

# **POLICY ON OCCUPATIONAL HEALTH AND SAFETY**

**Amended as at September 2002**

## **1. BACKGROUND**

The Occupational Health and Safety Act, 1993, requires the employer to bring about and maintain, as far as reasonably practicable, a work environment that is safe and without risk to the health of the workers. This means that the employer must ensure that the workplace is free of hazardous substances, such as benzene, chlorine and microorganisms, articles, equipment, processes, etc. that may cause injury, damage or disease. Where this is not possible, the employer must inform workers of these dangers, how they may be prevented, and how to work safely, and provide other protective measures for a safe workplace.

However, it is not expected of the employer to take sole responsibility for health and safety. The Act is based on the principle that communication and cooperation between the workers and the employer must address dangers in the workplace. The workers and the employer must share the responsibility for health and safety in the workplace. Both parties must pro-actively identify dangers and develop control measures to make the workplace safe. In this way, the employer and the workers are involved in a system where health and safety representatives may inspect the workplace regularly and then report to a health and safety committee, who in turn may submit recommendations to the employer.

The employer must provide and maintain all the equipment that is necessary to do the work, and all the systems according to which work must be done, in a condition that will not affect the health and safety of workers. Before personal protective equipment may be used, the employer must first try to remove or reduce any danger to the health and safety of his workers. Only when this is not practicable, should personal protective equipment be used. The employer must take measures to protect his or her workers' health and safety against hazards that may result from the production, processing, use, handling, storage or transportation of articles or substances, in other words, anything that workers may come into contact with at work.

## **2. PURPOSE**

The purpose of this policy is to provide a framework to ensure that the Department of Public Works carries out, as far as reasonably practicable, the duties imposed upon it by the Occupational Health and Safety Act (Act 85 of 1993) hereby referred to as OHS Act. Such duties include the creation and maintenance of a safe working environment that is

incident and hazardous free for its employees. The Department must also ensure the protection of clients/customers other than employees at work against hazards to health and safety arising out of or in connection with the activities of the Department of Public Works.

### **3. STATUTORY FRAMEWORK**

- This policy is issued in terms of the provision of the Occupational Health and Safety Act (Act 85 Of 1993) and its regulations.
- Public Service Regulations, 1999 as amended in January 2001 & June 2002

### **4. RESPONSIBILITY OF THE DEPARTMENT OF PUBLIC WORKS AS AN EMPLOYER**

In an endeavor to comply with the duties imposed upon by the OHS Act and Chapter 6 of the Public Service Regulations of 1999, the Department of Public Works in the Limpopo Province, in as far as reasonably practicable, should:

- a) Provide a working environment that is safe and without risks to the health and safety of employees.
- b) Provide and maintain working facilities (machinery, furniture, implements, tools etc) that are safe and without risks to the health and safety of employees.
- c) Take steps to eliminate any hazards to the safety or health of employees.
- d) Provide such information, training, instructions and supervision as may be necessary to ensure the safety of employees at work.
- e) Not permit any employee to do any work, handle any substance or to operate any machinery, unless all precautionary measures contemplated in subparagraph (b) and (c) or any other precautionary measures that may be prescribed, have been taken.
- f) Ensure that all employees are made conversant with the hazards to their health and safety attached to any work that they have to perform or any substance that they have to handle, use, store or transport and any machinery that they are required or permitted to use. They must be made aware of the effects that any exposure to unsafe and hazardous working environment might have on their lives
- g) Employees must be informed of the precautionary measures to be followed and observe with respect to subparagraph (f).
- h) Ensure the maintenance of structures provided for in the policy for employees to participate in the identification of safety and health hazards and practical measures to eliminate such hazards.
- i) Ensure that employees are informed of their scope of authority through their job description as contemplated in section 37(1)(b) of the OHS Act.
- j) Provide and maintain personal protective clothing/ equipment to employees free of charge.

As an institution responsible to serve all communities of the Limpopo Province, the Department of Public Works, in as far as reasonable practicable, should:

- Conduct its activities in such a manner as not to put the safety and health of members of the public at risk, and
- Consider inputs from members of the public to eliminate real or potential safe and health hazard from where it is conducting activities related to its mandate as a department.

