

**A CRITICAL ANALYSIS OF LEGISLATIVE AND OTHER MEASURES  
IN PLACE TO ENSURE A WORK ENVIRONMENT THAT IS NOT  
HARMFUL TO THE HEALTH AND WELLBEING OF EMPLOYEES IN  
SOUTH AFRICA**

**MASTER OF LAWS IN DEVELOPMENT AND MANAGEMENT LAW**

**N.H.K MABAPA**

**2012**

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HARMFUL TO THE HEALTH AND WELLBEING OF EMPLOYEES IN  
SOUTH AFRICA**

**by**

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**MINI - DISSERTATION**

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**SUPERVISOR: ADV. L.T NEVONDWE**

**2012**

## DECLARATION

I declare that the mini-dissertation hereby submitted to the University of Limpopo, for the degree of Master of Laws in Management and Development Law has not been previously been submitted by me for a degree at this or any other university; that is my work in design and in execution, and that all material contained herein has been duly acknowledged.

.....

**Mabapa N.H.K (Ms)**

.....

**Date**

## DEDICATION

This mini-dissertation is dedicated to my late mother, Evelyn Namaseko Maseko, whose love and guidance knows no bounds. To you mother, I would like to say 'You might be gone, but your spirit remains forever with me. I feel your guidance daily and feel blessed to have been born your daughter.

Thank you for the love,

Thank you for the guidance,

Thank you for believing in me, even when I did not and most importantly;

Thank you for teaching me the value of Faith, Hope and Love.

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Lastly, Glory be to the Almighty Father and to the Son and to the Holy Spirit as it was in the beginning, is now and ever will be.

## **ABSTRACT**

Occupational health, safety and wellbeing of employees is an important factor in the socioeconomic development of a country hence the need for South Africa as a developmental state, to give priority to the health and safety of employees in the country as employees are key to socio-economic development. The right to an environment that is not detrimental to the health and wellbeing of employees is also entrenched in the Constitution of the Republic making it a fundamental right which should be enjoyed by all. Laws related to occupational health and safety have been enacted in South Africa with a view to, on the one hand, prevent occupational injuries, diseases or deaths and on the other hand to provide compensation where such occurs. This study seeks to determine which of the laws are applicable, whether they are reasonable when compared to the constitutional requirements and South Africa's obligations as a member of the international community. Comparisons are also made with other countries and recommendations made for the South African government to adequately ensure the health, safety and wellbeing of employees in the country.

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21. WHO Global Worker's Plan 2008-2017
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5. Labour Relations Act, No. 66 of 1995
6. Mines and Works Act, No. 27 of 1956
7. Mine Works and Amendment Act, No. 25 of 1986
8. Mine Health and Safety Act, No. 29 of 1996
9. National Environment Management Act, No. 107 of 1998
10. Occupational Diseases in Mines and Works Act, No. 208 of 1993
11. Occupational Health and Safety Act, No. 85 of 1993
12. Public Service Act, No of 103 of 1994 and Public Service Regulations, 2001
13. Workmen's Compensation Act, No. 30 of 1941

## LIST OF ABBREVIATIONS

AU	African Union
ICESC	International Covenant on Economic Social and Cultural Rights
ILO	International Labour Organisation
SADC	Southern African Development Community
UDHR	Universal Declaration of Human Rights
UN	United Nations
WHO	World Health Organisation

## TABLE OF CASES

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