	<b>UNIVERSITY OF CAPE TOWN</b>		
	<b>Head of Departments Section</b> <b>8(2) Appointment Letter</b>	Reference Number	<b>HS15</b>
		Implementation Date	
		Rev / Amendment No	02
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## 2. APPOINTMENT LETTER

### OCCUPATIONAL HEALTH AND SAFETY ACT, ACT 85 OF 1993

#### OHSA 8 (2) – RESPONSIBLE PERSON

I, \_\_\_\_\_ (Head of Department)

of \_\_\_\_\_ (area of responsibility), hereby appoint you,

\_\_\_\_\_ (appointee's full names), as the First Aider for

\_\_\_\_\_ (area of responsibility).

#### ASSIGNMENT OF RESPONSIBILITIES IN TERMS OF SECTION 8(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, NO 85 OF 1993 (AS AMENDED)

I, \_\_\_\_\_ as the subordinate responsible person in terms of Section 16(2) of the Occupational Health and Safety (OHS) Act and by the powers thereby vested in me by the OHS Act Section 16(2) of the (Faculty/Department) to assign legal responsibility in terms of Section 8(2), do hereby assign you with the responsibility of ensuring that work is performed, and that plant and machinery within your normal ambit of responsibility, is used safely. I assign to you the authority to ensure that the precautionary measures taken by the Faculty or Department for Occupational Health and Safety are implemented in term of this Act and Regulations.

Your OHSA 8(2)(i) assignment encompasses the:

- Duties indicated in Appendix 1.
- Buildings, activities, and operations indicated in Appendix 2.

You shall report periodically on OHS performance and escalate OHS deviations.

You are to attend the OHS 16(2) Legal Liability and Risk Assessment training arranged by the OHSE Division within Properties and Services within three months of the date of acceptance of this appointment.


Yours Faithfully,

_____ Signature	_____ Name (OHSA 16(2) Subordinate Assignee)	_____ Date
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#### ACCEPTANCE OF APPOINTMENT

I, \_\_\_\_\_ acknowledge and accept the above and declare that I am familiar and understand the duties and responsibilities imposed on me by legislation and this assignment. I undertake to ensure the implementation and adherence to these impositions within my appointed area of responsibility. I commit to familiarise myself with the outline of my duties and responsibilities pertaining to this assignment.

_____ Signature	_____ Name	_____ Date
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## Appendix 1: Duties allocated to OHSA 8(2) Responsible Person


OHS duties and responsibilities are hereby delegated in terms of Section 8(2) to you, to be responsible for ensuring that precautionary measures and OHS compliance with the applicable occupational health and safety legal requirements within your ambit of responsibility are enforced, and that work is performed safely.

Your rights and powers are only in respect of that identified for your respective areas of responsibilities for which you have been appointed.

1. You are to ensure that the safety and health of all employees and all persons affected by the activities of the University within your normal ambit or responsibility is controlled within the statutory and policy requirements.

Such responsibility includes:

- The safety of the facilities, structures, equipment, materials, machinery and installations which you control.
  - To ensure that all precautionary measures aimed at preserving the safety and health of persons affected by your workplace, are implemented and maintained
  - The training of employees in hazard management
  - Ensuring that safe work practices are applied.
  - Ensuring that you and your staff are aware of all hazards in the workplace and that these are adequately measured and managed.
  - Ensuring that exposed employees are submitted to mandatory medical surveillance.
2. To familiarise yourself with all relevant aspects of the Act & Regulations and the University's Occupational Safety and Health Standards and Management System.
  3. To ensure compliance with all statutory requirements at all times.
  4. To ensure compliance with statutory and policy requirements relating to accidents and incidents.
  5. To attend appropriate education and training to ensure satisfactory execution of your duties and responsibilities.
  6. To represent your area of responsibility at the P&S OHSE Committee.
  7. To appoint members and facilitate the election of members for a OHSE committee, see to it that the OHSE committee meets at least quarterly to identify, evaluate and manage safety and security risks, takes minutes of all meetings and keep a risk register of all risks identified and managed.
  8. To provide the OHSE Division with all copies of minutes and safety plans for the department.

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### Commencement

The assignment of duties and responsibilities will commence and have effect from the date of acceptance and will remain in effect until this appointment is superseded by a new appointment, termination of employment in this position and / or officially cancelled in writing. You are to ensure that you are familiar with the said area of responsibility and understand and agree with the boundaries of your area of responsibility.

### Compliance

You are to ensure that the local by-laws and national Occupational Health and Safety legislation and any incorporated standards and notices are complied with, within your area of responsibility. Your attention is drawn to the fact that Local by-laws and National Occupational Health and Safety legislation may be amended from time to time. It is your responsibility to ensure that the OHS management are enforced within your ambit of responsibility.

Guidelines will be provided by the OHSE Division within Properties and Services.

You will be provided with all the necessary assistance in the implementation of the Occupational Health & Safety Act 85 of 1993 (as amended) as policy and you are required to consult the OHSE Central Division for further guidance.

You shall be provided with access to the Occupational Health and Safety Act as well as the Universities SHE programs documentation and information as is necessary and where required.

