

## MOSA REGULATIONS

The Machinery and Occupational Safety Act (No 6 of 1983) which is replacing the old Factories Act deals with new structures to be set up as regards Health and Safety. This has been reviewed previously by Myers and Steinberg (SALB Vol. 8.8 & 9.1) and will not be discussed here. MOSA is essentially a piece of enabling legislation which means that it is followed by a series of regulations which will determine conditions in the workplace.

MOSA made provision for the establishment of an Advisory Council which forms, as and when required, "expert" technical committees to make recommendations. These recommendations constitute the basis of the new factory regulations.

In June 1983, the Minister of Manpower issued draft regulations concerning lighting, ventilation and thermal (heat and cold) conditions of work and invited comments on these (Government Gazette 3/6/83, No 8739). Various management organisations reacted unfavourably to these draft regulations, claiming that they were too strict and expensive to enforce.\* Hence, a technical committee was established in November 1983, to which representation could be made by all interested parties, in order to draft new recommendations on the above subjects. (Government Gazette 18/11/83, No 8965)

Tag (Technical Advice Group) felt that the draft regulations were defective on the following grounds:

1. They were too vague: terms such as "practicable" are difficult to contest in court or during negotiations between unions and management.
2. The standards that were set were inadequate to the task of protecting the health and safety of

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Rand Daily Mail, 26/8/83

workers as compared to overseas standards.

3. There were important omissions in the previous draft regulations, for example in the thermal conditions section the following factors were not included:

- thermal conditions of the rest areas
- provision of water to workers
- age limits of workers in hot areas
- monitoring of heat in factories
- persons that are competent in treating heat stroke to be trained
- the right of workers to be given alternate work if their health may be affected by the thermal conditions of present work
- worker access to health professionals and medical records
- acclimatisation of workers if they are absent or ill for a period of more than four days

Tag submitted proposals such as these concerning all three areas of working conditions which were included in the scope of the technical committee.

A further set of draft regulations (general administrative issues) were issued by the Minister concerning, among other issues, a list of "high risk" substances. Tag's criticisms were that this list of 49 substances cover only a fraction of the dangerous substances (+/- 2000) and recommended the inclusion of a further 28. In other countries upto 530 toxic substances are recognised as dangerous.

Table 1 : High Risk Substances in Other Countries

Country	No. of high risk substances recognised
USA	280
Soviet Union	530
Czechoslovakia	70
West Germany	370
East Germany	180
Sweden	120

briefing

From: Holmberg, B. and Winell, M. , Occupational Health Standards, An International Comparison, Scandanavian Journal of Work and Environmental Health, 3 1977; ppl-15

Regulations on their own are insufficient. The conditions of health and safety on the shopfloor can only be adequately monitored and improved by the organisation of workers themselves. However, it remains important that legal provision is made for the labelling of all substances used in industry, identifying the chemical formulae and the potential hazards of the substances. Furthermore, no new substance should be introduced into a workplace until these factors are known and adequate protection of workers provided for.

It is unlikely that provisions like these will be legislated for simply through representation to the technical committees. While it is important that worker organisations continue to submit their own recommendations to the technical committees, the only way in which this strategy can produce long-term beneficial results is if such submissions take place within the context of a challenge to management on these issues at the shop floor level.

Tag considers this first set of recommendations to be a test case in an attempt to determine whether or not submissions from trade unions and trade union service groups are taken into account by the Department of Manpower in formulating factory regulations.

It is felt, however, that ultimately it is only through strong shop floor organisation and bargaining that workers will be able to achieve a healthy and safe working environment.\*

(Johannesburg Correspondent, February 1984)

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\*If unions would like any more information about current recommendations they can contact the following organisations: (see overleaf)

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