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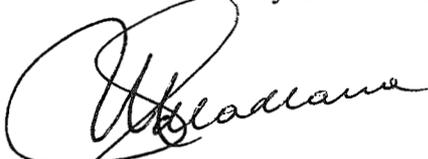
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No. Gazette
 No.**GOVERNMENT NOTICE****Labour, Department of***Government Notice*

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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR**No. R. 7****15 January 2010****BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997****REGULATIONS ON HAZARDOUS WORK BY CHILDREN IN SOUTH AFRICA**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, in terms of Section 44(1) of the Basic Conditions of Employment Act, No 75 of 1997 and Section 43(1) of the Occupational Health and Safety Act, No 85 of 1993, hereby publish Regulations on Hazardous Work by Children in South Africa.



**M M S MDLADLANA, MP
MINISTER OF LABOUR**

Regulations on Hazardous work by children in South Africa

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Health and Safety of Children at Work Regulations

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

The Minister of Labour, on the recommendation of the Occupational Health and Safety Advisory Council, has in terms of section 43(1) made the following regulations.

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned but, unless the context otherwise indicates—

- (a) **"the Act"** means the Occupational Health and Safety Act, 1993;
- (b) **"child"** means a person under eighteen years of age;
- (c) **"child worker"** means any child who
 - (i) is employed by or works for an employer and who receives or is entitled to receive any remuneration; or
 - (ii) who works under the direction or supervision of an employer or any other person;
- (d) **"employer"** means an employer as defined in the Act who employs or provides work for a child.

2. Purpose and interpretation

- (1) The purpose of these regulations is to prohibit or place conditions upon the work that may be required, expected or permitted to be performed by child workers, and which is not prohibited in terms of any law.
- (2) No provision in these regulations may be interpreted as permitting the employment of—
 - (a) a child who is under 15 years of age or is subject to compulsory schooling in terms of any law;
 - (b) a child who is 15 years of age or older and is not subject to compulsory schooling in any work which is prohibited in terms of any law.
- (3) Any person who requires or permits a child worker to work must comply with these regulations in addition to any other provisions of this Act, its regulations or any other law applicable to such work.
- (4) These regulations must be interpreted in accordance with International Labour Organisation's Worst Forms of Child Labour Convention, 1999.¹

¹ The text of the Convention is available at www.ilo.org

3. Risk assessment

- (1) Every employer who employs, or provides work to, a child worker or permits any child worker to work at any place under their control or with any machinery under their control must in respect of such work undertake a risk assessment process which must include at least the following —
 - (a) identifying the risks and hazards to which any child worker may be exposed;
 - (b) analysing and evaluating the risks and hazards that are identified;
 - (c) preparing and implementing —
 - (i) a documented plan of safe work procedures to remove, mitigate, reduce or control the risks and hazards that have been identified; and
 - (ii) a monitoring plan.
- (2) Without limitation to the obligations in terms of sub-regulation (1), an employer must for the purposes of complying with sub-regulation (1) take into account, to the extent that they are relevant to any work, the following factors —
 - (a) the increased biological sensitivity of children to chemicals, biological agents, carcinogens and hormone disruptors;
 - (b) the increased vulnerability of children to sleep disruption;
 - (c) the vulnerability of children to direct and indirect coercion or abuse from any person, particularly when working alone;
 - (d) the relative lack of experience and maturity of children in making safety judgments;
 - (e) the reduced ability of children to adapt to inflexible work routines;
 - (f) the reduced ability of children to perceive dangers correctly;
 - (g) the reduced capacity of children to understand safety messages;
 - (h) whether the design of any machinery, tools, equipment and protective equipment is appropriate for children's stature;
 - (i) the implications of children working at the period when their skeletal structures and bones are still developing;
 - (j) children's physical development in relation to ergonomics, in order to ensure a healthy and safe working environment;
 - (k) the physiological, hormonal and other vulnerabilities of children at puberty.
- (3) In the risk assessment process referred to in sub-regulations (1) and (2), the employer take into account the guidelines provided in Schedule 1 to these regulations.