## **5. HONOURING CONDITIONS OF SERVICE BY EMPLOYEES**

### **5.1 General duties of employees**

An employee should:

- a) Take care for the health and safety of her/himself and other persons who may be affected by her /his acts or omissions.
- b) Co-operate with the employer to ensure that the Department of Public Works carries out the duties imposed upon by the OHS Act.
- c) Carry out lawful instructions given to her/him and obey the health and safety rules and procedure laid down in the interest of health and safety at work place.
- d) Report any unsafe or unhealthy conditions to her/his immediate supervisor/health and safety representatives.
- e) If he/she is involved in any incident/accident, which may affect his/her health or cause an injury to herself /himself or others, he/she must report such incidents to his/her direct supervisor or to health and safety representative, as soon as practicable possible, but not later than the end of the working day in which such incident/accident occurred, and
- f) Not intentionally or recklessly interfere with measures or items which are provided to protect the health and safety of persons where the activities of the Department of Public Works are conducted.

### **5.2 Rights of employees**

The OHSA has extended employees' rights to include the following:

#### **5.2.1 The right to information**

The employee must have access to-

- The OHSA and regulations
- Health and safety rules and procedures of the workplace
- Health and safety standards which the employer must keep at the workplace.

The employee may request the employer to inform him or her about-

- Health and safety hazards in the workplace

- The precautionary measures which must be taken
- The procedures that must be followed if a worker is exposed to substances hazardous to health

The employee may request that his or her private medical practitioner investigate his or her medical and exposure records.

If the employee is a health and safety representative, he or she may investigate and comment in writing on exposure assessments and monitoring reports.

### **5.2.2 The right to participate in inspections**

If the employee is a health and safety representative, he or she may accompany a health and safety inspector from the department of Labour during an inspection of the workplace and answer any questions the inspector may ask.

### **5.2.3 The right to comment on legislation and make representations**

The employee may comment or make representations on any regulation or safety standard published under the OHSA.

### **5.2.4 The right not to be victimised**

An employer may not dismiss an employee from his service, reduce an employee's salary or reduce an employee's service conditions because-

- An employee supplied information, which is required of him or her in terms of the OHSA, to someone who is charged with the administration of OHSA
- An employee complied with a lawful notice (e.g., a prohibition, contravention notice, etc.)
- An employee did something which in terms of the OHSA should have been done
- An employee did not do something which in terms of the OHSA is prohibited
- An employee has given evidence before the Industrial Court or a court of law on matters regarding health and safety.

### **5.2.5 The right to appeal**

An employee may appeal against the decision of an inspector. Appeals must be referred in writing to the Chief Inspector, Occupational Health and Safety, Department of Labour, Private Bag x117, Pretoria, 0001

## **6. ASSIGNMENT OF RESPONSIBILITY**

In terms of Section 16(4) of OHS Act, the Head of Department (HoD) is the Chief Executive Officer and must, in terms of Section 16(1) of the above mentioned Act, see to

it that her/his employer's duties, as contemplated by the OHS Act are properly discharged.

Without derogating from his/her responsibilities and liabilities in terms of Section 16(1) of the OHS Act, the HoD must appoint in writing Programme and Project Managers as responsible people who will carry out duties contemplated in the OHS Act.

## **7. HEALTH AND SAFETY REPRESENTATIVES**

Health and safety representatives are to be elected for each workplace within this department as follows:

- a) In the case of offices, one health and safety representative for every 100 employees or part thereof.
- b) All the workplaces, one health and safety for every 50 employees or part thereof.
- c) The head of directorate, regional offices, or construction units/camps, shall consult in good faith with employees and employee's organization on the procedure to be used for the election of health and safety representatives
- d) The head of the component shall with a reasonable period call a meeting of all employees attached to the component to elect their health and safety representatives.

## **8. FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES**

- a) The functions of health and safety representatives are those prescribed in Section 18 of the OHSA, and must, unless no risk of hazard has been identified, include a written report submitted at least quarterly to the head of department who will sign acknowledgement of receipt within a reasonable period of time and comment on any action she/he intends to take to eliminate or reduce the risk/hazard identified.
- b) The remedial steps that the head of the component intends taking/have taken should be communicated to the Head of Department (as defined in section 16(4) of the OHS Act) in writing. The HoD should acknowledge receipts and endorse decisions or indicate which steps are to be taken with regard to deviations or substandard conditions that are overdue or serious nature and thus need his/her personal attention.
- c) Health and safety representatives are entitled to do the following:
  - i) **Health and safety audits**  
Representatives may check the effectiveness of health and safety measures by means of health and safety audits.
  - ii) **Identify potential dangers**  
Representatives may identify potential dangers in the workplace and report them to the health and safety committee or the employer.

**iii) Investigate incidents**

Representatives may together with the employer investigate incidents, investigate complaints from workers regarding health and safety matters, and report about it in writing.

