

**LEGAL NOTICE NO. .... OF 2024**  
**THE URBAN GOVERNMENT ACT, 1969**  
**(ACT NO. 8 OF 1969)**

**EZULWINI OCCUPATIONAL HEALTH AND SAFETY BYE-LAWS,**  
**2024**

**(Under Section 77)**

In exercise of the powers conferred by section 77 of the Urban Government Act, 1969, the Minister for Housing and Urban Development makes the following Bye-laws -

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### **PART I**

#### **PRELIMINARY PROVISIONS**

##### ***Citation and Commencement***

1. (1) These Bye-laws may be cited as the Ezulwini Occupational Health and Safety Bye-laws, 2024.

(2) These Bye-laws shall come into force on the date of publication in the Gazette.

##### ***Interpretation***

2. In these Bye-laws, unless the context otherwise requires -

“authorized officer” means -

(a) any person authorized by the Municipality to perform the duties of the Municipality in terms of these Bye-laws;

(b) an employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of these Bye-laws; or

(c) any employee of the Municipality assigned or delegated to perform any function or exercise any power in the enforcement of these Bye-laws;

“employee” means a person, whether or not the person is an employee at common law, who works for pay or remuneration under a contract of service or under any

other arrangement involving control by, or sustained dependence for the provision of work on, another person;

“employer” means any person or undertaking, contractor, corporation, company, public authority or body of persons who or which has entered into a contract of employment with an employee and includes -

any agent, representative, foreman or manager of such person, undertaking, corporation, public authority or body of persons who is placed in authority over that employee -

(i) who has died, the executor of that person's estate;

(ii) who has become of unsound mind, the curator *bonis* of that person;

(iii) who has become insolvent, the trustee of the insolvent estate of that person; or

(iv) which is a company in liquidation, the liquidator of that company;

“Court” means the Magistrate’s Court established in terms of the Magistrate’s Court Act No. 66 of 1938.

“Minister” means the Minister responsible for Urban Government Administration;

“Municipality” means the Ezulwini Town Council established in terms of section 4 of the Urban Government Act. No. 8 of 1969;

“notice” means a document issued by an authorized officer in terms of these By-laws;

“world of work” means -

(a) workplace, including public and private spaces where people work or are employed;

(b) places where the employee is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;

(c) work-related trips, travel, training, events or social activities;

(d) work-related communications, including those enabled by information and communication technologies;

(e) employer-provided accommodation; and

(f) commuting to and from work.

“Occupational safety and health” means the social, mental and physical wellbeing of workers, including the prevention of work related injuries and diseases as well as the protection and promotion of the health of workers.

### ***Objects***

3. The objects of these Bye-laws are to -
  - (a) establish guidelines for ensuring the safety, health, and well-being of employees within the municipality, promoting work place or world of work safety standards, and preventing occupational hazards and accidents; and
  - (b) regulate occupational safety and health within the municipality, ensuring the safety and health of persons at work and at workplace and for the protection of persons other than persons at the workplace from workplace or world of work hazards, promoting safe working conditions, and reducing the risk of occupational accidents and illnesses.

### ***Application***

4. (1) These Bye-laws apply within the entire area of jurisdiction of the Ezulwini Municipality and are binding on all persons to the extent applicable, all employers, employees, workplaces, establishments, businesses, industries, entities including in the world of work within the Municipality.

(2) These Bye-laws shall be read as one with the Occupational Safety and Health Act No. 9 of 2001 and where these Bye-laws are inconsistent with the provisions of the Act, the provisions of the Act shall apply.

(3) Where a national or local disaster or emergency has been declared by the Municipality in the workplace or world of work these Bye-laws shall be applied in line with the Disaster Management Act, 2001 or applicable Disaster Management Laws and Regulations.

## **PART II**

### **DUTIES OF EMPLOYERS AND EMPLOYEES**

#### ***Duties of Employer***

5. An employer shall -
  - (a) evaluate the level of risk of machines, tools, any substances, and biological agents and chemicals that are used at the workplace, and provide necessary protective measures, including the measures listed in the First Schedule, in line with existing rules and regulations so that the handling

and use of such machine, tools or substances do not impose any health hazards to employees.