4. Respiratory hazards

No employer may require or permit any child worker to undertake any work in respect of which a person over the age of 18 performing the same work would be required in terms of the Act to wear respiratory protection equipment.

5. Work in elevated position²

- (1) No person may require or permit a child worker –
 - (a) to work in an elevated position unless –
 - (i) the work is performed under the supervision of a competent adult employee or by the employer; and
 - (ii) those fall protection measures which are reasonably practicable, and which comply with or exceed the requirements of the Construction Regulations are provided;
 - (b) to work at a height of more than 5 metres above the floor or ground.
- (2) For the purposes of this regulation, work in an elevated position, means work at a height of more than 2 metres from the floor or ground.

6. Lifting of heavy weights

- (1) No person may require or permit a child worker to perform any work that involves lifting an object that weighs more than the lesser of
 - (a) 15 kgs; or
 - (b) 20 % of the child's body weight.
- (2) Subject to sub-regulation (1), a child worker who lifts objects weighing more than 7,5 kgs as part of their work may not be required or permitted to lift such an object more than once per minute.
- (3) Subject to sub-regulations (1) and (2), a child worker who lifts objects weighing more than 5.kgs may not be required or permitted to do so continuously for longer than 2 hours.
- (4) For the purposes of sub-regulation (3), a child worker shall be regarded as lifting a weight continuously unless they do not lift such a weight for a period of at least 30 minutes.

7. Work in a cold environment³

- (1) No person may require or permit a child worker to work in an environment below an actual dry-bulb temperature specified in this regulation, unless the child is supplied with suitable protective warm clothing –
 - (a) 0°C where the work involves repeated entry into, or presence for more than two minutes in such environment;

² Regulation 8 of the Construction Regulations (published in Government Gazette 25207, Government Notice R 1010 of 18 July 2003) requires any contractor undertaking construction work to prepare and implement a fall protection plan in respect of all employees, regarding all risks relating to working from an elevated position, which considers the nature of work undertaken, and sets out the procedures and methods to be applied in order to eliminate the risk. That regulation applies in addition to this regulation.

³ Regulation 2(1) to (3) of the Environmental Regulations for Workplaces published in Government Gazette 10988, Government Notice R 2281 of 16 October 1987 further regulates work in a cold environment. That regulation applies in addition to this regulation.

(b) 6°C where the work involves repeated entry into, or presence for more than one hour in such environment.

- (2) For the purposes of sub-regulation (1), suitable protective warm clothing means the items of protective clothing specified in Regulation 2(2)(b)(i) to (vi) of the Environmental Regulations for Workplaces published in Government Gazette 10988, Government Notice R 2281 of 16 October 1987.

8. Work in a hot environment⁴

No person may require or permit a child worker to work perform hard manual labour where the time-weighted average WBGT index as defined in the Environmental Regulations for Workplaces, made in terms of the Occupational Health and Safety Act, 1993, determined over a period of one hour, exceeds 30 unless the child –

- (a) is acclimatised to such working environment before he is required or permitted to work in such environment;
- (b) has water breaks every 15 minutes; and
- (c) is cognisant of the need to drink at least 150ml of liquid every break and the employer provides the child with the necessary liquids.

9. Work in noisy environment⁵

No person may require or permit a child worker to perform any work involving an exposure to a noise level in excess of 80 dB(A) unless the child is supplied with hearing protective equipment that complies with regulation 12 of the Noise-Induced Hearing Loss Regulations, made in terms of the Occupational Health and Safety Act, 1993.