**iv) Make representations**

Representatives may make representations regarding the safety of the workplace to the employer or the health and safety committee or, where the representations are unsuccessful, to an inspector.

**v) Inspections**

As far as inspections are concerned, representatives may-

- Inspect the workplace after notifying the employer of the inspection
- Participate in discussions with inspectors at the workplace and accompany inspectors on inspections
- Inspect documents
- With the consent of his/her employer, be accompanied by a technical advisor during an inspection.

**vi) Attend committee meetings**

Representatives may attend health and safety committee meetings.

## **9. HEALTH AND SAFETY COMMITTEES**

- a) The employer determines the number of committee members, based on the following:
- If only one committee has been established for a workplace, all the representatives must be members of that committee
  - If two or more committees have been established for a workplace, each representative must be a member of at least one of those committees.
- b) Therefore, every representative must be a member of a committee. The employer may also nominate other persons to represent him or her on a committee but such nominees may not be more than the number of representatives designated on that committee.
- c) If, however, an inspector is of the opinion that the number of committees in a workplace is inadequate, he or she may determine the establishment of additional committees.
- d) The health and safety committee must at its first meeting determine the procedure frequency of the meetings and other arrangements governing the functioning of the committee. The committee must at least meet once every three months as contemplated in section 19(4) of the OHS Act.
- e) Committees may co-opt persons as advisory members for their knowledge and expertise on health and safety matters. However, an advisory member does not have the right to vote.

## **10. FUNCTIONS OF HEALTH AND SAFETY COMMITTEES**

The functions of health and safety committees are those prescribed in section 20 of the OHS Act. The “employer” means the head of relevant directorate or project centers. Committee only deals with health and safety matters at the workplace or sections thereof, for which such committees have been established. Generally, health and safety committees have the following functions:

- **Make recommendations**  
A committee must make recommendations to the employer about the health and safety of workers. Where these recommendations do not lead to solving the matter, the committee may make recommendations to an inspector.
- **Discuss incidents**  
A committee must discuss any incident that leads to the injury, illness, or death of any worker and may report about it in writing to the inspector.
- **Record keeping**  
A committee must keep record of every recommendation to the employer and every report to an inspector.
- **Other functions**  
Committee members must perform any other functions required of them by regulation.

## **11. RECOMMENDATIONS OF THE HEALTH AND SAFETY COMMITTEES**

- a) Recommendations by the committees in terms of section 20(1)(a) to the employer must be in writing, fully motivating request and contain reasons as to why it was not possible to resolve the matter at component level
- b) In addition to the steps mentioned in paragraph 10(a), the head of the directorate will, on receipt of a recommendation, inform the relevant committee of the steps taken to resolve the matter. In instances where the head of the directorate is not empowered to resolve a specific matter, he/she will report the matter to the head of the department for appropriate action. A copy of the notice must be submitted to the health and safety committee. The head of the department will within a reasonable period, after receipt of a recommendation, provide the head of the directorate with a decision on the steps to be taken to resolve the matter, if not possible to resolve the matter, give reasons thereof.

## **12. DISPUTE RESOLUTION PROCEDURE**

- a) In instances where a dispute arises, a health and safety committee must give notice to the head of the department in the format to be prescribed by him.
- b) The head of department must within a reasonable period of time, after receipt of such notice of dispute, call a meeting of all parties concerned with the purpose of finding a solution to the dispute.
- c) If it is not possible for the head of the department to resolve the dispute, a request must be submitted by the head of department to an inspector from the Department of Labour who shall investigate the matter as contemplated in section 27 of the OHS Act

### **13. REPORTING OF INCIDENTS**

- a) It is the responsibility of the head of a component to report incidents/accident to the Occupational Health and Safety Unit as soon as possible before seven days after the occurrence of such incident.
- b) A copy of the incident report must be submitted to the relevant Health and Safety Committee for discussion and recommendation.
- c) A record of incident report must be kept at each regional office (it must be in the form of annexure2, see General Administrative regulation of the OHSA).

### **14. PROSECUTIONS**

When an employee does something which in terms of the OHSA is regarded as an offence, the employer is responsible for that offence, and he or she could be found guilty and sentenced for it, unless the employer can prove that

- He or she did not give his or her consent
- He or she took all reasonable steps to prevent it
- An employee did not act within the scope of his or her competence, in other words, that the worker did something that he or she should not have done.

The foregoing also applies to be mandatory to an employer, for example, a subcontractor, unless the parties agree beforehand in writing on how the mandatory will comply with the provisions of the OHSA.

