

DEPARTMENT OF LABOUR**NO. 489****02 JUNE 2017****OCCUPATIONAL HEALTH AND SAFETY ACT, 1993****CONSTRUCTION REGULATIONS, 2014****GUIDELINES**

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.

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—

"agent" means a competent person who acts as a representative for a client;

Notes:

- a) A person or an organisation that acts as a representative for a client in managing overall construction work with full authority and obligation to act on behalf of the client in terms of the Construction Regulations.
- b) An agent contemplated above must ensure the management of health and safety on a construction project for a client and where applicable through an appointment of a registered competent person with a statutory body approved by the Chief Inspector. Refer to Regulation 5 (7).

"angle of repose" means the steepest angle of a surface at which a mass of loose or fragmented material will remain stationary in a pile on the surface, rather than sliding or crumbling away;

"bulk mixing plant" means machinery, appliances or other similar devices that are assembled in such a manner so as to be able to mix materials in bulk for the purposes of using the mixed product for construction work;

Notes:

Bulk mixing plant- commonly referred to as a batch plant

"client" means any person for whom construction work is being performed;

Notes

- a) Every person or entity who enters into a contract to have construction work executed on their behalf.

"competent person" means a person who—

- (a) has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task: Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualification Framework Act, 2008 (Act No.67 of 2008), those qualifications and that training must be regarded as the required qualifications and training; and
- (b) is familiar with the Act and with the applicable regulations made under the Act;

Notes:

- a) **An all-inclusive assessment should be on all four components knowledge, training and experience, and where appropriate qualifications exist in relation to the work to be performed.**
- b) **Part (b) of the above definition is best reflected through demonstration of understanding of the OSH Act and its various applicable regulations.**

"construction manager" means a competent person responsible for the management of the physical construction processes and the coordination, administration and management of resources on a construction site;

"construction site" means a work place where construction work is being performed;

"construction supervisor" means a competent person responsible for supervising construction activities on a construction site;

"construction vehicle" means a vehicle used as a means of conveyance for transporting persons or material, or persons and material, on and off the construction site for the purposes of performing construction work;

"construction work" means any work in connection with—

- (a) the construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to **a building or any similar structure**; or
- (b) the construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation system; or the moving of earth, clearing

of land, the making of excavation, piling, **or any similar civil engineering structure** or type of work;

(c) **Notes:**

- a) **‘Construction work’ in these regulations is limited to building works and civil engineering works and must be read with the definition of ‘structure’.**

"construction work permit" means a document issued in terms of regulation 3;

"contractor" means an employer who performs construction work;

Notes:

- a) **Includes organisations and or self-employed person that contracts with a client, principal contractor, or a contractor to carry out construction work.**

"demolition work" means a method to dismantle, wreck, break, pull down or knock down of a structure or part thereof by way of manual labour, machinery, or the use of explosives;

"design" in relation to any structure, includes drawings, calculations, design details and specifications;

"designer" means—

- (a) a competent person who—
- (i) prepares a design;
 - (ii) checks and approves a design;
 - (iii) arranges for a person at work under his or her control to prepare a design, including an employee of that person where he or she is the employer; or
 - (iv) designs temporary work, including its components;
- (b) an architect or engineer contributing to, or having overall responsibility for a design;
- (c) a building services engineer designing details for fixed plant;
- (d) a surveyor specifying articles or drawing up specifications;
- (e) a contractor carrying out design work as part of a design and building project; or
- (f) an interior designer, shop-fitter or landscape architect;

"excavation work" means the making of any man-made cavity, trench, pit or depression formed by cutting, digging or scooping;

"explosive actuated fastening device" means a tool that is activated by an explosive charge and that is used for driving bolts, nails and similar objects for the purpose of providing fixing;

"fall arrest equipment" means equipment used to arrest a person in a fall, including personal equipment, a body harness, lanyards, deceleration devices, lifelines or similar equipment;

"fall prevention equipment" means equipment used to prevent persons from falling from a fall risk position, including personal equipment, a body harness, lanyards, lifelines or physical equipment such as guardrails, screens, barricades, anchorages or similar equipment;

"fall protection plan" means a documented plan, which includes and provides for—

- (a) all risks relating to working from a fall risk position, considering the nature of work undertaken;
- (b) the procedures and methods to be applied in order to eliminate the risk of falling; and
- (c) a rescue plan and procedures;

"fall risk" means any potential exposure to falling either from, off or into;

"health and safety file" means a file, or other record containing the information in writing required by these Regulations;

"health and safety plan" means a site, activity or project specific documented plan in accordance with the client's health and safety specification;

"health and safety specification" means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work;

"material hoist" means a hoist used to lower or raise material and equipment, excluding passengers;

"medical certificate of fitness" means a certificate contemplated in regulation 7(8);

Notes:

- a) For the purpose of this regulation an Occupational health practitioner refers to either Doctors or Nurses with the following requirements:

Doctors:

- (i) Registered and in good standing with the Health Professions Council of South Africa (HPCSA) and,
- (ii) has a tertiary qualification in occupational health or medicine which is registered as an additional qualification with the HPCSA or,
- (iii) be registered as a specialist in Occupational Medicine with the HPCSA.

Nurses:

- (iv) Registered and in good standing with the South African Nursing Council (SANC) and,
- (v) have a tertiary qualification in Occupational Health nursing that is recognised and registered with the SANC.

- b) Regulations 7(1)g; 7(8); 17 (12)(a); 10 (2)(b); 22(1)(f) and 23(1)(d)(ii) - A risk-based approach should be applied when considering the method and frequency of periodic medical surveillance.

"mobile plant" means any machinery, appliance or other similar device that is able to move independently, and is used for the purpose of performing construction work on a construction site;

"National Building Regulations" means the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and promulgated by Government Notice No. R. 2378 of 30 July 1990, as amended by Government Notices No's R. 432 of 8 March 1991, R. 919 of 30 July 1999 and R. 547 of 30 May 2008;

"person day" means one normal working shift of carrying out construction work by a person on a construction site;

"principal contractor" means an employer appointed by the client to perform construction work;

"Professional Engineer or Professional Certificated Engineer" means a person holding registration as either a Professional Engineer or Professional Certificated Engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

"Professional Technologist" means a person holding registration as a Professional Engineering Technologist in terms of the Engineering Profession Act, 2000;

"provincial director" means the provincial director as defined in regulation 1 of the General Administrative Regulations, 2003;

Notes:

Provincial director is also referred to as Chief Director Provincial Operations (CDPO)

"scaffold" means a temporary elevated platform and supporting structure used for providing access to and supporting workmen or materials or both;

"shoring" means a system used to support the sides of an excavation and which is intended to prevent the cave-in or the collapse of the sides of an excavation;

Notes:

- a) **Shoring means temporary works such as a hydraulic, mechanical or timber/steel system that supports the sides of an excavation.**

"structure" means—

(a) any building, steel or reinforced concrete structure (not being a building), railway line or siding, bridge, waterworks, reservoir, pipe or pipeline, cable, sewer, sewage works, fixed vessels, road, drainage works, earthworks, dam, wall, mast, tower, tower crane, bulk mixing plant, pylon, surface and underground tanks, earth retaining structure or any structure designed to preserve or alter any natural feature, and any other similar structure;

(b) any falsework, scaffold or other structure designed or used to provide support or means of access during construction work; or

(c) any fixed plant in respect of construction work which includes installation, commissioning, decommissioning or dismantling and where any construction work involves a risk of a person falling;

"suspended platform" means a working platform suspended from supports by means of one or more separate ropes from each support;

"temporary works" means any falsework, formwork, support work, scaffold, shoring or other temporary structure designed to provide support or means of access during construction work;

Notes

- a) False work means a combined system of formwork and support work
- b) Form work means temporary or permanent shutters used to form wet concrete into elements of a structure, and includes both horizontally and vertically placed shutters.
- c) Support work means the temporary structure erected to support the formwork before the casting of a concrete element of a structure.

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

"tunneling" means the construction of any tunnel beneath the natural surface of the earth for a purpose other than the searching for or winning of a mineral.

Scope of application

2. (1) These Regulations are applicable to all persons involved in construction work.

(2) Regulations 3 and 5 are not applicable where the construction work carried out is in relation to a single storey dwelling for a client who intends to reside in such dwelling upon completion thereof.

