

New draft Maritime Occupational Health and Safety Amendment Regulations

New draft health and safety regulations for the maritime industry have been published for comment, updating the current regulations with amended or new definitions and additional safety measures.

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The Minister of Transport has published draft Maritime Occupational Health and Safety Amendment Regulations, 2021 (the draft regulations) for comment. They were prepared pursuant to Section 365 of the Merchant Shipping Act 57 of 1951 (the MSA). Their objective is to amend the current maritime occupational regulations, which came into force in 1994, in light of developments over the years.

The draft regulations seek to extend the ambit of the current health and safety regulations and they include additional mandatory requirements for employers and employees. Below is an overview of the most significant amendments proposed.

1. All prior references to safety in the current regulations are to be amended to "health and safety".
2. Various definitions are to be amended or introduced, including the definitions of "authority", "competent person", "confined space" and "employer".
3. An employer will be required to (among other duties):
 - a. Establish a health and safety committee.
 - b. Identify a health and safety appointee for every shift worked on a vessel
 - c. Conduct internal health and safety induction training, which will be compulsory for every newly-employed incidental person.
 - d. Provide health and safety equipment and facilities, as listed in the regulations, on the vessel to ensure employee safety.
 - e. Have compulsory "fit for duty" examinations conducted by an occupational medicine practitioner.

- f. Ensure that health and safety measures contained in the applicable Code and the SANS Standards prescribed the South African Bureau of Standards are complied with.
4. Employees are required to familiarise themselves with the hazards associated with any work to be performed or machinery to be utilised, and to be fully acquainted with the health and safety measures to be taken or to be observe in eliminating any established hazards.
5. Additional safety measures on the use and supply of mandatory PPE equipment and the requirement for certain approvals and/or certificates are to be introduced.
6. Both the employer and employee have an obligation to report any accident or serious injury in a prescribed casualty report obtainable from the proper officer concerned. Failure to comply with certain provisions in the draft regulations may be an offence under Regulation 40.

Comments on the draft regulations can be sent to the Department of Transport on or before Friday, 23 July 2021.

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