10. Power tools and cutting or grinding equipment

- (1) No person may require or permit a child worker to use any power tool, or any cutting or grinding equipment unless-
- (a) they have conducted a risk assessment in terms of regulation 3 and have determined that it is safe and without significant risks for the child to use;
 - (b) if the risk assessment indicated that it is safe and without significant risks for the child to use if used with safety equipment or facilities, they
 - (i) provide the child with the necessary safety equipment and facilities in term of regulation 2 of the General Safety Regulations, made in terms of the Occupational Health and Safety Act, 1993; and
 - (ii) instruct the child in the use, maintenance and limitations of such equipment;

⁴ Regulation 2(4) of the Environmental Regulations for Workplaces published in Government Gazette 10988, Government Notice R 2281 of 16 October 1987, further regulates work in a hot environment and applies in addition to this regulation.

⁵ The Noise Induced Hearing Loss Regulations apply to all employers or self-employed persons whose activities may expose persons to noise at or above the noise-rating limit set in the those regulations, and apply in addition to this regulation.

- (c) the child has received adequate training from a competent person in the safe and appropriate use of the power tool or other such equipment before starting such work; and
 - (d) the child is supervised by a competent person when using power tool or other equipment.
- (2) Despite sub-regulation (1), no person may require or permit a child worker to use any power tool or other machinery if an inspector has issued a notice in terms of section 30(1) of the Act prohibiting the use by child workers of such tool or other machinery.

11. Report to department of social development

A labour inspector who finds a child worker being employed or used in contravention of the Act or in contravention of these regulations shall refer the child for investigation to a child protection organisation designated in terms of the Children's Act No 38 of 2005 or to the provincial department of social development in the province where the child works or lives, unless the labour inspector is satisfied that the child will not suffer any detriment due to steps being taken by the inspector to ensure compliance with the law.

12. Offences and penalties

- (1) Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and on conviction shall be liable to a fine or to imprisonment for a period of 12 months and, in the case of an continuing offence, to an additional fine of R200 or to additional imprisonment for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.
- (2) If a person is convicted of a offence under these regulations, and the action or omissions that constitutes the offence is also a worst form of child labour as defined in regulation 9 of the Regulations on Hazardous Work by Children, made in terms of the Basic Conditions of Employment Act, 1997, the court on convicting that person and determining a sentence must take into account that –
- (a) that South Africa has ratified Worst Forms of Child Labour Convention, 1999;
 - (b) that the offence constitutes a worst form of child labour in terms of that Convention.

13. Summary

- (1) Any person who employs a child worker must display the prescribed summary of these regulations in the work-place where it can be read by employees including child workers who are at the workplace, which may include a summary of other relevant regulations and laws, in their workplace. This summary is provided in Schedule 2 to these regulations.

- (2) The existence of this displayed summary and its contents must be brought to the attention of all employees, including child workers.

14. Short title and commencement

These regulations shall be known as the Health and Safety of Children at Work Regulations and will come into effect 21 days after the date of publication in the *Government Gazette*

Schedule 1: Guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers

These are the guidelines issued in terms of regulation 3(3), which an employer of a child worker under the age of 18 years old must take into account when conducting a risk assessment in terms of regulation 3(1).

1. Definitions

In these Guidelines these terms means the following, unless the context indicates otherwise—

- (1) **"child"** means a person under 18 years old;
- (2) **"child worker"** means a child referred to in the definition of "employer" and who works in terms of paragraph 3 of these guidelines;
- (3) **"employer"** means a person who employs, or provides work to a child or permits a child to work at any place under their control or with any machinery under their control, or allows a child to assist in any other manner in carrying on their business.

2. Risk assessment required

- (1) Regulation 3 provides that every employer who employs, or provides work to, a child worker or permits any child worker to work at any place under their control or with any machinery under their control must in respect of such work undertake a risk assessment process which must include at least the following –
 - (a) identifying the risks and hazards to which any child worker may be exposed;
 - (b) analysing and evaluating the risks and hazards that are identified;
 - (c) preparing and implementing –
 - (i) a documented plan of safe work procedures to remove, mitigate, reduce or control the risks and hazards that have been identified; and
 - (ii) a monitoring plan; and
 - (iii) a review plan.
- (2) A risk assessment is a way for an employer to
 - (a) evaluate the worksite in a systematic way to identify potential hazards and safety issues so the employer is able to take steps to prevent the hazard causing or contributing an exposure, injury, or illness;
 - (b) identify how many child workers might be affected by the hazard and under what circumstances this may occur; and
 - (c) assess the likelihood and severity of any health consequences that may arise from the exposure to the hazard.
- (3) A risk assessment must be appropriate to the employer's workplace and the hazards and risks associated with the processes and activities that take place in the workplace. A risk assessment must cover the full range of work that child

workers may be engaged in at the workplace, and work where child workers may be present.