Application for construction work permit

3. (1) A client who intends to have construction work carried out, must at least 30 days before that work is to be carried out apply to the provincial director in writing for a construction work permit to perform construction work if the intended construction work will—

- (a) exceed 180 days;
- (b) will involve more than 1800 person days of construction work; or
- (c) the works contract is of a value equal to or exceeding thirteen million rand or Construction Industry Development Board (CIDB) grading level 6.

(2) An application contemplated in subregulation (1) must be done in a form similar to Annexure 1.

(3) The provincial director must issue a construction work permit in writing to perform construction work contemplated in subregulation (1) within 30 days of receiving the construction work permit application and must assign a site specific number for each construction site.

(4) A site specific number contemplated in subregulation (3) must be conspicuously displayed at the main entrance to the site for which that number is assigned.

(5) A construction work permit contemplated in this regulation may be granted only if—

- (a) the fully completed documents contemplated in regulation 5(1)(a) and (b) have been submitted; and
- (b) proof in writing has been submitted—
 - (i) that the client complies with regulation 5(5)
 - (ii) with regard to the registration and good standing of the principal contractor as contemplated in regulation 5(1)(j); and
 - (iii) that regulation 5(1)(c), (d), (e), (f), (g) and (h) has been complied with.

(6) A client must ensure that the principal contractor keeps a copy of the construction work permit contemplated in subregulation (1) in the occupational health and safety file for inspection by an inspector, the client, the client's authorised agent, or an employee.

(7) No construction work contemplated in subregulation (1) may be commenced or carried out before the construction work permit and number contemplated in subregulation (3) have been issued and assigned.

(8) A site specific number contemplated in subregulation (3) is not transferrable.

Notes:

- a) Refer to exemption issued by the Chief Inspector.
- b) The 30 days required to issue a Construction Work Permit is on condition that all correct and fully completed documents are submitted as per the attached 'list of items (not limited to) to be submitted with the construction work permit application'.
- c) Where any person aggrieved by any decision taken by an inspector in relation to the application of a Construction Work Permit under a provision of this regulation may appeal against such decision to the chief inspector in terms of Section 35.
- d) The Construction Work Permit shall be issued to the Client for whom the Construction work is conducted.

Notification of construction work

4. (1) A contractor who intends to carry out any construction work other than work contemplated in regulation 3(1), must at least 7 days before that work is to be carried out notify the provincial director in writing in a form similar to Annexure 2 if the intended construction work will—

- (a) include excavation work;
- (b) include working at a height where there is risk of falling;
- (c) include the demolition of a structure; or
- (d) include the use of explosives to perform construction work.

(2) A contractor who intends to carry out construction work that involves construction of a single storey dwelling for a client who is going to reside in such dwelling upon completion, must at least 7 days before that work is to be carried out notify the provincial director in writing in a form similar to Annexure 2

Duties of client

5. (1) A client must—
- (a) prepare a baseline risk assessment for an intended construction work project;
 - (b) prepare a suitable, sufficiently documented and coherent site specific health and safety specification for the intended construction work based on the baseline risk assessment contemplated in paragraph (a);
 - (c) provide the designer with the health and safety specification contemplated in paragraph (b);
 - (d) ensure that the designer takes the prepared health and safety specification into consideration during the design stage;
 - (e) ensure that the designer carries out all responsibilities contemplated in regulation 6;
 - (f) include the health and safety specification in the tender documents;
 - (g) ensure that potential principal contractors submitting tenders have made adequate provision for the cost of health and safety measures;
 - (h) ensure that the principal contractor to be appointed has the necessary competencies and resources to carry out the construction work safely;
 - (i) take reasonable steps to ensure co-operation between all contractors appointed by the client to enable each of those contractors to comply with these Regulations;
 - (j) ensure before any work commences on a site that every principal contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);
 - (k) appoint every principal contractor in writing for the project or part thereof on the construction site;
 - (l) discuss and negotiate with the principal contractor the contents of the principal contractor's health and safety plan contemplated in regulation 7(1), and must thereafter finally approve that plan for implementation;
 - (m) ensure that a copy of the principal contractor's health and safety plan is available on request to an employee, inspector or contractor;
 - (n) take reasonable steps to ensure that each contractor's health and safety plan contemplated in regulation 7(1)(a) is implemented and maintained;

- (o) ensure that periodic health and safety audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
- (p) ensure that a copy of the health and safety audit report contemplated in paragraph (o) is provided to the principal contractor within seven days after the audit;
- (q) stop any contractor from executing a construction activity which poses a threat to the health and safety of persons which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site;
- (r) where changes are brought about to the design or construction work, make sufficient health and safety information and appropriate resources available to the principal contractor to execute the work safely; and
- (s) ensure that the health and safety file contemplated in regulation 7(1)(b) is kept and maintained by the principal contractor.

(2) Where a client requires additional work to be performed as a result of a design change or an error in construction due to the actions of the client, the client must ensure that sufficient safety information and appropriate additional resources are available to execute the required work safely.

(3) Where a fatality or permanent disabling injury occurs on a construction site, the client must ensure that the contractor provides the provincial director with a report contemplated in section 24 of the Act, in accordance with regulations 8 and 9 of the General Administrative Regulations, 2013, and that the report includes the measures that the contractor intends to implement to ensure a safe construction site as far as is reasonably practicable.

(4) Where more than one principal contractor is appointed as contemplated in subregulation (1)(k), the client must take reasonable steps to ensure co-operation between all principal contractors and contractors in order to ensure compliance with these Regulations.

(5) Where a construction work permit is required as contemplated in regulation 3(1), the client must, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where

such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed.

(6) Where notification of construction work is required as contemplated in regulation 4(1), the client may, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed: Provided that, where the question arises as to whether an agent is necessary, the decision of an inspector is decisive.

(7) An agent contemplated in subregulations (5) and (6) must—

- (a) manage the health and safety on a construction project for the client; and
- (b) be registered with a statutory body approved by the Chief Inspector as qualified to perform the required functions;

(8) When the chief inspector has approved a statutory body as contemplated in subregulation (7)(b), he or she must give notice of that approval in the *Gazette*.

Notes

- a) Regulation 5(1)d must be read with regulation 6, the duties of the designer and a written report must be submitted to the Client by the Designer as proof of compliance with the afore said regulation.
- b) Regulation 5(1)(i) Where there are multiple principle contractors (or contractors) on site appointed by the client , the client shall coordinate cooperation between contractors to ensure health and safety control, read with regulation 7(4). Regulation 5 (5); (6) and (7) .
- c) Where a client specifies which contractors a principal contractor must appoint the duties as specified in 7(1)(c)(iii) shall be applicable to the said client.
- d) A client may appoint a Construction Health and Safety Agent or Construction Health and Safety Manager based on the scope and risk profile of construction work to represent him/her on matters of health and safety. Provided that, where the question arises as to whether a Construction Health Safety Agent or a Construction Health and Safety Manager is necessary, the decision of an inspector is decisive.

Duties of designer

6. (1) The designer of a structure must—
- (a) ensure that the applicable safety standards incorporated into these Regulations under section 44 of the Act are complied with in the design;
 - (b) take into consideration the health and safety specification submitted by the client;
 - (c) before the contract is put out to tender, make available in a report to the client—
 - (i) all relevant health and safety information about the design of the relevant structure that may affect the pricing of the construction work;
 - (ii) the geotechnical-science aspects, where appropriate; and
 - (iii) the loading that the structure is designed to withstand;
 - (d) inform the client in writing of any known or anticipated dangers or hazards relating to the construction work, and make available all relevant information required for the safe execution of the work upon being designed or when the design is subsequently altered;
 - (e) refrain from including anything in the design of the structure necessitating the use of dangerous procedures or materials hazardous to the health and safety of persons, which can be avoided by modifying the design or by substituting materials;
 - (f) take into account the hazards relating to any subsequent maintenance of the relevant structure and must make provision in the design for that work to be performed to minimize the risk;
 - (g) when mandated by the client to do so, carry out the necessary inspections at appropriate stages to verify that the construction of the relevant structure is carried out in accordance with his design: Provided that if the designer is not so mandated, the client's appointed agent in this regard is responsible to carry out such inspections;
 - (h) when mandated as contemplated in paragraph (g), stop any contractor from executing any construction work which is not in accordance with the relevant design's health and safety aspects: Provided that if the designer is not so mandated, the client's appointed agent in that regard must stop that contractor from executing that construction work;

- (j) when mandated as contemplated in paragraph (g), in his or her final inspection of the completed structure in accordance with the National Building Regulations, include the health and safety aspects of the structure as far as reasonably practicable, declare the structure safe for use, and issue a completion certificate to the client and a copy thereof to the contractor; and
 - (j) during the design stage, take cognisance of ergonomic design principles in order to minimize ergonomic related hazards in all phases of the life cycle of a structure.
- (2) The designer of temporary works must ensure that—
 - (a) all temporary works are adequately designed so that it will be capable of supporting all anticipated vertical and lateral loads that may be applied;
 - (b) the designs of temporary works are done with close reference to the structural design drawings issued by the contractor, and in the event of any uncertainty consult the contractor;
 - (c) all drawings and calculations pertaining to the design of temporary works are kept at the office of the temporary works designer and are made available on request by an inspector; and
 - (d) the loads caused by the temporary works and any imposed loads are clearly indicated in the design.

