

BRANCH: INSPECTION AND ENFORCEMENT SERVICES
CHIEF DIRECTORATE: OCCUPATIONAL HEALTH & SAFETY
DIRECTORATE: OCCUPATIONAL HEALTH & HYGIENE

Ergonomics Regulations

2021.07.09



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Ergonomics Regulations



Background

➤ The economic costs of poor occupational health and safety practices affects both the employer and the employee:

- ✓ Employer – medical and rehabilitation costs
- ✓ Employee – loss of income

The Department has never accepted the proposition that injury and disease “go with the job”.

Introduction

- Although the Ergonomics Regulations are newly promulgated, the concept is embedded in the Occupational Health and Safety Act.
- Section 8(2)(d) requires the employer to establish hazards and precautionary measures attached to any work that will be done.

Ergonomics Regulations...

4 No. 42894

GOVERNMENT GAZETTE, 6 DECEMBER 2019

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR

NO. R. 1589

06 DECEMBER 2019

DEPARTMENT OF EMPLOYMENT AND LABOUR

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

ERGONOMICS REGULATIONS, 2019

The Minister of Employment and Labour has, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, made the regulations in the Schedule.

Ergonomics Regulations...

➤ Regulations includes the following;

- ✓ Definitions
- ✓ Scope of application
- ✓ Information, instruction and training
- ✓ Duties of persons who may be at risk of exposure to ergonomic risks
- ✓ Duties of designers, manufacturers, importers and suppliers
- ✓ Ergonomics risk assessment
- ✓ Risk control
- ✓ Medical surveillance
- ✓ Maintenance of controls
- ✓ Records
- ✓ Technical committee
- ✓ Offences and penalties

Definitions...

"adverse health effect"

- means the causation, promotion, facilitation or exacerbation of a structural or functional abnormality, with the implication that the abnormality produced has the potential of lowering the quality of life, contributing to a disabling illness or leading to premature death;

Definitions...

"**competent person**" in relation to ergonomics, means a person who—

(a) has in respect of the work or task to be performed the required knowledge, training and experience in ergonomics and, where applicable, qualifications specific to ergonomics: provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualifications 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 the applicable regulations made under the Act

Definitions...

"ergonomics"

- means the scientific discipline concerned with the fundamental understanding of interactions among humans and other elements of a system, and the profession that applies theory, principles, data and methods to design in order to optimise human well-being and overall system performance;

"work system"

- means a system in which human participants or machines or human participants and machines perform work using information, technology and other resources to produce products or services for internal or external customers.

Definitions...

"ergonomic risk"

- means a characteristic or action in the workplace, workplace conditions, or a combination thereof that may impair overall system performance and human well-being;

"ergonomic risk assessment"

- means a programme, process or investigation to identify, analyse, evaluate and prioritise any risk from exposure to ergonomic risks associated with the workplace;

Definitions...

“designer”

– means a person who-

- Prepares a design
- Checks and approves a design
- Arranges for a person at work under his or her supervision to prepare a design, including an employee of that person where he or she is the employer
- Designs temporary work, including its components; or
- Contributes to, or has overall responsibility for machinery, plant or work systems design.

Scope of Application

These Regulations will apply to—

- (a) any employer or self-employed person who carries out work at a workplace, which may expose any person to ergonomic risks in that workplace; and
- (b) a designer, manufacturer, importer or supplier of machinery, plant or work systems for use at a workplace.

Instruction, Information and Training

(1) An employer must, after consultation with the health and safety committee, establish for all persons who may be affected or potentially exposed to ergonomic risks, a training programme that incorporates the following:

- (a) the content and scope of these Regulations;
- (b) the potential sources of exposure to ergonomic risks;
- (c) the nature of ergonomic risks;
- (d) the potential risk to health associated with ergonomic risks;
- (e) the control measures that are in place to prevent exposure to ergonomic risks;
- (f) the procedure for reporting ergonomic risks to the health and safety representative or employer;
- (g) the precautions to be taken by an employee to protect himself or herself against ergonomic risks; and
- (h) the assessment of exposure, the necessity for medical surveillance and the long-term benefits of undergoing such surveillance.

Instruction, Information and Training...

