1 OHS LEGAL APPOINTMENTS EMPLOYER TOOLKIT 2027

A practical South African decision pack for management, HR, operations and safety teams.

! IMPORTANT USE NOTE

Use this toolkit to map OHS responsibilities and evidence. It is not a universal appointment list and does not replace a workplace-specific legal review, risk assessment, project specification or competent professional advice.

2 COMPANY / WORKPLACE DETAILS

EMPLOYER / ORGANISATION	MAIN WORKPLACE / SITE
INDUSTRY / SECTOR	APPROX. EMPLOYEES AT WORKPLACE
PREPARED BY / ROLE	REVIEW DATE

3 INITIAL APPOINTMENT READINESS CHECK

CORE GOVERNANCE

- [ ] CEO / accountable executive identified
- [ ] Employee count confirmed per workplace
- [ ] H&S Representative threshold checked
- [ ] H&S Committee trigger checked
- [ ] First Aid coverage checked
- [ ] Construction work applies

RISK / EVIDENCE CHECKS

- [ ] Section 16(2) assignments reviewed
- [ ] Machinery / specialist activities identified
- [ ] Client / tender requirements checked
- [ ] Competence evidence available
- [ ] Training evidence linked to roles
- [ ] Appointment review dates controlled

4 WHAT THIS PACK HELPS MANAGEMENT DO

IDENTIFY	MAP	VERIFY	CONTROL
Legal and operational triggers	Role, workplace and scope	Competence and training evidence	Reviews and corrective actions

! CORE PRINCIPLE

Appointment letters document responsibility. They do not automatically prove competence, medical fitness, authority, authorisation or the ability to perform a specialist role.

5 OHS LEGAL APPOINTMENT DECISION MATRIX

Mark each trigger YES, NO or REVIEW, then verify the applicable provision and workplace facts.

TRIGGER / QUESTION	POSSIBLE ROLE / STRUCTURE	CORE EVIDENCE TO VERIFY	STATUS
Who has overall management and control?	Section 16(1) CEO responsibility	Responsible executive; management structure	
Has CEO assigned OHS duties downward?	Section 16(2) assignment	Written assignment; scope; authority	
More than 20 employees at workplace?	H&S Representatives	Headcount; consultation/election; designation	
Two or more H&S Representatives?	H&S Committee	Members; meetings; records	
More than 10 employees at workplace?	First Aid coverage	Valid certificates; shift/area availability	
Construction work performed?	Construction roles	Applicable CR roles; competence; project scope	
Work at fall risk?	Fall protection roles	Plan; competence; training records	
Scaffolding erected / inspected?	Scaffold role competence	Role competence and supervision	
Construction plant / vehicles operated?	Operator competence / authorisation	Training; proof; authorisation; fitness	
Machinery / specialist hazards present?	Regulation-specific roles	Applicable regulation; competence; records	
Client / tender adds requirements?	Project-specific roles	Contract / H&S specification evidence	

! **HOW TO USE THE MATRIX**

Do not copy appointment lists from another company. Identify the trigger first, then confirm the role, competence criteria, written evidence and review controls that apply to your workplace.

6 SECTION 16 MANAGEMENT RESPONSIBILITY MAP

Document who carries overall management responsibility and where duties have been assigned.

7 MANAGEMENT RESPONSIBILITY CHAIN

SECTION 16(1) - CEO / PERSON WITH OVERALL MANAGEMENT & CONTROL

Name: _____ Title: _____

Business / workplace scope: _____

16(2)

ASSIGNMENT 1

Name: _____

Scope: _____

Authority: _____

Review: _____

16(2)

ASSIGNMENT 2

Name: _____

Scope: _____

Authority: _____

Review: _____

16(2)

ASSIGNMENT 3

Name: _____

Scope: _____

Authority: _____

Review: _____

8 SECTION 16 ASSIGNMENT QUALITY CHECK

ASSIGNMENT DESIGN

- ☐ CEO identity / role is clear
- ☐ Assignment written where used
- ☐ Scope matches actual control
- ☐ Appointee has authority/resources

GOVERNANCE

- ☐ Reporting line to CEO is clear
- ☐ Duties fit actual control
- ☐ Knowledge/training needs identified
- ☐ Review after structure changes

! **MANAGEMENT BOUNDARY**

A Section 16(2) assignment may support operational accountability, but it does not erase the CEO responsibility created by Section 16(1). Verify scope and authority instead of treating the letter as a liability transfer.

