

CHIEF DIRECTORATE OF OCCUPATIONAL HEALTH & SAFETY

Fundamental Changes and Implementation of NER and PAR

April 2025



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



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Definitions

- A number of definitions are provided in both regulations relating to terminology used

“**noise**” means unwanted sound that may cause annoyance, interference with speech or communication and/or hearing impairment;

“**physical agents**” means a source of energy which may result in injury or disease after exposure, and includes, but not limited to cold stress, heat stress, vibration, non-ionising radiation and illumination;

- There may be other physical agents which fall under this definition, but are not specifically mentioned
- In terms of Section 8 (2) (d), all hazards must be assessed and controlled

Scope of Application

- OHS Act defines a workplace
- Noise Exposure Regulations and Physical Agents Regulations are applicable to –
 - all sectors which fall under the jurisdiction of the OHS Act
 - employers and self-employed persons
 - self-employed are exempted from training employees, but not persons visiting their premises
 - designers, manufactures, importer and suppliers
 - support Section 10 of the OHS Act
 - eliminate the hazard before it comes into the workplace; or
 - mitigate to levels which make it easier for employers to control the hazard

Vulnerable Employees

- means an employee who is at a higher risk of injury, disease or complications caused by exposure to noise/physical agents;
- exposure risk assessment must consider how the hazard (noise or physical agent) affects –
 - men
 - women
 - young employees
 - vulnerable employees
- also be included into the training at that workplace

Information, Instruction and Training

- Consultation process -
 - between employer and health and safety representative/committee
 - exposure risk assessment, exposure monitoring & training
- Information process –
 - providing feedback to health and safety representative/committee on -
 - exposure risk assessment, exposure monitoring; and
 - medical screening and medical surveillance (without disclosing confidential information)
- Training and instruction process –
 - who must be training (employees, mandataries, visitors, etc.)
 - on what they must be training (minimum scope provided)
 - frequency of training

Exposure Risk Assessment

Requirement	NER	PAR
Conducted before exposure	Yes	Yes
Intervals not exceeding 24 months	Yes	Yes
By a competent person	Yes	Yes
Specific effects on men, women, young and vulnerable employees included	Yes	Yes
Action plan for implementation of recommendations	Yes	Yes
When to review	Yes	Yes

Exposure Risk Assessment

- Minimum requirements for an exposure risk assessment
 - PAR 6 (2) (a to g)
 - NER 7 (2) (a to g)
- If the exposure risk assessment does not contain the above minimum information, then it is not an exposure risk assessment in terms of the regulations
- Noise exposure risk assessment must also take into consideration –
 - ototoxic chemical agents
 - Whole-body vibration

Exposure monitoring

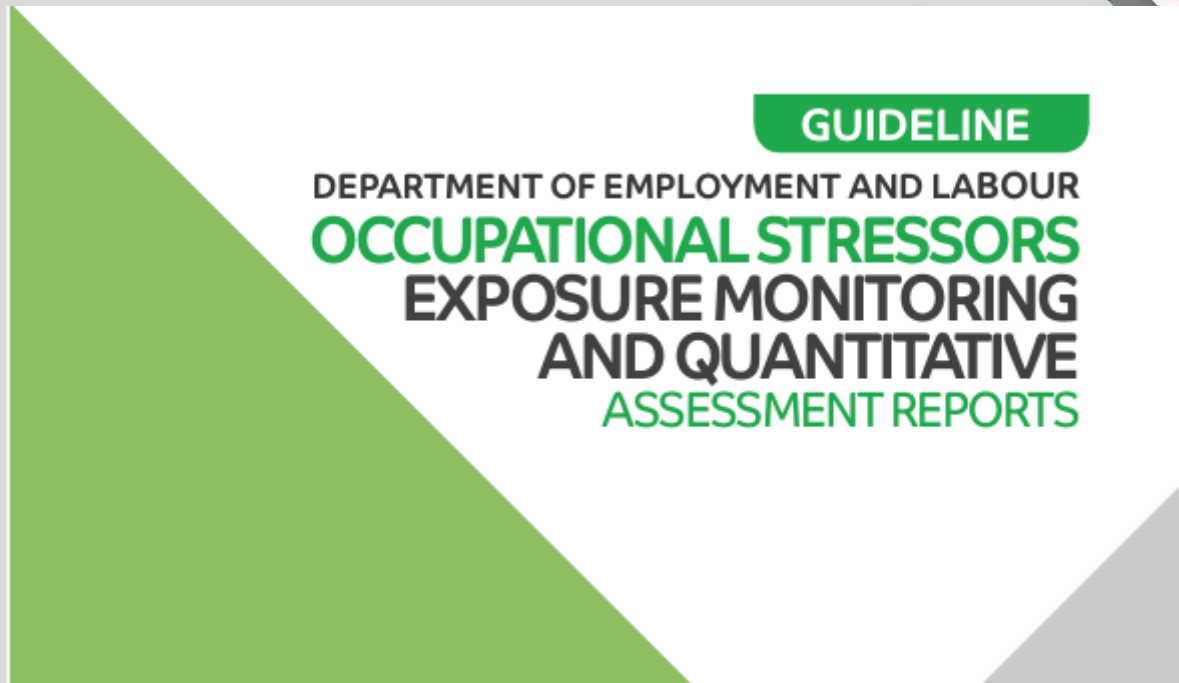
- Exposure monitoring must follow the methodology stipulated in the application latest version of SANS code, where mentioned