- (4) A risk assessment enables the employer to plan and implement measures to control or remove the hazard and thereby reduce the risk.

3. Application regarding child workers

- (1) The provisions on risk assessment apply to children who are allowed to work in terms of the law.
- (2) A child who is under 15 years of age or is subject to compulsory schooling may not be employed as an employee and may not assist any person to carry on their business.
- (3) In terms of the South African Schools Act a child is subject to compulsory schooling until the last school day of the calendar year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.
- (4) An exception to the prohibition on work by younger child workers, referred to in sub-paragraph (2), is that younger children are permitted to work in the performance of advertising, artistic or cultural activities in terms of a permit granted in terms of *Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities* issued by the Minister of Labour in terms of the BCEA. Employers in these sectors should study the sectoral determination, which can be accessed on www.labour.gov.za.

4. Children's characteristics and recommendations for safety

- (1) Children are in a special time in their development and are not yet ready to take on the duties and responsibilities of adults. Below are characteristics to keep in mind when supervising them in any setting.
 - (a) physical, cognitive, and emotional development differ from adults:
 - (i) physical size, development, maturity, & judgment vary for any given age;
 - (ii) bone plates, ligaments and tendons are still growing;
 - (iii) chemicals metabolize faster and smaller doses may have bigger impacts;
 - (b) more sleep is needed by children than adults at a time when sleep habits and patterns may not be good;
 - (c) children typically explore, experiment, and take risks, but lack a sense of vulnerability; sometimes they try to do "a little more" to prove themselves;
 - (d) children desire acceptance from adults and peers, and are susceptible to peer pressure, yet want to assert their independence;
 - (e) children may be inexperienced in work practices or lack role models for responsibilities associated with the world of work;

- (f) children often lack assertiveness and may be afraid to ask questions or speak up because they are concerned about looking stupid or losing their job;
- (g) children may have limited skills in communicating with supervisors.

5. Increased risks of children at work

- (1) Regulation 3(2) provides that the risk assessment should take into account, to the extent that they are relevant to any work by child workers, a range of factors.
- (2) These factors, together with examples of how they could become relevant at work, are:
 - (a) the increased biological sensitivity of children to chemicals, biological agents, carcinogens and hormone disruptors For example chemicals may metabolize faster and have greater impact at smaller doses.
 - (b) the increased vulnerability of children to sleep disruption, for example children require more sleep than adults and children's body clock is more vulnerable under conditions of shift work;
 - (c) the vulnerability of children to direct and indirect coercion or abuse from any person, particularly when working alone, for example –
 - children working alone in retail outlets are easier targets for criminals
 - children in domestic service are isolated in private homes and may be subjected to sexual abuse by others in the homes;
 - (d) the relative lack of experience and maturity of children in making safety judgments, for example children may not have sufficient insight to know that a mechanical tool is faulty, or that a ladder is not sufficiently stable, so may continue using the device in a situation where an adult would know to stop;
 - (e) the reduced ability of children to adapt to inflexible work routines, for example children may not be able to maintain concentration when working for long periods without a break, increasing the likelihood of injury due to fatigue or stress related to prolonged work without rest;
 - (f) the reduced ability of children to perceive dangers correctly, for example –
 - children, especially teenagers, typically explore, experiment, and take risks, but lack a sense of vulnerability;
 - sometimes they try to do "a little more" to prove themselves;
 - they desire acceptance from adults and peers, and are susceptible to peer pressure, yet want to assert their independence;
 - children may be inexperienced in work practices or lack role models for responsibilities associated with the world of work;
 - (g) the reduced capacity of children to understand safety messages, for example some safety messages require cognitive processes that children may not have acquired;
 - (h) whether the design of any machinery, tools, equipment and protective equipment is appropriate for children's stature, for example whether the handle of a power tool is too big for the size of that child's hands, thereby reducing the child's ability to control the power tool;