Notes:

Regulation 6 (1) (c) - Designers must ensure that designs are accompanied by a report as required in terms of this regulation.

Duties of principal contractor and contractor

- 7. (1) A principal contractor must—
 - (a) provide and demonstrate to the client a suitable, sufficiently documented and coherent site specific health and safety plan, based on the client's documented health and safety specifications contemplated in regulation 5(1)(b), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the principal contractor as work progresses;

- (b) open and keep on site a health and safety file, which must include all documentation required in terms of the Act and these Regulations, which must be made available on request to an inspector, the client, the client's agent or a contractor; and
- (c) on appointing any other contractor, in order to ensure compliance with the provisions of the Act—
 - (i) provide contractors who are tendering to perform construction work for the principal contractor, with the relevant sections of the health and safety specifications contemplated in regulation 5(1)(b) pertaining to the construction work which has to be performed;
 - (ii) ensure that potential contractors submitting tenders have made sufficient provision for health and safety measures during the construction process;
 - (iii) ensure that no contractor is appointed to perform construction work unless the principal contractor is reasonably satisfied that the contractor that he or she intends to appoint, has the necessary competencies and resources to perform the construction work safely;
 - (iv) ensure prior to work commencing on the site that every contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993;
 - (v) appoint each contractor in writing for the part of the project on the construction site;
 - (vi) take reasonable steps to ensure that each contractor's health and safety plan contemplated in subregulation (2)(a) is implemented and maintained on the construction site;
 - (vii) ensure that the periodic site audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
 - (viii) stop any contractor from executing construction work which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site or which poses a threat to the health and safety of persons;

- (ix) where changes are brought about to the design and construction, make available sufficient health and safety information and appropriate resources to the contractor to execute the work safely; and
 - (x) discuss and negotiate with the contractor the contents of the health and safety plan contemplated in subregulation (2)(a), and must thereafter finally approve that plan for implementation;
 - (d) ensure that a copy of his or her health and safety plan contemplated in paragraph (a), as well as the contractor's health and safety plan contemplated in subregulation (2)(a), is available on request to an employee, an inspector, a contractor, the client or the client's agent;
 - (e) hand over a consolidated health and safety file to the client upon completion of the construction work and must, in addition to the documentation referred to in subregulation (2)(b), include a record of all drawings, designs, materials used and other similar information concerning the completed structure;
 - (f) in addition to the documentation required in the health and safety file in terms of paragraph (c)(v) and subregulation (2)(b), include and make available a comprehensive and updated list of all the contractors on site accountable to the principal contractor, the agreements between the parties and the type of work being done; and
 - (g) ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner in the form of Annexure 3.
- (2) A contractor must prior to performing any construction work—
- (a) provide and demonstrate to the principal contractor a suitable and sufficiently documented health and safety plan, based on the relevant sections of the client's health and safety specification contemplated in regulation 5(1)(b) and provided by the principal contractor in terms of subregulation (1)(a), which plan must be applied from the date of commencement of and for the duration of the construction work and which must be reviewed and updated by the contractor as work progresses;
 - (b) open and keep on site a health and safety file, which must include all documentation required in terms of the Act and these Regulations, and which must

be made available on request to an inspector, the client, the client's agent or the principal contractor;

- (c) before appointing another contractor to perform construction work be reasonably satisfied that the contractor that he or she intends to appoint has the necessary competencies and resources to perform the construction work safely;
- (d) co-operate with the principal contractor as far as is necessary to enable each of them to comply with the provisions of the Act; and
- (e) as far as is reasonably practicable, promptly provide the principal contractor with any information which might affect the health and safety of any person at work carrying out construction work on the site, any person who might be affected by the work of such a person at work, or which might justify a review of the health and safety plan.

(3) Where a contractor appoints another contractor to perform construction work, the duties determined in subregulation (1)(b) to (g) that apply to the principal contractor apply to the contractor as if he or she were the principal contractor.

(4) A principal contractor must take reasonable steps to ensure co-operation between all contractors appointed by the principal contractor to enable each of those contractors to comply with these Regulations.

(5) No contractor may allow or permit any employee or person to enter any site, unless that employee or person has undergone health and safety induction training pertaining to the hazards prevalent on the site at the time of entry.

(6) A contractor must ensure that all visitors to a construction site undergo health and safety induction pertaining to the hazards prevalent on the site and must ensure that such visitors have the necessary personal protective equipment.

(7) A contractor must at all times keep on his or her construction site records of the health and safety induction training contemplated in subregulation (6) and such records must be made available on request to an inspector, the client, the client's agent or the principal contractor;.

(8) A contractor must ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner in the form of Annexure 3.

Notes

- a) Regulation 7(4) Where there are multiple contractors on site appointed by the principal contractor, the principal contractor shall coordinate cooperation between contractors to ensure health and safety control, read with regulation 5 (1)(i).**

Management and supervision of construction work

8. (1) A principal contractor must in writing appoint one full-time competent person as the construction manager with the duty of managing all the construction work on a single site, including the duty of ensuring occupational health and safety compliance, and in the absence of the construction manager an alternate must be appointed by the principal contractor.

(2) A principal contractor must upon having considered the size of the project, in writing appoint one or more assistant construction managers for different sections thereof: Provided that the designation of any such person does not relieve the construction manager of any personal accountability for failing in his or her management duties in terms of this regulation.

(3) Where the construction manager has not appointed assistant construction managers as contemplated in subregulation (2), or, in the opinion of an inspector, a sufficient number of such assistant construction managers have not been appointed, that inspector must direct the construction manager in writing to appoint the number of assistant construction managers indicated by the inspector, and those assistant construction managers must be regarded as having been appointed under subregulation (2).

(4) No construction manager appointed under subregulation (1) may manage any construction work on or in any construction site other than the site in respect of which he or she has been appointed.

(5) A contractor must, after consultation with the client and having considered the size of the project, the degree of danger likely to be encountered or the accumulation of hazards or risks on the site, appoint a full-time or part-time construction health and safety officer in writing to assist in the control of all health and safety related aspects on the site: Provided that, where the question arises as to whether a construction health and safety officer is necessary, the decision of an inspector is decisive.

(6) No contractor may appoint a construction health and safety officer to assist in the control of health and safety related aspects on the site unless he or she is reasonably satisfied that the construction health and safety officer that he or she intends to appoint is registered with a statutory body approved by the Chief Inspector and has necessary competencies and resources to assist the contractor

(7) A construction manager must in writing appoint construction supervisors responsible for construction activities and ensuring occupational health and safety compliance on the construction site.

(8) A contractor must, upon having considered the size of the project, in writing appoint one or more competent employees for different sections thereof to assist the construction supervisor contemplated in subregulation (7), and every such employee has, to the extent clearly defined by the contractor in the letter of appointment, the same duties as the construction supervisor: Provided that the designation of any such employee does not relieve the construction supervisor of any personal accountability for failing in his or her supervisory duties in terms of this regulation.

(9) Where the contractor has not appointed an employee as contemplated in subregulation (8), or, in the opinion of an inspector, a sufficient number of such employees have not been appointed, that inspector must instruct the employer to appoint the number of employees indicated by the inspector, and those employees must be regarded as having been appointed under subregulation (8).

(10) No construction supervisor appointed under subregulation (7) may supervise any construction work on or in any construction site other than the site in respect of which he or she

has been appointed: Provided that if a sufficient number of competent employees have been appropriately designated under subregulation (7) on all the relevant construction sites, the appointed construction supervisor may supervise more than one site.

Notes:

Regulation 8(1) The Construction manager must demonstrate competency in relation to work being performed and the ability to manage construction work which may include making all statutory appointments in terms of health and safety.

