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01 Feb 2024	28 Feb 2026	SHEQ Warehouse (Pty) Ltd	Neville
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Hazardous Work By Children In South Africa Regulations, 2010

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1. Definitions

Key definitions include:

- "caregiver" - any person other than a parent or guardian who factually cares for a child
- "child" - a person under 18 years
- "child labour" - work by a child which is exploitative, hazardous or otherwise inappropriate for a person of that age, and that places at risk the child's education, physical or mental health, or spiritual, moral, emotional or social development
- "Constitution" - Constitution of the Republic of South Africa, 1996
- "domestic work" - work performed in a household, excluding work performed on a farm where the child works with a parent or guardian
- "employer" - any person who employs, provides work to, or permits a child to work
- "fund" - Unemployment Insurance Fund
- "guardian" - a guardian of a child according to the Children's Act, 2005
- "hazardous work" - as defined in section 1 of the BCEA including work listed in the regulations
- "Regulations" - regulations made in terms of the BCEA
- "social worker" - a person registered as a social worker under the Social Service Professions Act, 1978
- "SAPS" - South African Police Service
- "the Act" or "BCEA" - Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- "worst forms of child labour" - defined in the ILO Convention No. 182 of 1999, including: (a) All forms of slavery or similar practices (child trafficking, debt bondage, forced labor, using children in armed conflict) (b) Using, procuring, or offering a child for prostitution, pornography, or pornographic performances (c)



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Using, procuring, or offering a child for illicit activities (drug production/trafficking)
(d) Work likely to harm the health, safety, or morals of children

2. Risk assessment of hazardous work

(1) Employers must conduct risk assessments for work by children between 15-18 years old to determine if the work will be hazardous. An assessment is not necessary if the work is listed as hazardous in these regulations, as such work is prohibited.

(2) Risk assessments must: (a) Be in writing (b) Identify hazards (c) Assess potential harm to the child (d) Analyze why the risk exists (e) Determine measures needed to remove or control the risk

(3) Employers shall re-conduct the assessment: (a) At least annually (b) Whenever there are changes to the work/process/machinery (c) When new information becomes available (d) If a child is injured or becomes ill because of exposure to a hazard (e) When a workplace inspector requires it

(4) Employers shall record assessment findings in the record referred to in regulation 9.

3. Medical examinations

(1) Employers shall arrange pre-exposure medical examinations for any child between 15-18 years old who will perform work where a risk assessment has identified a health hazard.

(2) Medical examinations must be performed by an occupational health practitioner at the employer's expense.

(3) Examinations must be specific to the hazards identified in the risk assessment.

(4) For child waste collectors working in informal waste collection, medical examinations must be provided by employers at least annually.

(5) Employers must: (a) Keep results confidential (b) Not employ children who are medically unfit for the specific hazard exposure (c) Inform the child in writing of the results in an understandable manner (d) Take steps to ensure the child does not work in hazardous work areas if found to be unfit for that exposure (e) Report findings to the Department if examination reveals an occupational disease

4. Health and safety induction training and information

(1) Employers shall: (a) Provide health and safety training to child workers (15-18 years) before they begin work (b) Ensure the training is appropriate to the child's age, language skills, and literacy level (c) Cover the child's duties to protect their health and safety (d) Cover the need to report any incident immediately (e) Include information on hazards



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specific to the work (f) Provide information about the employer's policies to prevent violence, harassment, and abuse

5. Workplace supervision

(1) Employers shall ensure effective supervision of any child (15-18 years) performing work.

(2) The supervisor must: (a) Be familiar with hazards in the workplace and work being performed (b) Be familiar with these regulations and the BCEA provisions on the employment of children (c) Give attention to the specific hazards related to the child's size, strength, maturity, experience, and skills (d) Ensure every child follows safe working procedures (e) Take action if a child is physically or verbally abused or harassed (f) Immediately investigate any reported hazard, illness, or injury involving a child

6. Work that is inappropriate for a child's age

(1) No employer shall require or permit a child (15-18 years) to perform work that is inappropriate for their age or that places at risk the child's: (a) Education (b) Physical or mental health (c) Spiritual, moral, or social development

(2) Work is deemed inappropriate for a child's age and therefore prohibited if: (a) The work is listed in regulation 7 (b) The work is listed in the Schedule to these regulations (c) An employer fails to comply with regulation 2, 3, 4, or 5

7. Worst forms of child labour

(1) All work constituting the worst forms of child labour is prohibited, including: (a) Debt bondage, slavery, servitude, or serfdom (b) All forms of forced labor (c) Work related to/supporting industry/activities using hazardous/illegal substances (d) Work involving torture or cruel, inhuman, or degrading punishment (e) Commercial sexual exploitation (f) Child pornography or involvement in pornographic performances (g) Use, procurement, or offering of a child for illegal/immoral activities (h) Involvement in violent or criminal organizations (i) Use, procurement, or offering of a child for begging (j) Excessive, unreasonable, or unremunerated domestic work

8. Reporting of hazardous work by children

(1) Any person with knowledge of children working in environments where there is risk of harm to their education, physical or mental health, or spiritual, moral, emotional or social development, must report such work to: (a) Department of Labour (b) SAPS (c) Department of Social Development (d) Provincial Department of Social Development (e) Social worker (f) Child protection organization

(2) The Department, SAPS, and Social Development shall facilitate the referral process and keep proper records of each referred case.



