



**LEGAL APPLICATION
FOR
SNR. MANAGEMENT**

**BY
UMNOTHO ENTREPRENEUR**

INTRODUCTION

NAME: DAVE MANJU

**COMPANY: UMNOTHO ENTREPRENEUR (PTY) LTD
(THE INSTITUTE OF SHEQ MANAGEMENT)**

ACCREDITATION: HWSETA / DOL / DHET / QCTO

SERVICES: OHSE TRAINING

SAFETY MANAGEMENT

- BUSINESS PRINCIPLE
- LOSS CONTROL
- BUSINESS CONTINUITY
- SUSTAINABLE DEVELOPMENT
- PRODUCTIVITY

“Peter Drukker”

OBJECTIVES OF THE ACT

- **EMPLOYEE PROTECTION**
- **SOCIETAL PROTECTION**
- **PARTICIPATIVE MANAGEMENT**
- **LEGAL COMPLIANCE**

PURPOSE OF THE ACT

- APPLICATION v/s COMPLIANCE
- DUE DILIGENCE
- REASONABLE PRACTICALITY
- LOSS CONTROL

LEGAL LIABILITY

- **CRIMINAL LIABILITY**
(GUILTY BEYOND REASONABLE DOUBT)
- **CIVIL LIABILITY**
(BALANCE OF PROBABILITIES)
- **VICARIOUS LIABILITY**
(REASONABLE PRACTICALITY)

DUE DILIGENCE

“DUE DILIGENCE MEANS TAKING CARE, THAT MEANS TAKING ALL REASONABLE CARE TO PROTECT THE HEALTH AND SAFETY OF ALL WORKERS”

- **SHOWING DUE CARE – REASONABLE PRACTICALITY**
- **FORESEEING RISKS – RISK ASSESSMENTS**
- **ADDRESSING RISKS – RISK CONTROL**
- **ASSESSING TRAINING – EMPLOYEE TRAINING**

THE STRATEGY FOR DUE DILIGENCE

- PLANNING – POLICY
- IMPLEMENT – SAFETY SYSTEMS
- MONITOR – FOLLOW UP
- EVIDENCE – RETAIN DOCUMENTS
- IMPROVEMENT – ACTION PLANS

REASONABLE PRACTICALITY

THE PURPOSE OF THIS DOCTRINE IS TO DETERMINE WHETHER THE PERSON FACING CHARGES ACTED AS A REASONABLE PERSON:

- **COULD THE HARM BE FORESEEN?**
- **WHERE STEPS TAKEN TO ADDRESS THE FORESEEN OR PREDICTED HARM?**

EMPLOYERS DUTIES (SECTION 8)

“ EVERY EMPLOYER SHALL PROVIDE AND MAINTAIN, AS FAR AS IS REASONABLY PRACTICABLE, A WORKING ENVIRONMENT THAT IS SAFE AND WITHOUT RISK TO THE HEALTH AND SAFETY OF HIS EMPLOYEES ”

(EMPLOYEE PROTECTION)

EMPLOYERS DUTIES TO OTHER EMPLOYEES (SECTION 9)

“ EVERY EMPLOYER SHALL CONDUCT HIS UNDERTAKING IN SUCH A MANNER AS TO ENSURE, A FAR AS IS REASONABLY PRACTICABLE, THAT THOSE IN HIS EMPLOYMENT WHO MAY BE DIRECTLY AFFECTED BY HIS ACTIVITIES ARE NOT THEREBY EXPOSED TO HAZARDS TO THEIR HEALTH AND SAFETY”

(PROTECTION OF THE SOCIETY)

MANUFACTURER'S RESPONSIBILITY (SECTION 10)

**“ANY PERSON WHO DESIGNS, IMPORTS, SELLS,
MANUFACTURES OR SUPPLIES ANY ARTICLE FOR USE
AT WORK SHALL ENSURE, AS FAR AS IS REASONABLY
PRACTICABLE, THAT THE ARTICLE IS SAFE WITHOUT
RISK TO HEALTH WHEN PROPERLY USED AND THAT IT
COMPLIES WITH ALL PRESCRIBED REQUIREMENTS”**

(CONTRACTOR MANAGEMENT)

EMPLOYERS DUTIES REGARDING LISTED WORK (SECTION 12)

“EVERY EMPLOYER WHOSE EMPLOYEES UNDERTAKE LISTED WORK OR ARE LIABLE TO BE EXPOSED TO THE HAZARDS EMANATING FROM LISTED WORK, SHALL, AFTER CONSULTATION WITH THE HEALTH AND SAFETY COMMITTEE TAKE ALL REASONABLE CARE TO PROTECT EMPLOYEES AGAINST HAZARDS.”

(RISK ASSESSMENTS)

DUTY TO INFORM (SECTION 13)

“EVERY EMPLOYER SHALL, AS FAR AS IS REASONABLY PRACTICABLE, CAUSE EVERY EMPLOYEE TO BE MADE CONVERSANT WITH THE HAZARDS TO HIS HEALTH AND SAFETY ATTACHED TO ANY WORK HE HAS TO PERFORM.”

(EMPLOYEE TRAINING”

EMPLOYEES DUTIES (SECTION 14)

“EVERY EMPLOYEE SHALL:

- PROTECT THEMSELVES**
- COOPERATE ON OHS MATTERS**
- OBEY OHS INSTRUCTIONS**
- REPORT HAZARDS**
- REPORT ACCIDENTS / INCIDENTS”**

(EMPLOYEE RESPONSIBILITIES)

DUTIES OF THE CEO (SECTION 16)

“EVERY CHIEF EXECUTIVE OFFICER SHALL, AS FAR AS IS REASONABLY PRACTICABLE, **ENSURE THAT THE DUTIES OF HIS EMPLOYER AS CONTEMPLATED IN THIS ACT ARE PROPERLY DISCHARGED”**

(ASSIGNMENT, DELEGATION AND ACCOUNTABILITY)

ACTS OR OMISSIONS (SECTION 37)

“WHENEVER AN EMPLOYEE DOES OR OMITS TO DO ANY ACT WHICH IT WOULD BE AN OFFENCE IN TERMS OF THIS ACT, THE EMPLOYER SHALL BE PRESUMED TO HAVE DONE OR OMITTED TO DO THAT ACT, AND SHALL BE LIABLE TO BE CONVICTED AND SENTENCED IN RESPECT THEREOF”

(ACCOUNTABILITY)

PARTICIPATIVE MANAGEMENT

- **APPOINTMENT OF SHE REPS (SECTION 17)**
- **FUNCTIONS OF SHE REPS (SECTION 18)**
- **APPOINTMENT OF SHE COMMITTEES (SECTION 19)**
- **FUNCTIONS OF SHE REPS (SECTION 20)**

(EMPLOYEE PARTICIPATION)

SAFETY

**“SAFETY IS THE STATE OF MIND BY WHICH WORKERS
ARE CONSTANTLY MADE AWARE OF THE POSSIBILITY
OF INJURIES AT ALL TIMES”**

AND

**“SAFETY IS NOT AN INTELLECTUAL EXERCISE TO KEEP
US AT WORK”**

**“SAFETY AND PRODUCTIVITY GOES HAND IN HAND,
NONE CAN SURVIVE WITHOUT THE OTHER”**



THE END.