Risk assessment for construction work

9. (1) A contractor must, before the commencement of any construction work and during such construction work, have risk assessments performed by a competent person appointed in writing, which risk assessments form part of the health and safety plan to be applied on the site, and must include—

- (a) the identification of the risks and hazards to which persons may be exposed to;
- (b) an analysis and evaluation of the risks and hazards identified based on a documented method;
- (c) a documented plan and applicable safe work procedures to mitigate, reduce or control the risks and hazards that have been identified;
- (d) a monitoring plan; and
- (e) a review plan.

(2) A contractor must ensure that as far as is reasonably practicable, ergonomic related hazards are analyzed, evaluated and addressed in a risk assessment.

(3) A contractor must ensure that all employees under his or her control are informed, instructed and trained by a competent person regarding any hazard and the related work procedures and or control measures before any work commences, and thereafter at the times determined in the risk assessment monitoring and review plan of the relevant site.

- (4) A principal contractor must ensure that all contractors are informed regarding any hazard that is stipulated in the risk assessment before any work commences, and thereafter at the times that may be determined in the risk assessment monitoring and review plan of the relevant site.
- (5) A contractor must consult with the health and safety committee or, if no health and safety committee exists, with a representative trade union or representative group of employees, on the monitoring and review of the risk assessments of the relevant site.
- (6) A contractor must ensure that copies of the risk assessments of the relevant site are available on site for inspection by an inspector, the client, the client's agent, any contractor, any employee, a representative trade union, a health and safety representative or any member of the health and safety committee.
- (7) A contractor must review the relevant risk assessment—
- (a) where changes are effected to the design and or construction that result in a change to the risk profile; or
 - (b) when an incident has occurred.

Notes:

Regulation 9(7)(a) must be read with Regulation 5(1)(r); 5(2) and Regulation 7(1)(c)(ix)

Fall protection

10. (1) A contractor must—
- (a) designate a competent person to be responsible for the preparation of a fall protection plan;
 - (b) ensure that the fall protection plan contemplated in paragraph (a) is implemented, amended where and when necessary and maintained as required; and
 - (c) take steps to ensure continued adherence to the fall protection plan.
- (2) A fall protection plan contemplated in subregulation (1), must include—
- (a) a risk assessment of all work carried out from a fall risk position and the procedures and methods used to address all the risks identified per location;

- (b) the processes for the evaluation of the employees' medical fitness necessary to work at a fall risk position and the records thereof;
 - (c) a programme for the training of employees working from a fall risk position and the records thereof;
 - (d) the procedure addressing the inspection, testing and maintenance of all fall protection equipment; and
 - (e) a rescue plan detailing the necessary procedure, personnel and suitable equipment required to affect a rescue of a person in the event of a fall incident to ensure that the rescue procedure is implemented immediately following the incident.
- (3) A contractor must ensure that a construction manager appointed under regulation 8(1) is in possession of the most recently updated version of the fall protection plan.
- (4) A contractor must ensure that—
 - (a) all unprotected openings in floors, edges, slabs, hatchways and stairways are adequately guarded, fenced or barricaded or that similar means are used to safeguard any person from falling through such openings;
 - (b) no person is required to work in a fall risk position, unless such work is performed safely as contemplated in subregulation (2);
 - (c) fall prevention and fall arrest equipment are—
 - (i) approved as suitable and of sufficient strength for the purpose for which they are being used, having regard to the work being carried out and the load, including any person, they are intended to bear; and
 - (ii) securely attached to a structure or plant, and the structure or plant and the means of attachment thereto are suitable and of sufficient strength and stability for the purpose of safely supporting the equipment and any person who could fall; and
 - (d) fall arrest equipment is used only where it is not reasonably practicable to use fall prevention equipment.

(5) Where roof work is being performed on a construction site, the contractor must ensure that, in addition to the requirements set out in subregulations (2) and (4), it is indicated in the fall protection plan that—

- (a) the roof work has been properly planned;
- (b) the roof erectors are competent to carry out the work;
- (c) no employee is permitted to work on roofs during inclement weather conditions or if any conditions are hazardous to the health and safety of the employee;
- (d) all covers to openings and fragile material are of sufficient strength to withstand any imposed loads;
- (e) suitable and sufficient platforms, coverings or other similar means of support have been provided to be used in such a way that the weight of any person passing across or working on or from fragile material is supported; and
- (f) suitable and sufficient guard-rails, barriers and toe-boards or other similar means of protection prevent, as far as is reasonably practicable, the fall of any person, material or equipment.

Structures

11. (1) A contractor must ensure that—

- (a) all reasonably practicable steps are taken to prevent the uncontrolled collapse of any new or existing structure or any part thereof, which may become unstable or is in a temporary state of weakness or instability due to the carrying out of construction work;
- (b) no structure or part of a structure is loaded in a manner which would render it unsafe; and
- (c) all drawings pertaining to the design of the relevant structure are kept on site and are available on request to an inspector, other contractors, the client and the client's agent or employee.

(2) An owner of a structure must ensure that—

- (a) inspections of that structure are carried out periodically by competent persons in order to render the structure safe for continued use;

- (b) that the inspections contemplated in paragraph (a) are carried out at least once every six months for the first two years and thereafter yearly;
- (c) the structure is maintained in such a manner that it remains safe for continued use;
- (d) the records of inspections and maintenance are kept and made available on request to an inspector.

Temporary works

12. (1) A contractor must appoint a temporary works designer in writing to design, inspect and approve the erected temporary works on site before use.

(2) A contractor must ensure that all temporary works operations are carried out under the supervision of a competent person who has been appointed in writing for that purpose.

(3) A contractor must ensure that—

- (a) all temporary works structures are adequately erected, supported, braced and maintained by a competent person so that they are capable of supporting all anticipated vertical and lateral loads that may be applied to them, and that no loads are imposed onto the structure that the structure is not designed to withstand;
- (b) all temporary works structures are done with close reference to the structural design drawings, and where any uncertainty exists the structural designer should be consulted;
- (c) detailed activity specific drawings pertaining to the design of temporary works structures are kept on the site and are available on request to an inspector, other contractors, the client, the client's agent or any employee;
- (d) all persons required to erect, move or dismantle temporary works structures are provided with adequate training and instruction to perform those operations safely;
- (e) all equipment used in temporary works structure are carefully examined and checked for suitability by a competent person, before being used;
- (f) all temporary works structures are inspected by a competent person immediately before, during and after the placement of concrete, after inclement weather or any other imposed load and at least on a daily basis until the temporary works structure

has been removed and the results have been recorded in a register and made available on site;

- (g) no person may cast concrete, until authorization in writing has been given by the competent person contemplated in paragraph (a);
- (h) if, after erection, any temporary works structure is found to be damaged or weakened to such a degree that its integrity is affected, it is safely removed or reinforced immediately;
- (i) adequate precautionary measures are taken in order to—
 - (i) secure any deck panels against displacement; and
 - (ii) prevent any person from slipping on temporary works due to the application of release agents;
- (j) as far as is reasonably practicable, the health of any person is not affected through the use of solvents or oils or any other similar substances;
- (k) upon casting concrete, the temporary works structure is left in place until the concrete has acquired sufficient strength to safely support its own weight and any imposed load, and is not removed until authorization in writing has been given by the competent person contemplated in paragraph (a);
- (l) the foundation conditions are suitable to withstand the loads caused by the temporary works structure and any imposed load in accordance with the temporary works design.
- (m) provision is made for safe access by means of secured ladders or staircases for all work to be carried out above the foundation bearing level;
- (n) a temporary works drawing or any other relevant document includes construction sequences and methods statements;
- (o) the temporary works designer has been issued with the latest revision of any relevant structural design drawing;
- (p) a temporary works design and drawing is used only for its intended purpose and for a specific portion of a construction site; and
- (q) the temporary works drawings are approved by the temporary works designer before the erection of any temporary works.

- (4) No contractor may use a temporary works design and drawing for any work other than its intended purpose.

Notes:

- a) Regulation 12 (1) is a three functions competent person(s) appointment. The temporary works designer could be one person or different persons to design; inspect and or approve [read with Regulation 6(g); (h) and (i)]. Temporary works designer(s) must be mandated by the client or contractor to perform any or all of the three functions.
- b) A risk-based methodology should be applied in respect of competencies for temporary works.
- c) For the purpose of this regulation design of scaffolds refers to design in terms of SANS10085.

