



# LIMPOPO

**PROVINCIAL GOVERNMENT**

REPUBLIC OF SOUTH AFRICA

**POLICY ON OCCUPATIONAL HEALTH &  
SAFETY  
DEPARTMENT OF SPORT, ARTS & CULTURE**

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**POLICY ON OCCUPATIONAL HEALTH AND SAFETY**

**1. PREAMBLE**

The Department's belief is that injuries and occupational illnesses can be prevented. An effective occupational health and safety programme will result in a safer and healthier work environment for all employees, a reduction in injuries and workplace exposures (health hazards) as well as a reduction in the loss and damage to property.

**2. PURPOSE**

- 2.1 To provide measures aimed at identifying health and safety concerns, reduce the occurrence of occupational incidents, injuries, and illnesses, and promote employee health and well being.
- 2.2 To assist officials with the implementation of a coordinated occupational health and safety programme.
- 2.3 The scope of the programme covers all matters that may have an effect on the health and safety of employees during the performance of their duties.

**3. LEGAL FRAMEWORK**

- a) Republic of South Africa Constitution, 1996 (Act No 108 of 1996)
- b) Employment Equity Act 1998, (Act No 55 of 1998)
- c) Labour Relations Act, 1995 (Act No 66 of 1995)
- d) Occupational Health Safety Act, 1993, (Act No 85 of 1993)
- e) Basic Conditions of Employment Act, 1997 (Act No 75 of 1997)
- f) Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993)
- g) Public Service Act, 1994 (Act No 103 of 1994)

**4. SCOPE OF APPLICATION**

The policy is applicable to all employees of the department employed in terms of the Public Service Act.

**5. ROLES AND RESPONSIBILITIES**

The following are the responsibilities of the employer and the employees:

## 5.1 EMPLOYER

The Accounting Officer may assign any person under his/her control to carry out the following duties:

- a) 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.
- b) Establish the precautionary measures that are necessary to protect the workers against the identified hazards.
- c) Provide workers with the necessary information, instructions, training and supervision while keeping the extent of their competence in mind.
- d) Determine the procedures to be followed if an employee is exposed to a hazardous substance or involved in an incident that may influence his/her health and safety negatively.
- e) Not to permit any worker to carry on with any task unless the necessary precautionary measures have been taken.
- f) Ensure that every employee complies with the requirements of the Occupational Health and Safety (OHS) Act, 1993 and its regulations as well as other relevant legislation related to occupational health and safety.
- g) 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.
- h) 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.
- i) Ensure that all cases of occupational diseases or injuries are reported within 7 days in the prescribed manner to the compensation commissioners.
- j) Co-operate with the inspector and ensure that any directions, subpoenas, requests or commands are complied with.
- k) 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.
- l) Ensure that every employee is aware of the hazards to his health and safety attached to any work which he is to perform, any article or substance which he has to produce, process, use, handle, store or transport and any plant or machinery which he is required or permitted to use, as well as with the precautionary measures which should be taken and observed with respect to those hazards.
- m) Inform the health and safety representatives concerned beforehand of inspections, investigations or formal inquiries of which he has been notified by the inspector.
- n) Inform a health and safety representative of the occurrence of an incident in the workplace or section of the workplace for which such a representative has been designated.

## 5.2 EMPLOYEES

Every employee shall at work:

- a) Take care of his/her health and safety as well as that of other persons who may be affected by his/her acts or negligence to act;
- b) Co-operate with the Accounting Officer or another employee to comply with the requirements of the Occupational Health and Safety Act, 1993 and its regulations;
- c) Obey the health and safety rules and procedures laid down by the employer or anyone authorized by the employer in the interest of health and safety;
- d) Wear the prescribed safety clothing or use the prescribed safety equipments where it is required;
- e) Report any unsafe or unhealthy conditions to the employer or health and safety representatives as soon as possible;
- f) If he or she is involved in an incident that may influence his or her health or cause an injury, the incident should be reported to the immediate supervisor or an authorized person or the health and safety representative as soon as possible, but not later than end of day.

