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
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by

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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.

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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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- My supervisor, Adv. Lufuno Tokyo Nevondwe who picked up the baton from the People’s Professor at very short notice and helped me finish the race,
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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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13. Workmen’s Compensation Act, No. 30 of 1941
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>ICESC</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<td>Universal Declaration of Human Rights</td>
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