Excavation

- 13. (1) A contractor must—
 - (a) ensure that all excavation work is carried out under the supervision of a competent person who has been appointed in writing for that purpose; and
 - (b) evaluate, as far as is reasonably practicable, the stability of the ground before excavation work begins.
- (2) A contractor who performs excavation work—
 - (a) must take reasonable and sufficient steps in order to prevent, as far as is reasonably practicable, any person from being buried or trapped by a fall or dislodgement of material in an excavation;
 - (b) may not require or permit any person to work in an excavation which has not been adequately shored or braced: Provided that shoring and bracing may not be necessary where—
 - (i) the sides of the excavation are sloped to at least the maximum angle of repose measured relative to the horizontal plane; or
 - (ii) such an excavation is in stable material: Provided that—
 - (aa) permission has been given in writing by the appointed competent person contemplated in subregulation (1) upon evaluation by him or her of the site conditions; and

- (bb) where any uncertainty pertaining to the stability of the soil still exists, the decision from a professional engineer or a professional technologist competent in excavations is decisive and such a decision must be noted in writing and signed by both the competent person contemplated in subregulation (1) and the professional engineer or technologist, as the case may be;
- (c) must take steps to ensure that the shoring or bracing contemplated in paragraph (b) is designed and constructed in a manner that renders it strong enough to support the sides of the excavation in question;
- (d) must ensure that no load, material, plant or equipment is placed or moved near the edge of any excavation where it may cause its collapse and consequently endangers the safety of any person, unless precautions such as the provision of sufficient and suitable shoring or bracing are taken to prevent the sides from collapsing;
- (e) must ensure that where the stability of an adjoining building, structure or road is likely to be affected by the making of an excavation, steps are taken to ensure the stability of such building, structure or road and the safety of persons;
- (f) must cause convenient and safe means of access to be provided to every excavation in which persons are required to work, and such access may not be further than six meters from the point where any worker within the excavation is working;
- (g) must ascertain, as far as is reasonably practicable, the location and nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must before the commencement of excavation work that may affect any such service, take the steps that are necessary to render the circumstances safe for all persons involved;
- (h) must ensure that every excavation, including all bracing and shoring, is inspected—
 - (i) daily, prior to the commencement of each shift;
 - (ii) after every blasting operation;
 - (iii) after an unexpected fall of ground;
 - (iv) after damage to supports; and
 - (v) after rain,

- by the competent person contemplated in subregulation (1), in order to ensure the safety of the excavation and of persons, and those results must be recorded in a register kept on site and made available on request to an inspector, the client, the client's agent, any other contractor or any employee;
- (i) must cause every excavation which is accessible to the public or which is adjacent to public roads or thoroughfares, or whereby the safety of persons may be endangered, to be—
 - (i) adequately protected by a barrier or fence of at least one metre in height and as close to the excavation as is practicable; and
 - (ii) provided with warning illuminants or any other clearly visible boundary indicators at night or when visibility is poor, or have resort to any other suitable and sufficient precautionary measure where subparagraphs (i) and (ii) are not practicable;
 - (j) must ensure that all precautionary measures stipulated for confined spaces as determined in the General Safety Regulations, 2003, are complied with by any person entering any excavation;
 - (k) must, where the excavation work involves the use of explosives, appoint a competent person in the use of explosives for excavation, and must ensure that a method statement is developed by that person in accordance with the applicable explosives legislation; and
 - (l) must cause warning signs to be positioned next to an excavation within which or where persons are working or carrying out inspections or tests.

Demolition work

14. (1) A contractor must appoint a competent person in writing to supervise and control all demolition work on site.

(2) A contractor must ensure that before any demolition work is carried out, and in order to ascertain the method of demolition to be used, a detailed structural engineering survey of the structure to be demolished is carried out by a competent person and that a method statement on the procedure to be followed in demolishing the structure is developed by that person.

(3) During a demolition, the competent person contemplated in subregulation (1) must check the structural integrity of the structure at intervals determined in the method statement contemplated in subregulation (2), in order to avoid any premature collapses.

(4) A contractor who performs demolition work must—

- (a) with regard to a structure being demolished, take steps to ensure that—
 - (i) no floor, roof or other part of the structure is overloaded with debris or material in a manner which would render it unsafe;
 - (ii) all reasonably practicable precautions are taken to avoid the danger of the structure collapsing when any part of the framing of a framed or partly framed building is removed, or when reinforced concrete is cut; and
 - (iii) precautions are taken in the form of adequate shoring or other means that may be necessary to prevent the accidental collapse of any part of the structure or adjoining structure;
- (b) ensure that no person works under overhanging material or a structure which has not been adequately supported, shored or braced;
- (c) ensure that any support, shoring or bracing contemplated in paragraph (b), is designed and constructed so that it is strong enough to support the overhanging material;
- (d) where the stability of an adjoining building, structure or road is likely to be affected by demolition work on a structure, take steps to ensure the stability of such structure or road and the safety of persons;
- (e) ascertain as far as is reasonably practicable the location and nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must before the commencement of demolition work that may affect any such service, take the steps that are necessary to render circumstances safe for all persons involved;
- (f) cause every stairwell used and every floor where work is being performed in a building being demolished, to be adequately illuminated by either natural or artificial means;
- (g) cause convenient and safe means of access to be provided to every part of the demolition site in which persons are required to work; and

- (h) erect a catch platform or net above an entrance or passageway or above a place where persons work or pass under, or fence off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons are kept safe where there is a danger or possibility of persons being struck by falling objects.
- (5) A contractor must ensure that no material is dropped to any point, which falls outside the exterior walls of the structure, unless the area is effectively protected.
- (6) No person may dispose of waste and debris from a high place by a chute unless the chute—
 - (a) is adequately constructed and rigidly fastened;
 - (b) if inclined at an angle of more than 45 degrees to the horizontal, is enclosed on its four sides;
 - (c) if of the open type, is inclined at an angle of less than 45 degrees to the horizontal;
 - (d) where necessary, is fitted with a gate at the bottom end to control the flow of material; and
 - (e) discharges into a container or an enclosed area surrounded by barriers.
- (7) A contractor must ensure that every chute used to dispose of rubble is designed in such a manner that rubble does not free-fall and that the chute is strong enough to withstand the force of the debris travelling along the chute.
- (8) A contractor must ensure that no equipment is used on floors or working surfaces, unless such floors or surfaces are of sufficient strength to support the imposed loads.
- (9) Where a risk assessment indicates the presence of asbestos, a contractor must ensure that all asbestos related work is conducted in accordance with the Asbestos Regulations, 2001, promulgated by Government Notice No. R. 155 of 10 February 2002.
- (10) Where a risk assessment indicates the presence of lead, a contractor must ensure that all lead related work is conducted in accordance with the Lead Regulations, 2001, promulgated by Government Notice No. R.236 of 28 February 2002.

(11) Where the demolition work involves the use of explosives, a method statement must be developed in accordance with the applicable explosives legislation, by an appointed person who is competent in the use of explosives for demolition work and all persons involved in the demolition works must adhere to demolition procedures issued by the appointed person.

(12) A contractor must ensure that all waste and debris are as soon as reasonably practicable removed and disposed of from the site in accordance with the applicable legislation.

Tunneling

15. No person may enter a tunnel, which has a height dimension of less than 800 millimetres.

Scaffolding

16. (1) A contractor must appoint a competent person in writing who must ensure that all scaffolding work operations are carried out under his or her supervision and that all scaffold erectors, team leaders and inspectors are competent to carry out their work.

(2) A contractor using access scaffolding must ensure that such scaffolding, when in use, complies with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act.

Notes:

a) Scaffolds must comply with SANS 10085

Suspended platforms

17. (1) A contractor must appoint a competent person in writing who must ensure that all suspended platforms work operations are carried out under his or her supervision and that all suspended platform erectors, operators and inspectors are competent to carry out their work..

