

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 CONSTRUCTION REGULATIONS, 2014

Definitions

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.