



# LEGAL LIABILITY for SUPERVISORS / MANAGERS

(Including COIDA, BCEA, EEA, LRA, NEMA & HSA)

SAQA US: 242668

NQF Level: 4, SAQA Credits: 4

SAIOSH CPD Credits: 5

Duration: 2 Days

## Course description

The legal liability for supervisors and managers course provides a better understanding of the concept of legal liability and legislation regulates and enforces it.

The OHS Act places certain legal responsibilities on supervisors and managers to ensure a safe and healthy work environment.

## Course outcome

This course should equip supervisors and managers with the necessary knowledge, skills, and tools to fulfil their legal obligations concerning occupational health and safety in the South African workplace, reducing risks, ensuring compliance, and promoting a safe working environment.

## Course content

### MODULE 1: LIABILITY

- 1.1 Introduction
- 1.2 Criminal vs. Civil Liability
- 1.3 Criminal Liability
- 1.4 Civil Liability
- 1.5 Proof of Liability
- 1.6 Other types of Liability
  - 1.6.1 Legislative Liability
  - 1.6.2 Personal Liability
  - 1.6.3 Vicarious Liability
  - 1.6.4 Joint and Several Liability
  - 1.6.5 Strict Liability

### MODULE 2: OHS ACT, DEFINITIONS, DUTIES AND FUNCTIONS

- 2.1 Purpose of the Occupational Health and Safety Act, 85 of 1993
- 2.2 Definitions
- 2.3 Section 7 - Health and Safety Policy
- 2.4 Section 8 - General Duties of Employers to Their Employees.
- 2.5 Section 9 - General Duties of Employers and Self-Employed Persons to Persons Other than their Employees
- 2.6 Section 10 - General Duties of Manufacturers and Others Regarding Articles and Substances for Use at Work
- 2.7 Section 13 - Duty to Inform
- 2.8 Section 14 - General Duties of Employees at Work
- 2.9 Section 15 - Duty of Employees not to Interfere With, Damage or Misuse Things
- 2.10 Section 16 - Chief executive officer charged with certain duties
- 2.11 Section 17 - Health and Safety Representatives
- 2.12 Section 17 - Appointment and acceptance as a Safety Health and Environmental Representative
- 2.13 Section 18 - The Functions of a Safety Health and Environmental Representative
- 2.14 Section 18(2) - The Rights of a Safety Health and Environmental Representative
- 2.15 Various Sections - The duty to Inform Safety Health and Environmental Representative
- 2.16 Section 19 - Health & Safety Committee
- 2.17 Section 20 - Functions of Health & Safety Committees
- 2.18 Section 24 - Report to the inspector regarding certain incidents
- 2.19 Section 25 - Report to the chief inspector regarding occupational disease

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2.20 Section 37 - Acts or omissions by employees or mandatories

### **MODULE 3: ENFORCEMENT OF SHE LEGISLATION**

3.1 Occupational Health and Safety – Department of Labour

3.1.1 Chief Directorate

3.1.2 Inspections

3.1.3 Powers of Inspectors

3.1.4 Other Powers

3.2 Environment – Department of Environmental affairs

3.2.1 The Environmental Management Inspectorate (EMI)

3.2.2 EMI Designated Officials

3.2.3 EMI's – Mandates and Functions

3.2.4 EMI's – Powers and Responsibilities

3.2.5 EMI's and Criminal offences under NEMA

### **MODULE 4: IMPORTANT ENVIRONMENTAL LEGISLATION**

4.1 The Ambit of the Environmental Law

4.1.1 Polluter Pays Principle

4.2 THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT

4.2.1 The purpose

4.2.2 Duty of Care

4.2.3 Reasonable Measures

4.2.4 Right to Refusal to do Work Harmful to the Environment

4.2.5 Protection of Environmental Whistle blowers

4.2.6 Legal Standing to Enforce Environmental Laws

4.2.7 Private Prosecution

4.2.8 Criminal Proceedings

4.2.9 Vicarious Liability

4.3 THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT

4.3.1 The Act

4.3.2 The Purpose

4.3.3 Application for Atmospheric Emissions Licences

4.3.4 Factors to be taken into Account by Licencing Authorities

4.3.5 Contents of Provincial Atmospheric Emission Licences and Atmospheric Emission Licences

4.3.6 Transitional Arrangements Regarding Registration Certificates

4.3.7 Ambient Air Quality Standards

4.4 NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT

4.4.1 The Act

4.4.2 The Purpose

4.4.3 General Duties

4.4.4 Reduction, Re-use, Recycling and Recovery of Waste

4.4.5 Prohibition of Unauthorised Disposal

### **MODULE 5: COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT (COID ACT)**

5.1 The Act

5.1.1 Entitlement to Compensation

5.1.2 Claims for Compensation: Procedure

5.1.3 Section 35 of the COID Act

### **MODULE 6: BASIC CONDITIONS OF EMPLOYMENT ACT (BCEA)**

6.1 The Act

6.2 Ordinary Hours of Work

6.3 Overtime

6.4 Daily and Weekly Rest Periods

6.5 Night Work

6.6 Sick Leave

6.7 Maternity Leave

6.8 Prohibition

6.9 Medical Records

### **MODULE 7: EMPLOYMENT EQUITY ACT (EEA)**

7.1 The Act

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- 7.2 Unfair Discrimination
- 7.3 Medical Testing
- 7.4 Psychometric Testing and Similar Testing
- 7.5 Protection of Employees

**MODULE 8: LABOUR RELATIONS ACT (LRA)**

- 8.1 The Act
- 8.2 Compliance with all Laws
- 8.3 Relevant Information
- 8.4 Health and Safety in the Workplace

**MODULE 9: HAZARDOUS SUBSTANCES ACT**

- 9.1 The Act

**MODULE 10: OHS ACT APPOINTMENTS** (Table 01)

- 10.1 Appointments linked to their Legal Reference

**MODULE 11: OHS ACT SECTIONS AND REGULATIONS** (Table 02)

- 11.1 Relevant sections and Regulations with applicable cross references

**THEORETICAL ASSESSMENT**

- Formative Assessment (Open book test)
- Summative Assessment (Closed book test)

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