### **15. APPOINTMENT OF FIRST AIDERS.**

- a) In terms of the General Safety Regulations, Section 3(4), the Department shall appoint one first aider for each workstation per shift where there is 10-50 officials.



Provided that, for every group of up to 100 officials employed, a first aider must be appointed. The first shall be applicable for fieldworkers (e.g. construction units) and the latter to office bound officials.

- b) That first aiders be trained and in possession of a valid certificate issued by one of the following institutions:
  - SA Red Cross Society
  - St John ' Ambulance
  - The SA First Aid League
  - Any accredited institution
- c) That the names of first aiders and respective contact numbers be displayed in their respective work stations/areas and that such first aiders must be available on each shift or team.
- d) That the treatment provided by first aiders be recorded in the first aid register
- e) That the contents of the first aid boxes be inspected on monthly basis and the first aid The responsible first aider completes register.
- f) The Occupational Health and Safety Unit will be responsible for the buying and replenishing of all first aid kits.
- g) The location of first aid boxes should be clearly indicated by symbolic signs and it (First aid kit boxes) should be accessible at all times in the presence of the first aider
- h) The minimum requirements for a first aid kit (as per General Safety Regulations) be as follows:

- Item 1: Wound cleaner/antiseptic (100ml)
- Item 2: Swabs for cleaning wounds
- Item 3: Cotton wool for padding
- Item 4: Sterile gauze (minimum quantity 10)
- Item 5: 1pair of forceps (for splinters)
- Item 6: 1 pair of scissors (minimum 100mm)
- Item 7: 1 set of Safety pins
- Item 8: 4 triangular bandages
- Item 9: 4 Roller bandages (75mm x 5m)
- Item 10: 4 Roller bandages (100mm x 5m)
- Item 11: 1 roll of elastic adhesive (25mm x 3m)
- Item 12: 1 Non-allergic (to have no allergic effects) adhesive strip (25mm x 3m)
- Item 13: 1 packet of adhesive dressing strips (minimum quantities, 10 assorted sizes)
- Item 14: 4 first aid dressing (75mm x 100mm)
- Item 15: 4 first aid dressings (150mm x 200mm)

- Item 16: 2 strait splints
- Item 17: 2 pairs large and 2 pairs medium disposable gloves
- Item 18: 2CPR mouthpieces or similar devices
- Item 19: Plastic bag for refuse.

## 16. GENERAL

Occupational health and safety in workplaces is one of the fundamental rights of worker. As an employer who respects the rights of employees, the Department of Public Works, will endeavor to comply with both the Public Service Regulations, chapter six (6) of the Occupational Health and Safety Act, 85 of 1993. In its endeavor to create a safe, incident and hazardous free working environment, this department will proactively engage all stakeholders by encouraging both the employees and members of the public to report possible hazardous conditions. On receipt of such report/complaints, necessary steps will be taken to address the problem.

## 17. OCCUPATIONAL HEALTH AND SAFETY PROCEDURE GUIDELINES

Refer to the attached annexure.

.....  
**SENIOR MANAGER: POLICY AND HRM**

.....  
**DATE**

.....  
**HEAD OF DEPARTMENT**

.....  
**DATE**

## **ANNEXURE**

### **OCCUPATIONAL HEALTH AND SAFETY: PROCEDURE GUIDELINES**

#### **1. INTRODUCTION**

The Department of Public Works acknowledges its responsibility and is committed to create and maintain a work environment that is safe and without risk to the health of the employees.

#### **2. PURPOSE**

To provide measures aimed at promoting the health and safety of all employees in the Department and provide for the protection of such employees and persons other than employees from hazards arising out of or in connection with their activities.

#### **3. AUTHORISATION**

- The Constitution of the Republic of South Africa (1996) chapter 2 section 24(a) states that everyone has the right to a safe environment.
- Skills Development Act, 1998 (Act No. 97 of 1998) requires an employer to develop the skills of employees.
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) lays down specific rules aimed at preventing accidents at work and promote occupational health and safety.
- Compensation for Occupational Injuries and Diseases Act 130 of 1993 regulates the payment of compensation to persons who are injured or who contract a disease while working
- The Labour Relations Act, 1995 (Act No. 66 of 1995) requires the employer to provide a safe environment for the workers.
- Basic Conditions of Employment Act, 1997 (Act No 75 of 1997) places certain obligations on the employer with regard to the working conditions of employees.
- The Public Service Regulations, 2001 (Chapter 1, part VID) require a Head of Department to establish and maintain a safe and healthy working environment for employees in the department.