## 6. NOMINATION & ELECTION OF HEALTH AND SAFETY REPRESENTATIVES

The department should consult employees to nominate health and safety representatives. The consultations shall take place at the workplace or within each separate section at the workplace. The period of office for the health and safety representatives shall not exceed twelve (12) months.

### 6.1 Nomination of Health and safety representatives

- a) For every 50 employees there shall be one (1) health & safety representative in the institution.
- b) For offices there must be 1 representative for every 100 employees.
- c) The health and safety inspector from the Department of Labour can recommend more health & safety representatives.
- d) Only those employees who are full-time and know the working conditions can be health & safety representatives.
- e) Nomination or selection of health & safety representatives shall be done in consultation with employers and employees.
- f) If no agreement can be reached in this consultation, a health and safety inspector from the Department of Labour can arbitrate.
- g) All activities of the health and safety representative should be done during ordinary working hours.
- h) In case of nominations the following procedure is recommended:
  - Divide the workplace into various functional sections
  - Have a list of employees 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 state the due date
  - Management to elect one of the nominees and designate him/her as a health and safety representative in writing for a specific period
- i) The following procedures shall be followed in case of elections:
- Divide the workplace into various functional sections
  - Employees who are eligible for elections should be employed on a fulltime basis, be 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 state the due date on which elections will be held
  - Hold elections in each functional section on specific dates. Elections may be either by a show of hand or by ballot.
  - Designate the elected health and safety representatives in writing for a specific period

## **6.2 Period of Office**

The period of office shall be twelve (12) months.

## **6.3 Termination of Office**

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

- a) If he/she is found guilty, following a disciplinary hearing of health and safety infringement.
- b) If two thirds of employees working in his/her section request management in writing for his/her termination of office
- c) If the period of office expires
- d) If his/her employment contract is terminated through resignation, retirement, dismissal or death.
- e) If the designated employee failed to fulfill his/her functions as contemplated in the Act to promote the health and safety of co-workers, he/she should be charged with misconduct. The employee may appeal against such a decision to the Head of the Department whose decision is final.

## **6.4 Designation of Health and Safety Representatives**

6.4.1 The health and safety representatives must be designated in writing as follows:

- a) For every workplace consisting of 20-100 workers, one representative must be designated.

- b) Health and safety representatives may be designated for a specific section or area at the workplace
- c) 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 twenty (20)
- d) The Accounting Officer in consultation with the workers can designate more than the prescribed number of representatives, if the workplace situation requires it
- e) All the activities regarding the designation, function and training of representatives must be performed during normal working hours

## 7. FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES

- 7.1 A health and safety representative may perform the following functions in respect of the workplace or section of the workplace for which he has been designated, namely:
- (a) Review the effectiveness of health and safety measures;
  - (b) Identify potential hazards and major incidents at the workplace;
  - (c) In collaboration with the employer, examine the causes of incidents at the workplace;
  - (d) Investigate complaints by any employee relating to the employee's health or safety at work;
  - (e) Make representations to the employer or a health and safety committee on matters arising from paragraphs (a), (b), or (d), or where such representations are unsuccessful, to an inspector;
  - (f) Make representations to the employer on general matters affecting the health or safety of the employees at the workplace;
  - (g) Inspect the workplace, including any article, substance, plant, machinery or health and safety equipment at that workplace in order to safeguard the health and safety of employees, at such intervals as may be agreed upon with the employer. The health and safety representative must give reasonable notice of his intention to carry out such an inspection to the employer, who may be present during the inspection;
  - (h) Participate in consultation with inspectors at the workplace and accompany inspectors on inspections of the workplace;
  - (i) Receive information from inspectors as contemplated in section 36 of the Occupational Health and Safety Act; and
  - (j) Attend meetings of the health and safety committee of which he/she is a member, in connection with any of the above functions.
- 7.2 A health and safety representative shall not incur any civil liability by reason of the fact only that he failed to do anything which he may do or is required to do in terms of the Occupation Health and Safety Act no. 85 of 1993.

