

OHS Act Compliance Checklist

Occupational Health and Safety Act 85 of 1993. What a South African employer has to have in place.

The OHS Act applies from your first employee. There is no headcount threshold on the section 8 general duty, and appointments, records and incident duties attach long before most employers think they do. Three regulation sets in this area were amended in 2025 and 2026, and one long standing set falls away on 6 September 2026, so a file written before that date needs rechecking. This checklist sets out the 33 things an inspector can ask you to produce, with the provision behind each one.

1. The general duty and the risk assessment

Section 8 sets the employer's general duty. Section 16 places the duty to see it discharged on the chief executive officer. Section 37 makes the employer presumptively liable for the acts and omissions of employees and mandataries.

- ☐ **1. Establish and maintain a safe working environment**
Provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to health. Reasonably practicable is a defined term weighing severity, the state of knowledge, the availability of the means and the cost against the benefit. It is not as far as is convenient.
OHS Act s8(1) read with s1
- ☐ **2. Carry out and keep a workplace risk assessment**
Establish what hazards attach to the work, the plant, the machinery, the articles and the substances, and what precautionary measures are needed. This is the statutory basis for the risk assessment and it drives almost every other control you rely on.
OHS Act s8(2)(d)
- ☐ **3. Apply the hierarchy of control before issuing PPE**
Take steps to eliminate or mitigate the hazard before resorting to personal protective equipment. PPE sits last in the statutory order, so a file that starts with PPE has skipped the part the Act asks about first.
OHS Act s8(2)(b)
- ☐ **4. Do not start work until the precautions are in place**
Work and the operation of plant or machinery may not be permitted until the precautionary measures under 8(2)(b) and 8(2)(d) have been taken.
OHS Act s8(2)(f)
- ☐ **5. Put section 37(2) agreements in place with contractors**
An employer and a mandatary may agree in writing on the arrangements and procedures between them to ensure compliance. Without it, the employer is presumed liable for the mandatary's acts and omissions and must prove all three limbs of the section 37(1) defence.
OHS Act s37(1) and s37(2)
- ☐ **6. Record the chief executive officer duty**
Section 16(1) places on the chief executive officer the duty to ensure the employer's duties are properly discharged. It is not an appointment, it attaches automatically, and assigning it away does not relieve the employer of liability.
OHS Act s16(1) and s16(3)

2. Statutory appointments

Section 16(2) allows the chief executive officer to assign duties. Section 17(1) and General Machinery Regulation 2(1) create appointments that must expressly be in writing. The Act prescribes no form for an appointment letter, so its contents are drawn from the provisions read together.

- ☐ **7. Assign section 16(1) duties to named people**
The chief executive officer may assign any section 16(1) duty to a person under his or her control, who then acts subject to the officer's control and directions. Section 16(2) does not use the words in writing, but a written assignment is how you prove scope, acceptance and the reasonable steps required for the section 37(1)(c) defence.
OHS Act s16(2)
- ☐ **8. Designate a supervisor of machinery in writing**
An employer or user of machinery must designate in writing a competent person in a full time capacity for every premises on or in which machinery is used. There is no headcount trigger, only a machinery trigger.
General Machinery Regulation 2(1)
- ☐ **9. Match the appointee's competency to installed power**
Competency escalates with installed power. From 1 200 kW to 3 000 kW the person must fall into paragraphs (b), (c) or (d) of the competent person definition, and at 3 000 kW or more into paragraphs (c) or (d). Electricity generation and distribution premises are graded in kVA instead.
General Machinery Regulation 2(4) and 2(5)
- ☐ **10. Send the required appointments to the divisional inspector**
Where the appointee falls under regulation 2(4)(a), 2(5)(b) or 2(5)(c), a copy of the letter of appointment must forthwith be forwarded to the divisional inspector. This step is missed more often than the appointment itself.
General Machinery Regulation 2(9)
- ☐ **11. Make each letter carry the eight things that matter**
Name and identity number, the exact provision under which the appointment is made, the workplace or section covered, the duties assigned, the resources and authority given, the period, the date, and signature by both the appointing person and the appointee accepting.
s16(2), s17(1), GMR 2(1), GAR 9(2)
- ☐ **12. Review appointments rather than assume a renewal date**
The Act sets no general expiry on an appointment. Commonly quoted two year or three year renewal cycles are management practice or an agreed term, not a figure from the Act. An appointment lapses in substance when the appointee leaves the role or the risk profile changes.
OHS Act s17(1), no general statutory expiry

3. Representatives and committees

Section 17 governs health and safety representatives and section 18 their functions. Section 19 governs committees and section 20 their functions and records. General Administrative Regulation 6 governs the consultation agreement and regulation 5 the meeting place and retention.