#### **4. DEFINITION**

Occupational Health and Safety is work based whereby both the employers and the employees proactively identify and manage/eliminate hazards that may cause injuries or diseases to employees and visitors in the workplace.

#### **5. ROLES AND RESPONSIBILITIES**

##### **5.1 Head of Department**

The Head of department as the Chief Executive Officer may assign any person under his/her control to carry out the following duties of the employer:

- Provide and maintain as far as is reasonably practicable, a working environment that is safe and without risk to the health of the employees.
- Identify potential hazards, which may be present while work is being done.
- Establish the precautionary measures that are necessary to protect the workers against the identified hazards.
- Provide the workers with the necessary information, instructions, training and supervision while keeping the extent of their competence in mind.
- Determine the procedures to be followed if an employee is exposed to a hazardous substance or involved in an incident that may influence negatively his/her health and safety.
- Not to permit any worker to carry on with any task unless the necessary precautionary measures have been taken.
- Ensure that every employee complies with the requirements of the occupational health and safety Act, 1993 and its regulations as well as other relevant legislation related to occupational health and safety.
- Ensure that work being done and the equipments used, are under the general supervision of a worker who has been trained to understand the hazards associated with the work and ensure that the precautionary measures are implemented and maintained.
- Ensure that health and safety representatives are elected or nominated and appointed in the workplace as contemplated in section 17 of the Occupational Health and Safety Act, 1993.
- Ensure that all cases of occupational diseases or injuries are reported within 7 days in the prescribed manner to the Compensation Commissioner.
- Co-operate with the inspector and ensure that any directions, subpoenas, requests or commands are complied with.

- Ensure that the health and safety committee complies with the provision of the occupational Health and Safety Act, 1993 section 19(4) and performs the duties assigned to it by subsection 1 and 2.

## **5.2 EMPLOYEES**

Every employee shall at work:

- Take care of his or her health and safety as well as that of other persons who may be affected by his/her acts or negligence to act;
- Co-operate with the head of department or another employee to complying with the requirements of the occupational health and Safety Act, 1993 and its regulations;
- Obey the health and safety rules and procedures laid down by the employer or anyone authorised by the employer in the interest of health and safety;
- Wear the prescribed safety clothing or use the prescribed safety equipment where it is required;
- Report any unsafe or unhealthy conditions to the employer or health and safety representatives as soon as possible;
- If he or she is involved in an incident that may influence his or her health or cause an injury, report that incident to the immediate supervisor or an authorised person or the health and safety representative as soon as possible, but no later than by the end of the shift/day.

## **6. PROCEDURES FOR THE NOMINATION AND ELECTION OF HEALTH AND SAFETY REPRESENTATIVES**

The head of department or his/her delegate shall consult with employees in the department to nominate or elect health and safety representatives in terms of section 17 of the Occupational Health and Safety Act, 1993. This consultation shall be done at each workplace or within each separate section at a specific workplace. Unions may be consulted if necessary. Each workplace, district and/or cost centre shall decide whether it will have nominations or elections and for what period of office will the health and safety representatives serve.

### **6.1 Nomination and Election of health and safety representatives**

In case of nominations the following procedure shall be applicable:

- Divide the workplace into various functional sections, e.g., workplace, district, and/or cost centre
- Have a list of employees who are employed on a full-time basis.

- Decide on employees who are acquainted with conditions and activities at the workplace and the employee must be able to read and write.
- Send a notice to each functional section inviting nominations and clearly stating the due date.
- Management shall nominate one of the nominees and designate him/her as a health and safety representative in writing for a specific period.

In case of elections the following procedure shall be applicable:

- ◆ Divide the workplace in to various functional sections, e.g., workplace, district, and/or cost centre
- ◆ Employees who are eligible for elections should be employed on a full-time basis, be acquainted with conditions and activities at the workplace, and must be able to read and write.
- ◆ Send a notice to each functional section inviting nominations for an election. State the due date for nominations and date on which elections will be held.
- ◆ Hold elections in each functional section on specific dates. Election may be either by hand or by ballot.
- ◆ Designate the elected health and safety representative/s in writing for a specific period.

## **6.2. Period of office**

The Act does not prescribe the term of office for health and safety representative/s, hence it shall be the discretion of the head of department as Executive Authority and employees of the department to decide on the period of office.

