(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.

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.

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.

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 contactor 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.

ANNEXURE 1

APPLICATION FOR A PERMIT TO DO CONSTRUCTION WORK

[In terms of Regulation 3(2) of Construction Regulations, 2014]

This application must be submitted with the following documents:

1. Health and Safety specification.
2. Health and Safety plan.
3. Baseline risk assessment.

1. Name, postal address and telephone numbers of the client:

   _____

   _____

2. Details of the Agent.
   a. Title, Surname and Initials._____
   b. Identity number/ Passport Number _____
   c. Registration number with SACPCMP_____
   d. Office Tel. number and/or Mobile number _____
   e. Postal address. _____

      _____

3. Name, postal address and telephone numbers of the appointed principal contractor:

   _____

   _____

4. Name, postal address and telephone numbers of designer of the project:

   _____

   _____

5. Name, postal address and telephone numbers of the following persons:

   a. Construction Manager:

      _____

   b. Construction Health and Safety Manager:

      _____

c. Construction Health and Safety Officer:

_____

6. Exact physical address of the construction and site office:

_____

_____

7. Nature of construction work:

_____

_____

_____

8. Expected commencement date:

_____

9. Expected completion date:

_____

10. Estimated maximum number of persons on the construction site:

_____

11. Planned number of contractors on site accountable to principal contractor:

_____

12. Name(s) of contractors appointed:

_____

_____

_____

_____

_____

13. _____
Signature of Client/Client's Agent

14. _____
Signature of the Principal Contractor

FOR OFFICE ONLY

Authorization /Unique No.	LABOUR CENTRE	OFFICIAL APPROVAL STAMP

15. Date of application: _____

16. Submitted documents prescribed in Construction Regulation 5(4) (Please Tick √):

CR 5(1)(a)		CR 5(1)(b)		CR 5(1); (C-S)	

17. Result of the application (Please Tick √):	**Approved**		**Declined**	

18. Reason for declining the application:

_____

_____

_____

_____

19. _____
Signature of the Supervisor

20. _____
Signature of revoking Officer/ Inspector

ANNEXURE 2

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
(Regulation 4 of the Construction Regulations, 2014)

NOTIFICATION OF CONSTRUCTION WORK

1.(a) Name and postal address of principal contractor:

_____

(b) Name and tel. no of principal contractor's contact person:

_____

2. Principal contractor's compensation registration number:

_____

3.(a) Name and postal address of client:

_____

(b) Name and tel. no of client's contact person or agent:

_____

4.(a) Name and postal address of designer(s) for the project:

_____

(b) Name and tel. no of designer(s) contact person:

_____

5. Name and telephone number of principal contractor's construction supervisor on site appointed in terms of regulation 8(1).

_____

6. Name/s of principal contractor's sub-ordinate supervisors on site appointed in terms of regulation 8(2).

_____

7. Exact physical address of the construction site or site office:

_____

8. Nature of the construction work:

_____

_____

_____

9. Expected commencement date: _____

10. Expected completion date: _____

11. Estimated maximum number of persons on the construction site.

Total: _____ Male:_____Female:_____

12. Planned number of contractors on the construction site accountable to principal contractor: _____

13. Name(s) of contractors already selected.

_____

_____

_____

_____ _____

Principal Contractor Date

_____ _____

Client's Agent (where applicable) Date

_____ _____

Client Date

- THIS DOCUMENT IS TO BE FORWARDED TO THE OFFICE OF THE DEPARTMENT OF LABOUR **PRIOR TO COMMENCEMENT** OF WORK ON SITE.

Annexure 3

OCCUPATIONAL HEALTH AND SAFETY ACT, 85 OF 1993 Construction Regulations, 2014

Medical Certificate of Fitness

Name of Employee _____ ID Number _____ Co. Number_____

	*Possible Exposures e.g. noise, heat, fall risk, confined space etc.	*Job Specific Requirements e.g. Operating Mobile Crane, Digging Trenches, Erecting Formwork & Supportwork etc.	*Protective Equipment e.g. Dust Respirator (Light Duty), Welding Gloves etc.
*Occupation e.g General Worker, Welder, Bricklayer, Steel fixer, Mobile Crane Operator, etc.			

*** The Employer to complete the information in the spaces marked with an * before sending the Employee for a medical examination**

Declaration by the Medical Examiner:

I certify that I have, by examination and testing, using the above criteria specified by the employer, satisfied myself that the abovementioned employee is fit to perform the duties as described by the employer in the matrix above.

Occupational Medicine Practitioner/Occupational Health Nursing Practitioner: (Please Print Name)_____

Signature _____ Practice Number: _____ Date: _____

Address: _____

No. R. 85 **7 February 2014**

NOTICE OF APPROVAL OF A STATUTORY BODY AS CONTEMPLATED IN REGULATION 5 (8)

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
CONSTRUCTION REGULATIONS, 2014

I Thobile Lamati, appointed as the chief inspector in terms of section 27(1) of the said Act, hereby approve the South African Council for the Project and Construction Management Professions (SACPCMP) as contemplated in regulation 5(8)

The South African Council for the Project and Construction Management Professions is a statutory body established in terms of section 2 of the Project and Construction Management Act, Act No. 48 of 2000.

The following category of construction health and safety professionals have been identified as per the construction regulation 2014

1. **Construction Health and Safety Agent (PrCHSA)**
   Registration Rules for Construction Health and Safety Agent (PrCHSA) in Terms of Section 18(1) (c) of the Act, (Act No.48 of 2000), as published on 31 May 2013 in the Government Gazette, Gazette No. 36525, **Board Notice** 115 of 2013 for commencement 1 June 2013.

2. **Construction Health and Safety Manager (CHSM)**

Registration Rules for Construction Health and Safety Manager (CHSM) in Terms of Section 18(1) (c) of the Act, (Act No.48 of 2000), as published on 31 May 2013 in the Government Gazette, Gazette No. 36525, **Board Notice** 114 of 2013 for commencement 1 August 2013.

3. Construction Health and Safety Officer (CHSO)

Registration Rules for Construction Health and Safety Officer (CHSO) in Terms of Section 18(1) (c) of the Act, (Act No.48 of 2000), as published on 31 May 2013 in the Government Gazette, Gazette No. 36525, **Board Notice** 113 of 2013 for commencement 1 August 2013

Thobile Lamati
Chief Inspector