

MEMORANDUM**QUESTION 1****1.1 Definitions**

(MHSA S.102 (definitions))

- 1.1.1 "Biological monitoring" means a planned programme of periodic collection and analysis of body fluid, tissues, excreta or exhaled air in order to detect and quantify the exposure to or absorption of any substance or organism.
- 1.1.2 "Inspector of Mines" means an officer appointed in terms of section 49(1) (c), a Medical Inspector and any Principal Inspector of Mines.
- 1.1.3 "Health and safety standard" means any standard, irrespective of whether or not it has the force of law, which, if applied for the purposes of this Act, will in the opinion of the Minister promote the attainment of an object of this Act.
- 1.1.4 "Occupational hygiene" means the anticipation, recognition, evaluation and control of conditions at the mine that may cause illness or adverse health effects to persons.
- 1.1.5 "Ventilating district" means such part of a mine as has an independent intake commencing from a main intake air-course and an independent return air-way terminating at a main return air-course.

1.2

(MHSA S.10.1-5)

- 1.2.1 As far as reasonably practicable, every employer must:
- Provide employees with any information, instruction, training or supervision that is necessary to enable them to perform their work safely and without risk to health; and

- Ensure that every employee becomes familiar with work-related hazards and risks and the measures that must be taken to eliminate, control and minimise those hazards and risks.

1.2.2 As far as reasonably practicable, every employer must ensure that every employee is properly trained:

- To deal with every risk to the employee's health or safety that -
 - (i) is associated with any work that the employee has to perform; and
 - (ii) Has been recorded in terms of section 11;
- In the measures necessary to eliminate, control and minimise those risks to health or safety;
- In the procedures to be followed to perform that employee's work; and
- In relevant emergency procedures.

1.2.3 In respect of every employee, the provisions of subsection (2) must be complied with -

- Before that employee first starts work;
- At intervals determined by the employer after consulting the health and safety committee;
- Before significant changes are introduced to procedures, mining and ventilation layouts, mining methods, plant or equipment and material; and
- Before significant changes are made to the nature of that employee's occupation or work.

1.2.4 The employer must keep a record of all formal training provided in respect of each employee in terms of subsection (2).

[Subs. (4) added by s. 3 of Act 74/2008]

QUESTION 2

(MHSA S.12.1-3)

2.1

2.1.1 The employer must engage the part-time or full-time services of a person qualified in occupational hygiene techniques to measure levels of exposure to hazards at the mine:

- If required to do so by regulation or a notice in the Gazette, or
- If after assessing risks in terms of section 11(1), it is necessary to do so.

2.1.2 Every system of occupational hygiene measurements must:

- Be appropriate, considering the hazards to which the employees are or may be exposed and
- Be designed so that it provides information that the employer can use in determining measures to eliminate, control and minimise the health risk and hazards to which employees are or may be exposed.

2.1.3 The employer must keep a record of all occupational hygiene measurements in terms of subsection (1) in a manner that can be linked as far as practicable to each employee's record of medical surveillance.

MHSA Reg.9.2 (3), (7)

2.2

The competent person engaged by the employer in terms of section 12 (1) must, as part of the compliance with section 12 (2) (b), report to the employer on:

2.2.1 .1 The occupational hygiene risk assessment, with specific reference to planning, design, implementation and management of occupational hygiene at the mine.

2.2.1.2 The occupational hygiene hazards that may cause illness or adverse health effects to persons, assess the results in terms of the implementation of control systems and management thereof, and recommend remedial action to the employer.

2.2.2 The employer must submit to the regional Principal Inspector of Mines, on forms 21.9(2) (a), 21.9(2) (b), 21.9(2) (c), 21.9(2) (d), 21.9(2) (e) and 21.9(2) (f), prescribed in chapter 21, and within 60 days from the end of the relevant reporting period as indicated on each form, reports which contain information on airborne pollutant, thermal stress and noise aspects of the system of occupational hygiene measurements, established and maintained in terms of regulation 9.2(2)

2.3

(MHSA S.75.1-3)

2.3.1.1 For any reason relating to health or safety, the Minister, by notice in the Gazette, may prohibit or restrict any work or any exposure of a person to a substance or an environmental condition, if:

- The Minister has consulted the Council on the prohibition or restriction; and
- Unless the Minister believes that the public interest requires the notice to be published immediately, the Minister has -
 - (i) Published a draft of the proposed notice at least three months previously; and
 - (ii) At that time invited interested persons to submit comments and representations concerning the proposed notice within a specified period.

2.3.1.2 The Minister may attach any conditions to a prohibition or restriction by specifying them in the published notice.

2.3.1.3 The Minister, after consulting the Council, may amend or withdraw a notice under subsection (1) at any time.

2.3.2

(MHSA S.88)

Any person, who hinders, opposes, obstructs or unduly influences any person who is performing a function in terms of this Act commits an offence.

QUESTION 3

3.1

(MHSA S.25 (1-3))

3.1.1 Every mine with 20 or more employees must have a health and safety representative for each shift at each designated working place at the mine.

3.1.2 Every mine with 100 or more employees must have one or more health and safety committees.

3.1.3 A health and safety representative or a member of a health and safety committee does not incur any civil liability only because of doing or failing to do something which a health and safety representative or a member of a health and safety committee may do or is required to do in terms of this Act.

3.2

(MHSA Ss.23 (2) (a-e), (3) (a-b))

Every employer, after consulting the health and safety committee at that mine, must determine effective procedure for the general exercise of the right granted by subsection (1), and those procedures must provide for:

3.2.1 Notification of supervisors and health and safety representatives of dangers which have been perceived and responded to in terms of subsection (1).

