

HEALTH, SAFETY AND REPORTING POLICY AND PROCEDURE

CONTENTS

- 1. INTRODUCTION**
 - 2. POLICY STATEMENTS**
 - 3. HEALTH AND SAFETY REPRESENTATIVE**
 - 3.1 Election of health and safety representatives
 - 3.2 Functions of health and safety representatives
 - 3.3 Health and safety committee
 - 4. HEALTH AND SAFETY ASSESSMENTS**
 - 4.1 Health and Safety Legislation and information
 - 4.2 Environmental Regulations
 - 4.3 Facilities Regulations
 - 4.4 General Safety Regulations
 - 4.5 Specific Regulations and listed work
 - 5. REGISTRATION WITH THE COMPENSATION COMMISSIONER AND REPORTING**
 - 5.1 Registration
 - 5.2 Reporting incidents/accidents/diseases
 - 5.3 Compensation
 - 6. GUIDELINES**
 - 7. FORMS**
 - 7.1 Registration form
 - 7.2 Assessment of earnings
 - 7.3 First medical report
 - 7.4 Progress/final medical report
 - 7.5 A1- record of incident/accident
 - 7.6 WCI 2(E) – report of accident/ incident
 - 7.7 WCI 1- report of occupational disease
 - 7.8 WCI 3 - Compensation claim for accident/incident
-

1. INTRODUCTION

Both the Occupational Health and Safety Act No. 85 of 1993 and the Compensation for Occupational Injuries and Disease Act No. 130 of 1993 are of importance when considering the health and safety of employees and reporting incidents/ diseases.

The Health and Safety Act requires that the Employer, inter alia, elect health and safety representatives, provide facilities such as first aid and safety equipment/clothing and conduct audits of the environment. This Act however, excludes a labour broker from the definition of an Employer. Thus all references to health and safety in this procedure refer to the health and safety of permanent employees and the Municipality's workplaces.

For the purposes of the **Compensation for Occupational Injuries and Disease Act** however, the labour broker is included in the definition of an Employer. The Municipality will therefore be responsible for, inter alia, annual assessments, reporting accidents/ diseases, compensation etc.

2. POLICY STATEMENTS

The Municipality is committed to:

- Providing and maintaining, as far as is reasonably practicable, a healthy safe working environment.
 - Regular assessments of the work place to identify potential hazards in the workplace.
 - Taking and enforcing such steps that may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the health and safety of its employees or other persons and not permitting any employee to do any work unless the precautionary measures have been taken.
 - Providing the necessary precautionary measures and equipment at no cost to employees.
-

- Providing such information, instructions, training and supervision as may be necessary to ensure, as far as reasonably practicable, the health and safety at work of its employees.
- Ensuring that employees take reasonable care for the health and safety of themselves and others at the work place, obey lawful instructions and health and safety rules established, and bring any unsafe conditions or incidents to the attention of management.
- Ensuring that no person who is under the influence or appears to be under the influence of intoxicating liquor or drugs enters or remains on the premises.
- Reporting incidents/diseases as prescribed by law.

3. **HEALTH AND SAFETY REPRESENTATIVES**

3.1 **ELECTION OF HEALTH AND SAFETY REPRESENTATIVES**

The Municipality will ensure that 1(one/) health and safety representative is elected for every 50 (fifty) employees at the workplace.

The Municipality shall consult in good faith with a Trade Union representative at the Municipality and/or representatives of the employees and/or employees on the election/nomination of Health and Safety representatives, as well as the representatives' period of office and designation.

The Municipality proposes the structure and processes in respect of health and safety representatives as set out below, but this is open for consultation with employees and/or their representatives and amendment over time.

In the first instance employees will be advised of the duties required of health and safety representatives and the minimum requirements of a health and safety representatives. The minimum requirements are as follows:

- Health and safety representatives elected must be full – time permanent employees of the Municipality
 - Health and safety representatives must be well acquainted with the conditions and activities in the Municipality or section thereof. For this reason
-

elected representatives at satellite offices have knowledge of client sites so they can attend to and investigate incidents/ accidents at client sites

Elected or nominated representatives will remain health and safety representatives for a period of 3(three) years. Should an employee functioning as a health and safety representative leave the Municipality's employment for whatsoever reason or resign as a health and safety representative, the alternative health and safety representative must take over the designated functions and arrange that the necessary elections for a new health and safety representative take place within 1(one) month of such termination or resignation.