- (2) The employer must conduct the training prior to the placement of the relevant employee in the workplace.
- (3) The employer must conduct refresher training at intervals that may be recommended by the health and safety committee or the health and safety representative.

Duties of those at risk

Any person who is exposed or may be exposed to ergonomic risks must obey any lawful instruction given to him or her by the employer or self-employed person or by anyone authorised by the employer or self-employed person, regarding–

- (a) the use of measures adopted to control ergonomic risks;
- (b) cooperation with the employer in determining the employee's exposure to ergonomic risks;
- (c) the reporting of potential ergonomic risks to the health and safety representative or the employer;
- (d) reporting for medical surveillance as required by regulation 8; and
- (e) information, instruction and training received as contemplated in regulation 3.

Duties of Designers, Manufacturers, Importers and Suppliers...

Any designer, manufacturer, importer or supplier of machinery, plant or work systems for use at work must–

- (a) as far as is reasonably practicable, **ensure that machinery, plant or work systems optimise human well-being and overall system performance;**
- (b) as far as is reasonably practicable, supply machinery, plant or work systems that can be **transported, received, stored and handled** in a manner that optimises human well-being and overall system performance;
- (c) provide **information, instruction and training** as deemed necessary to allow potential users to achieve optimal human well-being and overall system performance during use of machinery, plant or work systems;

Duties of Designers, Manufacturers, Importers and Suppliers...

Any designer, manufacturer, importer or supplier of machinery, plant or work systems for use at work must–

- (d) as far as is reasonably practicable, **install** machinery, plant or work systems to achieve optimal human well-being and overall system performance; and
- (e) provide information to potential users on the appropriate **maintenance** of machinery, plant or work systems to ensure safe operation and use.

Ergonomics Risk Assessment

- An employer must, before the commencement of any work that may expose employees to ergonomic risks, have an ergonomic risk assessment performed by a competent person
 - ✓ After consultation with OHS Committee or H & S Representatives

Ergonomics Risk Assessment...

The ergonomic risk assessment must–

(a) be conducted at intervals not exceeding two years; and

(b) include–

- (i) a complete hazard identification;
- (ii) the identification of all persons who may be affected by the ergonomic risks;
- (iii) how employees may be affected by the ergonomic risks;
- (iv) the analysis and evaluation of the ergonomic risks;
and
- (v) the prioritisation of ergonomic risks.

Ergonomics Risk Assessment...

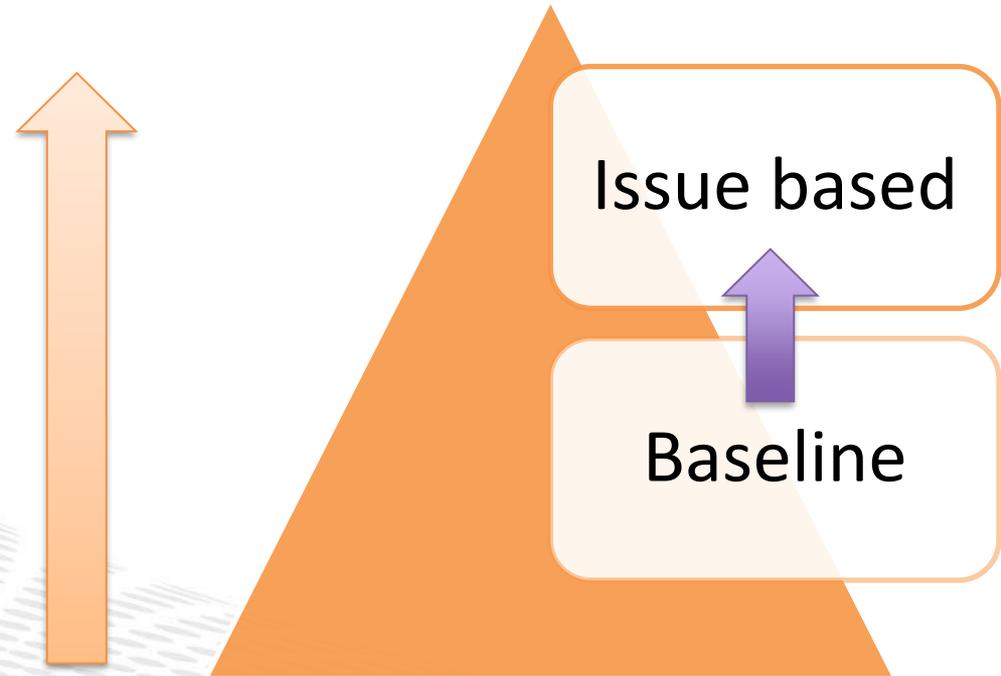
The ergonomic risk assessment must be reviewed—