- (i) the implications of children working at the period when their skeletal structures and bones are still developing, for example children's growth and development may be adversely affected by having to carry heavy loads or do repetitive work;
- (j) from an ergonomic perspective, children's physical development is not typically suited to the design of machinery, tools, equipment and protective equipment that is appropriate for children's stature; these must be assessed whether the mismatch jeopardizes a healthy and safe working environment. For example most equipment, including safety equipment, is designed for adults, so will not fit most children's body build; as a result, children may be forced into awkward postures to use a device, or may not be able to benefit from the use of gloves to protect themselves from hazards to the skin, because of poor fit of a glove;
- (k) the physiological, hormonal and other vulnerabilities of children at puberty, for example –
 - working children may be more susceptible to sexual exploitation by adults who take advantage of children;
 - chemicals that cause endocrine disruption may have serious effects on children's hormonal function.

6. Preparation for employment of child workers, and for risk assessment

The employer should prepare carefully for the employment of child workers, and for the risk assessment, including the following steps:

- (a) understand the relevant child labour and health and safety regulations;
- (b) walk through the workplace to identify job activities that are prohibited;
- (c) increase knowledge about special needs of child workers;
- (d) train supervisors and co-workers about working with child workers;
- (e) involve workplace health and safety personnel, if any;
- (f) training of child workers on health and safety should be age-appropriate, ie it should be conducted in a manner that child workers of the employed age-group can understand;
- (g) identify age-appropriate health and safety education materials;
- (h) incorporate special considerations for child workers in the employers' *plan of safe work procedures*;
- (i) discuss work issues with parents of child workers and/or school(s) attended by child workers, as needed;
- (j) educate child workers about potential harassment and abuse by other employees or customers, or potential for threats of violence at the workplace.

7. Plan of safe work procedures

- (1) Regulation 3(1)(c) requires the preparation of a plan of safe work procedures.

- (2) The employer should consider at least the following strategies when drawing up such a plan:
- (a) follow all child labour and relevant other safety and health regulations;
 - (b) conduct thorough orientation when a new child workers starts working, or when work practices change, such as set out in the orientation checklist in paragraph 8;
 - (c) utilize safety training checklists, such as the checklist in paragraph 9, in order to ensure all topics are covered;
 - (d) in orientation and training, consider the list of health and safety topics in paragraph 10;
 - (e) provide for child-sensitive supervision to child workers taking into consideration the guidelines in paragraph 11;
 - (f) consider a child workers's physical capacity to perform the job safely, the child's maturity to exercise good judgment, and the child's ability to read and understand written instructions and safety signs;
 - (g) involve co-workers: create a mentoring program among experienced workers, including experienced child workers;
 - (h) encourage child workers to ask questions and ask for assistance regularly.

8. Checklist on safety orientation of child workers

The employer should keep a written record on whether each of the following safety orientation steps have been taken regarding each child worker: whether the child worker has been –

- (a) informed about the elements of the written safety program that outlines the employer's safety efforts;
- (b) informed about any staff health and safety meetings;
- (c) told to report all injuries and shown how to do this;
- (d) told to report all hazards to her/his supervisor and shown how to do this;
- (e) informed about all machinery hazards;
- (f) informed about what tasks child workers are prohibited from performing;
- (g) informed about all other hazards and ways to protect themselves (i.e., chemicals, use of ladders, slippery floors, etc.);
- (h) shown where the first aid supplies are located and who to call for first aid;
- (i) told what to do during any emergencies that could occur;
- (j) shown how to operate a fire extinguisher and other emergency equipment;
- (k) informed of and trained on any chemical hazards according to the relevant hazardous chemical regulations, including how to read a label and precautions to take when using them;
- (l) trained on the safe methods to perform the specific job the child workers was assigned including any hazards associated with that job;

(m) provided any formal training required to do his/her job, such as proper lifting, use of knives, grill and fryer operation, spill clean-up etc.