3.2 **FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES**

All functions of health and safety representatives shall take place during working hours. The functions of health and safety representatives shall include, but are not limited to:

- Inspecting their designated workplace and/or section on request by management
 - Investigating complaints by employees relating to health and safety
 - Examining the causes of incidents/accidents in the work place and completing the appropriate report for permanent staff
 - Participating in quarterly and annual health and safety audits at Municipality workplaces/sections.
 - Identifying potential hazards in the Municipality workplaces/sections.
 - Reviewing the effectiveness of health and safety measures in the Municipality workplaces/sections.
 - Attending Health and Safety Committee meetings quarterly and/or annually
 - Making representations to the Health and Safety Committee on matters detailed above
 - Participating in consultations with inspectors and accompanying inspectors on inspections of the workplaces/sections and receiving information from inspectors
 - Attending any investigation or formal inquiry held in terms of the OSHA
 - Carrying out the duties of a first aider
 - Carrying out the duties of a fire marshall
-

The Municipality will ensure that health and safety representatives receive the appropriate training in order to perform their functions as health and safety representatives and where a certified training institution shall provide such training and take place at intervals recommended by the training institution/s.

The Municipality shall also ensure that health and safety representatives receive first aid training and where the training will be given by the SA Red Cross Society, St John's Ambulance, the SA First Aid League or other person/organisation approved by the chief inspector for this purpose, and at appropriate intervals as prescribed by the above institution/s.

In addition all health and safety representatives shall be trained as fire marshals and where such training shall be provided by a certified training provider and take place at intervals recommended by the training institution/s.

Furthermore health and safety representatives will be given access to documentation, which is necessary to properly perform their functions as long as the provision of such documentation complies with Section 16 (5) of the Labour Relations Act No. 66 of 1995.

3.3 HEALTH AND SAFETY COMMITTEE

A Health and Safety Committee will be formed in respect of each workplace where there are more than 2(two) health and safety representatives in such workplace. The Health and Safety Committee will consist of:

- The elected health and safety representatives
- At least 1(one) Management nominated representative, but no more management representatives than the number of elected health and safety representatives on the Committee

The Health and Safety Committee/s established per workplace shall meet at least every 3(three) months.

At Health and Safety Committee meetings, representatives shall:

- Investigate whether new Health and Safety Regulations or listed works have been published which are applicable to the Municipality's environment/s
- Provide feedback on quarterly and/or annual assessments of the environment
- Discuss any incident at the Municipality in which or in consequence of which any person was injured, became ill or died, and may in writing report to an inspector
- Make recommendations to the Council on any matters affecting health and safety, and where such recommendations fail to resolve the matter, make such recommendations to an inspector
- Keep records of any reports/ recommendations made to the Council or reports furnished to the inspector and of any rules/checklists/notices etc utilised in the workplace/s

Health and Safety representatives may call on persons with expertise in a particular field to address and assist in committee meetings, but such advisory member shall not be entitled to vote on any matter before the committee.

4. HEALTH AND SAFETY ASSESSMENTS

Other than specific incidents to be investigated, the health and safety representatives will conduct an audit quarterly and/or annually in respect of the items listed below and report it to the Health and Safety Committee.

4.1 HEALTH AND SAFETY LEGISLATION AND INFORMATION- QUATERLY AUDIT

A copy of the Health and Safety Act and Applicable Regulations must be available at Municipal buildings / offices. The names of the designated health and safety representative/s must be clearly posted at the site. In addition emergency contact numbers for ambulances, the police, the fire department must be clearly posted at each Municipal building and updated.

4.2 GENERAL ENVIRONMENTAL REGULATIONS – ANNUAL AUDIT

4.2.1 GENERAL ENVIRONMENT

A questionnaire must be distributed to employees annually to ascertain if the temperature, lighting, ventilation, noise levels, space, housekeeping and equipment provided in their work area is satisfactory. If there are any responses in the negative, the health and safety representatives must specifically audit the work area in conjunction with the General Environmental Regulations and if necessary make recommendations to the Health and Safety committee on interventions required.

