

Restricted

PROVINCIAL GOVERNMENT
DEPARTMENT OF AGRICULTURE



OCCUPATIONAL HEALTH AND SAFETY
POLICY

Restricted

1. INTRODUCTION

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

However, it is not expected of the employer to take sole responsibility for health and safety. Health and safety in occupational settings is a cooperative effort between the employer and employees. Both parties pro-actively identify dangers and develop control measures to make the workplace safe.

2. PURPOSE

The purpose of this policy is to provide for a healthy and safe working environment for all employees, clients and the broader public as provided for by the relevant legislations.

3. AUTHORISATION

- 3.1 The Constitution of the Republic of South Africa (1996) chapter 2 section 24(a) states that everyone has the right to a safe environment.
- 3.2 Skills Development Act, 1998 (Act No. 97 of 1998) requires an employer to develop the skills of employees.
- 3.3 Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) lays down specific measures aimed at preventing accidents, at work and promote occupational health and safety.
- 3.4 Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993) regulates the payment of compensation to persons who are injured or who contract a disease while working
- 3.5 The Labour Relations Act, 1995 (Act No. 66 of 1995) requires the employer to provide a safe environment for the workers.
- 3.6 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.

3.7 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 that department.

3.8 Tobacco Products Control Act, 1993 (Act no 83 of 1993) as amended, places an obligation on the employer to control smoking in the workplace.

3.9 Notice relating to smoking of Tobacco Products in Public Places no R975 of 29 September 2000 gives guidelines on how to designate a smoking area in public places.

3.10 Occupational Health and Safety Regulations, 1993 outlines specific safety standards that should be observed to promote health and safety in workplaces.

4. DEFINITIONS

4.1 DEPARTMENT

Department of Agriculture in the Limpopo Province.

4.2 OCCUPATIONAL HEALTH AND SAFETY

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

4.3 EMPLOYER

For the purpose of this policy, employer refers to the Head of Department and those who are appointed in terms of section 16(2) as employers.

4.4 EMPLOYEE

Any person employed by the Department and receives remuneration.

4.4 CUSTOMER

- a) Any person who receives service from or renders service for the Department and is not employed by the Department;
- b) Visitors to the Department.

5. DUTIES OF VARIOUS STRUCTURES

5.1 DUTIES OF EMPLOYER

In an endeavor to comply with the duties imposed upon by the OHS Act and Chapter 1 of the Public Service Regulations of 2001, the HOD of Department of Agriculture in the Limpopo Province, in as far as is reasonably practicable, and should:

- 5.1.1 Provide a working environment that is safe and without risks to the health and safety of employees.
- 5.1.2 Provide and maintain working facilities (machinery, furniture, implements, tools etc) that are safe and without risks to the health and safety of employees.
- 5.1.3 Take steps to eliminate any hazards to the safety or health of employees.
- 5.1.4 Provide such information, training, instructions and supervision as may be necessary to ensure the safety of employees at work.
- 5.1.5 Not permit any employee to do any work, handle any substance or operate any machinery, unless all precautionary measures have been taken.
- 5.1.6 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.
- 5.1.7 Employees must be informed of the precautionary measures to be followed and observe with respect to subparagraph 5.1.5.
- 5.1.8 Ensure the establishment of structures provided for in the OHS Act for employees to participate in the identification of safety and health hazards and practical measures to eliminate such hazards.
- 5.1.9 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.
- 5.1.10 Provide facilities and equipments necessary to ensure the safety of employees.
- 5.1.11 Provide and maintain personal protective clothing/ equipment to employees free of charge.
- 5.1.12 Appoint in writing heads of Districts, Colleges, Research Stations and the Senior Manager Human Resource Management at Head Office in terms of section 16(2).
- 5.1.13 Facilitate the establishment of committees at Municipal, District and Provincial level.
- 5.1.14 Ensure that first aiders are appointed in all workplaces.
- 5.1.15 Ensure that smoking areas are designated in all workplaces.