9 HEALTH & SAFETY REPRESENTATIVE PLANNER

Use employee numbers and workplace structure to assess representative coverage.

10 WORKPLACE HEADCOUNT AND REPRESENTATIVE REQUIREMENT

WORKPLACE / LOCATION

TOTAL EMPLOYEES AT WORKPLACE

SHOP / OFFICE OR OTHER WORKPLACE

CURRENT H&S REPRESENTATIVES

MINIMUM RATIO / BASIS USED

ADDITIONAL SHIFT / AREA COVERAGE

11 H&S REPRESENTATIVE REGISTER

REPRESENTATIVE	WORKPLACE / SECTION	DESIGNATION DATE	TERM / REVIEW	TRAINING / COMPETENCE EVIDENCE	STATUS

12 DESIGNATION PROCESS CHECK

PROCESS

- ☐ Employee threshold confirmed
- ☐ Consultation process documented
- ☐ Nomination/election recorded
- ☐ Designation issued in writing

ROLE READINESS

- ☐ Workplace/section defined
- ☐ Term of office recorded
- ☐ Training needs identified
- ☐ Representation process active

! **THRESHOLD REMINDER**

Under Section 17, the designation trigger is more than 20 employees at a workplace. The numerical threshold therefore begins at 21 employees. Confirm the workplace count and applicable ratio before finalising the register.

13 HEALTH & SAFETY COMMITTEE REGISTER

Use when two or more H&S Representatives have been designated at a workplace.

14 COMMITTEE TRIGGER AND SETUP

WORKPLACE / LOCATION

NUMBER OF H&S REPRESENTATIVES

COMMITTEE REQUIRED? YES / NO / REVIEW

COMMITTEE NAME / REFERENCE

MEETING FREQUENCY USED

NEXT REVIEW DATE

15 COMMITTEE MEMBERSHIP REGISTER

MEMBER	ROLE	REP / EMPLOYER NOMINEE	WORKPLACE / SECTION	FROM	TO / REVIEW

16 COMMITTEE EVIDENCE AND EFFECTIVENESS

GOVERNANCE EVIDENCE

- ☐ Members confirmed
- ☐ Meeting calendar active
- ☐ Agendas retained
- ☐ Minutes retained
- ☐ Recommendations recorded

ACTION EVIDENCE

- ☐ Management responses recorded
- ☐ Actions assigned
- ☐ Due dates controlled
- ☐ Close-out evidence retained
- ☐ Recurring issues escalated

! **DO NOT CREATE A PAPER COMMITTEE**

A committee should connect employee representation to real hazards, inspections, incidents, recommendations and management actions. A membership list without a functioning meeting and follow-up process is weak evidence.

17 FIRST AID & EMERGENCY ROLE PLANNER

Check whether trained people are actually available where and when the workplace needs them.

18 FIRST AID COVERAGE

AREA / SHIFT	EMPLOYEES	CERTIFIED FIRST AIDER(S)	CERTIFICATE EXPIRY	BACKUP COVERAGE	GAP / ACTION

19 EMERGENCY / FIRE ROLE MAPPING

ROLE / FUNCTION	NAME(S)	AREA / SHIFT	TRAINING EVIDENCE	EQUIPMENT / SYSTEM	STATUS
First Aid					
Fire / extinguisher use					
Evacuation / marshal					
Emergency coordinator					
Rescue / specialist role					

! **COVERAGE TEST**

Do not count certificates alone. Ask whether trained people are readily available across shifts, sites and operational areas, and whether absence or leave creates gaps. Fire and emergency roles should reflect the workplace risk and applicable requirements.

20 CONSTRUCTION / SPECIALIST APPOINTMENT MATRIX

Map construction, height, scaffold, plant and other risk-specific roles without copying irrelevant appointments.