- ☐ **13. Designate representatives above 20 employees**
Where more than 20 employees are employed at a workplace, the employer must designate health and safety representatives in writing for a specified period, within four months, after consulting in good faith on the nomination or election process.
OHS Act s17(1) and GAR 6
- ☐ **14. Apply the correct statutory ratio**
One representative per 100 employees or part thereof in a shop or office, and one per 50 employees or part thereof in all other workplaces. The widely repeated one per 20 is not the statutory ratio. Twenty is the threshold at which the duty starts, not the ratio.
OHS Act s17(5)
- ☐ **15. Count employees per workplace, not per company**
The thresholds attach to a workplace. A multi site employer assesses each site separately, so a business of 60 people across four small sites may trigger nothing while a single site of 21 does.
OHS Act s17(1)

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- ☐ **16. Let representatives perform their statutory functions**
Representatives may review the effectiveness of measures, identify hazards, examine incident causes with the employer, investigate employee complaints, make representations, inspect the workplace, participate in inspector consultations and attend committee meetings.
OHS Act s18(1)
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- ☐ **17. Establish a committee once two representatives exist**
Where two or more representatives have been designated at a workplace, one or more health and safety committees become mandatory, and the employer must designate the workplaces or sections each committee acts for.
OHS Act s19(1)
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- ☐ **18. Keep employer nominees from outnumbering representatives**
An employer may nominate members, but the number nominated may not exceed the number of health and safety representatives on that committee.
OHS Act s19(2)
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- ☐ **19. Meet at least once every three months and keep the record**
A committee must meet as often as necessary and at least quarterly. It must keep a record of every recommendation to the employer and every report to an inspector, and those records must be kept for at least three years.
OHS Act s19(4) and s20(2), GAR 5
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4. First aid, safety equipment and the workplace environment

General Safety Regulation 3 governs first aid. Regulation 3(4) was amended on 5 December 2025. Regulations 13H, 13I and 13J were inserted on 6 March 2025. The Physical Agents Regulations, 2024 repeal the Environmental Regulations for Workplaces on 6 September 2026.

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- ☐ **20. Provide a first aid box above 5 employees**
Where more than 5 employees are employed at a workplace, provide a first aid box or boxes at or near the workplace, accessible to employees, holding at least the Annexure minimum contents. The Annexure is a floor, not a ceiling.
General Safety Regulation 3(2) and 3(3)
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- ☐ **21. Provide certificated first aiders above 10 employees**
Where more than 10 employees are employed, at least one person holding a valid certificate of competency must be readily available during normal working hours for every group of up to 50 employees, or every group of up to 100 in a shop or office. Cover has to hold across shifts.
General Safety Regulation 3(4)
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- ☐ **22. Check that your training provider is currently approved**
The certificate must be issued by an organisation approved by the chief inspector. The 5 December 2025 amendment removed the historically named bodies from the wording, so confirm current approval rather than relying on a provider's past status. The common three year certificate currency comes from the qualification framework, not from regulation 3.
GSR 3(4) as amended by GN 6907, GG 53783
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- ☐ **23. Put up the regulation 3(6) notice**
A prominent notice in a conspicuous place must show where the first aid box is kept and name the person responsible for it.
General Safety Regulation 3(6)
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- ☐ **24. Meet the housekeeping, flooding and fire egress rules**
Regulation 13H sets a minimum of 2,25 square metres of effective open floor area per employee indoors, plus unobstructed work spaces and protected floor openings. Regulation 13I covers flooding notice. Regulation 13J requires emergency doors opening outwards, at least two means of egress as far apart as practicable, and maintained firefighting equipment.
GSR 13H, 13I and 13J, inserted 6 March 2025
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☐ **25. Rewrite anything citing the 1987 Environmental Regulations**

The Environmental Regulations for Workplaces, 1987 are repealed on 6 September 2026 by regulation 21 of the Physical Agents Regulations, 2024. Any file citing them for lighting, ventilation, thermal conditions, housekeeping, flooding or fire has a hard expiry date.