5.2 DUTIES OF EMPLOYER TO CUSTOMERS

As an institution responsible to serve all communities of the Limpopo Province, the Department of Agriculture shall in as far as is reasonably practicable:

- 5.2.2 Conduct its activities in such a manner as not to put the safety and health of members of the public at risk, and

- 5.2.3 Consider inputs from members of the public to eliminate real or potential health hazards from where it is conducting activities related to its mandate as a department.

5.3 DUTIES OF SUPERVISORS/MANAGERS

- 5.3.1 Ensure that employees understand the hazards associated to the work they are performing.
- 5.3.2 Ensure that precautionary measures are developed, implemented and maintained.
- 5.3.3 Provide information, training instructions and supervision necessary to ensure safety of employees at work.
- 5.3.4 Ensure that all cases of occupational disease and injuries are reported within 14 days and 7 days respectively to Compensation Commission.
- 5.3.5 Ensure that employees wear prescribed safety clothing and use safe equipments.
- 5.3.6 Keep record of personal protective equipments and clothing supplied to employees.

5.4 DUTIES OF EMPLOYEES

- 5.4.1 Take care of his/her health and safety and that of other persons who may be affected by her /his acts or omissions.
- 5.4.2 Co-operate with the employer to ensure that the Department of Agriculture carries out the duties imposed upon it by the OHS Act.
- 5.4.3 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 the work place.
- 5.4.4 Report any unsafe or unhealthy conditions to her/his immediate supervisor/health and safety representatives.
- 5.4.5 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 is practicably possible, but not later than the end of the working day in which such incident/accident occurred, and
- 5.4.6 Not intentionally or recklessly interfere with measures or items that are provided to protect the health and safety of persons where the activities of the Department are conducted.

5.5 DUTIES OF CUSTOMERS

- 5.5.1 Observe all health and safety prescripts or precautions provided by the Department.
- 5.5.2 Report any unsafe conditions observed.
- 5.5.3 Give inputs that will assist in maintaining a safe and healthy working environment.

5.6 DUTIES OF HEALTH AND SAFETY REPRESENTATIVES

Health and safety representatives are entitled to perform the functions listed under section 18 of OHS Act, of 1993, which are the following:

- i) **Health and safety audits**
Representatives may review 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 and any relevant documentations after notifying the employer of the inspection
 - Participate in discussions with inspectors at the workplace and accompany inspectors on inspections
- vi) **Attend committee meetings**
Representatives shall attend health and safety committee meetings.

5.7 DUTIES OF HEALTH AND SAFETY COMMITTEES

The duties of health and safety committees are those prescribed in section 20 of the OHS Act. The 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:

5.7.1 Make recommendations

A committee must make recommendations to the employer about the health and safety of workers.

5.7.2 Discuss incidents

A committee must discuss any incident that leads to the injury, illness, or death of any worker and should report about it in writing to the local Department of Labour.

5.7.3 Record keeping

A committee must keep record of every recommendation to the employer and every report to an inspector.

5.7.4 Other functions

Committee members must perform any other functions required of them by the OHS regulations.

6. PERIOD OF OFFICE

6.1 In terms of this policy the period of office of health and safety representatives shall be three (3) years.

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

6.2.1 If he /she is found guilty, following a disciplinary hearing of health and safety infringement.

6.2.2 If two thirds of employees working in his/her section request management in writing for his/her termination of office.

6.2.3 If the period of office expires.

6.2.4 If his//her employment contract (resignation, retirement, dismissal, or transfer) is terminated.

7. MONITORING

7.1 The employer shall oversee the overall implementation of this policy in the Department.

7.2 Violation of this policy shall lead to disciplinary action which shall be conducted by the existing disciplinary structures and procedures.

8. REVIEW

The policy shall be reviewed every three years and as and when necessary.

ANNEXURE A

DELEGATION OF DUTIES IN TERMS OF SECTION 16(2) OF THE
OCCUPATIONAL HEALTH AND SAFETY ACT (ACT No 85 OF 1993)

As Head of Department, I hereby appoint

.....(full names) to
perform the duties of head of department as stipulated in section 16(2) of the OHS Act.
The appointment is effective from
.....(year).....(month).....(date) and will remain effective
unless revoked accordingly.

