



Effective  
Human  
Intervention  
LEADERS IN TRAINING



# LEGAL LIABILITY

This course provides a full understanding of the OHS Act legal liabilities. Make qualified decisions when acting or representing the employer and understand the liabilities associated with appointments and scope of work.

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# Legal Liability



South African Institute of  
Occupational Safety and Health  
Accredited - 5 CPD Points



Recognised for Continuing  
Professional Development  
(CPD) by SAAMA in accordance  
with ECSA guidelines



## So, What Is This Training Course All About?

The reality is that the issue of legal liability keeps coming up and it isn't going away anytime soon! So, this training course has been researched and developed to answer this simple question asked by professionals daily, *"what is my potential health and safety legal liability in doing my job and what can I do to minimise the risks?"*

All too frequently, professionals in the construction and engineering fields get into trouble because they simply did not know about a new law, regulation or standard and/or they were not aware of their specific responsibility under a new law. It's just not enough to think or even worse, hope you are compliant!

This training course will help you to take the guesswork out of the equation. We have packed this course with the most relevant information, and we will focus on the principles of the current health and safety legislation and will ensure that you learn how to identify, minimise and prevent legal risks as well as how to properly comply with all the applicable legislation.

## About Your Facilitator:

Phillip Verwey is an independent training consultant that holds a diploma in Occupationally Directed Education Training Development Practices (ODETDP) as well as various health and safety training certificates. He possesses more than 3 decades of experience in the training and education environments where he has invested years in research and development of various training programs ranging from literacy skills to technical training programs. In 1999 he started his own training consultancy which initially focussed on literacy and study skills training. As time progressed the scope of training increased to include multiple short courses in soft skills such as time management, customer care and sales skills. He was also contracted by various companies to develop various subject specific in-house training courses. His clients includes a wide range of small to medium- sized business as well as high-profile multi-national organisations such as Old Mutual, MTN and African Bank.

In 2007 he was contracted by Consolidated Power Projects (Conco) to establish a training department for them. This included the development, facilitation, assessment and moderation of all relevant occupational health and safety training courses needed for operating within the construction industry. A one year contract turned into a 7 year employment period and the task of establishing a training department turned into getting the training department accredited with CETA as a training provider with various Health and safety courses within the construction industry. This was successfully completed in February 2014 at which stage he returned to his training consultancy, focussing on the health and safety industry.

You can be sure that Phillip will at all times deliver a dynamic, practical and information-packed course that will not only assist you in your current role but also add value to your company. He is a firm believer in the saying : "give a person a fish and he will eat for a day, but teach him how to fish and he will eat for the rest of his life"

### Who should attend?

- Managers
- Supervisors
- SHEQ Officers
- Anyone requiring in-depth knowledge of the OHS Legislation
- Engineers

### Benefits Include:

- Participation in an interactive workshop
- Learning from a recognized expert with cross industry experience
- 5 CPD Points – SAIOSH
- 2 CPD Points - ECSA
- Certificate of Completion

# Legal Liability

## Module 1: Introduction to The South African Legal System

*This first module will lay the foundation for the entire training course as we focus on the legal system as well as all the legislation that you need to be aware of. You will learn:*

- An overview of all the applicable legislation:
  - OHS Act No.85 of 1993
  - Mine Health & Safety Act 29 of 1996
  - COID Act 130 of 1993
  - **Hazardous Biological Agents Regulations (Covid-19 Specific)**
  - **COVID-19 Occupational Health & Safety Measures in Workplaces Covid-19 (C19 OHS), 2020**
- Discuss the South African legal system as well as how the law is applied in the courts
- Unscrambling all the confusing OHS-related definitions and terminology
- Overview of the record-keeping requirements with an explanation as to how the changes in regulations impact this going forward
- How will the penalty system for non-compliance work? How could/would it impact your bottom-line?
- How to apply proven methods to quickly audit and assess your company's current level of compliance and establish where you could be vulnerable
- Discussing in detail the reasons and purposes of a HIRA programme
- What do you need to know before you get started?

## Module 2: General Sources of Legal Liability?

*It's a situation that is all too common across construction and engineering sites across the country...you assume you are compliant with the legislation but during a routine inspection, you are shocked to find that you aren't! There is a big difference between the various types of liability and the million Rand questions is: do you know exactly what you are accountable and responsible for? Chances are you don't! So, during this module you will learn:*

- What are the actual differences between the following types of legal liability?
  - General legal liability
  - Criminal liability
  - Civil liability
  - Vicarious liability
    - Everything you need to know about Burden of Proof
    - Covering in detail the issue of Reasonable Person Principal - Standard of Care

So, things have gone horribly wrong – what do you need to know about:

- Summons and Charge Sheet
- Admission of Guilt
- Indemnities

## Module 3: The Roles, Duties & Responsibilities from Both an Employer & Employee Point of View In Terms Of Legal Liability

It goes without saying that as an Employer, you have a legal responsibility to ensure a healthy and safe workplace for your workers and contractors. But the entire onus of health and safety is not on you, your employees also need to take on a level of responsibility as well. During this module, we will translate hard-to-follow government legalese into easy-to-understand info as we explore the duties, roles and responsibilities of both the Employer and the Employee in terms of the:

- Mine Health and Safety Act 29 of 1996
- Occupational Health and Safety Act

## Module 4: Everything That You Need to Know About Prescribed Statutory Appointments

*The legislation requires that all employees are competent, especially the appointees. But how do you know if they are competent or not? Because if they aren't competent, their appointment will have very little value anyway. The reality is that ineffective appointments will result in undue exposure for you, the manager, and it will have a knock-on effect as it will promote an inefficient health and safety system as well as a real possibility that the Act's provisions may unknowingly be contravened. This module will take a detailed look at the requirements of prescribed statutory appointments in terms of:*

- Competency – what are the requirements of a competent person?
- Accountability
- Format of appointments, by considering firstly the type of appointment and the legal referencing as well as the:
  - Duration of the appointment
  - Area of responsibility
  - Duties and functions
  - Personal information, qualifications and signatures
  - Notification to DME/D.o.L
  - Layout, structuring and formatting of the appointment letter
  - Annexure and attachments

## Module 5: Risk Management and Legal Liability

*Let's be honest, risk management is not a new concept. However, risk management in the context of occupational health and safety in the construction and engineering industries is a dynamic and changing field. This module touches on some of the basic concepts but will quickly move into the various models and systems that impact your potential legal liability: You will learn:*

- What risk management is and why it is so important?
- How to apply proven risk assessment techniques to define your risk exposure and to account for uncertainties
- **Biological Hazardous Agents Health Risk Assessment**
- **Policy, Guidance and Safe Work Procedures associated with the COVID-19 Pandemic in the workplace – post lockdown**

# Legal Liability

## Module 5: Risk Management and Legal Liability (Cont.)

- **The Exposure Control Plan**
- Fundamental risk management terms and definitions
- How to apply a systematic process to effectively develop a safety risk management process diagram that is easy to use, understand and keep up-to-date
- Applying a 4-layered risk management system, we will explain in detail how and why you can use this correctly in terms of:
  - HSE model of safety management
  - Work process model
  - Human behaviour in safety risk management
  - The role of the Supervisor/Employer

## Module 6: Effective Accident & Incident Reporting, Investigation & Management

*It's no secret that prevention is your best line of defence when it comes to dealing with injuries and accidents...but accidents still happen and sadly it is a fact of life on any construction or engineering project! The reality is that it is a tall order to start a project and finish it without a single accident or incident. So, when things go wrong and accidents happen how quickly you investigate, prepare the report and then manage an accident or incident can make all the difference!*

*The aim of any accident or incident investigation is to ensure that it doesn't happen again and to facilitate improvements to existing safety systems. During this module, you will learn about:*

- The investigation process and its objectives
- Developing investigation procedures
- Conducting a thorough investigation
- Causes of accidents
- Cause Analysis Techniques (Bow-Tie Analysis and Root Cause Analysis)
- Preparing and writing the report

## Module 7: What Other Requirements Do You Need to Know About – What Else Could Trip You Up and Negatively Impact Your Overall Legal Liability?

*The topic of legal liability is widespread and there are several other hidden issues that you need to be aware of because they could trip you up if they are overlooked. This module will leave no stone unturned as we look at the remaining health and safety issues that often get discounted and forgotten. You will learn everything you need to know about:*

- Health and safety representatives and committees
- Personal protective and safety equipment
- Training and information
  - **COVID-19 Training and Information Plan**
- Occupational health and hygiene
- Contractor management and construction
- **Classifying Worker Exposure to COVID-19**

## Module 8: When the Health and Safety Inspector Comes Knocking, Are You Ready? Learn How to Make Sure You Are 100% Complaint & Safeguard Your Organisation From Hefty Fines & Penalties

*The penalties and fines relating to OHS offences and/or violations can be notoriously steep and often there is no room for appeal. Don't leave yourself and your organisation vulnerable to substantial penalties. In this module, you will gain all the hard facts and current information as well as essential details that you need to know about in terms of:*

- The inspection process – how it works, what are the Inspectors looking for
- Valuable checklists that you can use right now to help you to spot trouble – before the Inspector shows up!
  - **COVID-19 Workplace Checklist**
- Hot spots to look out for – what are the areas that are most likely to be inspected?
- What are the difference types of violations and offenses that can apply?
- Discuss in detail the Inspectors' power to:
  - Deal with dangerous conditions
  - Order compliance
  - Recommend a fine
  - Impose a fine
- The bottom line – what are the maximum fines or periods of imprisonment that can be imposed for offences?



### REGISTRATION CONFIRMATION

Complete your registration form and submit to attend a public or virtual course.

**Alternatively, a signed In-house quotation will secure your group training session, followed by an invoice and date confirmation.**



### CUSTOMISED VIRTUAL TRAINING AND/OR IN-HOUSE TRAINING

If you wish to organize a Virtual Instructor Led Training session or In-House session for your organization, we will custom design a session that will help you achieve your desired learning goal. The main advantage of custom designed VILT, in addition to being significantly cost effective, is that they address topics specifically related to the needs of your organization. **To discuss the possibility of designing and conducting such a session or In-House training session, contact us on 021 979 5891 or callie@ehiafrica.co.za for a comprehensive quotation.**