- (2) No contractor may use or permit the use of a suspended platform, unless—
- (a) the design, stability and construction thereof comply with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act;
 - (b) he or she is in possession of a certificate of system design issued by a professional engineer, certificated engineer or a professional technologist for the use of the suspended platform system; and
 - (c) he or she is, before the commencement of the work, in possession of an operational compliance plan developed by a competent person based on the certificate of system design contemplated in subparagraph (b) and applicable to the environment in which the system is being used, which operational compliance plan must include proof of the—
 - (i) appointment of the competent person contemplated in subregulation (1);
 - (ii) competency of erectors, operators and inspectors;
 - (iii) operational design calculations, which must comply with the requirements of the system design certificate;
 - (iv) performance test results;
 - (v) sketches indicating the completed system with the operational loading capacity of the platform;
 - (vi) procedures for and records of inspections having been carried out; and
 - (vii) procedures for and records of maintenance work having been carried out.
- (3) A contractor making use of a suspended platform system must submit a copy of the certificate of system design contemplated in subregulation (2)(b), including a copy of the operational design calculations contemplated in subregulation 2(c)(iii), sketches and test results, to the provincial director before commencement of the use of the system and must further indicate the intended type of work that the system will be used for.
- (4) A contractor must submit a copy of the certificate of system design in the manner contemplated in subregulation (3) for every new project.
- (5) A contractor must ensure that the outriggers of each suspended platform—

- (a) are constructed of material of adequate strength and have a safety factor of at least four in relation to the load it is to carry; and
 - (b) have suspension points provided with stop devices or other effective devices at the outer ends to prevent the displacement of ropes.
- (6) A contractor must ensure that—
 - (a) the parts of the building or structure on which the outriggers of a suspended platform are supported, are checked by means of calculations to ensure that the required safety factor is adhered to without risk of damage to the building or structure;
 - (b) the suspension wire rope and the safety wire rope are separately connected to the outrigger;
 - (c) each person on a suspended platform is provided with and wears a body harness as a fall prevention device, which must at all times be attached to the suspended platform;
 - (d) the hand or power driven machinery to be used for the lifting or lowering of the working platform of a suspended platform is constructed and maintained in such a manner that an uncontrolled movement of the working platform cannot occur;
 - (e) the machinery referred to in paragraph (d) is so situated that it is easily accessible for inspection;
 - (f) the rope connections to the outriggers are vertically above the connections to the working platform; and
 - (g) when the working platform is suspended by two ropes only, the connections of the ropes to the working platform are of a height above the level of the working platform to ensure the stability of the working platform.
- (7) A contractor must ensure that a suspended platform—
 - (a) is suspended as near as possible to the structure to which work is being done to prevent as far as is reasonably practicable horizontal movement away from the face of the structure;
 - (b) is fitted with anchorage points to which workers must attach the lanyard of the safety harness worn and used by the worker, and such anchorage connections must have sufficient strength to withstand any potential load applied to it; and

- (c) is fitted with a conspicuous notice easily understandable by all workers working with the suspended platform, showing—
 - (i) the maximum mass load;
 - (ii) the maximum number of persons; and
 - (iii) the maximum total mass load, including load and persons, which the suspended platform can carry.
- (8) A contractor must cause—
 - (a) the whole installation and all working parts of a suspended platform to be thoroughly examined by a competent person in accordance with the manufacturer's specification;
 - (b) the whole installation to be subjected to a performance test as determined by the standard to which the suspended platform was manufactured;
 - (c) the performance test contemplated in paragraph (b) to be done by a competent person appointed in writing, with the knowledge and experience of erection and maintenance of suspended platforms or similar machinery, and who must determine the serviceability of the structures, ropes, machinery and safety devices before they are used, every time suspended platforms are erected; and
 - (d) the performance test contemplated in paragraph (b) of the whole installation of the suspended platform to be subjected to a load equal to that prescribed by the manufacturer or, in the absence of such load, to a load of 110 per cent of the rated mass load, at intervals not exceeding 12 months and in such a manner that every part of the installation is stressed accordingly.
- (9) A contractor must, in addition to subregulation (8), cause every hoisting rope, hook or other load-attaching device which forms part of the suspended platform to be thoroughly examined in accordance with the manufacturer's specification by the competent person contemplated in subregulation (8) before they are used every time they are assembled, and, in cases of continuous use, at intervals not exceeding three months.
- (10) A contractor must ensure that the suspended platform supervisor contemplated in subregulation (1), or the suspended platform inspector contemplated in subregulation (8)(c), carries out a daily inspection of all the equipment prior to use, including establishing whether—

- (a) all connection bolts are secure;
- (b) all safety devices are functioning;
- (c) all safety devices are not tampered with or vandalized;
- (d) the total maximum mass load of the platform is not exceeded;
- (e) the occupants in the suspended platform are using body harnesses which have been properly attached;
- (f) there are no visible signs of damage to the equipment; and
- (g) all reported operating problems have been attended to.

(11) A contractor must ensure that all inspection and performance test records are kept on the construction site at all times and made available to an inspector, the client, the client's agent or any employee upon request.

(12) A contractor must ensure that all employees required to work or to be supported on a suspended platform are—

- (a) medically fit to work safely in a fall risk position or such similar environment by being in possession of a medical certificate of fitness;
- (b) competent in conducting work related to suspended platforms safely;
- (c) trained or received training, which includes at least—
 - (i) how to access and egress the suspended platform safely;
 - (ii) how to correctly operate the controls and safety devices of the equipment;
 - (iii) information on the dangers related to the misuse of safety devices; and
 - (iv) information on the procedures to be followed in the case of—
 - (aa) an emergency;
 - (bb) the malfunctioning of equipment; and
 - (cc) the discovery of a suspected defect in the equipment; and
 - (v) instructions on the proper use of body harnesses.

(13) A contractor must ensure that where the outriggers of a suspended platform are to be moved, only persons trained and under the supervision of the competent person effect such move, within the limitation stipulated in the operational compliance plan contemplated in subregulation (2)(c), and that the supervisor must carry out an inspection and record the result thereof prior to re-use of the suspended platform.

- (14) A contractor must ensure that the suspended platform is properly isolated after use at the end of each working day in such a manner that no part of the suspended platform presents a danger to any person thereafter.

Rope Access Work

18. (1) A contractor must—
- (a) appoint a competent person in writing as a rope access supervisor with the duty of supervising all rope access work on the site, including the duty of ensuring occupational health and safety compliance in relation to rope access work: Provided that the appointment of any such person does not relieve the construction manager of any personal accountability for failing in his management duties in terms of this regulation;
 - (b) ensure that all rope access work on the construction site is carried out under the supervision of a competent person; and
 - (c) ensure that all rope access operators are competent and licensed to carry out their work.
- (2) No contractor may use or allow the use of rope access work unless—
- (a) the design, selection and use of the equipment and anchors comply with the safety standards incorporated for this purpose into these Regulations under section 44 of the Act; and
 - (b) he or she is in possession of a site specific fall protection plan developed by a competent person applicable to the specific work and environment prior to the commencement of the work, including records of maintenance and inspections of all the equipment used for the work operations.
- (3) A contractor must ensure that adequate measures are in place to allow rescue procedures to commence immediately in the event of a fall incident taking place.

Material hoists

19. (1) A contractor must ensure that every material hoist and its tower have been constructed in accordance with the generally accepted technical standards and are strong enough and free from defects.

(2) A contractor must ensure that the tower of every material hoist is—

- (a) erected on firm foundations and secured to the structure or braced by steel wire guy ropes, and extends to a distance above the highest landing to allow a clear and unobstructed space of at least 900 millimetres for over travel;
- (b) enclosed on all sides at the bottom, and at all floors where persons are at risk of being struck by moving parts of the hoist, except on the side or sides giving access to the material hoist, with walls or other effective means to a height of at least 2100 millimetres from the ground or floor level; and
- (c) provided with a door or gate at least 2100 millimetres in height at each landing, and that door or gate must be kept closed except when the platform is at rest at such a landing.

(3) A contractor must cause—

- (a) the platform of every material hoist to be designed in a manner that it safely contains the loads being conveyed and that the combined mass of the platform and the load does not exceed the designed lifting capacity of the hoist;
- (b) the hoisting rope of every material hoist which has a remote winch to be effectively protected from damage by any external cause to the portion of the hoisting rope between the winch and the tower of the hoist; and
- (c) every material hoist to be provided with an efficient brake capable of holding the platform with its maximum load in any position when power is not being supplied to the hoisting machinery.

(4) No contractor may require or permit trucks, barrows or material to be conveyed on the platform of a material hoist and no person may so convey trucks, barrows or material unless those articles are secured or contained in a manner that displacement thereof cannot take place during movement.