Your rights and powers are only in respect of that identified for your respective areas of responsibilities for which you have been appointed.

### Reporting


To facilitate the provisions of your appointment, you will report on Occupational Health and Safety compliance to the Subordinate OHSA 16(2) and ensure that an effective OHS reporting system within your jurisdiction exists to enable adequate controls in the event of undesirable events such as an accident or emergency or high-risk condition.

You are charged with reporting to your subordinate OHSA 16(2) Assignee or elected Chair of the P&S OHSE Committee:

- Immediately, any deviations and areas of non-compliance (that you cannot rectify), and
- On General OHSE performance matters and issues.

A monthly report consisting of the following information and shall be submitted in the approved format to the Chair P&S OHSE Committee:

- OHSE Representative Inspections.
- Results of Internal Inspections/Audits.
- Safety Performance.
- Incidents (Near misses, Accidents, Illnesses, First Aid Treatments)

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## Authority

You are given the authority through this appointment to enforce the necessary precautionary measures and ensure compliance with the legal provisions and requirements. You are to familiarise yourself with the internal policies, management systems, standards, and procedures and to apply them when required. You are to advise me of:

- Any additional authority required by you to ensure and enforce compliance with the legal provisions / requirements.
- Any additional means needed to ensure compliance with the legal provisions / requirements.
- Any issue that cannot be adequately resolved by yourself.

## Duties and Responsibilities

As the OHSA 8(2)(i) Responsible Person for your Respective Division/Unit, you are, as far as is reasonably practicable, required to ensure that work is performed, and plant and machinery is used, safely. You are to ensure that the precautionary measures that are necessary for ensuring occupational health and safety are enforced within your respective area.

Without derogating from the generality of the responsibility listed above, the matters to which that responsibility refers include the assurance that the following are implemented and enforced -

1. Systems of work, plant, and machinery that, as far as is reasonably practicable, are safe and without risks to health.
2. Taking such steps may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment.
3. Making arrangements to ensure, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances.
4. Establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his business, and he shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures.
5. Providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees.
6. As far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (2) and (4) above, or any other precautionary measures which may be prescribed, have been taken.
7. Taking all necessary measures to ensure that the requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is used.
8. Enforcing such measures may be necessary in the interest of health and safety.
9. Ensuring that work is performed, and that plant or machinery is used under the general supervision of a person trained to understand the hazards associated with it and who has the authority to ensure that precautionary measures taken by the employer are implemented.
10. Causing all employees to be informed regarding the scope of their authority.

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11. You shall ensure that the activities that fall within your ambit are conducted in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in our employment who may be directly affected by those activities are not thereby exposed to hazards to their health or safety.
12. Familiarize yourself with 16.2 subordinates and the respective physical buildings within your area of responsibility (see Appendix 2: Building Custodianships allocated to OHSA 16(2) Assignees and OHSA 16(2) Subordinate Assignees).
13. It must be noted that the construction, maintenance and service of buildings lay within the ambit of Properties and Services (P&S) and the accountable 16.2 subordinate resides within P&S. The 16.2 delegated authority of the Faculty/Department has the accountability to ensure that systems and processes and regular inspections are conducted as per OHS inspection checklists.
14. Where staff work from home, ensure that their working environment is safe and conducive to ensuring ergonomic practices prevent long term muscular or skeletal health issues.

### Legal References

Your attention is drawn to the following relevant legal references for this appointment, please ensure that you familiarize yourself with the legal requirements of the Occupational Health and Safety Act, No 85 of 1993 (as amended):

Section 8:	General Duties of Employers to their Employees
Section 9:	General Duties of Employers and Self-Employed Persons to Persons other than their Employees
Section 10:	General Duties of Manufacturers and others regarding articles and substances for use at work
Section 11:	Listed Work
Section 12:	General Duties of Employers regarding Listed Work
Section 13:	Duty to Inform
Section 14:	General Duties of Employees at Work
Section 15:	Duty not to interfere with damage or misuse
Section 16:	Chief Executive Officer Charge with Certain Duties
Section 17:	Health and Safety Representatives
Section 18:	Functions of Health and Safety Representatives
Section 19:	Health and Safety Committees
Section 20:	Functions of Health and Safety Committees
Section 26:	Victimization Forbidden
Section 31:	Investigations
Section 38:	Offenses, penalties and special orders of the court
CR:	Construction Regulations
GAR:	General Administration Regulations
GSR:	General Safety Regulations
DMR:	Driven Machinery Regulations
GMR:	General Machinery Regulations
ER:	Ergonomics Regulations
RBA:	Regulations for Biological Agents
RHCS:	Regulations for Hazardous Chemical Substances



**Appendix 2: Building Custodianships allocated to 8.2 assignees.**

*It is the responsibility of the Central Occupational Health and Safety Advisory Committee Representative to maintain the table below and to communicate timeously to the COHSAC chair.*

16.2 subordinate Appointee	8.2 I APPOINTEE	TITLE	BUILDINGS	ACTIVITIES / OPERATIONS