Hazard	SANS Code
Noise	10083
Heat stress	7243
Interior illumination	10114-1
Exterior illumination	10389
Emergency lighting	10114-2
Whole-body vibration	2631

Exposure monitoring

- NER – conducted by AIA
 - Both area and personal
- PAR 7 (2) specifies that the competent person must conduct the exposure monitoring –
 - according to recognised principles and methodologies
 - calibrated, fit for purpose equipment
- Action plan required for implementations of recommendations made by the
 - AIA (noise) or
 - competent person (physical agent)

Exposure monitoring



<https://www.labour.gov.za/DocumentCenter/Publications/Occupational%20Health%20and%20Safety/Guideline%20on%20Occupational%20Stressors%20Exposure%20Monitoring%20and%20Quantitative%20Assessment%20Reports.pdf>

Competent Person

Where is a competent person mentioned

- Noise Exposure Regulations and Code of Practice for Audiometry
 - exposure risk assessment
 - training
 - audiometric tests
 - calibration of audiometer
 - certification of acoustic environment
- Physical Agents Regulations
 - exposure risk assessment
 - exposure monitoring, including illumination
 - testing of control measures

Competent Person

- Definitions are provided for the different competent persons

- NER

"competent person" in relation to noise means a person who—

"competent person: audiometric testing" means—

- (a) for screening audiometry;
- (b) for diagnostic audiology—

- PAR

"competent person" means—

- (a) (i) in terms of the exposure risk assessment, a person who has, OR

- (ii) in terms of the exposure monitoring or inspections and tests of control measures, a person who has, in respect of the work or task to be

Competent Person

- Competent person definition provides for two scenarios
 - 1) Person with previous knowledge, training and experience, but no formal qualification
 - 2) Person with a formal qualification, as well as knowledge, training and experience
- However, in terms of the competent person required to use specific equipment, the second scenario applies
- In addition, the competence must be in relation to the specific hazard being assessed/monitored/tested

Competent Person

- In terms of responsibility
 - Employer must appoint the competent person appropriate to what is required to be done in terms of the regulation
 - The competent person must be able to prove to the employer and inspector that they are competent in terms of the applicable definition and task they are performing
- Competent person should not conduct work which is outside of the competency and know their limitations
- Not all competent persons are competent to perform everything where competent person is mentioned
 - With more complex requirements, the level of competency increases

Competent Person



<https://www.labour.gov.za/DocumentCenter/Publications/Occupational%20Health%20and%20Safety/Competent%20person%20guidelines.pdf>

Exposure Limits and Action Levels

- Action level - at which specified actions or counter measures must be taken
- Prevent exposure from reaching the occupational exposure limit
- Occupational exposure limit – limit where exposure should not reach
 - at which specified actions or counter measures must be taken to reduce exposure to below
- Number of levels and limits are provided for noise and physical agents