4.2.2 FIRE PRECAUTIONS – QUATERLY AUDIT

This audit must cover the items listed below and any other items, which may be provided in the Environmental Regulations pertaining to fire precautions:

- All emergency escape doors from any room or passage must be hung so it opens outwards and must be clear and capable of being easily opened.
- There must be at least two means of exit situated as far apart as possible, considering the construction and location of the workplace and number of employees.
- Fire fighting equipment must be placed at strategic locations as may be recommended by the fire chief of the local authority and must inspected and be maintained in good working order.

4.3 FACILITIES REGULATIONS – ANNUAL AUDIT

Questionnaires must be distributed to employees annually to ascertain if there is/are sufficient toilet paper, drinking water, hot water toilets, hand towels or hand dryers, soap or similar cleansing agent, facilities for safe keeping if applicable, change rooms and dining rooms if applicable and seats for work purposes. If any responses are negative the health and safety representative designated that area is specifically investigate the work area in conjunction with the Facilities Regulations and if necessary make recommendations to the Health and Safety Committee on interventions required.

4.4 GENERAL SAFETY REGULATIONS

4.4.1 FIRST AID – QUARTERLY AUDIT

A first aid box must be provided for every Municipal office / building. In addition a workplace, which, due to its size has been divided into sections for the purposes of electing health and safety representatives, must have a first aid box for each section. The location of the first aid box must be clearly indicated by a sign or notice in a conspicuous place. The first aid box must contain at least:

1. Wound cleaner/antiseptic (100 ml – half for offices)
2. Swabs for cleaning wounds
3. Cotton wool for padding (100g)
4. Sterile gauze (minimum 10)
5. 1 pair scissors (minimum size 100 mm)
6. 1 set safety pins
7. 4 triangular bandages (half for offices)
8. 4 roller bandages (75mm X 5m - half for offices)
9. 4 roller bandages (100mm X 5m - half for offices)
10. 1 roll elastic adhesive (25mm X 3m)
11. 1 non-allergenic adhesive strip (25mm X 3)
12. 1 packet adhesive dressing slips (10 assorted sizes)
13. 4 first aid dressings (75mm X 100mm half for offices)
14. 4 first aid dressings (150mmX 200mm half for offices)
15. 2 straight splints
16. 2 pairs large and 2 pairs medium disposable latex gloves half for offices
17. 2 CPR mount pieces or similar devices
18. 1 breathalyser

The designated health and safety representative for the Municipality or section, must be given sole responsibility for the first aid box at the site and must ensure that the first aid box is fully equipped at all times.

4.4.2 SAFETY EQUIPMENT

All safety equipment and/or clothing issued shall be inspected against predetermined checklists to ensure that the necessary equipment/clothing is available and that there is sufficient stock and that it is in good condition.

4.4.3 **SPECIFIC SAFETY PROVISIONS**

In addition, the other provisions in the General Safety Regulations must be utilised to audit specific areas where they are applicable. The other provisions included in the General Safety regulations include:

- Use and storage of flammable liquids
- Work in confined spaces or elevated positions
- Working in danger on engulfment
- Stacking of articles
- Welding, flame cutting, soldering and similar operations.
- Supervision of building work
- Roof work
- Demolition and excavation
- Ladders
- Ramps
- Scaffold framework and platforms, suspended and trestle scaffolds

Checklists should, in conjunction with the Regulations and inspector input if necessary, be developed for particular areas and used as an audit tool for the particular area. In addition any area specific health and safety rules and regulations must be posted on notice boards and explained to employees where necessary. The checklists and health and safety rules and regulations posted must be filed with the Health and Safety Committee.

4.5 **SPECIFIC REGULATIONS- QUARTERLY OR ANNUAL AS NEEDED**

Each health and safety representative responsible for the Municipality or section, in addition to the above generic audit items, must inspect the particular environment for specific health and safety concerns. This must be done with due consideration of the specific health and safety regulations which are applicable and /or listed work. Current health and safety regulations include:

- General Machinery Regulations
- Driven Machinery Regulations
- Electrical Machinery Regulations
- Electrical Installation Regulations
- Asbestos Regulations
- Certificate Regulations
- Diving Regulations
- Lead Regulations
- Vessels under Pressure Regulations
- Lift, Escalator and Passenger Conveyor Regulations
- Hazardous Chemical Substances Regulations
- New regulations which may be issued from time to time

Checklists should, in conjunction with the Regulations and inspector input if necessary, be developed for particular areas and used as an audit tool for the particular area. In addition any area specific health and safety rules and regulations must be posted on notice boards and explained to employees where necessary. The checklists and health and safety rules and regulations posted must be filed with the Health and Safety Committee.