- (b) provide adequate and relevant personal protective equipment to employees free of charge and make them wear it during work so as not to expose employees to any serious occupational diseases or hazards;
- (c) develop a preventive plan and also a plan of action for any emergency situation;
- (d) arrange training and refresher training on safety and health relevant to the industry and the department for managers including the employer, and for employees and their representatives;
- (e) make the necessary arrangements so that any employee can report to the employer through the workplace safety and health officer where the employee encounters any workplace accident, any occurrence which could seriously affect safety or health, or any situation which the employee has reasonable justification to believe that it presents such an imminent danger;
- (h) regarding the implementation of safety and health measures, ensure cooperation among the managerial representatives of the employer, the representatives of both the employer and employees, and all the employees;
- (i) make systematic arrangements for ensuring safety and the absence of health risks to persons at the workplace and nearby, in connection with the use of machines, any parts of a machine, buildings, tools, substances, or handling and transportation of wastes relating to any process or workplace;
- (j) stop the process at once in case of imminent danger; evacuate employees from the workplace; carry out necessary rescue procedures; and direct the employees to alternate work or 'alternate workplaces' where available;
- (k) arrange and display occupational safety and health instructions, warning signs, notices, posters, and signboards;
- (l) supervise and enforce restrictions on access to the workplaces where dangers may be present;
- (m) disseminate occupational safety and health information and provide safety and health manuals and guidelines published by the concerned Ministries employees and to any persons at work in order to raise awareness, and increase technological knowhow, knowledge, and skills;

- (n) formulate a fire prevention plan; arrange fire drills; and train employees on the systematic use of fire extinguishers;
- (o) allow the authorized officers or inspectors access to the workplace to carry out inspections or investigations and provide them with documents and other forms of evidence on request;
- (p) ensure that employees who are engaged in any hazardous industries prescribed by the Ministry, work only the specified hours per day.
- (q) pay for any expenditure regarding occupational safety and health measures; and
- (r) ensure that occupational health incidents are recorded, investigated, reported, mitigated and closed.

***Duties of the employee***

- 6. (1) An employee shall -
  - (a) wear or use at all times any protective clothes, equipment and tools provided by the employer for the purpose of safety and health;
  - (b) observe any safety and health instructions and advice from the employer, the safety and health committee, , established or appointed made under these Bye-laws or any other Law or Regulations;
  - (c) observe the instructions, rules, signs, posters, notices and warnings on occupational safety and health;
  - (d) properly and systematically use any equipment and tools, machines, any parts of the machines, vehicles, electricity and other substances being used at the workplace;
  - (e) take reasonable care for their safety and health and of other persons who may be affected by acts or omissions of the employee at work;
  - (f) assist and co-operate with the employer and the workplace safety and health officer in carrying out their duties imposed by this bye-law;
  - (g) immediately report any situations, causes and incidents which could pose safety and health hazards that the employee finds to the employer or the workplace safety and health officer, either directly or through their immediate supervisor;
- (2) where the employee believes that the work places the employee in imminent danger, the employee shall not refuse any reasonable alternative duty.

**PART III**

## **HEALTH AND SAFETY REQUIREMENTS**

### ***Workplace or world of work safety standards***

7. An employer shall ensure compliance with applicable workplace or world of work safety standards, regulations, codes of practice, and industry best practices to provide a safe and healthy working environment for all employees.

### ***Risk assessment and hazard control***

8. (1) An employer shall conduct regular risk assessments to identify workplace or world of work hazards, evaluate risks to employee health and safety, and implement appropriate hazard control measures to mitigate or eliminate hazards.

(2) An employer shall ensure that all workplace materials, equipment, machines and tools are stored in a manner that does not create a risk to the safety or health of an employee or affect the safe operation of the workplace.

(3) An employer shall not require or permit any person to work in an elevated position, unless such work is performed safely from a ladder, scaffolding or any other safety equipment where such person has been made as safe as if that person were working from scaffolding or other safety equipment including the safety equipment listed in the First Schedule.

