
GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 701

12 September 2014

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)

CORRECTION NOTICE

REGULATIONS RELATING TO OCCUPATIONAL HEALTH

I **S SHABANGU**, Minister of Mineral Resources, under section 98 (1) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and after consultation with the Council, hereby amends Chapter 11 of the Regulations in terms of the Mine Health and Safety Act, as set out in the in the Schedule.



MS. S SHABANGU

MINISTER OF MINERAL RESOURCES

SCHEDULE

CHAPTER 11

OCCUPATIONAL HEALTH

Amendment of Chapter 11 of the regulations

Chapter 11 of the regulations is hereby amended by:-

1. The substitution for regulation 11.8 of the following regulation:

11.8 REPORTING OF OCCUPATIONAL DISEASES

11.8 (1) The employer must report to the Principal Inspector of mines any of the following occupational diseases within 30 days from the date of diagnosis as a result of working in the mines:

- (a) Occupational lung diseases;
- (b) Other occupational diseases as covered by the Compensation for Occupational Injuries and Diseases Act, 1993 (Act no. 130 of 1993) as amended ("**COIDA**"); or Occupational Diseases in the Mines and Works Act, 1973 (Act no. 78 of 1973) as amended ("**ODMWA**");
- (c) Noise Induced Hearing Loss (when Percentage Loss of Hearing (PLH) shift is 5% or more);
- (d) Other illnesses that may impact on the health and safety of employees, as determined through instructions by the Chief Inspector of mines.

11.8 (2) In reporting the reportable occupational diseases listed in Regulation 11.8(1) using the form DMR 231 Health Incident Report (HIR) Form, the following must be considered.

(a) Occupational lung diseases

(i) Silicosis and Coal Worker's Pneumoconiosis (CWP)

A radiological diagnosis of silicosis or coal-workers' pneumoconiosis that takes into account:

- (i)(a) History of significant exposure to airborne silica or coal dust; and
- (i)(b) Chest X-ray consistent with silicosis or coal-workers' pneumoconiosis, or

(i)(c) Lung tissue pathology consistent with silica or coal-workers' pneumoconiosis exposure where history has been done at post mortem.

(ii) **Cardio-respiratory Tuberculosis**

Tuberculosis affecting the respiratory organs and/or the heart muscles:

(ii)(a) Where an employee was exposed and contracted the disease while performing risk work at a mine; or

(ii)(b) Within 12 months after leaving employment.

(b) **Other Occupational Lung Diseases**

These include other occupational lung diseases with significant correlation with the risk in that particular mine which are also compensable under "**ODMWA**" or "**COIDA**".

(c) **Noise Induced Hearing Loss**

This includes an impairment of hearing as a result of exposure to excessive noise at a mine with;

(i) PLH shift of more than or equal to 5% from the baseline audiometry; and

(ii) PLH shift of more than 5% where baseline audiometry is unknown or regarded as zero.

(d) **Other Illnesses**

Other illnesses that may impact on the health and safety of employees, as determined through instructions by the *Chief Inspector of Mines*. These may include lifestyle diseases such as diabetes, hypertension etc.

- 11.8 (3) Occupational diseases referred to in Regulation 11.8(1)(a), (b) and (c) must be reported on a prescribed form to the *Principal Inspector of Mines* within 30 days from the date of diagnosis; and other illnesses referred to in Regulation 11.8.1(d) based on an instruction from the *Chief Inspector of Mines*.