

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

(MHSA S.25 (1-3))

1.1.1 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.

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

1.1.3 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.

1.2

(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:

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

1.2.2 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).

1.2.3 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).

1.2.4 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).

- 1.2.5 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.
- 1.2.6 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.

1.3

(MHSA S.9.1-7)

- 1.3.1 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.
- 1.3.2 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.
- 1.3.3 A code of practice required by the Chief Inspector of Mines must comply with guidelines issued by the Chief Inspector of Mines.
- 1.3.4 The employer must consult with the health and safety committee on the preparation, implementation or revision of any code of practice.
- 1.3.5 The employer must deliver a copy of every code of practice prepared in terms of subsection (2) to the Chief Inspector of Mines.
- 1.3.6 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.
- 1.3.7 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 2

(MHSA S.22)

- a) Every employee at a mine, while at that mine, must -
1. Take reasonable care to protect their own health and safety.
 2. Take reasonable care to protect the health and safety of other persons who may be affected by any act or omission of that employee.
 3. Use and take proper care of protective clothing, and other health and safety facilities and equipment provided for the protection, health or safety of that employee and other employees.
 4. Report promptly to their immediate supervisor any situation which the employee believes presents a risk to the health or safety of that employee or any other person, and with which the employee cannot properly deal.
 5. Co-operate with any person to permit compliance with the duties and responsibilities placed on that person in terms of this Act; and
 6. Comply with prescribed health and safety measures.

b) (MHSA S.75.1-3)

The Minister may prohibit or restrict work:

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 -

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

- 1.2 The Minister may attach any conditions to a prohibition or restriction by specifying them in the published notice.
- 1.3 The Minister, after consulting the Council, may amend or withdraw a notice under subsection (1) at any time

QUESTION 3

MHSA S.13 (1, 2, 3 and 4A)

- 3.1** The employer must establish and maintain a system of medical surveillance of employees exposed to health hazards -
 - (a) If required to do so by regulation or a notice in the Gazette; or
 - (b) If, after assessing risks in terms of section 11 (1), it is necessary to do so.
- 3.2** Every system of medical surveillance must -
 - (a) Be appropriate, considering the health hazards to which the employees are or may be exposed;
 - (b) Be designed so that it provides information that the employer can use in determining measures to -
 - (i) Eliminate, control and minimise the health risk and hazards to which employees are or may be exposed; or
 - (ii) Prevent, detect and treat occupational diseases; and
 - (c) Consist of an initial medical examination and other medical examinations at appropriate intervals.
- 3.3** Every employer who establishes or maintains a system of medical surveillance must -
 - (a) Engage the part-time or full-time services of -
 - (i) An occupational medical practitioner.
 - (ii)

[Subpara. (ii) deleted by s. 5 of Act 74/2008]

- (b) Supply the practitioners with the means to perform their functions; and
- (c) Keep a record of medical surveillance for each employee exposed to a health hazard.
- (4)

[Subs. (4) deleted by s. 5 of Act 74/2008]

- 3.4** (4A) The employer must inform the Principal Inspector of Mines, in writing, within seven days of the appointment of the occupational medical practitioner.

[Subs. (4A) inserted by s. 5 of Act 74/2008]

- 3.5** The information submitted in terms of subsection (4A) must include-

- (a) The name of an occupational medical practitioner.
- (b) His or her practice number; and
- (c) Whether the occupational medical practitioner is engaged full time or part time.