## 8. RIGHTS OF A HEALTH & SAFETY REPRESENTATIVE

A health and safety representative shall be entitled to:

- 8.1 Visit the site of an incident at all reasonable times and attend any inspection in the area he/she has been designed only.
- 8.2 Attend any investigation or formal inquiry held in terms of the Occupation Health and Safety Act no. 85 of 1993;
- 8.3 Inspect any document which the employer is required to keep in terms of the Occupation Health and Safety Act no. 85 of 1993;
- 8.4 Accompany an inspector on any inspection with the approval of the employer (Which approval shall not be unreasonably withheld),
- 8.5 If the health and safety representative requires the help of a technical advisor, a written request must be submitted to the section 16(2) appointee.
- 8.6 Participate in health and safety audits with regard to his/her designated area

## 9. TRAINING

- 9.1 All health and safety representatives must be trained on their legislative functions, health and safety issues. They should be trained on how to use the checklist and on health and safety precautions.
- 9.2 All employees shall be educated on various health and safety subjects on a continuous basis.

## 10. HEALTH AND SAFETY COMMITTEE

- 10.1 One or more health and safety committees shall be established in the department where two or more health and safety representatives have been designated.
- 10.2 Members of the committee shall meet to initiate, promote, maintain and review measures of ensuring the health and safety of employees.
- 10.3 The meetings of the health and safety committee may be held at a minimum on a quarterly basis and when necessary the committee may meet monthly.
- 10.4 The committee shall keep records on their activity, that is, recommendations to the employer. The person appointed in terms of section 16(2) of the Occupational Health and Safety Act no. 85 of 1993, shall sign the minutes.
- 10.5 The Accounting Officer shall determine the number of committee members based on the following:
  - a) If only one committee has been established for the workplace, all the representatives must be members of the central committee;
  - b) If two or more committees have been established for a workplace, all the representatives must be members of the central committee
  - c) Nominate other persons to represent him/her on a committee but their number may not exceed the number of Health and Safety representatives on the committee. Such nominees must be designated in writing.

- 10.6 An inspector of the Department of Labour may:
- a) If necessary, determine the establishment of additional committees.
  - b) Order the committee to meet by notice in writing if 10% of the workers have made a written request for a meeting to him or her.
  - c) The inspector will determine the time and venue for such a meeting.
- 10.7 The health and safety committee may co-opt persons as advisory members of the committee based on their knowledge and expertise on health and safety matters.

## 11. FUNCTIONS OF THE HEALTH AND SAFETY COMMITTEE

- 11.1 A health and safety committee:
- a) May make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector regarding any matter affecting the health or safety of persons at the workplace or for which such committee has been established;
  - b) Shall discuss any incident at the workplace where a person was injured, became ill or died, and may in writing report on the incident to an inspector;
  - c) Shall perform such other functions as may be prescribed;
  - d) Shall keep records of every recommendation to the employer and every report to the inspector in the Department of Labour.
- 11.2 A health and safety committee shall keep record of each recommendation made to an employer in terms of section 20, subsection (1)(a) of the Occupational Health and Safety Act no. 85 of 1993, and of any report made to an inspector in terms of section 20, subsection (1)(b) of the said Act.
- 11.3 Perform any other function required of them by regulations
- 11.4 A health and safety committee or a member thereof shall not incur any civil liability by reason of the fact only that it or he/she failed to do anything which it or he/she may or is required to do in terms of Occupational Health and Safety Act no. 85 of 1993.
- 11.5 An employer shall take the prescribed steps to ensure that a health and safety committee complies with the provisions of section 19(4) of the Occupational Health and Safety Act no. 85 of 1993, and performs the duties assigned to it by subsections (1) and (2) of the said Act.

