



# HUMAN RESOURCE POLICY OCCUPATIONAL HEALTH AND SAFETY

<b>Policy No: NLMHREP007</b>	<b>Effective Date: 01 April 2008</b>
<b>Approved:</b>	<b>Review Date: 01 April 2009</b>

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary, subject to Labour Law Dispensation or operational requirements.

## 1. SCOPE

Ngwathe views the health and safety of its employees as an important aspect that should be promoted and maintained at all times.

The Occupational Health and Safety Act, Act 85 of 1993 (OHS) requires Ngwathe to bring about and maintain as far as reasonably practicable, a work environment that is safe and without risk to the health of employees.

Ngwathe is committed to create an environment which will be conducive to the reduction or elimination of accidents and the promotion of Occupational Health and Safety.

## 2. PREAMBLE

### DEFINITIONS

Definitions of words and concepts are as contained in the Occupational Health and Safety Act.

The Purpose of the Policy is:

- to ensure the health and safety of employees at the work place with regard to:
  - the use of plant and machinery
  - the protection persons other than persons at work against hazards to health and safety arising out of the activities of the municipality
  - to establish health and safety structures within the municipality.

### **3. POLICY**

#### **GENERAL GUIDING PRINCIPLES**

1. Ngwathe must ensure that the workplace is free of hazardous substances such as dangerous machines, equipment that can cause injuries, damage or cause diseases to employees and finally provide employees with protective clothes.
2. Ngwathe must inform employees of these dangers.
3. However, it is not expected of Ngwathe to take sole responsibility for Health and Safety.
4. Dangers in the workplace must be addressed by communication and co-operation between the employee and Ngwathe.
5. Both parties must pro-actively identify dangers and develop control measures to make the workplace safe.

6. In this way Ngwathe and its employees are involved in the system where Health and Safety representative may inspect the workplace and report to Health and Safety Committee.

#### 4. STAKEHOLDER ANALYSIS

Role	Responsibility
Municipal Manager / Director Corporate Services (subject to its delegations if any)	
Council	
Line Manager	
Human Resources	
Labour Representatives	

#### 5. PROCEDURE

##### MANAGEMENT RESPONSIBILITY

- Promote a participative management style and gain the commitment of all employees in Safety Awareness
- Meet or exceed statutory safety requirements
- Ensure that safe working conditions and practices are integral to the normal daily activities at Ngwathe
- Provide the necessary safety training to employees on an ongoing basis
- Strive for the highest achievements in design, construction operation and maintenance of all equipment and process by adhering to recognised operational, engineering and safety standards.

- Identify and rectify hazards through the auditing of equipment, systems and procedures
- Strive for a progressive reduction in casualty rates
- Make provision for employees working in Health Risk Occupations i.e. Night Soil and Refuse Removal, to undergo medical check up at least on quarterly basis free of charge at a doctor designated by Ngwathe.
- Ensure provision of Safety Clothing and Equipment to employees involved in Health Risk Occupations.
- Safety, health and risk management forms an internal part of line management
- Management, HOD, Health and Safety Reps, will be accountable for safety within their area of responsibility
- Each employee has personal responsibility for his own safety and for prevention of accidents where possible.

#### GENERAL DUTIES OF MUNICIPALITY TOWARDS EMPLOYEES

Ngwathe must ensure that the work environment is safe by:

1. Ngwathe must provide and maintain all the equipment that is necessary to do the work, in condition that will not affect the Health and Safety of employees.
2. Before personal protective equipment may be used, Ngwathe must first try to remove or reduce any danger to the Health and Safety of its employees.
3. Ngwathe must take measures to protect his/her employees against hazards that may result from production, processing, use, handling, storage or transporting and anything that employees may come into contact with at work.