## **6.3. Termination of office**

Termination of office of health and safety representatives may occur on the following grounds:

- If he /she is found guilty, following a disciplinary hearing of health and safety infringement.
- If two thirds of employees working in his/her section request management in writing for his/her termination of office.
- If the period of office expires, as determined/agreed by the HoD and employees
- If his//her employment contract (resignation, retirement, dismissal, or transfer) is terminated.
- If according to the section 16 (2) appointee, the health and safety representative failed to fulfil his/her functions as contemplated in the Act to promote the health and safety of co-workers. The employee may appeal against such a decision to the head of department whose decision is final.

## **6.4. Designation of health and safety representatives.**

- The health and safety representative shall be designated in writing (see annexure B example).
- Health and safety representatives shall be designated for every workplace consisting of 50 or more workers; and for office situations, one representative shall be designated for every 100 workers or part thereof.
- Health and safety representatives may be designated for a specific section or area at the workplace
- Depending on circumstances, an inspector from the Department of Labour may require the designation of more representatives, even in the case where the number of workers is less than 20.
- The head of the department in consultation with the workers can designate more than the prescribed number of representatives if the workplace situation requires it.
- All the activities regarding the designation, function and training of representatives shall be performed during normal working hours.

## **6.5. FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES**

- d) The functions of health and safety representatives are those prescribed in Section 18 of the OHSA, and must, unless no risk of hazard has been identified, include a written report submitted at least quarterly to the head of department who will sign acknowledgement of receipt within a reasonable period of time and comment on any action she/he intends to take to eliminate or reduce the risk/hazard identified.
- e) The remedial steps that the head of the component intends taking/have taken should be communicated to the Head of Department (as defined in section 16(4) of the OHS Act) in writing. The HoD should acknowledge receipts and endorse decisions or indicate which steps are to be taken with regard to deviations or substandard conditions that are overdue or serious nature and thus need his/her personal attention.
- f) Health and safety representatives are entitled to do the following:
  - j) Health and safety audits**  
Representatives may check the effectiveness of health and safety measures by means of health and safety audits.

**vii) Identify potential dangers**

Representatives may identify potential dangers in the workplace and report them to the health and safety committee or the employer.

**viii) Investigate incidents**

Representatives may together with the employer investigate incidents, investigate complaints from workers regarding health and safety matters, and report about it in writing.

**ix) Make representations**

Representatives may make representations regarding the safety of the workplace to the employer or the health and safety committee or, where the representations are unsuccessful, to an inspector.

**x) Inspections**

As far as inspections are concerned, representatives may-

- Inspect the workplace after notifying the employer of the inspection
- Participate in discussions with inspectors at the workplace and accompany inspectors on inspections
- Inspect documents
- With the consent of his/her employer, be accompanied by a technical advisor during an inspection.

**xi) Attend committee meetings**

Representatives may attend health and safety committee meetings.

## **6.6. Training**

All health and safety representatives shall be trained on their legislative functions, health and safety issues. They should be trained on how to use the checklist.

All employees shall be educated on various health and safety subjects on a continuous basis. Health and safety representatives shall keep record of trained employees.

## **6.7 HEALTH AND SAFETY COMMITTEE**

f) The employer determines the number of committee members, based on the following:

- If only one committee has been established for a workplace, all the representatives must be members of that committee
- If two or more committees have been established for a workplace, each representative must be a member of at least one of those committees.



- g) Therefore, every representative must be a member of a committee. The employer may also nominate other persons to represent him or her on a committee but such nominees may not be more than the number of representatives designated on that committee.
- h) If, however, an inspector is of the opinion that the number of committees in a workplace is inadequate, he or she may determine the establishment of additional committees.
- i) The health and safety committee must at its first meeting determine the procedure frequency of the meetings and other arrangements governing the functioning of the committee. The committee must at least meet once every three months as contemplated in section 19(4) of the OHS Act.
- j) Committees may co-opt persons as advisory members for their knowledge and expertise on health and safety matters. However, an advisory member does not have the right to vote.

## **6.8. FUNCTIONS OF THE HEALTH AND SAFETY COMMITTEE**

The functions of health and safety committees are those prescribed in section 20 of the OHS Act. The “employer” means the head of relevant directorate or project centers. Committee only deals with health and safety matters at the workplace or sections thereof, for which such committees have been established. Generally, health and safety committees have the following functions:

- **Make recommendations**  
A committee must make recommendations to the employer about the health and safety of workers. Where these recommendations do not lead to solving the matter, the committee may make recommendations to an inspector.
- **Discuss incidents**  
A committee must discuss any incident that leads to the injury, illness, or death of any worker and may report about it in writing to the inspector.
- **Record keeping**  
A committee must keep record of every recommendation to the employer and every report to an inspector.
- **Other functions**  
Committee members must perform any other functions required of them by regulation.