9. Checklist on basic training principles

- (1) What to train child worker on:
 - (a) job safety requirements, including safety regarding the specific tasks the worker would perform, and health and safety requirements for such work under the law;
 - (b) how to recognize hazards;
 - (c) what precautions to take;
 - (d) what to do if a problem or emergency arises;
 - (e) how to report an injury;
 - (f) where they can go to for further advice.
- (2) How to train:
 - (a) give clear instructions;
 - (b) ask worker to repeat instructions;
 - (c) show worker how to perform the task;
 - (d) watch worker perform the task, and correct errors;
 - (e) make the training age-appropriate and make it fun and easy to understand;
 - (f) encourage them to ask questions.
- (3) When to train:
 - (a) when worker is first hired;
 - (b) when worker is given new task or tool;
 - (c) when a new hazard is introduced into workplace;
 - (d) after an incident (an injury or close call);
 - (e) when the child worker returns to the work environment after a significant period of absence;
 - (f) regularly, such as through on-site safety training.
- (4) On-site safety training
 - (a) "On-site Safety Training" means a short, concise safety training session held out in a work area. It has been widely used in some industries and has proven effective in preventing injuries. Monthly or weekly on-site safety training is recommended to help keep safety on the minds of the workers, make it part of the normal routine, and demonstrate the importance you place on safety.
 - (b) The on-site training session should keep the following in mind:
 - (i) keep the training sessions short, for instance, 10-15 minutes maximum, to keep worker attention;

- (ii) focus on a single topic and keep it simple;
- (iii) hold on-site training regularly; a common practice is monthly or weekly on the same day;
- (iv) select days and times when workers are fully attentive; first thing Monday morning or last thing Friday are not good times;
- (v) pick a location that is relatively free from distractions, either out in the workplace or where employees normally are found - a quiet break room is acceptable. Sometimes the best place is near where the hazards are;
- (vi) keep your presentation informal. Use language workers will understand. Be upbeat and enthusiastic.
- (vii) choose topics that apply directly to your operation, and be specific in telling workers how it applies to them personally. Keep it relevant;
- (viii) injury incidents or near misses are good subjects. Let the workers suggest topics and highlight issues;
- (ix) use visual aids such as safety signs, flip charts, diagrams, illustrations, or actual objects. Demonstrate a procedure if appropriate. Use handouts if needed, but keep them simple;
- (x) encourage questions and discussion. Be sure workers are paying attention and actively learning;
- (xi) have workers sign a sheet documenting their presence at the training, and keep on file.

10. Health and safety topics to cover in orientation and training

When taking steps regarding orientation referred to in paragraph 8 or regarding training referred to in paragraph 9, the following topics should be considered relative to the possible risks which could arise in the working environment:

Basic safety and training principles

Tractor safety

Cold environment: working where it is below 6 degrees C

Crime and abusive customers

Electrical safety

Eye protection

Fire safety

Hearing protection

Height: working more than 2m above the floor or ground

Hot environment: Heat stress & sun exposure

Incident and injury reporting

Irrigation safety

Kitchen safety: avoiding burns, safe handling of knives, using electrical appliances

Lifting of heavy objects

Ladder safety

Lighting and safety

Machine safety

Noisy environment: ear protection

Personal protective equipment, use, maintenance, inspection and limitations

Safety signs and signage

Slips, trips, and falls

Shop safety
Tools: Hand tool safety
Tools: Outdoor power tool safety
Tools: Power tools, generally
Transportation and travelling safety
Tree fruit harvest safety
Water safety
Working at night
Working away from home
Working near embankments or excavations
Working with or near chemical substances