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9. Records

(1) An employer who employs a child or allows a child (15-18 years) to work must maintain an up-to-date record for each child that includes: (a) Child's name and date of birth (b) Parent/guardian/caregiver name and contact information (c) Description of the work performed (d) Hours worked per day and week (e) Copies of risk assessments (f) Details of medical examinations (g) Details of training received (h) Details of supervisor name and responsibilities (i) Any other relevant information

(2) Records must be kept for 3 years after the child ceases employment.

10. Social assistance and enforcement of regulations

(1) If it appears a child has been required or permitted to perform hazardous work, any of the agencies listed in regulation 8(1) may: (a) Investigate or refer the matter (b) Take appropriate steps to enforce these regulations (c) Take steps to assist or refer the child, including: (i) Counseling (ii) Rehabilitation (iii) Reintegration programs (iv) Placement in alternative care (v) Social assistance, including referring the child to the South African Social Security Agency for an appropriate social grant (vi) Addressing specific needs of the child

(2) Agencies must refer the child to the fund if: (a) Contribution to the fund was made for the child (b) Contribution required by the Unemployment Insurance Act, 2001 was not made (c) The child worked as an employee

11. Access to the these regulations

Any employer who employs a child or allows a child (15-18 years) to work must: (a) Display at the workplace where it can be read by employees a summary of these regulations in the official languages spoken in that workplace (b) Display with the summary the address and contact information of the nearest labor center (c) Give a copy of the summary to: (i) The child's parent, guardian, or caregiver if the child lives with them (ii) The child if the child does not live with a parent, guardian, or caregiver

12. Offences

(1) It is an offense to: (a) Employ a child in violation of the BCEA or regulations (b) Assist an employer to employ a child in violation of the BCEA or regulations (c) Discriminate against a person who refuses to permit a child to be employed in violation of the BCEA or regulations

(2) It is an offense for an employer to: (a) Require or permit a child to perform work contemplated in regulation 7 or the Schedule (b) Require or permit a child to work in a workplace or in any circumstance prohibited by the BCEA or regulations (c) Fail to comply with regulations 2, 3, 4, 5, 9, or 11 (d) Obstruct or attempt to influence improperly a person performing a function in terms of these regulations



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SCHEDULE

Prohibited Work for Child Workers 15 to 18 Years Old

1. Occupational Diving

Performing work as an occupational diver, including instructing or training of diving operations.

2. Work with Chemicals and Hazardous Substances

(a) Production, transport, handling, storage or use of explosives or articles containing explosives (b) Work with containers, vessels or compressed liquefied or dissolved gases (c) Manufacturing or preparing substances where dangerous chemical processes or cancer-causing substances are involved (d) Working with dangerous substances (e) Working with harmful radiation (f) Work with hazardous biological agents (g) Working where there is exposure to dust, liquids, vapors or gases causing risk to health (h) Working in premises where pesticide is applied

3. High-Risk Environments

(a) Working in restricted spaces (b) Working at heights above 5 meters or in suspended working places where there is risk of falling (c) Working with power tools or power-driven cutting tools (d) Working in environments where there is a risk of exposure to extreme heat or cold (e) Working near or with hot substances and objects (f) Working in places where noise exceeds 80 dB(A) (g) Working in places where the vibration levels exceed safety levels (h) Working in places with dangerous levels of electromagnetic radiation, ultraviolet radiation, or ionizing radiation (i) Working in or near fire, slaughtering, or meat processing unless proper safeguards are in place (j) Underground mining (k) Above-ground mining (l) Handling, transport, serving or selling of alcohol or tobacco (m) Working with machinery (n) Working with heavy loads and lifting (o) Working on a fishing vessel (p) Working in establishments serving alcohol or where there is a risk of exposure to violence, sexual abuse or harassment, or pornography

4. Waste Collection

Collecting waste in any formal or informal waste management sector, including waste dumping sites, unless compliance with regulations 2, 3, 4, and 5 are met.

5. Working with Livestock

Working with livestock posing a risk of infections, allergic reactions, or physical injuries unless proper supervision and risk assessment are provided.

6. Activities Requiring Adults-Only Environments



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(a) Working in gambling activities (b) Working where they are directly serving or selling to customers in an environment involving nudity or semi-nudity (c) Working in a gaming, escort, or related service industry (d) Accessing age-restricted websites, content, or activities as part of work

7. Transport

(a) Driving any vehicle including as an assistant (b) Operating lifting machinery (c) Using complex signaling systems (d) Assisting in coupling/uncoupling rail vehicles or working on rail tracks (e) Working where railway lines or engines pose a risk of being struck (f) Working on a boat, airplane, or air cushion vehicle unless close supervision, life jacket, and other safety measures are provided

8. Sport

All professional sporting activities not specifically regulated by a code of conduct or regulations addressing: (a) Age-appropriate activities (b) Night work restrictions (c) Regular medical check-ups (d) Educational program commitments (e) Balanced physical development (f) Adequate rest periods (g) Appropriate protective equipment (h) Insurance covering temporary or permanent disability (i) Maximum hours of training

9. Work Environment

Working in an environment where exploitation, abuse, or any form of harm occurs, including work where the child's earnings are unfairly appropriated.