QUESTION 4

DMR Guideline - compilation of a Mandatory Code of Practice for the Management of Self – Contained Self- Rescuers in Mines - Ref: DMR 16/3/2/4-A8 dated 26 July 2018.Mines:

4.1 Definitions

Part A: The guideline – Definitions and acronyms

- 4.1.1 **‘Body – worn Self-Contained Self-Rescuer’** means a SCSR designed to be worn by workers on their body for the duration of a complete underground working shift that will allow workers to reach a place of safety in an emergency.
- 4.1.2 **“ATA”** means an Accredited Testing Authority, an organisation accredited to test SCSRs in terms of the South African National Accreditation System, for the Assessment of the structural integrity and functional performance of SCSRs.
- 4.1.3 **‘Cold start’** means SCSR activation for units not equipped with oxygen starters.
- 4.1.4 **‘CSIR’** means Council for Scientific and Industrial Research.
- 4.1.5 **‘Deployment’** (of SCSR) is a process by which SCSRs are issued individually to employees, contractors or visitors to a mine or section of a mine where, through the application of Regulation 16.2 of the MHSA, employees must be equipped with SCSRs when proceeding underground.
- 4.1.6 **‘Donning’** (of SCSR) is the procedure followed by a person to activate their SCSR as required by mine emergency procedures.
- 4.1.7 **‘Irrespirable atmosphere’** means an atmosphere in a mine, requiring employees to wear breathing apparatus or SCSRs due to the presence of poisonous gas or insufficient oxygen caused by an incident at the mine e.g. as a result of but not limited to combustible gas explosions, coal-dust explosions, combined gas and dust explosions, or mine fires.

4.2 Selection criteria

Part C: Format and content of the mandatory COP – aspects to be addressed

4.2.1 Only types and makes of BWSCSRs approved in terms of SANS 1737, shall be considered for selection by the mine.

4.2.2 The criteria for the selection of the SCSRs in use at the mine must be outlined in the COP to demonstrate alignment with the emergency procedures that govern the orderly and safe evacuation of working places affected by a number of hazardous situations as stipulated in the mine's COP for emergency preparedness and response.

4.2.3 The SCSR selection criteria shall be based primarily on the anticipated duration of selected units, be these BWSRSCs or LDSCSRs, as required by the emergency response strategy. The SCSRs anticipated duration shall be based on the layout of escape routes, distance to and between places of safety along these, predicted levels of visibility, any use of locating systems to cater for poor visibility (e.g. lifelines, acoustic directional systems, etc. where these form part of the mine's escape strategy). In addition, it shall be demonstrated that the distances from the various working places to the respective places of safety and between places of safety along escape routes are within the recorded duration and demonstrated life-saving potential of the selected units as indicated by SANS batch testing and by the results from the mine's annual functional performance test (refer to MHSA Regulation 16.4).

4.3 SCSR Logistics management

Part C: Format and content of the mandatory COP – aspects to be addressed

4.3.1 Procedures for personal SCSR allocation to all employees intended to be issued with SCSRs when signing-on or when transferred.

- 4.3.2 Procedures for SCSR lamp-room issuing and collection at the beginning and at the end of each shift respectively.
- 4.3.3 Procedures for SCSR storage during the off-shift periods.
- 4.3.4 Checking of SCSRs and any condition-monitoring by lamp-room staff.
- 4.3.5 Training of employees in the donning and use of SCSRs.
- 4.3.6 Training of the lamp room and relevant staff in the routine inspection of SCSRs, and in handling SCSRs involved in incidents.
- 4.3.7 SCSR selection and purchasing procedures.

For each of the above, the COP shall outline clear roles and responsibilities of individuals tasked with executing procedures and overseeing all related functions.

4.4 Visitors

The COP shall detail procedures that will ensure that all visitors are trained in the donning and use of SCSRs in accordance with accepted procedures but may exclude experiential training.

The COP shall stipulate that visitors shall be under direct supervision of a mine official at all time in areas where SCSRs are required.

4.5 SCSR cold start procedure

ANNEXURE 1: Guidance Note 1 (mandatory

This procedure shall be carried out if the unit's breathing bag does not inflate immediately after activating the starter.

In this case:

1. Remove nose clip.
2. Inhale from ambient atmosphere through nose.
3. Exhale into mouth piece.
4. Repeat above actions six times with a full breath each time.
5. Refit nose clip.
6. Breathe normally into the mouthpiece.

This procedure shall be included into the training procedures, where applicable.

