



# OCCUPATIONAL HEALTH & SAFETY

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## ABOUT US

Cliffe Dekker Hofmeyr's (CDH) Occupational Health & Safety team delivers clear and precise legal advice. Our skilled representation is tailored to the individual situation of clients in the industrial, construction and mining sectors as well as generally to the requirements of a wide range of industries.

We help manage all workplace health and safety issues ranging from risk management and training, to dispute resolution, representation, compliance and audits.

## OCCUPATIONAL HEALTH AND SAFETY

The Occupational Health and Safety Act (OHSA) provides a legislative framework for the provision of reasonably healthy and safe conditions in the workplace. It also places extensive legal duties on employers and users of machinery and makes major inroads on employers' and employees' common law rights.

The OHSA contains provisions that impose general obligations on employers and employees with regard to health and safety. Far more detailed and specific obligations can be found in the regulations published in terms of the OHSA. These include environmental, general safety, electrical machinery, driven machinery, electrical installation, construction, asbestos, hazardous chemicals substances and noise.

### Work we have done in this important field

- Represented clients at serious incident investigations and conducted the preparation for those investigations
- Represented clients at fatal incident inquiries
- Represented clients in the incapacity hearings of former employees alleging that they had contracted a serious health ailment, namely manganism, at the workplace
- Represented a major client at the Marikana Commission of Inquiry, which provided important insight into running a major judicial inquiry with its intrinsic complexities from particularly an evidentiary point of view

## OCCUPATIONAL HEALTH AND SAFETY SERVICES



Advising on all aspects of occupational health and safety and compensation for occupational injuries and diseases



Advising on interpretation, implementation and compliance relating to OHSA and the Compensation for Occupational Injuries and Diseases Act



Drafting legally compliant health and safety policies



Assessing existing company policies against legislated obligations



Chairing incapacity hearings related to ill health or a workplace injury



Conducting workplace health and safety audits



Assistance in developing health and safety standards in the workplace



Advising on the prevention of claims by independent contractors



Providing legal representation at occupational health and safety investigations, inquiries, inquests, compliance audits and legal proceedings



Developing customised solutions and training material for staff and employee education



Training for managers to make sure that employers are compliant with the law



Assisting clients with developing customised health and safety solutions and training material for their staff and employees

## MINING HEALTH AND SAFETY SERVICES

The Mine Health and Safety Act is a vital piece of legislation. The Act aims to protect and promote the health and safety of employees and persons who may be affected by the activities at a mine, and outlines the rights and responsibilities of an employer, as well as the obligations of employees who work there.

CDH's Environmental Law practice undertakes the health and safety compliance component in all due diligences and legal compliance reviews done by the firm.

We also assist clients in reporting safety incidents to ensure legal compliance and to avoid self incrimination.

We have developed online compliance tools that assist clients in ensuring health and safety.

### Our Services

We offer advice on all aspects of mine health and safety issues, including interpretation, implementation and compliance advice regarding the Mine Health and Safety Act and the relevant amendments and regulations. Our services include:



Advising on all aspects of the Occupational Diseases in Mines and Works Act, particularly the employer's liability for damages as a result of compensatable injuries and diseases



Drafting letters of appointment covering statutory appointments



Assessing existing policies to ensure compliance with all aspects of mine and health legislation and regulations



Providing legal representation at mine health and safety investigations, inquiries, compliance audits and legal proceedings



Assisting with appeals against administrative fines imposed by the Principal Inspector



Assisting with reviews and appeals in respect of closure of a mine shaft



Assisting with developing customised health and safety solutions and training material for staff and employee education

## MARKET RECOGNITION

Our Employment Law team is externally praised for its depth of resources, capabilities and experience.

*Chambers Global 2014–2023* ranked our Employment Law practice in Band 2 for employment. *The Legal 500 EMEA 2020–2023* recommended the South African practice in Tier 1, and our Kenyan practice in Tier 3 for employment.

The way we support and interact with our clients attracts significant external recognition.

*Chambers Global 2018–2023* ranked [Fiona Leppan](#) in Band 2 for employment. *The Legal 500 EMEA 2022–2023* recommend her for mining. *The Legal 500 EMEA 2019–2023* recommended her as a leading individual for employment, and recommended her from 2012–2018.



## OUR TEAM

For more information about our Occupational Health & Safety sector and services in South Africa and Kenya, please contact:



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**BBBEE STATUS:** LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

**PLEASE NOTE**

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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