

General Administrative Regulations, 2003

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1. Definitions

Key definitions include:

- "bargaining council" - established by section 27 of the Labour Relations Act
- "CCMA" - Commission for Conciliation, Mediation and Arbitration established by section 112 of the Labour Relations Act
- "Compensation Commissioner" - appointed under section 2 of the Compensation for Occupational Injuries and Diseases Act, 1993
- "Compensation for Occupational Injuries and Diseases Act" - Act No. 130 of 1993
- "Labour Court" - established by section 151 of the Labour Relations Act
- "Labour Relations Act" - Act No. 66 of 1995
- "provincial director" - the respective Provincial Director for each province, with addresses provided for Eastern Cape, Free State, Gauteng North, Gauteng South, KwaZulu-Natal, Mpumalanga, Northern Cape, Limpopo Province, North West, and Western Cape
- "provincial executive manager" - has a corresponding meaning
- "registered trade union for a workplace" - trade union registered in terms of the Labour Relations Act with members in that workplace
- "the Act" - Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- "WCL 1", "WCL 2" and "WCL 22" - prescribed forms for reporting incidents and occupational diseases under the Compensation for Occupational Injuries and Diseases Act

2. Access to premises

(1) No person shall refuse an inspector entry into premises to perform functions unless authorized by another law. (2) An inspector or assistant may require an employer or user to make available a person with full knowledge of workplace hazards to accompany them during the entire visit.



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3. Exemption

A certificate of exemption issued under section 40 of the Act shall be signed by the chief inspector.

4. Copy of the Act

Every employer with five or more employees shall have a copy of the Act and relevant regulations readily available at the workplace. Employers with fewer than five employees shall, upon request from an employee, make a copy of the Act available to that employee.

5. Health and safety committee

(1) Where a health and safety committee has been established under section 19 of the Act, an employer shall: (a) Make a suitable meeting place available to the committee (b) Ensure records as required by section 20(2) of the Act are kept for at least three years

6. Negotiations and consultations before designation of health and safety representatives

(1) In workplaces requiring health and safety representatives under section 17(1) of the Act, employers must, within four months after regulation commencement or starting business, meet with registered trade unions to consult and conclude an agreement concerning: (a) Health and safety representative nomination or election (b) Terms of office and removal circumstances (c) Vacancy filling procedures (d) Performance of functions (e) Facilities, training and assistance to be provided

Where no registered trade union exists, employers must consult with all employee representatives.

(2) Such agreements may include two or more employers as parties. (3) Conditions applicable to collective agreements under the Labour Relations Act apply to these agreements. (4) A dispute exists if no agreement is concluded on arrangements and procedures for nomination and election of representatives. (5) Any dispute party may refer the dispute to the CCMA or Bargaining Council. (6) If referred to the CCMA or Bargaining Council, the CCMA shall attempt resolution through conciliation. (7) If a dispute remains unresolved, any party may request arbitration, and the CCMA shall determine arrangements and procedures for nomination or election of representatives.

7. Designation of health and safety representatives

[Deleted by General Amendment No. R.930 as published in Government Gazette No. 25130 dated 25 June 2003]



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8. Reporting of incidents and occupational diseases

- (1) An employer or user shall: (a) Within seven days of any incident referred to in section 24(1)(a) of the Act, give notice to the provincial director using form WCL1 or WCL2 (b) Where a person dies, becomes unconscious, loses a limb or part of a limb, or is otherwise injured or becomes ill to a degree likely to cause death or permanent physical defect due to an incident, including incidents under section 24(1)(b) and (c) of the Act, immediately report the incident to the provincial director by telephone, facsimile or similar means
- (2) If an injured person dies after incident notification under subregulation (1), the employer or user shall immediately notify the provincial director of the death.
- (3) When incidents involving non-employees occur from workplace activities, the user, employer or self-employed person shall immediately notify the provincial director by facsimile or similar means, providing: (a) Injured person's name (b) Injured person's address (c) User, employer or self-employed person's name (d) User, employer or self-employed person's address (e) User, employer or self-employed person's telephone number (f) Contact person's name (g) Incident details: (i) What happened (ii) Where it happened (iii) When it happened (date and time) (iv) How it happened (v) Why it happened (h) Witness names
- (4) Any registered medical practitioner shall, within 14 days of examining or treating a person for a disease contemplated in section 25 of the Act, notify the chief inspector and the employer using form WCL22.
- (5) Any other person may give written notice of any section 25 disease to the employer and chief inspector.

9. Recording and investigation of incidents

- (1) Employers or users shall keep records in the form of Annexure 1 for at least three years, available for inspector inspection, for all reportable incidents under section 24 of the Act and any other incident requiring medical treatment beyond first aid.
- (2) Employers or users shall investigate every recorded incident within 7 days from the incident date and finalize as soon as reasonably practicable, or within the contracted period for contracted workers.
- (3) Investigation findings must be entered in Annexure 1 immediately after completion.
- (4) Employers shall have health and safety committees examine these records at their next meeting and implement necessary actions to prevent recurrence.

10. Witness at inquiry

- (1) When an inspector conducts a formal inquiry into an incident under section 32(1) of the Act, they shall notify the employer or user of the date, time and place.



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(2) The employer or user shall immediately advise in writing all incident witnesses, the recognized union, and any persons specified by the inspector of the inquiry details, and that their presence is required.

(3) The employer or user shall identify persons likely to refuse attendance and provide their names and addresses to the inspector for subpoena issuance.

(4) Subpoenas issued under section 32(2) of the Act shall use Annexure 2 format. Personal service of subpoenas may be carried out by persons authorized by the signing inspector.

11. Returns

An employer or user shall on demand provide an inspector with required returns for Act administration purposes.

12. Offences and penalties

(1) Any person who: (a) Contravenes or fails to comply with regulations 2(1), 4, 5, 6(1), 7, 8(1), 8(2), 8(3), 8(4), 9(1), 9(2), 9(3), 9(4), 10(2) or 10(3) (b) Fails to furnish returns required under regulation 11 (c) Refuses or fails to comply with inspector requests to make a person available to accompany them during workplace visits

shall be guilty of an offense and liable on conviction to a fine or imprisonment not exceeding 12 months and, for continuous offenses, additional fines of R200 per day or additional imprisonment of one day per continuing day, not exceeding 90 days additional imprisonment.

[Annexure 1 deleted by General Amendment No. R.930 as published in Government Gazette No. 25130 dated 25 June 2003]