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What are the employer's occupational health and safety obligations?

Answer:

Employer's responsibilities

Under health and safety law employers are responsible for managing health and safety risks in their businesses. The following provides a broad outline of how the law applies to employers. Don't forget, employees and the self-employed have important responsibilities too.

It is an employer's duty to protect the health, safety and welfare of their employees and other people who might be affected by their work activities. Employers must do whatever is reasonably practicable to achieve this.

This means making sure that workers and others are protected from any risks arising from work activities.

Assess risks

Employers have duties under health and safety law to assess risks in the workplace. This means identifying work activities that could cause injury or illness and taking action to eliminate the hazard, or if this isn't possible, control the risk.

Provide information about risks

Employers must give workers information about the risks in their workplace and how they are protected, also instruct and train them on how to deal with the risks.

Consult employees

Employers must consult employees on health and safety issues. Consultation must be either direct or through a safety representative that is either elected by the workforce or appointed by a trade union.

Provide health and safety information

Employers have a legal duty under the Health and Safety Information for Employees Regulations (HSIER) to display the approved poster in a prominent position in each workplace or to provide each worker with a copy of the approved leaflet.

Health and safety law poster, free leaflet and pocket card

Workers - reporting a health and safety issue

If workers think their employer is exposing them to risks or is not carrying out their legal duties with regards to health and safety, and if this has been pointed out to them but no satisfactory response has been received, workers can report this to HSE.

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 organizations 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).

SERR Synergy protects the interests of employers by facilitating a legally sound relationship between employee and employer that is mutually beneficial. If you require assistance with OHS compliance or compliance orders

About the author: Isle-Marie van de Wall started her career as a Human Resources and Industrial Relations Practitioner in 2007. She holds a degree from the University of Pretoria and certificates in both NEBOSH and SAMTRAC. She is currently busy with a National Diploma in Safety Management at UNISA. As a professional Health and Safety Practitioner she is registered with SAIOSH and the SACPCMP. She started with SERR Synergy in 2016 and is employed as an Occupational Health and Safety Practitioner.