To ensure that these duties are complied with, Ngwathe must –

- Identify potential hazards which may be present while work is being done, something is being produced, processed, stored or transported.
- Establish the precautionary measures that are necessary to protect his/her employees against the identified hazard and provide the means to implement these precautionary measures.
- Provide the necessary information, instruction, training and supervision while keeping the extent of employee competence in mind, in other words what they may do and may not do.
- Not permit anyone to carry on with any task unless the necessary precautionary measures have been taken.
- Take steps to ensure that every person under his/her control complies with the requirements of the Act.
- Enforce the necessary control measures in the interest of Health and Safety.
- See to it that the work being done and the equipment used, is under the general supervision of a employee who has been trained to understand the hazards associated with the work.
- Such an employee must ensure that the precautionary measures are implemented and maintained.

### GENERAL DUTIES OF THE EMPLOYEES

It is the duty of the employee to:

1. Take care of his/her own Health and Safety.
2. As well as that of other persons who may be affected by his/her negligence to act (i.e. playing at work) is considered a serious contravention.

3. Where the Act imposes a duty or requirements on the employee to cooperate with Ngwathe.
4. Give information to an inspector from the Department of Labour if he/she should require it.
5. Carry out any lawful instruction which Ngwathe or an authorised person prescribes with regard to Health and Safety.
6. Comply with the rules and procedures that Ngwathe gives him/her.
7. Wear the prescribed safety clothing or use the prescribed safety equipment where it is required.
8. Report unsafe or unhealthy conditions to Ngwathe or Health and Safety representatives as soon as possible.
9. If he/she is involved in an incident that may influence his/her health or cause an injury, report that to Ngwathe immediately or to Health and Safety representatives.

### THE RIGHTS OF EMPLOYEES

The Occupational Health and Safety Act has extended employees' rights to include the following:

1. Ngwathe must see to it that every employee is informed and clearly understands the Health and Safety hazards of any work being done, and associated with anything being stored, handled or transported.

2. Ngwathe must inform Health and Safety representatives when an inspector notifies the municipality of inspection and investigation.
3. Ngwathe must also inform Health and Safety representatives for any applicant for exemption made, or of an exemption granted to him, in terms of the Act.
4. Ngwathe must, as soon as possible, inform the Health and Safety representatives of the occurrence of incidents in the workplace.

**INCIDENT MEANS:**

An event that occurs at the workplace where a person is killed injured or becomes ill.

**The Right to Information:**

The employee must have the access to –

- The Occupational Health and Safety Act and Regulations
- Health and Safety standards which Ngwathe must keep at the workplace
- The employee may request Ngwathe to inform him/her about –
  - Health and Safety hazards in the workplace
  - The procedures that must be followed if an employee is exposed to substances hazardous to their health

The employee may request his/her medical and exposure records.

If the employee is a Health and Safety representative he/she may ask to accompany a Health Safety inspector.

**The Right to Participate In an Inspection:**

If the employee is a Health and Safety representative, he/she may accompany a Health and Safety inspector.

### **The Right to Comment on Legislation and Make Representations:**

The employee may comment or make representations on any Regulation of the Health and Safety Act.

### **The Right Not To Be Victimised:**

An employer may not dismiss a employee from his/her services, reduce a employee's salary or reduce an employee's service conditions because:

1. The employee supplied information, which is required of him/her in terms of the Act, to someone who is charged with the administration of the OHS Act.
2. The employee complied with a lawful notice (e.g. a Prohibition, Contravention Notice, etc.).
3. The employee did something which in terms of the Act should have been done.
4. The employee did not do something which in terms of the Act is prohibited.
5. The employee has given evidence before the labour court or court of law on matters regarding Health and Safety.

### **The Right to Appeal:**

The employee may appeal in writing against the decision of an inspector.

### **DUTY NOT TO INTERFERE WITH OR MISUSE OBJECTS**

No-one may interfere with or misuse any object that has been provided in the interest of Health and Safety – e.g. a person may. not remove a safety guard from a machine and use it or allow anybody else to use it without such a guard.

