

# LEGAL LIABILITY Training Material Content

Demonstrate knowledge and application of the Occupational Health & Safety Act, 85 of 1993 (OHSA) (as amended) and the responsibilities of management in terms of the Act

## PART 1 - INTRODUCTION TO COURSE

## PART 2 - OVERVIEW OF THE LEGISLATION

★ Introduction to Legislation in South Africa ★ Courts in South Africa ★ Definitions and Terminology ★ Common Legal Terms ★ Terminology Confusion ★ Legislated Definitions ★ Development of OH&S Legislation in SA ★ Structure of the Act ★ The Act ★ Regulations ★ Anticipated Legislation ★ Standards and Certification ★ Other Legislation ★ Principles of Law - Overview ★ Principle of Vicarious Liability ★ Principle of Relationships [Diligens Pater Familias] ★ Health and Safety Management System ★ System Vs Symptom ★ Organisational Structure ★ Overview of Occupational Health ★ Overview of Occupational Hygiene ★ Overview of Occupational Safety ★ Collective Consultation ★ Introduction to OHS Management Systems ★

## ESTABLISHING AN OHS MANAGEMENT SYSTEM

★ Phase 1 - Appointments and Structure ★ Phase 2 - Risk Determination ★ Phase 3 - Implementation of Controls ★ Phase 4 - Incident Management ★ Phase 5 - Monitor and Audit the System ★ Phase 6 - Develop an OHS Culture ★ Stakeholder Lethargy and Distraction ★

## PART 3 - THE OH&S Act [CRITICAL SECTIONS]

★ Introduction to the OH&S Act ★ Purpose of the Act ★ Important Sections of the Act ★ Sect 01 -Terminology and Definitions ★ Sect 01 - This Act shall not apply in

respect of ★ Sect 02 - Advisory Council for Occupational Health and Safety [OPTIONAL] ★ Sect 4 - Constitution of the Council [OPTIONAL] ★ Sect 06 - Establishment of Technical Committees [OPTIONAL] ★ Sect 07 - Health and Safety Policy [OPTIONAL] ★ Sect 08 - General duties of Employers to their Employees ★ Sect 08 - Employer to conduct a HIRA ★ Sect 08 - What is a HIRA? ★ Sect 08 - Mitigating Hazards Via the Hierarchy of Control ★ Sect 08 - Provide Information, Instructions, Training ★ Sect 08 - Provisional list of Mandatory / Legal Compliance training ★ Sect 08 - Mandatory / Legal Compliance vs SETA Accredited Training ★ Sect 08 - Employer not to permit any employee to do certain work ★ Sect 08 - Employer to enforce such measures ★ Sect 08 - Employer to ensure supervision by a person trained to understand the hazards ★ Sect 08 - Employees to be informed ★ Sect 09 - Duties of Employers and Self-Employed Persons to Persons Other Than Their Employees ★ Sect 10 - Duties of Manufacturers and Others Regarding Articles and Substances for Use at Work ★ Sect 11 - Listed Work [OPTIONAL] ★ Sect 12 - General Duties of Employers Regarding Listed Work [OPTIONAL] ★ Sect 13 - Duty to Inform ★ Sect 13 - Risk Specific Information Sessions ★ Sect 14 - General Duties of Employees at Work ★ Sect 15 - Duty not to Interfere with, Damage or Misuse Things ★ Sect 16 - Chief Executive Officer charged with certain duties ★ Sect 17 - Health and Safety Representatives ★ Sect 18 - Functions of Health and Safety Representatives ★ Sect 19 - Health and Safety Committees ★ Sect 20 - Functions of Health



**VALIANT COMPLIANCE SOLUTIONS (Pty) Ltd**

Reg No 2026/040838/07  
BEE Level 4

**Lee O'Reilly**  
CEO / Founder  
C: +27 (0) 81 776 7791  
E: [lee@vcsgroup.co.za](mailto:lee@vcsgroup.co.za)

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and Safety Committees ★ Sect 21 - General Prohibitions [OPTIONAL] ★ Sect 22 - Sale of Certain Articles Prohibited ★ Sect 23 - Certain Deductions Prohibited ★ Sect 24 - Report to Inspector Regarding Certain Incidents ★ Sect 25 - Report to Chief Inspector Regarding Occupational Disease ★ Sect 26 - Victimization Forbidden ★ Sect 27 - Designation & Functions of Chief Inspector [OPTIONAL] ★ Sect 28 - Designation of Inspectors by Minister [OPTIONAL] ★ Sect 29 - Functions of Inspectors [OPTIONAL] ★ Sect 30 - Special Powers of Inspectors ★ Sect 31 - Investigations by inspector [OPTIONAL] ★ Sect 32 - Formal Inquiries [OPTIONAL] ★ Sect 33 - Joint Inquiries [OPTIONAL] ★ Sect 34 - Obstruction of investigation or inquiry or presiding inspector or failure to render assistance ★ Sect 35 - Appeal against Decision of Inspector ★ Sect 36 - Disclosure of Information ★ Sect 37 - Acts or Omissions by Employees or Mandataries ★ Sect 38 - Offences, penalties and special orders of court [OPTIONAL] ★ Sect 39 - Proof of Certain Facts ★ Sect 40 - Exemptions [OPTIONAL] ★ Sect 41 - This Act Not Affected by Agreements ★ Sect 42 - Delegation and assignment of functions [OPTIONAL] ★ Sect 43 - Regulations [OPTIONAL] ★ Sect 44 - Incorporation of Health and Safety Standards in Regulations [OPTIONAL] ★ Sect 45 - Serving of Notices [OPTIONAL] ★ Sect 46 - Jurisdiction of Magistrates' Courts [OPTIONAL] ★ Sect 47 - State bound [OPTIONAL] ★ Sect 48 - Conflict of Provisions [OPTIONAL] ★ Sect 49 - Repeal of laws [OPTIONAL] ★ Sect 50 - Short title & commencement [OPTIONAL]

## PART 4 - CONCLUSION

★ Annexure 1 Recording & Investigation of Incidents ★ Letter of Appointment ★



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CEO / Founder  
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