## **7. PROCEDURE TO CONSERVE HEARING**

Environmental Regulation together with SABS codes 083 & 572 regulate noise conversation. The procedure is as follows:

- An approved inspection authority must conduct a survey to assess the noise level if it is equal to or exceeds 85dBA. If the noise level is equal to or exceeds 85dBA, all steps must be taken to reduce the noise.
- If the noise level cannot be reduced to below 85dBA, then the **employer must take the following steps:**
  - Demarcate the noise areas by posting conspicuous notices.
  - Prohibit any person from entering a noise zone unless he/she wears hearing protection.
  - Issue hearing protection equipment to each employee required to work in such a zone and train him/her on why it is important to, how to and when to use such equipments.
  - Provide a dust free container for storage of the equipments.

#### **8. PROCEDURE TO BE FOLLOWED IN REPORTING AN OCCUPATIONAL INJURY OR DISEASE**

- Every employee if involved in an incident that may influence his or her health or have caused an injury should report in writing (complete WCL 3 form) that incident to the head of the department, any authorized person or to the health and safety representative as soon as possible, but not later than the end of the shift/day.
- The employee should ensure that a medical practitioner or chiropractor complete the WCL 4 Form [First medical report] or WCL 22 form [First medical report in respect of occupational diseases] within 14 days after having for the first time examined him/her, and furnish that medical report to the head of the department or any authorized person.
- The supervisor of the deceased or injured employee or employee who contracted a disease at a district level and provincial level should inform the Provincial Human Resource Office by using the WCL 1 form [Employer's report of occupational diseases] or WCL 2 form [Employer's report of accident].
- The Provincial Human Resource Office will in turn inform the Compensation Fund within 7 days after notice of the incident. This office must furnish all required documents to the Compensation Fund.

**In case of the deceased employees, the dependants should submit the following documents:**

- Marriage certificate
- Death certificate
- Affidavit by the widow [WCL 32]
- Claim for compensation [WCL 3]
- Birth certificate of the widow (er) and children under the age of 18 years at the time of accident.
- Burial expenses form [WCL 46] and receipts.

## **8.1 FORMS USED**

- WCL 1      Employer's report of occupational diseases
- WCL 2      Employer's report of accident
- WCL 3      Notice of accident and claim for compensation
- WCL 4      First medical report
- WCL 5      Progress/Final report
- WCL 6      Resumption report
- WCL 14     Notice of occupational disease and claim for compensation
- WCL 20     Inquiry on unpaid medical account
- WCL 22     First medical report in respect of occupational diseases
- WCL 26     Progress/Final medical report in respect in respect of occupational diseases
- WCL 32     Declaration by widow
- WCL 46     Burial expenses
- WCL 55     Acknowledgement card
- WCL 56     Acceptance card
- WCL 69     Claim for subsistence and transport expenses
- WCL 132    Affidavit by employee

The above listed forms may be obtained from the department of Labour.

## **8.2 BENEFITS TO EMPLOYEES**

For the period the employee is unable to perform his normal duties, the department must grant him/her special sick leave with full pay.

Further benefits that the injured/sick employee might be entitled to would be if he suffered permanent disablement because of the accident.

In case where the employee has died as a result of his injuries, the dependants are entitled to compensation as well as necessary burial expenses.

## **9 LIABILITY OF THE DEPARTMENT**

- The department is liable for payment of compensation during the period of temporary total disablement of one of its employees.
- All reasonable medical expenses arising from the treatment of an employee's injuries or occupational diseases must be paid at the rates prescribed by the compensation commissioner.
- Responsible for payment of all reasonable traveling expenses in order to obtain medical treatment.
- In the event of a fatal injury, each department pays for the reasonable burial expenses.
- An employee who sustains an injury or contract an occupational disease due to the negligence of a superior in charge of a branch or division in the department, has the right to claim for additional compensation in terms of the Act and if successful the department will be liable to pay the amount fixed by the compensation commissioner.
- The department is compelled to adjust the pensions awarded under the said Act or previous Act, if the Minister has increased them.
- Payment for permanent disablement in the form of lump sum or monthly pension is the responsibility of the Provincial department concerned.
- Where an employee leaves the service of the Provincial department for whatever reason, all liabilities of that department become the responsibility of the Director-General of the Department of Finance.