- (5) A contractor must cause a notice, indicating the maximum mass load which may be carried at any one time and the prohibition of persons from riding on the platform of the material hoist, to be affixed around the base of the tower and at each landing.
- (6) A contractor of a material hoist may not require or permit any person to operate a hoist, unless the person is competent in the operation of that hoist.
- (7) No contractor may require or permit any person to ride on a material hoist.
- (8) A contractor must ensure that every material hoist—
 - (a) is inspected on daily basis by a competent person appointed in writing by the contractor and such competent person must have the experience pertaining to the erection and maintenance of material hoists or similar machinery;
 - (b) inspection contemplated in paragraph (a), includes the determination of the serviceability of the entire material hoist, including guides, ropes and their connections, drums, sheaves or pulleys and all safety devices;
 - (c) inspection results are entered and signed in a record book by a competent person, which book must be kept on the premises for that purpose;
 - (d) is properly maintained and the maintenance records in this regard are kept on site.

Bulk mixing plant

- 20.** (1) A contractor must ensure that the operation of a bulk mixing plant is supervised by a competent person who has been appointed in writing and is—
- (a) aware of all the dangers involved in the operation thereof; and
 - (b) conversant with the precautionary measures to be taken in the interest of health and safety.

- (2) No person supervising or operating a bulk mixing plant may authorize any other person to operate the plant, unless that person is competent to operate a bulk mixing plant.
- (3) A contractor must ensure that the placement and erection of a bulk mixing plant complies with the requirements set out by the manufacturer and that such plant is erected as designed.
- (4) A contractor must ensure that all devices to start and stop a bulk mixing plant are provided and that those devices are—
- (a) placed in an easily accessible position; and
 - (b) constructed in a manner to prevent accidental starting.
- (5) A contractor must ensure that the machinery and plant selected is suitable for the mixing task and that all dangerous moving parts of a mixer are placed beyond the reach of persons by means of doors, covers or other similar means.
- (6) No person may remove or modify any guard or safety equipment relating to a bulk mixing plant, unless authorized to do so by the appointed person contemplated in subregulation (1).
- (7) A contractor must ensure that all precautionary measures stipulated for confined spaces as determined in the General Safety Regulations, 2003, are complied with when entering any silo.
- (8) A contractor must ensure that a record is kept of all repairs or maintenance to a bulk mixing plant and that the record is available on site to an inspector, the client, the client's agent or any employee.

Explosive actuated fastening device

- 21,** (1) No contractor may use or permit any person to use an explosive actuated fastening device, unless—
- (a) the user is provided with and uses suitable protective equipment;
 - (b) the user is trained in the operation, maintenance and use of such a device;

- (c) the explosive actuated fastening device is provided with a protective guard around the muzzle end, which effectively confines any flying fragments or particles; and
 - (d) the firing mechanism is so designed that the explosive actuated fastening device, will not function unless—
 - (i) it is held against the surface with a force of at least twice its weight; and
 - (ii) the angle of inclination of the barrel to the work surface is not more than 15 degrees from a right angle.
- (2) A contractor must ensure that—
- (a) only cartridges suited for the relevant explosive actuated fastening device, and the work to be performed, are used;
 - (b) an explosive actuated fastening device is cleaned and examined daily before use and as often as may be necessary for its safe operation by a competent person who has been appointed for that purpose;
 - (c) the safety devices of an explosive actuated fastening device are in good working order prior to use;
 - (d) when not in use, an explosive actuated fastening device and its cartridges are locked up in a safe place, which is inaccessible to unauthorized persons;
 - (e) an explosive actuated fastening device is not stored in a loaded condition;
 - (f) a warning notice is displayed in a conspicuous manner in the immediate vicinity wherever an explosive actuated fastening device is used; and
 - (g) the issuing and collection of cartridges and nails or studs of an explosive actuated fastening device are—
 - (i) controlled and done in writing by a person having been appointed in writing for that purpose; and
 - (ii) recorded in a register by a competent person and that the recipient has accordingly signed for the receipt thereof as well as the returning of any spent and unspent cartridges.

Cranes

22. A contractor must, in addition to compliance with the Driven Machinery Regulations, 1988 ensure that where tower cranes are used—

- (a) they are designed and erected under the supervision of a competent person;
- (b) a relevant risk assessment and method statement are developed and applied;
- (c) the effects of wind forces on the crane are taken into consideration and that a wind speed device is fitted that provides the operator with an audible warning when the wind speed exceeds the design engineer's specification;
- (d) the bases for the tower cranes and tracks for rail-mounted tower cranes are firm, level and secured;
- (e) the tower crane operators are competent to carry out the work safely; and
- (f) the tower crane operators have a medical certificate of fitness to work in such an environment, issued by an occupational health practitioner in the form of Annexure 3.

Construction vehicles and mobile plant

23. (1) A contractor must ensure that all construction vehicles and mobile plant—

- (a) are of an acceptable design and construction;
- (b) are maintained in a good working order;
- (c) are used in accordance with their design and the intention for which they were designed, having due regard to safety and health;
- (d) are operated by a person who—
 - (i) has received appropriate training, is certified competent and in possession of proof of competency and is authorised in writing to operate those construction vehicles and mobile plant;
 - (ii) has a medical certificate of fitness to operate those construction vehicles and mobile plant, issued by an occupational health practitioner in the form of Annexure 3.;
- (e) have safe and suitable means of access and egress;

- (f) are properly organized and controlled in any work situation by providing adequate signalling or other control arrangements to guard against the dangers relating to the movement of vehicles and plant, in order to ensure their continued safe operation;
 - (g) are prevented from falling into excavations, water or any other area lower than the working surface by installing adequate edge protection, which may include guardrails and crash barriers;
 - (h) are fitted with structures designed to protect the operator from falling material or from being crushed should the vehicle or mobile plant overturn;
 - (i) are equipped with an acoustic warning device which can be activated by the operator;
 - (j) are equipped with an automatic acoustic reversing alarm; and
 - (k) are inspected by the authorised operator or driver on a daily basis using a relevant checklist prior to use and that the findings of such inspection are recorded in a register kept in the construction vehicle or mobile plant.
- (2) A contractor must ensure that—
- (a) no person rides or is required or permitted to ride on a construction vehicle or mobile plant otherwise than in a safe place provided thereon for that purpose;
 - (b) every construction site is organized in such a way that, as far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health;
 - (c) the traffic routes are suitable for the persons, construction vehicles or mobile plant using them, are sufficient in number, in suitable positions and of sufficient size;
 - (d) every traffic route is, where necessary, indicated by suitable signs;
 - (e) all construction vehicles and mobile plant left unattended at night, adjacent to a public road in normal use or adjacent to construction areas where work is in progress, have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, in order to identify the location of the vehicles or plant;
 - (f) all construction vehicles or mobile plant when not in use, have buckets, booms or similar appendages, fully lowered or blocked, controls in a neutral position, motors stopped, wheels chocked, brakes set and ignition secured;

- (g) whenever visibility conditions warrant additional lighting, all mobile plant are equipped with at least two headlights and two taillights when in operation;
- (h) tools, material and equipment are secured and separated by means of a physical barrier in order to prevent movement when transported in the same compartment with employees;
- (i) vehicles used to transport employees have seats firmly secured and adequate for the number of employees to be carried; and
- (j) all construction vehicles or mobile plant traveling, working or operating on public roads comply with the requirements of the National Road Traffic Act, 1996.

Electrical installations and machinery on construction sites

24. A contractor must, in addition to compliance with the Electrical Installation Regulations, 2009, and the Electrical Machinery Regulations, 1988, promulgated by Government Notice No. R. 1593 of 12 August 1988, ensure that—

- (a) before construction commences and during the progress thereof, adequate steps are taken to ascertain the presence of and guard against danger to workers from any electrical cable or apparatus which is under, over or on the site;
- (b) all parts of electrical installations and machinery are of adequate strength to withstand the working conditions on construction sites;
- (c) the control of all temporary electrical installations on the construction site is designated to a competent person who has been appointed in writing for that purpose;
- (d) all temporary electrical installations used by the contractor are inspected at least once a week by a competent person and the inspection findings are recorded in a register kept on the construction site; and
- (e) all electrical machinery is inspected by the authorized operator or user on a daily basis using a relevant checklist prior to use and the inspection findings are recorded in a register kept on the construction site.

Use and temporary storage of flammable liquids on construction sites

25. A contractor must, in addition to compliance with the provisions for the use and storage of flammable liquids in the General Safety Regulations, 2003, ensure that—

- (a) where flammable liquids are being used, applied or stored at the workplace concerned, it is done in a manner that does not cause a fire or explosion hazard, and that the workplace is effectively ventilated;
- (b) no person smokes in any place in which flammable liquid is used or stored, and the contractor must affix a suitable and conspicuous notice at all entrances to any such areas prohibiting such smoking;
- (c) an adequate amount of efficient fire-fighting equipment is installed in suitable locations around the flammable liquids store with the recognized symbolic signs;
- (d) only the quantity of flammable liquid needed for work on one day is taken out of the store for use;
- (e) all containers holding flammable liquids are kept tightly closed when not in actual use and, after their contents have been used up, are removed from the construction site and safely disposed of;
- (f) where flammable liquids are decanted, the metal containers are bonded and earthed; and
- (g) no flammable material, including cotton waste, paper, cleaning rags or similar material is stored together with flammable liquids.