- (a) such assessment is no longer valid;
- (b) control measures are no longer effective;
- (c) technological or scientific advances allow for more effective control methods;
- (d) there has been a change in—
 - (i) the work methods;
 - (ii) the type of work carried out; or
 - (iii) the type of equipment used to control the exposure; and
- (e) an incident occurs or medical surveillance reveals an adverse health effect, where ergonomic risks are identified as a contributing factor.

RISK ASSESSMENT AND COMPETENCY

- The definition of competent person can be broken into two aspects:
 - 1) – Knowledge, training and experience in ergonomics
 - 2) – Qualification specific to ergonomics, with knowledge, training and experience in ergonomics
- However, the employer must ensure:
 - RA is carried out by an individual who is familiar with the task being assessed
 - That the individual has the adequate level of competency to conduct the RA

RISK ASSESSMENT AND COMPETENCY...



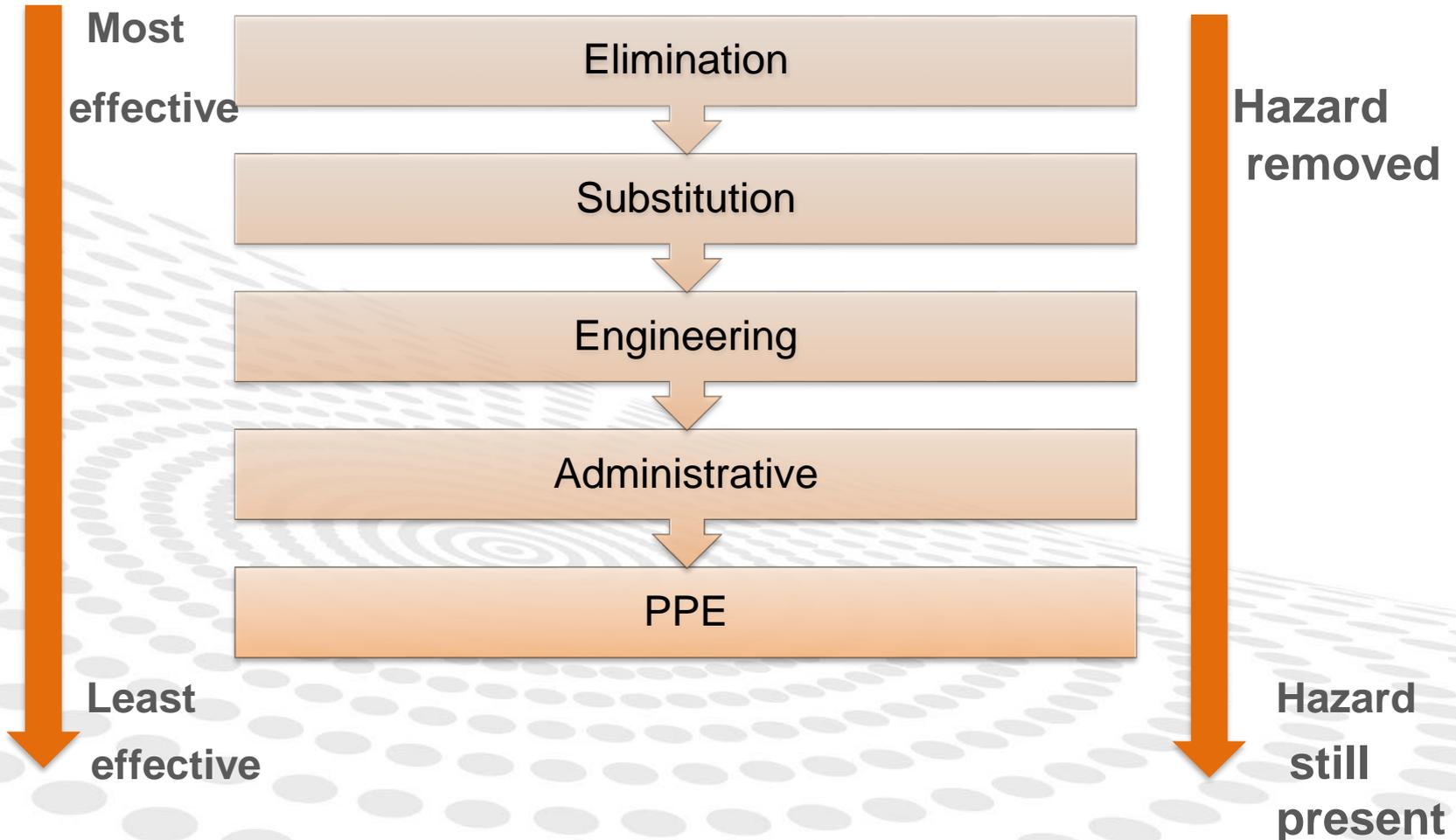
- With increased complexity of hazards to be assessed, so with level of competency increase
 - In consultation (team)