### ***Safety training and education***

9. An employer shall provide employees with adequate safety training, induction, instruction, and supervision to ensure their competence in performing work tasks safely and effectively, including training on hazard recognition, emergency procedures, and use of personal protective equipment.

### ***Personal protective equipment***

10. An employer shall provide and maintain appropriate personal protective equipment (PPE) for employees exposed to occupational hazards, such as head protection, foot protection, eye and face protection, respiratory protection, hearing protection, and protective clothing.

### ***Health surveillance and monitoring***

11. (1) An employer shall establish health surveillance programs to monitor the health status of workers exposed to occupational hazards, conduct medical examinations as necessary, and provide appropriate medical treatment and follow-up for work-related illnesses or injuries.

(2) An employer shall ensure that any person who is or who appears to be under the influence of intoxicating liquor or drugs is not allowed to enter or remain at a workplace.

(3) An employer shall, in the case where a person is taking medication, only allow such person to perform duties at the workplace if the side effects of such medication does not constitute a threat to the health or safety of the person concerned or other persons at such workplace.

### ***Emergency preparedness and response***

12. (1) An employer shall develop and implement emergency preparedness and response plans to effectively manage workplace or world of work emergencies, such as fires, explosions, chemical spills, and natural disasters, and ensure the safety and evacuation of workers.

(2) For purposes of ensuring emergency preparedness and response an employer shall provide first aid services at the workplace, put in place the first aid measures listed in the First Schedule and provide a first aid box with the minimum contents listed in the Third Schedule.

## **PART III**

### **EDUCATION AND OUTREACH**

#### ***Collaboration and cooperation***

13. The Municipality shall collaborate with relevant stakeholders, including employers, employees, trade unions, industry associations, and government agencies, institutions or organizations to promote occupational safety and health initiatives, share information, and address emerging safety concerns.

#### ***Public awareness***

14. The Municipality shall conduct public awareness campaigns, educational programs, and outreach activities which promote safety and health to raise awareness about occupational safety and health issues, rights, responsibilities, and available resources for employers and employees.

## **PART IV**

### **MISCELLANEOUS PROVISIONS**

#### ***Enforcement***

15. These Bye-laws shall be enforced by authorized officers, including occupational health and safety inspectors, who may conduct inspections, investigations, and enforcement actions against persons who contravene the provisions of these Bye-laws.

#### ***Offences and penalties***



16. (1) A person who contravenes the provisions of these Bye-laws shall be liable to a fine or suspension of operations.

(2) A person who wilfully fails to implement the required occupational safety and health measures commits an offence and shall on conviction be liable to -

- (a) to a fine not exceeding five thousand Emalangenani (E5000.00) or imprisonment for a period not exceeding one (1) year; or
- (b) in the case of a continuing offence, to a further fine not exceeding five thousand Emalangenani (E5000.00), or imprisonment for a period not exceeding one (1) year, for every day during which the offence is continued after a date set by the Court.

***Amendment of schedule***

17. The Municipality may amend the schedule to these Bye-laws, by Notice in the Gazette, for the better carrying out of the purposes and provisions of these Bye-laws.

***Amendment of Bye-laws***

18. The Municipality may amend or modify these Bye-laws as necessary to address changing work place or world of work conditions, technological advancements, or legislative developments related to occupational safety and health.

**First Schedule**

**Occupational Health and Safety Measures**

	Safety Measures	Description
	Safe work procedures	An employer shall - (a) develop and implement safe work procedures for the use of personal protective equipment in the workplace; (b) train workers in those safe work procedures; and (c) ensure that workers comply with those safe work procedures.
	Entry and Exit	An employer shall - provide and maintain a safe means of entry and exit from (a) the workplace; and (b) all work-related areas at a workplace.

