

Employer responsibilities for Health and Safety in the workplace



The Occupational Health and Safety Act (OHSA), 1993 requires the employer to have and maintain, as far as reasonably possible, a working environment that is safe and without risk to the health of the employees.

Health and safety in the workplace is important because it *safeguards the welfare of those in employment.*

Occupational Health and Safety legislation was enacted to protect both employees and employers.

Importance of OHSA for employers

It is important to know that the employer is not expected to assume sole responsibility for the health and safety of employees. The Act is based on the principle that hazards in the workplace must be addressed through co-operation and clear communication between the employer and employees. Both parties must proactively identify risks and develop control measures to make the working environment safe.

The Act requires management of organisations to establish safety committees and to implement and improve certain safety measures in the workplace. It also assigns specific responsibilities to employees in relation to health and safety in the workplace. Health and safety awareness is an imperative part of injury and illness prevention because employers and employees are reminded of the potential hazards they are exposed to in the workplace.

The Act contains several key sections relating to the responsibilities of the employer in terms of health and safety. Employers should be conversant with all sections of the OHSA so that they are aware of their duties and responsibilities, as well as those of employees, visitors, service providers, manufacturers and others. We will be looking at some of the key OHSA sections over the next few weeks and explain them in simple terms to role players in the occupational health and safety environment.

In this article, we look at ***Section 8 of the OHSA 85 of 1993*** and the **responsibilities of an employer**.

What must the employer do to ensure that the work environment is safe and without risks?

Every employer shall provide and maintain a working environment that is safe and without risk to the health of his/her employees.

Without derogating from subsection 1, the matters to which those duties refer include the following:

- Provision and maintenance of safe and hazard-free systems of work, plant and machinery;
- The elimination or mitigation of any hazard or potential hazard;
- Ensuring the safety of employees and absence of risks to their health in connection with the production, processing, use, storage or transportation of articles or substances;
- Determining the risks to the health or safety of persons relating to any work that is performed; establishing what precautionary measures should be taken to protect the health and safety of persons; and providing the necessary means to apply such precautionary measures;
- Providing the necessary information, instructions, training and supervision;
- Not permitting any employee to do any form of work or to operate any plant or machinery, unless the precautionary measures contemplated above, or any other precautionary measures have been taken;
- Taking all necessary measures to ensure that the provisions of this Act are complied with;
- Enforcing such measures;
- Ensuring that all work is performed under the general supervision of a person trained to ensure that precautionary measures taken by the employer are implemented; and
- Informing employees with regard to section 37(1).

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The above article was checked by the departmental manager prior to publishing.

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