



DEPARTMENT OF EMPLOYMENT AND LABOUR

COMPETENT PERSON

GUIDELINE

AIM

To provide supplementary information to employers and employees, to assist in identifying and appointing a competent person.

HOW DOES OCCUPATIONAL HEALTH AND SAFETY LEGISLATION DEFINE A COMPETENT PERSON?

Regulations currently refer to a competent person to assist an employer to perform certain work or tasks required by the regulations. The requirements for specific competent persons are defined within each regulation and must be used to identify and appoint the competent person to perform the work or task required. The definitions within the regulations have two aspects for competent person:

- 1) has in respect of the work or task to be performed the required knowledge, training and experience in a “specific field”* and, where applicable, the relevant qualifications specific to a “specific field”*: provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), those qualifications and that training must be regarded as the required qualifications and training; and
- 2) is familiar with the Act and the applicable regulations made under the Act;

The first part of the definition in point 1 above allows for two scenarios:

- a) for persons with previous knowledge, training and experience, but do not have a formal qualification, and
- b) for persons with a formal qualification, as well as knowledge, training and experience.

* NOTE:

please refer to each regulation for the specific fields of competence required.

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Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

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WHAT MAKES A PERSON COMPETENT

It is the responsibility of both the employer and person being appointed as competent, to ensure that the level of competence is appropriate, according to the criteria listed above. The employer must require the person to demonstrate the appropriate level of competence that is appropriate for the complexity of the work or task. While one person may be deemed competent, it may be beneficial and encouraged by the Department, to draw on the knowledge and competencies of associated fields of competence, to effectively manage Health and Safety using a multidisciplinary approach.

For a person to be regarded as competent in the health and safety aspects of their work, they will have at least the following requirements:

- a) be qualified through knowledge, training, and experience, and where applicable a formal qualification to do the assigned work or tasks;
- b) have knowledge about the hazards and risks associated with the work or the tasks to be performed;
- c) know how to recognize, evaluate and control these hazards and risks; and
- d) have knowledge of the laws and regulations that apply to the work or tasks.

The abilities to satisfy competency can be learned or acquired through a combination of a person's knowledge, skills and experience. Some abilities will be gained through experience and practice, other abilities may be learned through informal and formal education and training. The person must have training that is appropriate to the work or tasks to be executed or plant and machinery that will be used. Employers can prepare a person or persons to be competent by facilitating the appropriate education, training, skills development and experience. Methods of gaining experience can include, but not limited to, mentorship, assistance from senior employees, scenario-based training and observation.

Knowledge can be defined as knowing both what to do as well as how to do it.

Skill can be defined as having the ability to perform the activity correctly. Skills often require technical know-how, expertise, practice, measurement and feedback to develop into ability.

Formal qualifications required by the competent person are usually earned through a formal education programme, training course, etc., or a combination of education and practical experience.

The abilities to satisfy competency can be learned or acquired through a combination of a person's knowledge, skills and experience.

The employer is responsible for evaluating and deciding if a person is competent, according to the hazards and risks associated with their specific workplace and the level of complexity of the required work or tasks. This evaluation of competency does not replace the process of registration with a professional organisation for professional certification.

CONCLUSION

The person deemed competent will need to demonstrate the appropriate level of competence, keeping in mind that the level of competency required, will depend on the complexity of the work or tasks. The person appointed as the competent person does not have to be a full-time employee. A mandatory, as defined in the Occupational Health and Safety Act, 85 of 1993 as amended, who can demonstrate an appropriate level of competence with the hazards, risks and tasks of that workplace, may also be appointed.

It is not possible for the Department of Employment and Labour to provide a general list of professions and the exact knowledge, training, and experience required. Every employer must determine their own requirements for each level of competency required for work or tasks to be performed, however the Department may require an employer, industry or sector to improve their competency requirements where health and safety standards may be compromised.

In general, the employer should be able to defend their reasons for selecting a competent person and the person claiming to be competent should also be able to appropriately defend their level of competency.