### **HEALTH AND SAFETY STRUCTURES**



## HEALTH AND SAFETY REPRESENTATIVES

### ***What are health and safety representatives?***

They are full-time employees nominated or elected and designated in writing by Ngwathe (employer) after the employer and employees consulted one another and reach agreement.

Agreement must also be reached on the period of office and be settled amongst the employer and employees.

### ***When must Health and Safety representatives perform their activities?***

All activities regarding the designation, function and training of representatives must be performed during normal working hours.

### ***What may Health and Safety representatives do?***

Health and Safety representatives are entitled to do the following:

- **Health and Safety Audits:** Representatives may check the effectiveness of Health and Safety measures by means of Health and Safety Audits.
- **Identify Potential Dangers:** Representatives may identify potential dangers in the workplace and report them to the Health and Safety Committee or Municipality.
- **Investigate incidents:** Representatives may together with Ngwathe investigate incidents, complaints from employees regarding Health and Safety matters and report about them in writing.
- **Make representation:** Representatives may make representation regarding the safety of the workplace to Ngwathe or Health and Safety Committee or where the representations are unsuccessful to an inspector.
- **Meetings:** Representatives attend meetings of Health and Safety Committee of which he/she is a member

## 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 Ngwathe accompany the Technical Advisor during an inspection.

## HEALTH AND SAFETY COMMITTEE

Purpose of Health and Safety meetings: Members meet in order to initiate, promote, maintain and review measures ensuring the Health and Safety of employees.

## ESTABLISHMENT OF HEALTH AND SAFETY COMMITTEE

At least one committee must be established when two or more representatives are designated.

## COMPOSITION OF THE COMMITTEE

The Municipality 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.
- Therefore, every representative must be a member of a committee. The employer may also nominate other persons to represent him but not be more than the number of representatives designated on that committee.

*NB: If however, an inspector is of the opinion that the number of committees in the workplace is inadequate, he/she must determine the establishment of additional committees.*

### **HOW OFTEN DO HEALTH AND SAFETY REPRESENTATIVES MEET?**

- They meet whenever it is necessary, but at least once every three months.
- The committee determines the time and place
- The schedule for all the committee meetings must be submitted to the Human Resource Manager
- If more of the employees put a request for a meeting to the inspector, he/she may order such meeting to be held at a time and place which he/she chooses.

### **WHO DETERMINES THE PROCEDURE AT A MEETING?**

The committee elect the Chairperson and determine his/her period of office, meeting procedure, etc.

### **MAY HEALTH AND SAFETY COMMITTEE CONSULT EXPERTS FOR ADVICE?**

Yes, they may co-opt persons as advisory members and expertise on Health and Safety but with no voting rights.

### **WHAT DO HEALTH AND SAFETY COMMITTEES DO?**

The Committees only deal with Health and Safety matters at a workplace or section thereof:

#### **1. Make Recommendations**

Have to make recommendations to Ngwathe about Health and Safety of employees. Where these recommendations do not lead to solving the matter, the committee may make recommendation to an inspector.

#### **2. Discuss Incidents**

A Committee must discuss in writing any incident that leads to injury, illness or death of any employee to Ngwathe.

### 3. **Record keeping**

A Committee must keep record of every recommendation, to the employer (municipality) and every report to an inspector.

## **DEDUCTION**

An employer may not make any deduction from a employee's salary with regard to anything he/she required to do in the interest of Health and Safety in terms of the Act.

## **OCCUPATIONAL DISEASE (Chief Inspector)**

If a medical practitioner examines or treats someone for a disease that he/she suspects arose from that employee's employment, the medical doctor must report the case to the employer or inspector.

## **CO-OPERATION WITH THE INSPECTORS**

- Employers and employees must comply with the directions, requests or orders of inspectors; in addition no one may prevent anyone else from complying.
- The inspector's questions should be answered but no one is obliged to answer questions, by which he/she might incriminate one self.
- When investigating he/she must be assisted with documents. No one may interrupt the investigation.

## 6. **AUTHORITY**

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services