

SafeNet Thought for the Day

5th of May 2017

“Toolbox Talk” – Employees duty 3

We often think that providing a health and safety workplace is solely the duty of the employer. Section 14 and 15 of the Occupational Health and Safety Act, 1993 do however impose certain duties on employees. Failure to comply with these duties could result in an employee being held liable or even be prosecuted by the Department of Labour. In this Safety Thought we will discuss one of these duties.

EMPLOYEE DUTY 3

Section 14(c) states - *“Every employee shall at work carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health or safety”*.

In accordance with this requirement an employee is required to perform all the tasks for which they received training and which they are competent to perform. The legislation does however not require formal training in all cases and it may mean that the employee only received on the job training. An employee would for instance be required to operate equipment if properly trained to operate the equipment and if instructed to do so by the employer.

The requirement does however imply that an employee can refuse to perform tasks which will unnecessarily endanger them or tasks for which they have received no training. A typical example will be a case where the employee is instructed to operate a machine which:

1. Is unsafe due to it not having been fitted with the required safety guards; and / or
2. For which he / she has not received trained in the safe operating procedures.

Enjoy your weekend

The team at SafeNet