3.2.2 Participation of representatives of management and representatives of the employees in endeavouring to resolve any issues that may arise from the exercise of the right referred to in subsection (1).

- 3.2.3 Participation, where necessary, by an inspector or technical adviser to assist in resolving any issue that may arise from the exercise of the right referred to in subsection(1).
- 3.2.4 Where appropriate, the assignment to suitable alternative work of any employee who left, or refuses to work in a working place contemplated in subsection (1).
- 3.2.5 Notification to any employee who has to perform work or is requested to perform work in a working place contemplated in subsection (1) of the fact that another employee has refused to work for that refusal.
- 3.2.6 If there is no health and safety committee at a mine, the consultation required in subsection (2) must be held with:
- The health and safety representatives, or
 - If there is no health and safety representative at the mine, with the employees.

3.3

(MHSA S.9.1-7)

- 3.3.1 Any employer may prepare and implement a code of practice on any matter affecting the health or safety of employees and other persons who may be directly affected by activities of the mine.
- 3.3.2 An employer must prepare and implement a code of practice on any matter affecting the health or safety of employees and other persons who may be directly affected by activities at the mine if the Chief Inspector of Mines requires it.
- 3.3.3 A code of practice required by the Chief Inspector of Mines must comply with guidelines issued by the Chief Inspector of Mines.
- 3.3.4 The employer must consult with the health and safety committee on the preparation, implementation or revision of any code of practice.
- 3.3.5 The employer must deliver a copy of every code of practice prepared in terms of subsection (2) to the Chief Inspector of Mines.

- 3.3.6 The Chief Inspector of Mines must review a code of practice of a mine if requested to do so by a registered trade union with members at the mine, or a health and safety committee or a health and safety representative at the mine.
- 3.3.7 At any time, an Inspector may instruct an employer to review any code of practice within a specified period if that code of practice:
- Does not comply with a guideline of the Chief Inspector of Mines or
 - Is inadequate to protect the health or safety of employees.

QUESTION 4

DMR Guideline for the compilation of a Mandatory Code of Practice for Emergency Preparedness and Response:

4.1 Objectives of the guideline

(a) Part A - 3

- 4.1.1 The objective of this guideline is to enable the employer at every mine to compile a **COP**, which, if properly implemented and complied with, would improve **emergency** preparedness and response at the mine, thereby minimising risks to persons affected by emergencies.
- 4.1.2 It provides guidance of a general nature on the required format and content for the COP and details sufficient technical background to enable a drafting committee at the mine to prepare a comprehensive and practical COP for their mine.

4.2 Definitions

(b) Part A - 4

In this guideline for a COP or any amendment thereof, unless the context otherwise indicates: -

4.2.1 **Emergency** means a situation, event or set of circumstances at a mine that could threaten the health or safety of persons at or off the mine, and which requires immediate remedial action, such as the evacuation, rescue or recovery of persons, to prevent serious injury or harm, or further serious injury or harm, to persons;

4.2.2 **MHSA** means Mine Health and Safety Act, 1996 (Act No. 29 of 1996);

4.2.3 **PLACE OF SAFETY** means any place, which, despite an emergency, can sustain life for the duration of the emergency and is adequate in size to accommodate the maximum number of affected persons likely to be present in the area served by it.

4.3 Design and construction of refuge bays

(b) Annexure I – 3

4.3.1 Refuge bays should be of robust construction and where there is a significant risk of explosions it must be able to withstand the effects of such an explosion.

4.3.2 Size of the refuge bay should be determined by the maximum number of persons likely to be present in the area served by the refuge bay, with a minimum floor area of 0,6 m² per person.

4.3.3 Life-sustaining services installed to the refuge bay should be of fire resistant material or else be fire protected.

4.3.4 A refuge bay must be air tight and sealed in such a way so as to ensure a positive pressure that will make the refuge bay inaccessible to air containing noxious smoke, fumes or gases.

- 4.3.5 Access arrangements into the refuge bay should be such that it does not negatively affect the integrity or size of the refuge bay.
- 4.3.6 Refuge bays should be provided with a man door, and where there is a significant risk of an explosion, a flexible type of door that would not be rendered ineffective in the event of an explosion should be considered.
- 4.3.7 Refuge bays should be provided with seating arrangements where practicable.
- 4.3.8 Where applicable, such as at collieries, a surface borehole system, for the provisioning of respirable air to the refuge bay, may be provided. Access requirements for equipment and vehicles to the borehole site must be taken into account.
- 4.3.9 An identification system of refuge bays must be implemented and must be clearly indicated on the inside and on the outside of the refuge bay. Where a surface borehole system is used such corresponding identification must also be indicated at the borehole site on surface. This corresponding identification must be indicated on the Mine Rescue Plan contemplated in regulation 17(19).
- 4.3.10 Where the life-sustainability of a refuge bay is dependent on compressed air, the supply to the inside of the refuge bay should be tamper-free, with a control valve on the inside of the refuge bay.

4.4 Supportive objectives of emergency control centre

Annexure II – 2

- 4.4.1 Gathering and analysing information.
- 4.4.2 Effective communication between various components.
- 4.4.2 Planning strategy
- 4.4.3 Briefing and instructing of operational staff and rescue teams.

4.4.4 Co-ordinating planned action.

4.4.5 Direct operation.

4.4.6 Involve all key personnel.

4.4.7 Record keeping.

4.4.8 Ensure safety of operational personnel.

4.4.9 Limit loss through effective management of the emergency.

4.4.10 Initial re-organisation of mining operations.