Risk Control

- (1) An employer or self-employed person must ensure that the exposure of a person to ergonomic risks is prevented or, where this is not reasonably practicable, adequately controlled.
- (2) In order to comply with sub regulation (1) an employer or self-employed person must, as far as is reasonably practicable, remove or reduce exposure to ergonomic risks by implementing control measures in accordance with the hierarchy of controls.

CONTROL MEASURES

Hierarchy of Controls



Hierarchy of Controls...



- One engineering control has eliminated a number of hazards:
 - Awkward postures, repetitive movements, lifting, poor design, etc.

<https://www.osha.gov/ergonomics/control-hazards#overview>
Ergonomics Regulations

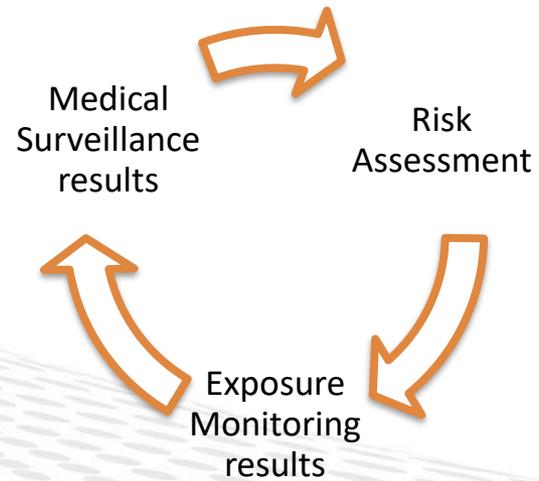
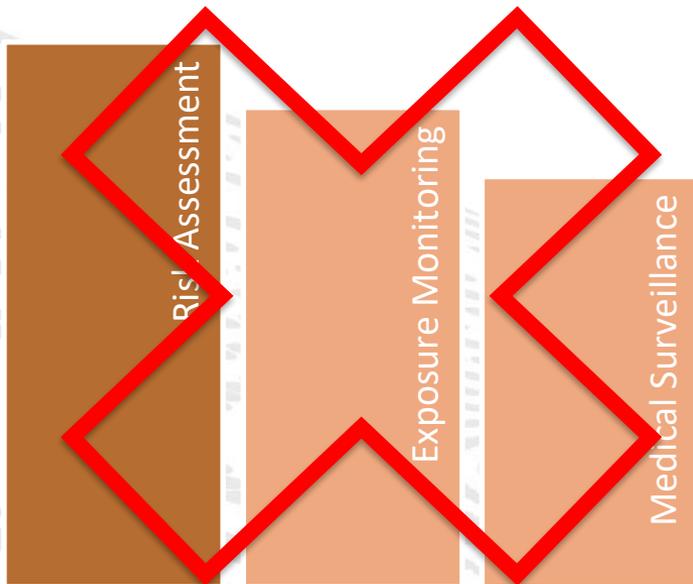
Medical Surveillance...

