

# LEGAL LIABILITY

5 SAIOSH CPD CREDITS

Learner Workbook



**BASIC SAFETY &  
TRAINING SOLUTIONS**



Basic Safety Solutions t/a Basic Safety and Training Solutions | Company Registration :  
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8 Fontein Singel, Onverwacht, Lephalale, Limpopo – 0555 | Cell – 083 232 0322

Email – [info@basicsafetyandtraining.solutions](mailto:info@basicsafetyandtraining.solutions)

Website – [basicsafetyandtraining.solutions](http://basicsafetyandtraining.solutions)

Learner Name	Identity No
Job title	Date

Pass rate is 80 %

*"Ignorantia juris non excusat". Latin for "ignorance of the law is no excuse"*

## FORMATIVE ASSESSMENT – SO 1

1.	<i>Match the correct answers</i>		
A	<i>OHS Act Section 8</i>		<i>Functions of Health and Safety Representatives</i>
B	<i>OHS Act Section 14</i>		<i>The Provision of free Personal Protection Equipment.</i>
C	<i>OHS Act Section 23</i>		<i>Duties of the Employee</i>
D	<i>OHS Act Section 13</i>		<i>Duties of the Employer</i>
E	<i>OHS Act Section 18</i>		<i>Duty to Inform</i>

**Answer the Following Questions with True or False.**

2. According to Section 8 – An employer must provide information, instructions, training and supervision to ensure the Health and Safety of employees perform their work.

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3. Section 24 states that you must report all incidents in your workplace, including first aid cases.

T	F
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4. COIDA covers compensation for all accidents and diseases that occur at work, excluding fractures sustained from tripping and falling.

T	F
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5. Which Occupational Health and Safety laws do employers need to focus on?		
Consumer Protection Act.	Yes	No
Compensation for Occupational Injuries and Diseases Act	Yes	No
Occupational Health & Safety Act	Yes	No
Protection of Personal Information Act	Yes	No
Unemployment Insurance Fund Act	Yes	No
6. What does "Vicarious Liability" mean?		

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1. Write down 4 duties of an Employer according to the OHS ACT.

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2. Does the OH&S Act form part of:

Civil Law	Common Law	Criminal Law
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3. Who is entitled to enforce [police] the employer’s established “precautionary measures”?

Health & Safety Rep	Employer	Supervisor
OHS Manager	Shop Steward	Occupational Health Practitioner

4. Can an assigned Section 8 appointee delegate their duties to another?	Yes	No
5. Are contracts exempting employers from their responsibilities to their employees and public valid?	Yes	No
6. Must an employer conduct a Hazard Identification and Risk Assessment?	Yes	No
7. Can an outsider be employed as a Health & Safety Representative?	Yes	No
8. Can an inspector issue a notice prohibiting further work?	Yes	No
9. Is an Employer negligent if he/she does not do a proper risk assessment?	Yes	No
10. Must an employee report the presence of vapours to their employer?	Yes	No
11. Must employees exposed to “Occasional Risks” be trained?	Yes	No
12. Can an employee refuse to work if they have not been issued with PPE?	Yes	No
13. Does the OH&S Act require an employer to maintain a “Safety File”?	Yes	No
14. If the Constitutional Court the highest authority in South Africa?	Yes	No
15. Civil Liability is when two parties litigate for compensation?	Yes	No

TOTAL 40

<b>Learners Name</b>			
<b>Overall Marks</b>			
<b>Facilitators Feedback</b>	..... ..... ..... ..... <b>Signature:</b> _____ <b>Date:</b> _____		
<b>Learners Response</b>	..... ..... ..... ..... <b>Signature:</b> _____ <b>Date:</b> _____		
Total in %	Learner is: C [Competent] or NYC [Not Yet Competent]		
/40 = %	[C]	[NYC]	
Facilitator's Signature:		Date:	
Assessor's Signature:		Date:	
Moderator's Signature:		Date:	