## 12. CONSERVATION OF HEARING

- 12.1 Environmental regulations together with SABS codes 083 & 572 regulate noise conversation in accordance with the following procedures:



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

### **13. REPORTING ON OCCUPATIONAL INJURY OR DISEASE**

- 13.1 If an employee is involved in an accident that may affect his/her health or have caused an injury, the incident should be reported in writing (Complete WCL Form 3) to the Head of the Department, any authorized person (supervisor) or to the health and safety representative immediately, within 24 hours.
- 13.2 The employee should ensure that a medical practitioner or chiropractor completes WCL4 (first medical report) or WCL 22 form (first medical report in respect of occupational diseases) within 14 days after being examined for the first time by him/her, and furnish that medical report to the Accounting Officer or any authorized person.
- 13.3 In terms of section 39(7) of the Compensation for Occupational Injuries and Disease Act, 1993, an incident includes any injury reported by an employee to his/her employer, irrespective of the opinion of the employer that the alleged accident did not arise out of and in course of his/her employment.
- 13.4 The supervisor of the deceased or injured employee, or employee who contracted a disease at a district level and provincial level should inform the Human Resource office using WCL 1 form (Employer report of occupational diseases) or WCL 2 form (Employer's report of accident).
- 13.4.1 The Human Resource Management will in turn inform the compensation fund within seven days after notice of the incident. This office must furnish all required documentation to the Compensation Fund.
- 13.6 In case of a deceased employee, the dependents should submit the following:
- a) Marriage certificate if married
  - b) Death certificate

- c) Affidavit by widow/widower (WCL 32)
- d) Claim for compensation (WCL3)
- e) Birth certificate of the widow/widower and children under the age of 18 at the time of accident
- f) Burial expense form (WCL 46) and receipts

13.7 Failure to report the incident within the stipulated period constitutes an offence in terms of the Compensation for Occupational Injuries and Disease Act, 1993.

13.8 Failure to report a disease to the employer, the Commissioner or mutual association **within 12 months of being diagnosed**, will result in the employee losing benefits.

#### **14. FORMS USED**

Forms used may be obtained from the Department of Labour.

#### **15. BENEFITS TO EMPLOYEES**

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

15.2 Further benefits that the injured/sick employee might be entitled to would be if he/she suffered permanent disability because of the injury/acquired disease.

15.3 In case where the employee has died because of his injuries, the dependants (widow/widower or children below 18 years of age) are entitled to compensation.

#### **16. LIABILITY OF THE DEPARTMENT**

16.1 The department is liable for payment of compensation during the period of temporary total disablement of one of its employees.

16.2 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.

16.3 The department is responsible for payment of all reasonable traveling expenses in order to obtain medical treatment.

16.4 An employee who sustains an injury or contract an occupational disease due to 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 Compensation for Occupational Injuries and Disease Act, 1993 and if successful the department will be liable to pay the amount fixed by the compensation commissioner.

- 16.5 The department is compelled to adjust the pensions awarded under the said Act if the minister has increased them.
- 16.6 Payment for permanent disability in the form of lump sum or monthly pension is the responsibility of the Provincial department concerned.
- 16.7 Where an employee leaves the service of the Department for whatever reason, all liabilities of that department become the responsibility of the Director General of the Department of Finance.

**17. MONITORING, EVALUATION AND REPORTING**

The implementation of the policy will be monitored by the sub –branch Human Resource Management and Development.

**18. POLICY IMPLEMENTATION**

The policy shall come into effect on the first date of the month following the month in which the Executing Authority approved it.

**19. AMENDMENT OF POLICY**

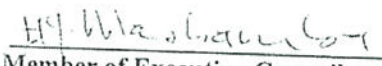
The policy shall be amended as and when necessary and it shall follow the initial process of policy development.

~~Recommended/Not Recommended~~

  
 \_\_\_\_\_  
 Head of Department

2008/07/08  
 Date

~~Approved/Not approved~~

  
 \_\_\_\_\_  
 Member of Executive Council

8/07/2008  
 Date