Water environments

26. (1) A contractor must ensure that where construction work is done over or in close proximity to water, provision is made for—

- (a) preventing persons from falling into water; and
- (b) the rescuing of persons in danger of drowning.

(2) A contractor must ensure that where a person is exposed to the risk of drowning by falling into the water, the person is provided with and wears a lifejacket.

Housekeeping and general safeguarding on construction sites

27. A contractor must, in addition to compliance with the Environmental Regulations for Workplaces, 1987, promulgated by Government Notice No. R. 2281 of 16 October 1987, ensure that suitable housekeeping is continuously implemented on each construction site, including—

- (a) the proper storage of materials and equipment;
- (b) the removal of scrap, waste and debris at appropriate intervals;
- (c) ensuring that materials required for use, are not placed on the site so as to obstruct means of access to and egress from workplaces and passageways;
- (d) ensuring that materials which are no longer required for use, do not accumulate on and are removed from the site at appropriate intervals;
- (e) ensuring that waste and debris are not disposed of from a high place with a chute, unless the chute complies with the requirements set out in regulation 14(6);
- (f) ensuring that construction sites in built-up areas adjacent to a public way are suitably and sufficiently fenced off and provided with controlled access points to prevent the entry of unauthorized persons; and
- (g) ensuring that a catch platform or net is erected above an entrance or passageway or above a place where persons work or pass under, or fencing off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons are kept safe in the case of danger or possibility of persons being struck by falling objects.

Stacking and storage on construction sites

28. A contractor must, in addition to compliance with the provisions for the stacking of articles in the General Safety Regulations, 2003, ensure that—

- (a) a competent person is appointed in writing with the duty of supervising all stacking and storage on a construction site;
- (b) adequate storage areas are provided;
- (c) there are demarcated storage areas; and
- (d) storage areas are kept neat and under control.

Fire precautions on construction sites

29. A contractor must, in addition to compliance with the Environmental Regulations for Workplaces, 1987, ensure that—

- (a) all appropriate measures are taken to avoid the risk of fire;
- (b) sufficient and suitable storage is provided for flammable liquids, solids and gases;
- (c) smoking is prohibited and notices in this regard are prominently displayed in all places containing readily combustible or flammable materials;
- (d) in confined spaces and other places in which flammable gases, vapours or dust can cause danger—
 - (i) only suitably protected electrical installations and equipment, including portable lights, are used;
 - (ii) there are no flames or similar means of ignition;
 - (iii) there are conspicuous notices prohibiting smoking;
 - (iv) oily rags, waste and other substances liable to ignite are without delay removed to a safe place; and
 - (v) adequate ventilation is provided;
- (e) combustible materials do not accumulate on the construction site;
- (f) welding, flame cutting and other hot work are done only after appropriate precautions have been taken to reduce the risk of fire;
- (g) suitable and sufficient fire-extinguishing equipment is placed at strategic locations or as may be recommended by the Fire Chief or local authority concerned, and that such equipment is maintained in a good working order;
- (h) the fire equipment contemplated in paragraph (g) is inspected by a competent person, who has been appointed in writing for that purpose, in the manner indicated by the manufacturer thereof;
- (i) a sufficient number of workers are trained in the use of fire-extinguishing equipment;
- (j) where appropriate, suitable visual signs are provided to clearly indicate the escape routes in the case of a fire;
- (k) the means of escape is kept clear at all times;
- (l) there is an effective evacuation plan providing for all—
 - (i) persons to be evacuated speedily without panic;

- (ii) persons to be accounted for; and
- (iii) plant and processes to be shut down; and
- (m) a siren is installed and sounded in the event of a fire.

Construction employees' facilities

30. (1) A contractor must, in addition to the construction site provisions in the Facilities Regulations, 2004, promulgated by Government Notice No. R. 924 of 3 August 2004, provide at or within reasonable access of every construction site, the following clean, hygienic and maintained facilities:

- (a) Shower facilities after consultation with the employees or employees representatives, or at least one shower facility for every 15 persons;
- (b) at least one sanitary facility for each sex and for every 30 workers;
- (c) changing facilities for each sex; and
- (d) sheltered eating areas.

(2) A contractor must provide reasonable and suitable living accommodation for the workers at construction sites who are far removed from their homes and where adequate transportation between the site and their homes, or other suitable living accommodation, is not available.

Construction health and safety technical committee

31. (1) The chief inspector must establish a construction health and safety technical committee which must consist of—

- (a) a person who is to be the chairperson;
- (b) two persons designated by the Chief Inspector from the employees of the Department of Labour;
- (c) two persons to represent the Department of Public Works, one each designated by the Built Environmental Council and the Construction Industry Development Board;
- (d) one person to represent Higher Education in the field of construction and related studies designated by the Director General of the Department of Higher Education;

- (e) one person designated by the South African Property Owners Association;
- (f) two persons designated by employer's organizations to represent employers who are directly involved in the construction industry;
- (g) two persons designated by employees organizations to represent the unions who are directly involved in the construction industry;
- (h) one person to represent consultants who are directly involved in the construction industry: and
- (i) persons who are competent in respect of the matters to be dealt with by the construction health and safety technical committee who have been co-opted by the committee with the authorization of the chief inspector.

(2) The chief inspector must appoint the members of the Construction Health and Safety Technical Committee for the period that he or she may determine at the time of appointment: Provided that the chief inspector may after having afforded a member a reasonable opportunity to respond, discharge him or her at any time, for reasons that are fair and just, and appoint a new member in his or her place.

(3) The Construction Health and Safety Technical Committee must—

- (a) advise the chief inspector on construction related codes, standards and training requirements: Provided that any accredited or approved training must be in accordance with South African Qualifications Authority standards;
- (b) designate persons in writing to examine safety systems and safety records of companies who have high incident rates and provide recommendations to the chief inspector of occupational health and safety on the findings;
- (c) make recommendations and submit reports to the chief inspector of occupational health and safety regarding any matter to which these Regulations relate;
- (d) advise the chief inspector of occupational health and safety regarding any matter referred to the Construction Regulations Technical Committee by the chief inspector of occupational health and safety;
- (e) perform any other function for the administration of a provision of these Regulations that may be requested by the chief inspector of occupational health and safety;

- (f) conduct its work in accordance with the instructions and rules of conduct framed by the chief inspector of occupational health and safety; and
- (g) refer appeals against decisions of the Construction Regulations Technical Committee to the chief inspector of occupational health and safety.

(4) Any person affected by any decision of the Construction Health and Safety Technical Committee may appeal against such decision to the chief inspector within 60 days of such decision becoming known and the chief inspector shall, after having considered the grounds of the appeal and the Construction Health and Safety Technical Committee's reasons for the decision, confirm, set aside or vary the decision or substitute for such decision any other decision which the Construction Health and Safety Technical Committee's in the chief inspector's opinion ought to have taken.

(5) Any person aggrieved by a decision taken by the chief inspector under subregulation (4) may, within 60 days after the chief inspector's decision was given appeal against such decision to the Labour court.

Approved Inspection Authority

32. (1) The chief inspector may approve as an Inspection Authority any organisation that has been accredited in terms of the provision of the Act and these Regulations.

(2) The Approved Inspection Authority will perform its functions as prescribed by the guidance document issued by the Department of Labour for Approved Inspection Authorities.

(3) The chief inspector may at any time withdraw any approval granted to an approved inspection authority, subject to section 35 of the Act.

Offences and penalties

33. Any person who contravenes or fails to comply with any provision of regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, is

guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum of 12 months and, in the case of a continuous offence, not exceeding an additional fine of R200 or additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment will not exceed 90 days.

Repeal of regulations and commencement

34. (1) The Construction Regulations, 2003, promulgated by Government Notice No. R. 1010 of 18 July 2003, are hereby repealed.

(2) Regulation 3 and 5 (7)(b) will come into effect 18 months after the commencement of these Regulations.

Short title

35. These Regulations are called the Construction Regulations, 2014