

LEGAL LIABILITY

LEARNER NAME AND SURNAME	
LEARNER ID NUMBER	

COMPETENT		NOT YET COMPETENT	
LEARNERS CV ATTACHED		LEARNERS CERTIFICATES ATTACHED	
FACILITATORS NAME			
FACILITATORS SIGNATURE			

SUMMATIVE ASSESSMENT



**BASIC SAFETY &
TRAINING SOLUTIONS**



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2015/273882/07

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Learner Information:

Details	Please Complete this Section
Name & Surname:	
Organisation:	
Unit/Dept:	
Facilitator Name:	
Date Started:	
Date of Completion:	

Instructions to Learners	Learners will be required to: <ul style="list-style-type: none">• Complete the workbook as per the instructions;• Ensure that all questions are completed;• Ensure that the completion of the workbook is their own work;• Ensure that all annexures are attached to the workbook and clearly referred to;
Assessment Time	Learners are required to complete this assessment within the allocated time frame of 2 hours.

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Pass rate is 80 %

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

MODULE 1 – DEFINITIONS	Total	
		6

1. What does “Vicarious Liability” mean? (2)

2. What does “Liability in Law” mean? (2)

3. What “test” could be used to establish if an employer has been negligent in the event of an investigation of an incident in the workplace? (1)

4. Does an employer hold a common law duty to his/her employees to take reasonable care for their safety? (1)

MODULE 2 - LAW	Total	
		8

Place an X next to the correct answer.

1. Which act is primary legislation governing health and safety in the mining industry in South Africa? (1)

MHS Act		OHS Act		
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2. Which 2 acts cover compensation in the workplace? (1)

COIDA/NEMA		COIDA/ODMWA		
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List the six (6) Acts that are relevant for health and safety in the workplace. (6)

MODULE 3 – LEGAL LIABILITY	Total	
		12

Answer the questions based on the case study provided.

Steven works as a 2.6.1 appointee at a mining company, and Buyi holds the position of a CR 8.1 appointee at a manufacturing plant. Both are responsible for overseeing health and safety compliance in their respective workplaces.

In the mining company, Steven fails to conduct regular safety inspections, neglects to address hazardous conditions, and does not enforce safety policies and procedures effectively. As a result, a mining accident occurs, leading to severe injuries to several workers. An investigation reveals that Stevens' negligence and non-compliance with the MHSA and its accompanying regulations contributed to the accident.

Similarly, Buyi, in the manufacturing plant, fails to provide proper safety training to employees, does not maintain safety equipment, and ignores reports of potential hazards. Consequently, a worker sustains a serious injury due to malfunctioning machinery.

Investigations uncover Buyi's failure to fulfill her duties as a CR 8.1 appointee under the OHSA and its accompanying regulations.

In both cases, Steven and Buyi could be held liable for their actions and the resulting consequences.

1. Explain what type of liability Steven and Buyi could face based on the case study provided. (Support your answers) (6)

Mark the following statements True or False? (6)

1. The role of a regulation 2.6.1. appointee is to oversee health and safety compliance in the mining industry.

TRUE	<input type="checkbox"/>	FALSE	<input type="checkbox"/>
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2. The role of a regulation 8.1 appointee is to ensure compliance with health and safety regulations in the construction industry.

TRUE	<input type="checkbox"/>	FALSE	<input type="checkbox"/>
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3. Section 37 of the Occupational Health and Safety Act, 1993 deals with Criminal liability of an employer for the acts or omissions of employees and contractors.

TRUE	<input type="checkbox"/>	FALSE	<input type="checkbox"/>
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4. Strict liability focuses on proving negligence or fault.

TRUE	<input type="checkbox"/>	FALSE	<input type="checkbox"/>
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5. An employer is negligent if he or she does not do a proper risk assessment before work starts.

TRUE	<input type="checkbox"/>	FALSE	<input type="checkbox"/>
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6. Common law refers to rules which form part of our law that are derived from customary and judicial precedent rather than legislation.

TRUE	<input type="checkbox"/>	FALSE	<input type="checkbox"/>
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MODULE 4 – NEGLIGENCE	Total	
		6

1. How can employer ensure duty of care in the workplace? (3)

2. What can the consequences of a breach of duty for managers be? (1)
Place an X next to the correct answer.

Legal Liability	
Fines and penalties	
Damage to the company's' reputation and image	
All of the above	

3. Would a supervisor be considered negligent for failing to warn employees of a specific hazard attached to a new machine in the workplace. (1)

MODULE 4 – NEGLIGENCE	Total	
		8

1. List 4 duties of the employer (OHS Act) (4)

2. List 4 duties of the employer (MHS Act) (4)

Learners Name			
Overall Marks			
Facilitators Feedback		
	Signature:	Date:	
Learners Response		
	Signature:	Date:	
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:	