[Physical Agents Regulations reg 21, GN 5952, GG 52226](#)

5. Incident reporting, recording and investigation

Section 24 defines a reportable incident. General Administrative Regulation 8 sets the manner and period of reporting. General Administrative Regulation 9 governs recording and investigation. These are separate duties with separate triggers, and COIDA reporting is separate again.

☐ **26. Know what makes an incident reportable**

Report where a person dies, becomes unconscious, loses a limb or part of a limb, is likely to die or suffer a permanent physical defect, or is likely to be unable to work for at least 14 days. A major incident is reportable, as is a dangerous substance spill, an uncontrolled release under pressure, machinery fracture or failure, or machinery running out of control.

[OHS Act s24\(1\)](#)

☐ **27. Report on WCL 1 or WCL 2 within seven days**

The employer or user of machinery must report to the provincial director on the prescribed form within seven days of the incident.

[General Administrative Regulation 8\(1\)\(a\)](#)

☐ **28. Notify serious incidents forthwith as well**

Death, unconsciousness, loss of a limb or part of a limb, or an injury likely to result in a permanent physical defect must also be reported forthwith by telephone, facsimile or similar means. If an injured person later dies, notify forthwith.

[General Administrative Regulation 8\(1\)\(b\) and 8\(2\)](#)

☐ **29. Do not disturb the scene without an inspector's consent**

The site of a serious incident may not be disturbed and articles or substances involved may not be removed, except so far as necessary to prevent a further incident, remove the injured or dead, or rescue persons from danger.

[OHS Act s24\(2\)](#)

☐ **30. Record every incident needing more than first aid**

Record on Annexure 1 every section 24 reportable incident and every incident where a person required medical treatment other than first aid. Recording is a wider duty than reporting, and it is the one most often missed.

[General Administrative Regulation 9\(1\)](#)

☐ **31. Investigate within seven days and enter the findings**

Every recorded incident must be investigated within seven days from the date of the incident, by the employer, a person appointed by the employer, a health and safety representative or a committee member. Findings go into Annexure 1 immediately after completion.

[General Administrative Regulation 9\(2\) and 9\(3\)](#)

☐ **32. Take the records to the committee and keep them three years**

The health and safety committee must consider the records at its next meeting and the employer must implement and follow up the necessary actions. Annexure 1 records are kept at the workplace, open to an inspector, for at least three years.

[GAR 9\(4\) and GAR 9\(1\)](#)

☐ **33. Report to the Compensation Fund separately**

OHS Act reporting goes to the provincial director for enforcement. COIDA reporting goes to the Commissioner or your licensed insurer for compensation. Reporting to one does not discharge the duty to the other. Since the 2022 Amendment Act commenced in 2026, the claim prescription period has been extended from 12 months to three years.

[COIDA, as amended by Act 10 of 2022](#)

What non-compliance costs

- Section 38(1): a fine not exceeding R50 000, or imprisonment not exceeding one year, or both. This covers failure to comply with sections 8, 12 to 20, 24 and others, and failure to comply with an inspector's direction or notice.
- Section 38(2): where an act or omission caused injury in circumstances where the employer would have been guilty of culpable homicide had death resulted, a fine not exceeding R100 000, or imprisonment not exceeding two years, or both.
- Section 38(3): in addition to any punishment, the court may order compliance with the breached provision within a period it determines.
- Individual regulations carry their own higher penalties. The Major Hazard Installation Regulations, 2022 provide for R500 000 to R5 000 000 or imprisonment up to 24 months. Do not rely on a single maximum fine figure without knowing which instrument it comes from.
- Exposure is per contravention. A single inspection that finds a missing risk assessment, no designated representatives, no committee and unrecorded incidents is four contraventions, not one.

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