This list is not exclusive, so add other relevant work related topics as deemed necessary or appropriate

11. Supervision of child workers

The following factors should be taken into consideration in a plan on safe work procedures, regarding the supervision of child workers, to reduce risks regarding their work:

- (a) keep adolescent characteristics in mind as described in paragraph 4 in mind and assign age-appropriate tasks;
- (b) consider a young worker's physical capacity to perform the job safely; maturity to exercise good judgment; and ability to read and understand written instructions and safety signs;
- (c) provide a clear assignment of duties with specific information about those tasks;
- (d) provide appropriate safety training on assigned equipment and tasks, including the need to report all safety hazards and injuries;
- (e) teach them how to recognize risks, and encourage them to make good decisions about taking appropriate precautions or action;
- (f) provide information on how to cope with emergencies, who to contact, and how to reach them. Phone numbers, the address of the workplace, and directions to the workplace should be put on notice boards or walls where easy to find;
- (g) provide increased supervision by co-workers or supervisors who work well with youth, are consistent, and who set a good example by following the safety rules, and designate appropriate adult employee(s) as *child worker safety officers, with the responsibility of specifically monitoring the safety of child workers in the workplace and to intervene if they feel the work is too risky;
- (h) create an atmosphere where child workers feel free to ask questions or express concerns;
- (i) be sure child workers have an understanding of their rights and responsibilities;
- (j) provide positive feedback when child workers follow through with these responsibilities.

12. Examples of steps that may be included in a plan of safe work procedures

The following are examples of guidelines and tips to be taken into account when drafting a plan of safe work procedures, or when implementing a plan, in specific situations.

(1) Guidelines on the risk of crime and abusive customers:**(a) Handling cash:**

- (i) Leave a clear, unobstructed view of the cash register from the street;
- (ii) Post signs saying cash register contains minimal cash;
- (iii) Store cash in a drop safe, limited-access safe or comparable safe container;
- (iv) Don't count cash or close the till in front of customers;
- (v) Practice the "buddy system" during cash drops.

(b) Creating a safer retail environment:

- (i) Develop a workplace violence prevention plan, and use it to train employees;
- (ii) Train employees on what to do in case of a robbery;
- (iii) Train employees on how to de-escalate a potentially violent situation. Establish a policy that employees not resist or pursue shoplifters;
- (iv) Establish a reporting process for violent incidents and threats;
- (v) Consider displaying a "no safe keys held on the premises" notice.

(c) Notices:

- (i) Post emergency telephone numbers in an accessible place;
- (ii) Places notices on laws against assault, stalking or violent acts.

(d) Staffing:

- (i) Schedule at least two people per shift. child workers may not work without adult (age 18 or older) supervision after 8 pm;
- (ii) Don't require child workers who serve customers to wear revealing uniforms or clothing;
- (iii) Keep background noise to a minimum.

(e) Entering and leaving:

- (i) Have more than one exit employees can reach in case of emergency;
- (ii) Practice the "buddy system" to walk to public transportation and parking areas.
- (iii) Although back doors should be locked at night, employees should still be able to exit easily, especially during an emergency situation.

(f) Security and lighting:

- (i) Use alarms and locks. Make sure they work properly;
- (ii) Use security surveillance cameras or mirrors, if possible;
- (iii) Provide a "panic" button, silent alarm or other means for employees to communicate with police or security;

- (iv) Provide adequate lighting and security in parking lots and other areas where employees go alone at night;
- (v) Work with your local police and security to identify any special arrangements which might be useful in a particular location.

(2) Proper lifting of weights / loads

(a) Assess the load:

- (i) Check if the shape or mass of the load presents a risk to safe manual lifting;
- (ii) Use a lifting aid or hand truck/ trolley if possible. Get help if you need it;
- (iii) Check for slivers, nails, exposed staples;
- (iv) Use gloves if necessary;
- (v) Make sure you have a clear path to where you are moving it to.

