

Noise Exposure Regulations, 2024 and Physical Agents Regulations, 2024 promulgated under the Occupational Health and Safety Act No. 85 of 1993, as amended

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On 6 March 2025, the Minister of Employment and Labour promulgated two new regulations: the Physical Agents Regulations (PAR) and Noise Exposure Regulations (NER). The PAR were published in the Government Gazette No. 52226, under Government Notice R. 5952, and the NER were published in the same Government Gazette, but under Government Notice No. 5953.^{1,2} In the publishing of these new regulations, explanatory notes were included for both. These explanatory notes should not be read in isolation, but are meant to be read in conjunction with the regulations. Also accompanying the NER was the new Code of Practice (CoP) for Audiometry, which must also be read together with the NER. As these new regulations and the CoP were promulgated under Section 43 of the Occupational Health and Safety Act, No. 85 of 1993 (OHS Act), as amended, they are applicable to all workplaces that fall under the OHS Act.³

The NER replace the Noise-Induced Hearing Loss Regulations, 2003, and the PAR replace the Environmental Regulations for Workplaces. The Department of Employment and Labour (the Department) undertook to replace the old regulations as they were misaligned with developments in the field of occupational hygiene. Both new regulations seek to affirm the International Labour Organization's (ILO's) recognition of occupational health and safety (OHS) as a fundamental right.⁴ These new regulations also address gender sensitivity and vulnerable employees (defined in the regulations), and include requirements for employers to consider vulnerable employees when assessing risks and implementing control measures.

To extend coverage to exposed employees, the regulations needed to be specifically updated regarding the control of exposure to noise in the workplace; the 'old' regulations were reactive in nature, which often led to affected employees falling through the cracks. This relates to the impact of concomitant exposure to noise and other occupational stressors, such as ototoxic chemical agents and whole-body vibration, which may exacerbate hearing loss.^{5,6} A more proactive approach in addressing noise exposure was required to reduce the high incidence of hearing loss in workplaces, which negatively affects employees' quality of life.

The scope of application for the NER has been expanded to include employees exposed to the noise action level of 82 dBA for continuous noise or 135 dBC for impulse noise, together with concomitant exposures. The new regulations have also tightened existing criteria for exposure risk assessment, exposure monitoring, control measures, and hearing protection devices. The inclusion of peak noise exposure, an action level of 135 dBC, and an exposure limit of 137 dBC, is one of the highlights of the regulations. There is also a major change in the requirements for medical screening

and medical surveillance, and the process for undertaking such has been expanded and is outlined in the CoP for Audiometry. In relation to medical surveillance, the 'old' Noise-Induced Hearing Loss Regulations referred to the requirements in SANS 10083 to be followed when conducting audiometric tests on employees exposed to noise. The Department developed the CoP for Audiometry, which has been incorporated into the NER. This CoP must be followed for all audiometric tests conducted in terms of the OHS Act and NER.

The Department updated the Environmental Regulations for Workplaces, which were promulgated in 1987, as they did not take into account changes in weather conditions due to climate change. Due to these changes, employees are exposed to higher temperatures than in the past whilst working, which negatively impacts their health and safety.⁷ In 2024, the ILO published a report on the effect of climate change on the world of work; two workplace stressors that were highlighted were excessive heat and ultraviolet radiation.⁷ The Environmental Regulations for Workplaces did not provide employers and employees with sufficient guidance to assess exposures to heat, cold, illumination, ventilation, and vibration appropriately and correctly; these are comprehensively addressed in the new regulations. Considering the impact of high temperatures on both indoor and outdoor employees, and the working conditions of outdoor employees, it was important to address the requirements for indoor air quality and non-ionising radiation to strengthen the protection of such employees through the new regulations.

The Department allowed a phase-in period of 18 months from the date of promulgation for workplaces to implement the new regulations and the CoP. Employers have until 5 September 2026 to finalise the implementation of the new regulations in their existing occupational health and safety management systems.

REFERENCES


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