5. REGISTRATION WITH THE COMPENSATION COMMISSIONER AND REPORTING INCIDENTS

5.1 REGISTRATION WITH THE COMPENSATION COMMISSIONER

The Municipality is registered with the Compensation Commissioner as required (See registration form attached) and will submit an assessment of earnings paid to employees by the 31st March of each year for each separate workplace of the business, where applicable. The assessment of earnings will include a statement of earnings paid in the preceding year and an estimate of wages for the following year (See assessment of earnings form attached). The Municipality, on instruction by the Director – General, will then pay the assessment.

In addition the Municipality will submit the name of the person responsible for reporting accidents and diseases to the Director-General and if the identity if

such person changes, the Company will within 30(thirty) days report same to the Director – General.

5.2 **REPORTING INCIDENTS / ACCIDENTS**

An employee who is involved in an accident or incident, or is a witness to an accident or incident, must immediately or as soon as practically possible report the accident/incident to his/her direct superior. Such superior must immediately or as soon as practically possible report the accident/incident to the designated health and safety representative in that workplace/section. If the designated representative is not available, the alternative health and safety representative must be contacted.

Note that supervisors/ managers must be advised as to who the designated health and safety representative is for the municipality. Health and Safety representatives will also be required to attend and investigate incidents at consumer sites if the injury occurred there.

The designated/ alternative health and safety representative, together with another employee, must attend to the accident/ incident immediately or as soon as practically possible.

In the event of an accident in which a person died or was injured to such an extent that he is likely to die, or suffered the loss of a limb or part of a limb, no employee or other no person may disturb the site at which the incident occurred or remove any article involved in the incidence unless:

- consent has been obtained from the inspector; or
- such action is necessary to prevent a further incident, to remove the injured or the dead or to rescue persons from danger

The health and safety representative must record the incident on the form WCI 2 (E).

If the employee is in an accident, which necessitates his/her conveyance to a hospital or medical practitioner, the Municipality will make the necessary conveyance available. The health and safety representative must ensure that an

employee of the Municipality accompanies the injured employee to the hospital to ensure the appropriate information is obtained from the hospital/medical practitioner.

The cost of such conveyance to the hospital/ medical practitioner and any other medical aid paid by the Municipality must also be recorded as the Director General will pay the reasonable cost of such conveyance and medical aid for a period of 2(two) years after the incident/accident to the Municipality.

The completed WCI 2(E) must be forwarded to Municipal Manager / Human Resources Manager within 3 (three) days of the incident/accident who must then ensure that the incident/accident is reported within 7(seven) days of the incident/accident to the director General on the form WCI 2 (E).

Management shall at the request of an employee or dependent of the employee, furnish a copy of the accident notice to the dependent.

In addition to the accident report, all incidents/ accidents must be investigated by at least one Health and Safety representative and 1(one) Management nominated representative prior to the next Health and Safety Committee meeting, or within a maximum three months of the incident. The results of which must recorded (See form A1 attached) and forwarded to the Municipal Manager or Human Resources Manager. These records will be kept for a period of 3 (three) years.

5.3 REPORTING OCCUPATIONAL DISEASES

An employee shall as soon as possible after the commencement of an occupational disease report it to his/her direct superior. The direct superior must report the occupational disease to the Municipal Manager or Human Resources Manager who must forward a report in the form of WCI 1 to the Director General within 14(fourteen) days of becoming aware of the occupational disease.

COMPENSATION

Compensation may be claimed for an accident by submitting the form WCI 3 to the Director General. Compensation can be claimed for an occupational disease by submitting the form WCI 14 to the Director General.

Management shall, at the request of an employee or a dependent of the employee, furnish a copy of the relevant claim for compensation to the dependent.

The amount of compensation required for accidents, which cause temporary or permanent disablement, or the Director General will assess occupation diseases. Employees may be specifically required by the Director – General to submit to medical examinations in order to claim compensation. Medical examination reports (See first and progress/final attached), either for accidents or occupational diseases are often required by the Director – General from medical practitioners once medical examinations have been completed.

