organisations have to appoint Covid-19 compliance officers, OHS representatives, Information Officers under POPI and PAIA as well as run multiple committees such as employment equity and skills development committees, health and safety committees it is evident that the regulatory burden on SA businesses is becoming increasingly onerous.

In terms of other proposed amendments:

- Health and safety representatives will have enhanced rights.
- Union rights, in terms of health and safety disputes, are enhanced.
- Annual incident statistics reporting in March every year is extended to contractor incidents.

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