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All companies that intend to manufacture, store, use and test explosives must apply for a license at the Department of Labour in order to determine if they are complying with the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the Explosives Regulations 2003, as amended.

No company is allowed to manufacture, store, use and test explosives in South Africa without any license approval issued by the Chief Inspector Occupational Health and Safety. All those companies that comply with the license requirements will be approved, registered and workplace licensed approved by the Chief inspector of Occupational Health and Safety will be issued to them.

The Chief inspector can amend the condition of licenses depending on the interest of health and safety.

The Occupational Health and Safety Act (OHS Act) defines a workplace in section 1(1)(lv) as “any premises or place where a person performs work in the course of his employment.”

The OHS Act further defines a premise as “includes any building, vehicle, vessel, train or aircraft.”

**PROVISION IS ALSO MADE IN THE OHS ACT FOR THE MINISTER TO MAKE REGULATIONS ON:**

- “in the interest of health and safety of people at work”
- “or the health and safety ...... of people other than people at work against risk to health and safety arising from or connected with the activities of people at work” (section 43 (1) (b)
- “the conditions under which the manufacture of explosives and the activities incidental thereto may take place” section 43 (1) (b) (xvi).

Section 47 of the OHS Act binds the State, who should also license its explosives workplaces.
“Explosives workplace” means any workplace licensed under these regulations for the manufacture, testing, use and storage of explosives, together with every mound, building and works therein or thereon for whatever purpose used.

“All companies that intend to manufacture, store, use and test explosives must apply for a license”

“Explosives workplace licence” means a licence referred to in Regulation 4(2) or issued in terms of regulation 4(3) in respect of an explosives workplace for the manufacture, testing, use and storage of explosives.

“SCHEDULE LICENCE” MEANS A LICENCE CATEGORISED AS:

- A schedule I explosives workplace licence, which is a schedule to the explosive workplace licence, in a format acceptable to the Chief Inspector of Occupational Health and Safety, certified by the explosives manager and approved by the Chief Inspector of Occupational Health and Safety; in which a description is given of all explosives that may be manufactured, tested, stored or used in a danger area, specifying nominal formulas, with tolerances, components, construction and packaging

- A schedule II explosives workplace licence, which is a schedule to the explosives workplace licence pertaining to each danger building or room in the danger area, in a format acceptable to the Chief Inspector of Occupational Health and Safety, certified by the explosives manager and approved by the Chief Inspector of Occupational Health and Safety, specifying the name and number of the building or room, the maximum number of persons and the maximum mass of explosives allowed in the building or room, the operations authorised and which of these operations may be carried out simultaneously

- A schedule III explosives workplace licence, which is a schedule to the explosives workplace licence for a non-danger building or room in a danger area, in a format acceptable to the Chief Inspector of Occupational Health and Safety, certified by the explosives manager and approved by the Chief Inspector of Occupational Health and Safety, specifying the name and number of the building or room, the purpose of the building or room and the number of persons allowed therein.
THE LICENSING PROCESS CONSISTS OF TWO PARTS, NAMELY:

- Workplace license part
- Schedule license part.

IN THE WORKPLACE LICENSE PART, THE FOLLOWING STEPS MUST BE FOLLOWED:

- A competent, certificated person must be appointed in writing as an explosives manager and he must accept the appointment in writing.
- A written approval, from the SAPS Explosives Division, on the security issues must be obtained.
- A written approval, from local government, on the proclamation issues, must be obtained.
- Copies of the approvals, qualification of the explosives manager as well as the appointment documentation must be provided with the application for a license to the Department of Labour.
- An explosives workplace license (Annexure 1), stating the conditions of the license, will be issued by the Chief Inspector of Occupational Health and Safety.
- In the case of an ammunition workplace a copy of the explosives workplace license must be provided to the SAPS Ammo/Dealership license group in the application for a manufacturing permit.

IN THE SCHEDULE LICENSE PART THE FOLLOWING STEPS MUST BE FOLLOWED:

- Draw up a concept Schedule I license (Annexure 2 a and b) for all explosives filled components and explosives that will be manufactured, stored, used or tested in the explosives workplace.
- Draw up a concept Schedule II license (Annexure 3) in which the information is provided as required in the Regulations.
- Draw up a concept Schedule III license (Annexure 4) in which the information is provided as required in the Regulations.
- Drawings as described in Paragraph 6 of this document must also be provided.
- If the workplace is an ammunition one, a copy of the manufacturing permit must be provided.
- All the documents and drawings in this last phase of the licensing process must be provided in duplicate.

To complete the licensing process, the Department will approve both copies of the documents and drawings and mail one copy back to the applicant.
EXPLOSIVES WORKPLACE SAFETY

In order to ensure that the provisions of the Act and these Regulations in relation to explosives workplaces are complied with, an employer, self-employed person or user shall, subject to this Regulation, in writing appoint a competent and certificated person, who is the holder of a valid explosives manager’s certificate issued by Chief Inspector of Occupational Health and Safety, and who is employed in a permanent and full-time capacity, to be explosives manager in respect of every workplace where explosives are being used, tested, stored or manufactured: Provided that the appointment of an explosives manager shall not exempt the employer, self-employed person or user from any liability or responsibility contemplated in Section 16 of the Act.