Control of exposure

- Combination of controls must be implemented to reduce exposure
- Hierarchy of controls process flow should be followed
 - First options is elimination, not possible, implement other controls
 - personal protective equipment not first option, but supports the other controls
- Requirements for PPE, including HPDs
 - capable of reducing the exposure to below limits
 - Other considerations
 - nature of the hazard
 - type of work
 - physical effort required
 - length of time it will have to be worn
 - visibility, comfort and employee communication
 - compatibility with any other PPE
 - Recommendations made by OHP

Noise

➤ Inclusions

- Impulse noise
 - Peak exposure levels
 - Action levels and concomitant exposure
 - Noise zoning of equipment
- ## ➤ Action level – 82 dBA/135 dBC, with concomitant exposure – becomes the noise rating limit where applicable
- Ototoxic chemical agents
 - Whole-body vibration
- ## ➤ Noise rating limit - 85 dBA/137 dBC

Noise

- Exposure Monitoring

 - NER 8, read with...

 - SANS 10083

- In terms of audiometric testing, the requirements of the Code of Practice for Audiometry must be followed and not SANS 10083

- Noise Zones

 - Workplace or part thereof

 - Plant and machinery without a fixed location

Cold Stress

- Equivalent chill temperature
- Index
 - Combination of temperature and wind chill
- 10°C
- Exposure Monitoring
 - PAR 7, read with...
 - taken over a period of at least four hours
 - during the coldest period of an employee's shift; and
 - is conducted during the coldest quarter of the year

$$WCI = (10.45 + 10 v_{ar}^{1/2} - v_{ar}) (33 - T_a)$$

$$t_{ch} = (33 - (WCI/22), ^\circ C$$

where

WCI = windchill index;

v_{ar} = relative air velocity, m/sec;

T_a = air temperature, °C;

and t_{ch} = equivalent chill temperature.

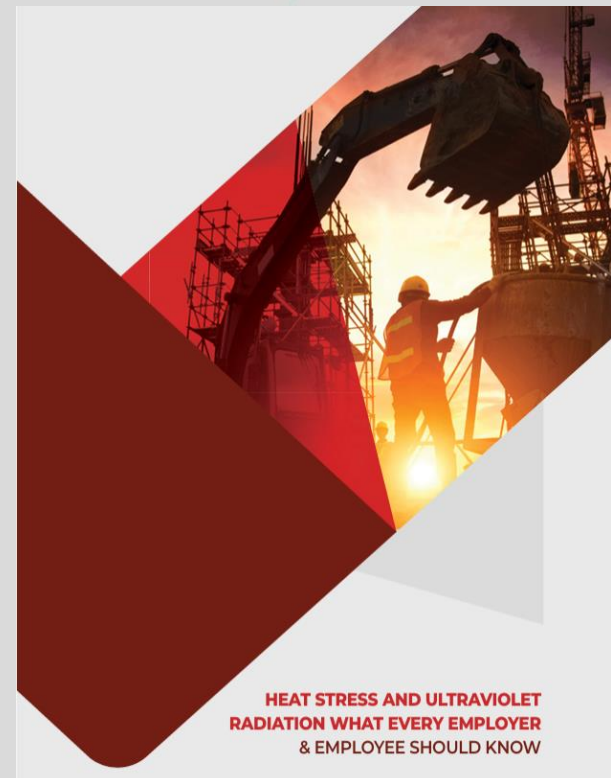
Heat Stress

- Wet-bulb globe temperature
- Index
 - Combination of wet-bulb, radiant heat and dry-bulb
- Exposure Monitoring
 - PAR 7, read with...
 - SANS 7243
- Action level 27°C, with actions to be implemented
- OEL 30°C , with actions to be implemented
- Clothing adjustment factor
 - Influence of clothing on heat experienced by the employee



Heat Stress

<https://www.labour.gov.za/DocumentCenter/Publications/Occupational%20Health%20and%20Safety/Heat%20stress%20and%20ultraviolet%20radiation%20what%20every%20employer%20and%20employee%20should%20know.pdf>



Illumination

- Illumination in the workplace in the form of either
 - natural light, artificial light or a combination thereof
- taking into account:
 - illuminance levels – at the task
 - glare
 - uniformity of illumination (value/ave for area) or (value/max. for area)
 - flicker
 - stroboscopic effect
 - specialised illumination
- Four tables provided for illumination values
 - Two interior workplaces
 - Two exterior workplaces