However, the Municipality is responsible for compensation for the first 3(three) months if the employee has been temporarily disabled at a rate of 75% of the Employees current salary. This applies to permanent staff. Where a temporary staff employee's wage varies depending on his / her earnings, the wage paid to the employee on the day of the injury on duty must be utilised to calculate 75%. This amount shall be repaid to the employer after the expiry of the period, but only if the employee was 'booked off' for this period. Thus employees must not simply be paid for a period of 3(three) months without medical verification of the temporary disablement.

The Director - General will be responsible for any other future payments which are necessary.

6. GUIDELINES

ACCIDENT FOR WHICH COMPENSATION WILL BE PAID MEANS-

An accident which arises out of and in the course of the employee's employment and results in personal injury. This includes accidents on the employer's premises as well

as accidents off the employer's premises if the employee at that time was performing duties that he/she was obliged to perform for the employer. Note normally travel to or from work is not covered in this respect, however an accident while traveling to and from work will be considered to have occurred in the course of an employee's employment if the employee is conveyed:

- Free of charge; and
- To and from his/her place of work; and
- For the purposes of his/her employment; and
- In a vehicle driven by the employer or one of the employer's employees; and
- The vehicle is specially provided for, by the employer for the purpose of such conveyance.

Note that accidents which occurred as a result of an employee's serious and willful misconduct, or while the employee was acting contrary to the law or against or without instruction issued by or on behalf of the employer, or an accident which the Municipality does not believe occurred during the course and scope of employment, must still be reported to the Compensation Board.

AN EMPLOYEE, FOR THE PURPOSES OF THE OCCUPATIONAL HEALTH AND SAFETY, MEANS-

Any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person.

AN EMPLOYEE, FOR THE PURPOSES OF THE COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, MEANS-

A person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer, whether the contract is express or implied, oral or in writing, and whether the remuneration is calculated by time or by work done or in cash or in kind and includes:

- A "casual" employee.
 - A person provided by a labour broker to render a service or perform work and for which service or work the labour broker pays the person.
-

- The dependents of a deceased employee.

AN EMPLOYER, FOR THE PURPOSES OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, MEANS- any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him.

AN EMPLOYER, FOR THE PURPOSES OF THE COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, MEANS-

Any person who employs an employee and include:

- A person controlling the business of the employer.
- If the services of the employee are lent or let or temporarily made available to some other persons by his employer, such employer for such period as the employee works for that other person.
- A labour broker who against payment provides a person to a client for the rendering of a service or the performance of work and for which service or work such person is paid by the labour broker.

DEPENDENT OF AN EMPLOYEE MEANS -

A widow or a widower at the time of the employees death who was married to the employee according to civil law or according to indigenous law or custom if neither of the parties were at the time party to a subsisting civil marriage, if there was no widow or widower a person who was at the time living with the employee as a husband or wife, a child under the age of 18 years of the employee or his/her spouse including a posthumous, step or adopted child or child born out of wedlock and a child over the age of 18 years of the employee or his/her spouse and parent and any person who in the opinion of the Director – General was wholly or partly financially dependent upon the employee

INCIDENT WHICH NEEDS TO BE REPORTED MEANS-

Each incident occurring at work, or arising out of or in connection with the activities of persons at work, or in consequence of which:

- Any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is other wise injured or becomes ill to such a degree that he is either likely to die or suffer as permanent physical defect or likely to be unable for a

period of at least 14 (fourteen) days either to work or to continue the activity for which he was employed or is usually employed

- A major incident occurred; or
- The health and safety of any person was endangered; and
- Where a dangerous substance was spilled, the uncontrolled release of any substance under pressure took place etc.

OFFICE MEANS-

Any premises in which bookkeeping, typing, writing or any other clerical work, including the work of a cashier or telephone attendant or switchboard operator, are performed, but shall not include premises where such work is performed in or in connection with a factory or farm.

WORKPLACE MEANS-

Any premises where a person performs work in the course of his employment

SECTION FOR THE PURPOSES OF ELECTING HEALTH AND SAFETY REPRESENTATIVE'S MEANS-

An area or function in the workplace, which is distinct due to its geographical, lay out or operations/ tasks performed.