An explosives manager may also perform other functions for the employer provided they do not interfere with the person’s obligation as an explosives manager.

The explosives manager must ensure that any mitigating measures recommended by the approved inspection authority as contemplated in Regulation 9(b) are taken into account in addressing the identified risks.

In issuing a person with an explosives manager’s certificate for any workplace, the Chief Inspector of Occupational Health and Safety must have regard to the appropriateness of the person’s training and experience in the health and safety aspects of explosives for the workplace concerned.

TO BE APPOINTED AS AN EXPLOSIVES MANAGER, ONE MUST MEET THE FOLLOWING REQUIREMENTS:

1. The CEO (company) letter of appointment
   a) This letter needs to stipulate the types of work and the area that the explosives manager will be responsible for

2. Application letter from the applicant
   a) This letter is to stipulate which area the applicant is applying for e.g. testing, manufacturing, user, storage etc.
3. The applicants detailed CV to contain:
   a) Experience where and in what
   b) All courses attended
   c) Relevant qualification document of explosives manager or proof of registration
   d) There must be three signatures on the CV
   e) This letter needs to stipulate the types of work and the area that the explosives Manager will be responsible for:
      i) The applicant
      ii) The immediate supervisor
      iii) The CEO or company Head
   Note: This is to confirm that the information on the CV (especially experience) is valid and true.

4. The applicant’s certified copy of ID

5. Certified copies of all qualifications and certificates must be attached

BLASTER REQUIREMENTS

In order for the blaster to be registered with the Department of Labour, as stipulated in the law, the following requirements must be met:

Submit the following:

1. Registration with SAPS

2. Permit for transporting of explosives
3. Scheduled licence for explosives

ER4(3)(a) May issue a license subject to compliance with these regulations and after consultation with the relevant employer, self-employed person or user and local government: provided that such licence shall lapse after twelve months if the erection of the building has not started within that period.

4. Blasting permit

ER4(8) Any person who desires to use explosives in a workplace for any purpose shall apply in writing to the chief inspector of occupational health and safety for written approval.

ER13(6)(a) He or she is in possession of a written permission issued by or under the authority of the Chief Inspector of Occupational Health and Safety.

5. CV of blaster

6. Certified copies of the blaster’s ID

7. Qualification copies

8. CV of blasting manager

9. Risk assessments for transport and usage of explosives

ER12(4)(a)(ii) Ensures that all persons under his or her control are informed of the hazards related to their tasks and are thoroughly trained in safe work procedures, in particular with respect to shock, friction risk of fire, or static electricity, and are familiar with the requirements of these regulations.

10. Method statement/safe work procedure for safe usage of explosives

ER12(4)(a)(i) Approves in writing the rules, methods, materials, equipment and tools to be used in the danger area.

11. Blasting plan

ER4(5) Any person applying for a licence to manufacture, use, test or store explosives in the proposed explosives workplace or magazine shall submit draft schedule licences, certified by the explosives manager, and drawings in duplicate setting forth the following.

12. Letter of good standing with the Compensation Fund

13. The contractor must confirm what type of cover they will have on the blast.
RISK ASSESSMENT IN THE EXPLOSIVES ENVIRONMENT

The risk assessment must be carried out on all new or amendments of explosives installations, workplaces, equipment and processes prior to their erection, modifications or change in procedures.

The employer must consult and inform the health and safety representative or health and safety committee on all risk assessment issues.

RISK ASSESSMENT IN THE EXPLOSIVES ENVIRONMENT MUST ADDRESS:

- Assessment of installations or workplaces
- Assessment of equipment
- Assessment of processes
- Assessment of personnel.

Only an Approved Inspection Authority (AIA), that is accredited and approved in explosives environment must carry out the risk assessment (Regulation 18 (1)).

DOCUMENTATION

DOCUMENTATION TO BE SUBMITTED TO THE DEPARTMENT OF LABOUR WHEN APPLYING FOR LICENSE:

- The type of licensing in which an applicant (workplace license or schedule license) is applying for
- The drawings necessary for the license process (types of drawing refer to guidance notes on Explosives Regulations)
- Risk assessment report from AIA
- Letters from local authority
- Letters from the fire chief
- Copy of the criminal clearance
- Letter from the SAPS Explosives Unit
- Copy of the applicant curriculum vitae
- Certified copy of the identity document
- Copy of the business registration proof (CIPRO)
An explosives manager certificate (application for the certificate is done at Head Office of Department of Labour).

Please note that two files (duplicates) of documents should be submitted.

CONTACT DETAILS

LABOUR HEAD OFFICE:
Telephone Number(s): (012) 309 4000

PROVINCIAL OFFICES:

- Eastern Cape Provincial Office
  Telephone Number: (043) 701 3000
- Free State Provincial Office
  Telephone Number: (051) 505 6200
- Gauteng Provincial Office
  Telephone Number: (011) 853 0300
- KwaZulu-Natal Provincial Office
  Telephone Number: (031) 366 2000
- Limpopo Provincial Office
  Telephone Number: (015) 290 1744
- Mpumalanga Provincial Office
  Telephone Number: (013) 655 8700
- North West Provincial Office
  Telephone Number: (018) 387 8100
- Northern Cape Provincial Office
  Telephone Number: (053) 838 1500
- Western Cape Provincial Office
  Telephone Number: (021) 441 8000

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