21 CONSTRUCTION AND SPECIALIST ROLES

ACTIVITY / TRIGGER	ROLE / COMPETENT PERSON	WHO CURRENTLY HOLDS ROLE	COMPETENCE EVIDENCE	APPOINTMENT / AUTHORISATION	RE
Construction management					
Construction supervision					
Construction H&S officer - where required					
Fall protection plan					
Scaffold roles					
Construction vehicle / mobile plant					
Temporary electrical / machinery role					
Other specialist activity					

22 APPLICABILITY CHECK BEFORE APPOINTMENT

APPLICABILITY

- ☐ Activity actually occurs
- ☐ Applicable regulation identified
- ☐ Role wording matches requirement
- ☐ Competence criteria identified

EVIDENCE

- ☐ Appointee has real authority
- ☐ Training not treated as full competence
- ☐ Medical fitness separate where applicable
- ☐ Client / principal contractor checked

CONSTRUCTION STATUS NOTE

This pack is general guidance. As at the September 2026 drafting review, Construction Regulations 2014 remain the operative reference while Draft Construction Regulations 2025 have been published for comment. Verify the latest promulgated position for project reliance.

23 COMPETENCE & TRAINING EVIDENCE REGISTER

Link each appointment to the knowledge, training, experience, authority and other evidence the role actually requires.

24 APPOINTEE EVIDENCE REGISTER

EMPLOYEE / APPOINTEE	ROLE / APPOINTMENT	COMPETENCE BASIS	TRAINING / CERTIFICATE	EXPERIENCE / QUALIFICATION	AUTHORITY / ACCESS	EVIDE

25 EVIDENCE QUALITY CHECK

DOCUMENTATION

- ☐ Appointment letter signed
- ☐ Scope/workplace defined
- ☐ Training evidence current
- ☐ Qualification/experience verified

OPERATIONAL EVIDENCE

- ☐ Authority to act is real
- ☐ Medical fitness checked separately
- ☐ Authorisation retained where required
- ☐ Evidence stored/retrievable

! **EVIDENCE RULE**

Appointment, training, competence, authorisation and medical fitness are different concepts. One document does not automatically prove the others. Build an evidence chain that matches the actual role.

26 APPOINTMENT EXPIRY & REVIEW REGISTER

Prevent outdated appointments remaining in the OHS file after people, sites or duties change.

27 MASTER APPOINTMENT REVIEW REGISTER

APPOINTEE	ROLE	SITE / SCOPE	EFFECTIVE	REVIEW / EXPIRY	TRIGGER FOR EARLIER REVIEW

28 REVIEW TRIGGERS

PEOPLE / WORKPLACE

- ☐ Employee resigns/transfers
- ☐ Job role changes
- ☐ Workplace/project changes
- ☐ Employee numbers change
- ☐ New machinery introduced

RISK / LEGAL

- ☐ New high-risk activity begins
- ☐ Client/tender changes
- ☐ Training/certificate expires
- ☐ Incident reveals gap
- ☐ Law/regulation changes

! **REVIEW PRINCIPLE**

An appointment register should describe the organisation that exists now, not the organisation that existed when the safety file was assembled. Build review into management change, project mobilisation and workforce planning.

29 MANAGEMENT CORRECTIVE ACTION PLAN

Turn missing, weak or unsupported appointments into accountable management actions.

30 OHS APPOINTMENT GAP ACTION REGISTER

GAP / FINDING	REQUIRED ACTION	OWNER	PRIORITY	DUE DATE	EVIDENCE / CLOSE-OUT

31 FINAL MANAGEMENT READINESS CHECK

CORE GOVERNANCE

- ☐ CEO / Section 16 understood
- ☐ 16(2) assignments controlled where used
- ☐ H&S Rep threshold checked
- ☐ Committee trigger checked
- ☐ First Aid / emergency checked

EVIDENCE / ACTION

- ☐ Construction/specialist roles checked
- ☐ Competence linked to roles
- ☐ Training gaps identified
- ☐ Review dates controlled
- ☐ Corrective actions assigned

32 MANAGEMENT SIGN-OFF

REVIEWED BY / TITLE _____

DATE _____

APPROVED BY / TITLE _____

NEXT REVIEW DATE _____

LEGAL / REGULATORY REFERENCE NOTE

- Primary framework: Occupational Health and Safety Act 85 of 1993, including Sections 16, 17 and 19.
- First Aid planning: General Safety Regulation 3 and the applicable current rules for the workplace.
- Construction roles: Construction Regulations 2014, subject to verification of any later promulgated replacement.
- Other roles may arise from machinery, electrical, pressure equipment, hazardous substance, asbestos or other specific regulations.

SWIFT SKILLS ACADEMY - CAPE TOWN

Employer training: Basic Health & Safety, First Aid, Fire Fighting, Working at Heights, Confined Spaces and more.

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