	Evacuation Plan	An employer shall put in place an evacuation plan for use in case of emergencies at the work place.
	Air quality and ventilation	An employer shall as much as is reasonably practicable, ensure that - (a) a workplace has appropriate air quality and is adequately ventilated; and (b) contaminants and impurities are prevented from accumulating in the air at a workplace.
	Arrangement of work areas	When there is a risk to the safety or health of an employee because of vehicular traffic or the nature of the work performed in the workplace, an employer shall ensure that - (a) work areas are arranged to allow for the safe movement of persons, equipment and materials; and (b) aisle or walkway routes designated for pedestrian traffic are clearly indicated by conspicuous markings or other effective means.
	Slipping and tripping hazards	An employer shall ensure that floors, platforms, walkways, ramps and stairs available for use by an employee are maintained in a state of good repair and kept free of slipping and tripping hazards.
	Water	An employer shall ensure that an adequate supply of potable drinking water and running water for sanitation is available to workers at a workplace.
	toilet facilities and washbasins	An employer shall ensure that a workplace has the number of toilets and washbasins in separate facilities for each gender.
	Thermal conditions — indoor workplaces	An employer shall establish and maintain

		thermal conditions, including air temperature, radiant temperature, humidity and air movement, in an indoor workplace that are appropriate to the nature of the work being done.
	Lighting	An employer shall ensure that - (a) a workplace is equipped with (i) sufficient lighting to allow an employee to perform his or her job safely, and (ii) adequate emergency lighting that operates if the regular lighting system fails and provides sufficient lighting to enable workers to perform their duties (iii) all parts of a workplace where employee passes have illumination.
	First aid services	An employer shall - (a) supply first aid services in the workplace. (b) ensure that an employee is aware of the location at which first aid services are available in the workplace; (c) ensure an employee who becomes ill or is injured at the workplace receives assistance, as required; (d) appoint and ensure the availability of trained first aiders; (e) take all reasonable steps that are necessary under the circumstances, to ensure that persons at work receive prompt first aid treatment in case of injury or emergency; (f) provide a first aid box or boxes at or near the workplace, available and accessible for the treatment of injured persons at that workplace.
	Personal protective equipment	An employer shall ensure that an employee wears and uses personal protective equipment at required times including -

		<ul style="list-style-type: none"> <li>(a) High visibility safety apparel</li> <li>(b) Skin protection</li> <li>(c) Protective clothing</li> <li>(d) Protective headwear</li> <li>(e) Footwear</li> <li>(f) Eye and face protectors</li> <li>(g) Hand, arm, leg and body protection</li> <li>(h) Respiratory protective equipment</li> <li>(i) Flotation devices</li> </ul>
	Storage of materials, equipment, machines and tools	An employer shall ensure that all workplace materials, equipment, machines and tools are stored in a manner that does not create a risk to the safety or health of an employee or affect the safe operation of the workplace
	Harassment prevention policy	An employer shall <ul style="list-style-type: none"> <li>(a) develop and implement a written policy to prevent harassment in the workplace; and</li> <li>(b) ensure that workers comply with the harassment prevention policy.</li> </ul>
	Violence prevention policy	An employer shall- <ul style="list-style-type: none"> <li>(a) develop and implement a violence prevention policy at the workplace;</li> <li>(b) train employees in the violence prevention policy; and</li> <li>(c) ensure that employees comply with the violence prevention policy.</li> </ul>
	Sound control	An employer shall implement sound control measures to reduce employee's noise exposure and inform workers about the hazards of the level of noise and provide employees with hearing protectors
	Warning signs	An employer shall post a warning sign indicating that any person entering the workplace or work area risks exposure to a noise level that is harmful to hearing at the entrance to any workplace or

		work area where the noise level is not harmful.
	Confined places	An employer shall ensure that the employee entering the space wears a full body harness attached to a lifeline that is attached to a personal hoisting device, unless an alternate safe method of entry exit is provided from all accessible parts of the space.
	Fall protection systems	An employer shall ensure that the employee is protected by a fall protection system which is designed, installed, tested, used and maintained in accordance with the applicable requirements and standards.
	Machine and tool safety	<p>An employer shall ensure that any machine or tool in the workplace is</p> <ul style="list-style-type: none"> <li>(a) capable of safely performing the functions for which it is used;</li> <li>and</li> <li>(b) used, inspected and operated in accordance with - <ul style="list-style-type: none"> <li>(i) the manufacturer's specifications, and</li> <li>(ii) the safe work procedures for the workplace.</li> </ul> </li> </ul> <p>An employer shall ensure that an employee is</p> <ul style="list-style-type: none"> <li>(a) informed of any risks associated with a machine or tool used in the workplace; and</li> <li>(b) provided with information, instruction and training in the safe use and operation of the machine or tool.</li> </ul>
	Radiation exposure controls	An employer shall inform an employee who may be exposed to radiation