## **10 MONITORING AND EVALUATION**

- The Occupational Health and Safety unit under the Directorate: Policy & HRM shall co-ordinate and monitor the implementation of the requirements of the Occupational Health and Safety Act, 1993 and Compensation for Occupational Injuries and Diseases Act, 1993 in the Department
- The EAP unit in the Office of the Premier in conjunction with the Department of Labour will evaluate the implementation of the OHSA in the department.
- The procedure guidelines will be reviewed annually

## **ANNEXURE A**

### **OCCUPATIONAL HEALTH AND SAFETY ACT No 85 OF 1993 DELEGATION OF DUTIES: ACTING SECTION 16(2) APPOINTEE**

As Chief Executive Officer, I hereby appoint .....to assist me in the performance of my duties in terms of section 16(2). The appointment will be effective from the date of this appointment and will remain effective until revoked by myself.

You must ensure that the Occupational Health and Safety Act is complied with and report all deviations and areas of non-compliance, which you cannot rectify.

Ensure that you familiarize yourself with the full scope of the Act. You are also empowered to appoint the necessary employees within your area of responsibility.

Confirm your acceptance of this appointment and understanding of the duties involved by signing this letter in duplicate and returning one copy to me.

.....  
**HEAD OF DEPARTMENT**

I accept the appointment as set out above and confirm my understanding of the duties involved.

.....  
**SECTION 16(2) APPOINTEE**

.....  
**DATE**

.....  
**SIGNATURE**

.....  
**DATE**

**ANNEXURE B**  
**APPOINTMENT OF HEALTH AND SAFETY REPRESENTATIVE**

.....  
You are appointed as the health and safety representative in terms of section 17 of the Occupational Health and Safety Act, 1993. Your designation period is from...../...../...20.....until...../...../...20.....as the representative for the following section / workplace / district.....

Although you will be provided with training to perform your tasks, we wish to refer you to section 18 of the Occupational Health and Safety Act, 1993, which stipulate functions to be performed.

Your functions as a health and safety representative is not limited to:

1. Reviewing the effectiveness of the health and safety measures within your area of designation;
2. Assessing the potential hazards to the health and safety of the employees within your area of designation;
3. Investigating the causes of incidents within your area of designation, and all complaints from employees within your area of designation, relating to their health and safety;
4. Inspecting the workplace and report on such inspection, and the aspects mentioned in (1), (2) and (3) above to the health and safety committee or the Section 16 (2) appointee;
5. Participating in the investigations of incidents within your area of designation as contemplated in section 18 of the Act.

Confirm your acceptance of this appointment and understanding of the duties involved by signing this letter in duplicate and returning one copy to me.

.....  
**HEAD OF DEPARTMENT**

I accept the appointment as set out above and confirm my understanding of the duties involved

.....  
**HEALTH AND SAFETY REPRESENTATIVE**

.....  
**SIGNATURE**

.....  
**DATE**

## **ANNEXURE C**

### **APPOINTMENT OF HEALTH AND SAFETY REPRESENTATIVE AND MEMBER OF THE HEALTH AND SAFETY COMMITTEE**

.....  
You are appointed as the health and safety representative in terms of section 17 of the Occupational Health and Safety Act, 1993. Your designation period is from...../...../...20.....until...../...../...20.....as the representative for the following section / workplace / district .....

Although you will be provided with training to perform your tasks, we wish to refer you to section 18 of the Occupational Health and Safety Act, 1993, which stipulate functions to be performed.

Your functions as a health and safety representative is not limited to:

1. Reviewing the effectiveness of the health and safety measures within your area of designation;
2. Assessing the potential hazards to the health and safety of the employees within your area of designation;
3. Investigating the causes of incidents within your area of designation, and all complaints from employees within your area of designation, relating to their health and safety;
4. Inspecting the workplace and report on such inspection, and the aspects mentioned in (1), (2) and (3) above to the health and safety committee or the Section 16 (2) appointee;
5. Participating in the investigations of incidents within your area of designation as contemplated in section 18 of the Act.

You are also designated as the health and safety committee member in terms of section 19 (3) of the Act. The committee must convene at least once every three months and your attention is drawn to the functions of a health and safety committee as set out in section 20 of the Act.

Confirm your acceptance of this appointment and understanding of the duties involved by signing this letter in duplicate and returning one copy to me.

I accept the appointment as set out above and confirm my understanding of the duties involved.

.....  
**SECTION 16 (2) APPOINTEE**

.....  
**SIGNATURE**

.....  
**DATE**