Please familiarize yourself with the OHS Act and ensure that it is fully complied with.
Report all deviations and areas of non-compliance accordingly.

.....
HEAD OF DEPARTMENT

.....
DATE

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

.....
SIGNATURE

.....
DATE

ANNEXURE B

APPOINTMENT OF HEALTH AND SAFETY REPRESENTATIVE IN
TERMS OF SECTION 17 OF THE OCCUPATIONAL HEALTH AND
SAFETY ACT (ACT No 85 OF 1993)

As(full names) I hereby appoint you as
the health and safety representative in accordance with section 17 of the Occupational
Health and Safety Act (Act No 85 of 1993).

The appointment is with effect
from.....(year).....(month).....(day) and shall remain in
effect unless accordingly revoked. Your designated area is
.....

The functions of a health and safety representative as stipulated in section 18 of the OHS
Act are:

1. Review the effectiveness of the health and safety measures within your area of designation;
2. Assess potential hazards to the health and safety of the employees within your area of designation;
3. Investigate 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. Inspect the workplace and report on such inspection, and the aspects mentioned in (1), (2) and (3) above to the health and safety committee and the Section 16 (2) appointee;
5. Participate in the investigations of incidents within your area of designation.

.....
DESIGNATION
SECTION 16 (2) APPOINTEE

.....
DATE

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

.....
SIGNATURE

.....
DATE

ANNEXURE C

APPOINTMENT AS MEMBER OF HEALTH AND SAFETY
COMMITTEE IN TERMS OF SECTION 19 OF THE
OCCUPATIONAL HEALTH AND SAFETY ACT (ACT No 85 OF 1993)

As(full names) I hereby appoint you as
a member of the health and safety committee in accordance with section 19 of the
Occupational Health and Safety Act (Act No 85 of 1993).

The appointment is with effect
from.....(year).....(month).....(day) and shall remain in
effect unless accordingly revoked. Your designated committee is
.....

The functions of a health and safety committee as stipulated in section 20 of the OHS Act
are:

1. Make recommendations to the employer regarding any matter affecting
the health or safety of persons at the workplace for which the committee
has been established;
2. Discuss any incident at the workplace in which any person was injured,
became ill or died;
3. Perform any other function as prescribed by relevant safety legislation.

.....
DESIGNATION

SECTION 16(2) APPOINTEE

.....
DATE

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

.....
SIGNATURE

.....
DATE

Memo

To: HEAD OF DEPARTMENT

From: TRANSFORMATION SERVICES

CC: GENERAL MANAGER: CORPORATE SERVICES

Date: 3/3/2005

Re: SUBMISSION OF POLICIES FOR CONSIDERATION AND APPROVAL


1. Draft policies on Occupational Health and Safety, Disability and Departmental Excellence Award Scheme have been developed and circulated for inputs.
2. Draft policies:
 - 2.1 Occupational Health and Safety Policy provides guidelines on the establishment and maintenance of a healthy and safe working environment within the Department.
 - 2.2 Disability policy outlines guidelines on the establishment and maintenance of a supportive environment for persons with disabilities.
 - 2.3 Departmental Excellence Awards Scheme provides for the recognition of employees who have distinguished themselves in serving our customers.
3. It is therefore our submission that these policies be considered for approval.



MANAGER: TRANSFORMATION SERVICES

Re: SUBMISSION OF POLICIES FOR CONSIDERATION AND APPROVAL

RECOMMENDED/NOT RECOMMENDED

 4/3/2005

SENIOR MANAGER: HRD AND TRANSFORMATION

RECOMMENDED/ NOT RECOMMENDED



GENERAL MANAGER: CORPORATE SERVICES

APPROVED/NOT APPROVED

 14/8/05

HEAD OF DEPARTMENT

One copy must be
Sent to me electronically