		in the workplace of the potential hazards of radiation exposure.
	Fire and explosive hazards procedures	An employer shall develop and implement safe work procedures for fire and explosive hazards in the workplace.
	Emergency washing facilities	An employer shall provide emergency washing facilities at a workplace where hazardous, irritating or corrosive substances are used.
	Labelling requirements	An employer shall ensure that a hazardous product, or the container in which a hazardous product is packaged, that is received at the workplace is labelled in accordance with the requirements of the Hazardous Products Regulations.
	Construction Requirements including safety file	An employer shall put in place construction safety measures in accordance with recognized construction standards and shall comply with the requirements listed in the Second Schedule.
	Safety Equipment for Elevated work	An employer shall provide the following safety equipment for elevated work - <ul style="list-style-type: none"> <li>(a) Full body harness</li> <li>(b) Lanyard</li> <li>(c) Fall arrest equipment</li> <li>(d) Head protection</li> <li>(e) Ropes, carabiners, ascenders</li> <li>(f) Scaffolding (tower and fixed)</li> <li>(g) Ladder</li> <li>(h) Mobile elevated platforms</li> <li>(i) Tressler and stages</li> <li>(j) Guardrails and barriers (edge-protectors)</li> </ul>

## **Second Schedule**

### **Construction Safety requirements**

A proponent or developer of any construction project shall apply to the Municipality for a building permit prior to commencement of the project.

An application for a permit shall be accompanied by the following documents -

- (a) a building plan;
- (b) a letter from Eswatini Environment Authority outlining the categorizing of the project;
- (c) a safety file containing -
  - (i) the company profile;
  - (ii) the company Occupational Health and amp Safety Policy
  - (iii) occupational Health and Safety Management Plan;
  - (iv) Site specific Safe work procedures;
  - (vii) completed Baseline Risk Assessment;
  - (viii) Personal Protective Equipment Schedule as per the risks associated with the task;
  - (ix) appointment letters of a first aider, firefighter, and Safety and Health Representative;
  - (x) toolbox talks;
  - (xi) induction template;
  - (xii) awareness training records;
  - (xiii) incident and Accident Management;
  - (xiv) an Emergency Preparedness Plan;
  - (xv) a valid medical certificate of workmen;
  - (xvi) Inspection registers; and
  - (xvii) an Environmental Management Plan;

## **Third Schedule**

### **Minimum contents of a First Aid Box**

1. An employer shall for purposes of emergency preparedness ensure that the First-Aid box contains the following minimum contents -

Item 1 Wound cleaner / antiseptic (100ml)

Item 2 Swabs for cleaning wounds

Item 3 Cotton wool for padding (100g)

Item 4 Sterile gauze (minimum quantity 10)

Item 5 1 pair of forceps (for splinters)

Item 6 1 pair of scissors (minimum size 100mm)

Item 7 1 set of safety pins

Item 8 4 triangular bandages

Item 9 4 roller bandages (75mm x 5m)

Item 10 4 roller bandages (100mm x 5m)

Item 11 1 roll of elastic adhesive (25mm x 3m)

Item 12 1 Non-allergenic adhesive strip (25mm x 3m)

Item 13 1 Packet of adhesive dressing strips (minimum quantity 10 assorted sizes)

Item 14 4 First aid dressing (75mm x 100mm)

Item 15 4 First aid dressings (150mm x 200mm)

Item 16 2 Straight splints

Item 17 2 Pairs large and 2 pairs medium disposable latex gloves

Item 18 2 CPR mouth pieces or similar devices

2. In the case of shops and offices, the quantities stated under items 1, 8, 9, 10, 14, 15, 17, and 18 may be reduced by half.