(b) Lifting the load:

- (i) Place your feet to ensure a stable base to do the lift;
- (ii) Bring the load as close to you as possible before lifting;
- (iii) Establish a good hand grip to lift the load
- (iv) Lift with your legs, not your back;
- (v) Keep your head up, your back straight and don't bend at your hips.

(c) Moving the load:

- (i) Keep the load close to your body;
- (ii) Look where you are going;
- (iii) Shift your feet to turn, don't twist your body.

(d) Putting it down:

- (i) When putting a load down, let your leg muscles carry it down;
- (ii) Make certain your fingers and toes are clear before putting the load down;
- (iii) Place the load first then, move it into the required position. Do not twist your body while placing a load as it can cause back strain.

Schedule 2: Summary of regulations on the health and safety of children at work and on hazardous work by children

The Minister of Labour has made regulations to protect the health and safety of child workers at work under –

- (a) section 44 and 45 of the Basic Conditions of Employment Act, 1997 (called the BCEA regulations);
- (b) section 43 of the Occupational Health and Safety Act, 1993 (called the OHS Act regulations).

This is a summary of the most important provisions of these two sets of regulations.

Any person who employs or uses the services of a child worker must display this summary in the workplace where it can be read by employees including child workers who are at the workplace.

1. Definitions

In this summary these terms means the following, unless the context indicates otherwise—

- (1) **"child"** means a person under 18 years old;
- (2) **"child worker"** means a child referred to in the definition of "employer";
- (3) **"employer"** means a person who employs, or provides work to a child, subject to paragraph 3 below.

2. Purpose of regulations and notice

- (1) The purpose of the regulations is to –
 - (a) protect the health and safety at work of child workers who are lawfully entitled to work;
 - (b) prohibit categories of work which child workers may not perform;
 - (c) place conditions on the work that may be performed by child workers
 - (d) identify which categories of work constitute worst forms of child labour, and to make appropriate enforcement provisions in this regard;

3. Coverage and interpretation of regulations

- (1) The BCEA regulations cover child workers as defined in those regulations, namely children who are employed, including children who assist any person to carry on their business.
- (2) The OHS Act regulations cover all work performed by child workers as defined in those regulations.
- (3) For the purposes of the BCEA regulations, any person who allows a child worker to assist them in carrying on their business is the employer of that child.

- (4) The regulations do not -
- (a) permit the employment of any child worker who is under 15 years of age or is subject to compulsory schooling in terms of any law;
 - (b) reduce any other condition of employment or prohibition applicable to the employment of any person in the Act or any other law, insofar as it applies to the employment of a child.
- (5) These regulations must be interpreted in accordance with the International Labour Organisation's Minimum Age Convention, 1973 and its Worst Forms of Child Labour Convention, 1999. The text of the Convention is available at www.ilo.org.

4. Minimum age of work

- (1) A child worker who is under 15 years of age or is subject to compulsory schooling may not be employed as an employee and may not assist any person to carry on their business.
- (2) However, a child worker who is under 15 or subject to compulsory schooling may -
- (a) work in the performance of advertising, artistic or cultural activities in terms of a permit granted in terms of *Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities* issued by the Minister of Labour in terms of the BCEA (employers in these sectors should study the sectoral determination which can be accessed on www.labour.gov.za);
 - (b) do the following work, other than as an employee as defined in the BCEA –
 - (i) collect contributions on behalf of a fund-raising organisation registered in terms of the Fund Raising Act (Act No. 107 of 1978);
 - (ii) do voluntary work for a church, charitable organisation or amateur sports club; and
 - (iii) as part of his/her schooling, do work that is appropriate for a person of that age or which does not place at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development.
- (3) Even though the child worker may perform types of work referred to in subparagraph (2)(a) to (b) above, such work is still subject to the provisions of the regulations summarised here.
- (4) In terms of the South African Schools Act a child worker is subject to compulsory schooling until the last school day of the calendar year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.

5. Access to nutrition, health care and educational services

An employer who employs a child worker must ensure that their employment does not interfere with -

- (a) their access to adequate nutrition;