- (1) An employer must ensure that an employee is placed under medical surveillance, which is overseen by an occupational medicine practitioner, if—
 - (a) the ergonomic risk assessment indicates the need for the employee to be placed under medical surveillance; or
 - (b) an occupational health practitioner recommends that relevant employees must be under medical surveillance, in which case the employer may call upon an occupational medicine practitioner to ratify the appropriateness of such recommendation.

Medical Surveillance...

- (2) An employer must ensure that the medical surveillance
- (a) in the case of a new employee, an initial health examination before the employee commences employment or within 30 days of commencement of such employment;
 - (b) a periodic health examination informed by the ergonomic risk assessment, at intervals specified by an occupational medicine practitioner, but not exceeding two years; and
 - (c) an exit health examination informed by the ergonomic risk assessment.

Medical Surveillance...



Maintenance of Controls

Every employer or self-employed person must, as far as is reasonably practicable, ensure that any control provided for the benefit of employees—

- (a) complies with these Regulations;
- (b) is fully and appropriately implemented; and
- (c) is maintained in good working order.

Records

The following records must be kept by the employer

Record	Period	Person
Training	As long as employee is employed	H & S rep/committee member/ Inspector
Ergonomics risk assessment	40-years	H & S rep/committee member/ Inspector
Risk controls	3-years	H & S rep/committee member/ Inspector
Medical surveillance	40-years	Any person, only if formal written consent given by employee
Maintenance of controls	3-years	H & S rep/committee member/ Inspector

Ergonomics Health and Safety Committee

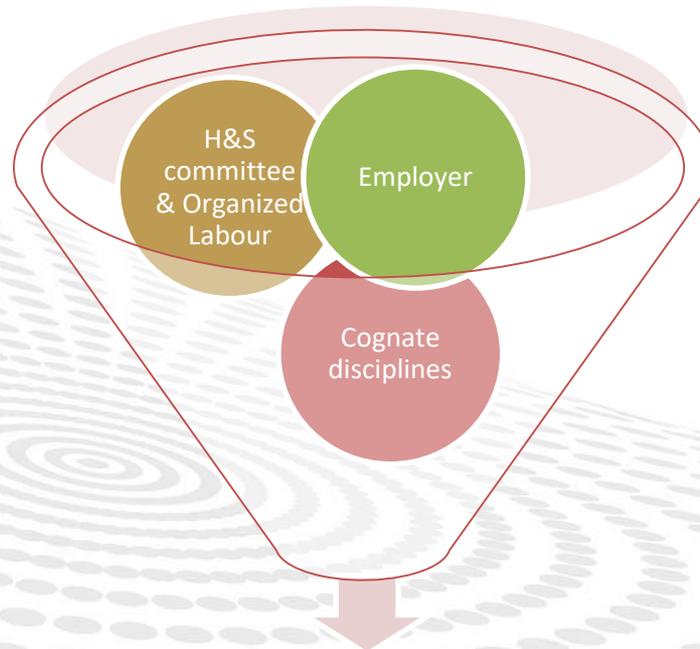
- Ergonomics committee must consist of:-
 - ✓ Chairperson
 - ✓ 2 Department of Employment and Labour officials
 - ✓ 3 from employer's organisation
 - ✓ 3 from employee's organisation
 - ✓ 1 from a professional body recognised by the CI
 - ✓ 1 from higher education institute
 - ✓ 1 representing occupational medicine
 - ✓ 1 co-opted member
- Duties are to advise and make recommendations to the CI

Offences and penalties

- The following regulations are offences in terms of the Ergonomics Regulations:-
 - ✓ Instruction, information and training
 - ✓ Duties of those exposed
 - ✓ Duties of designers, manufacturers, importers and suppliers
 - ✓ Ergonomics risk assessment
 - ✓ Risk control
 - ✓ Medical surveillance
 - ✓ Records
- 12 months imprisonment
- R200 or one additional day imprisonment per day for continuous offence

Conclusion...

The Ergonomics Regulations call for **Better Collaboration** amongst cognate disciplines



Improved employee well being & productivity

Take home message



***“Good Ergonomics
is
Good Economics”***



Thank You...