Illumination

- Specific requirements in terms of emergency lighting, escape route and emergency escape
- Exposure Monitoring
 - PAR 11 (8), read with...
 - SANS 10114-1, for interior lighting;
 - SANS 10389-1, for exterior lighting;
 - SANS 10114-2, for emergency lighting;
- Maintenance, cleaning and replace/repair of luminaires/sources of light

Indoor Air Quality

- Minimum parameters to be assessed for IAQ
 - Thermal environment
 - Airborne contaminants
 - Air requirements for different types of occupancies
- Guideline parameters are provided in the regulations
- Exposure Monitoring
 - PAR 7
- Employers and competent persons should understand where these parameters are applicable in relation to other regulations (RHCA)
 - i.e. office environment compared to a manufacturing setting
- Provides for two types of ventilation
 - Natural
 - Artificial

Vibration

- Inclusive of –
 - Whole-body vibration (WBV)
 - Hand-arm vibration (HAV)
- Action levels for both, with actions to be implemented
- OELs for both, with actions to be implemented

- Exposure monitoring
 - PAR 7, read with...
 - SANS 2631 for WBV
 - 13 (4) (b) HAV,

Occupational non-ionising radiation

- OELs for with actions to be implemented –

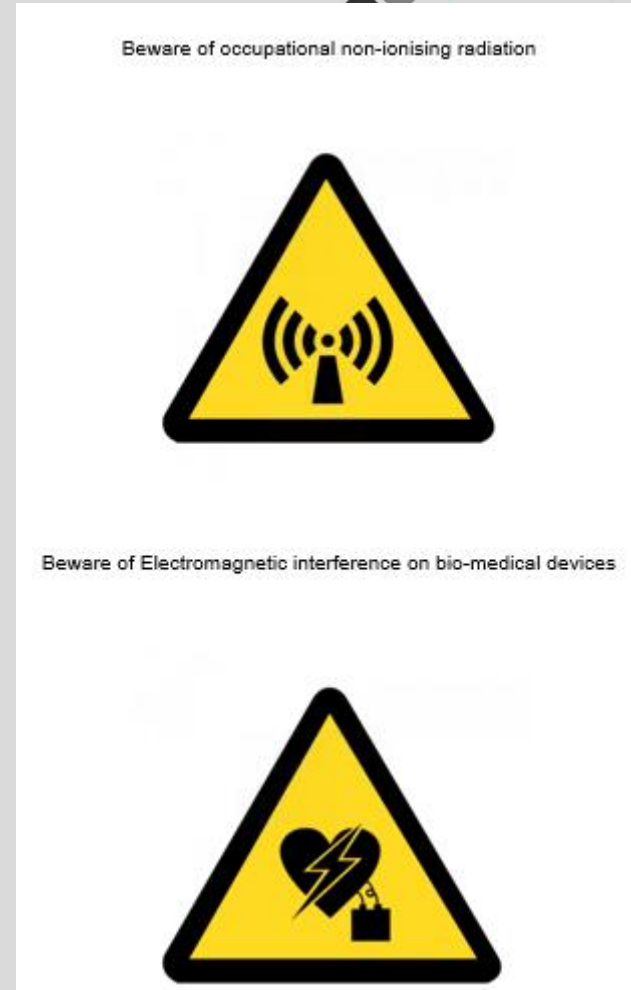
- ultraviolet radiation
- infrared radiation
- electromagnetic fields

- Exposure monitoring

- PAR 7

- Zoning must be indicated

- Signage provided



Implementation of NER & PAR

- Don't read the regulations in isolation
 - OHS Act, other regulations, codes, explanatory notes and guidelines which support
- 18-months from date of promulgation
 - Phase-in period to allow for employers to update health and safety management systems
- 5 September 2026
 - Until then, NIHL Regulations and ERW are still enforceable
 - Requirements of NER & PAR can be implemented before 5 September 2026

In conclusion

- The requirements of the regulations are a minimum
- If a hazard is not mentioned specifically in the regulations, but still fits a definition, the employer still has the responsibility to assess and control that hazard
- Now the OHS is a fundament right, employers, with the assistance of employees and H & S professionals, need to strive for a health and safe workplace
 - Not just a tick box exercise

Thank You...



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