
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



HEALTH AND SAFETY POLICY

MUNICIPAL COUNCIL RESOLUTION NUMBER

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HEALTH AND SAFETY POLICY

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1. Purpose of the Policy and Application

The purpose of this policy is to express the employer's commitment to health and safety. In terms of the Occupational Health and Safety Act No. 85 of 1993 section 7(1) "The Chief Inspector may direct any employer in writing and any category of employers by notice in the Gazette, to prepare a written policy concerning the protection of the health and safety of his employees at work, including a description of his organization and the arrangements for carrying out and reviewing that policy. This policy applies to Elias Motsoaledi Local Municipality (EMLM).

2. POLICY STATEMENT

The Elias Motsoaledi Local Municipality as employer acknowledges its responsibility and accountability charged with under the Occupational Health and Safety Act, Act 85 of 1993. The Municipality will therefore continually assess its activities to ensure compliance with the Act. In line with the above principle, the Elias Motsoaledi Local Municipality undertakes to do the following:

- To implement and maintain relevant health and safety legislation.
- To implement and maintain relevant health and safety standards and instructions.
- To apply first aid treatment of occupational illness and / or injuries occurring at the workplace and to attend to the compensation claims.
- To provision of necessary and relevant health and safety training.
- To ensure the safety of the public as far as possible.
- To provide protective clothing and equipment as prescribed by the Act.

Every employee shall take the following reasonable care at the workplace to ensure the achievement of the above objectives:

- Care for, in terms of the Occupational Health and Safety Act, Act 85 of 1993, their own and fellow employee's health and safety.
- Ensure that all prescribed protective clothing and safety equipment are used to prevent illnesses or injuries.
- Report all unhealthy and unsafe conditions or acts to their supervisor and health and safety representatives.

3. DEFINITIONS

The definitions below are taken from the Occupational Health and Safety Act 85 of 1993 and Regulations.

“Act” refers to Occupational Health and Safety Act No. 85 of 1993 and regulations.

“OHS” means Occupational Health and Safety.

“Employee” 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.

“Employer” means, any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him, but excludes a labour broker as defined in section 1(1) of the Labour Relations Act, 1956 No. 28. Refers to Elias Motsoaledi Local Municipality

“Approved inspection authority”, means an inspection authority approved by the chief inspector of the Department of Labour.

“Danger” means anything, which may cause injury or damage to persons or property.

“Hazard” means a source of or exposure to danger.

“Healthy” means free from illness or injury attributable to occupational causes.

“Machinery” means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto

or not, for developing, receiving, storing, containing, confirming, transforming, transmitting, or controlling any form of energy.

“**Medical surveillance**” means a planned programme or periodic examination of employees by an occupational health practitioner or in prescribed cases, by an occupational medicine practitioner.

“**Risk**” means the probability that injury or damage will occur.

“**Safe**” means free from any hazard.

“**Plant**” includes fixtures, fittings, implements, equipment, tools and appliances and anything, which is used for any purpose in connection with such plant.

4. LEGISLATIVE FRAMEWORK

- The Constitution of the Republic of South Africa, 1996 chapter 2 section 24(a) states that everyone has the right to a safe working environment.
- The Occupational Health and Safety Act 85 of 1993 lays down specific roles 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 disease while working.
- The Labour Relations Act 66 of 1995 requires the employer to provide a safe environment for the workers.
- Basic Conditions of Employment Act 75 of 1997 places certain obligations on the employer with regard to the working conditions of employees.
- Skills Development Act 97 of 1998 requires an employer to develop the skills of employees.
- The Public Service Regulations 2001 (Chapter 1) require a Municipal Manager to establish and maintain a safe and healthy working environment for the employees

5. RESPONSIBILITIES TOWARDS OCCUPATIONAL HEALTH AND SAFETY IN ELIAS MOTSOLEDI LOCAL MUNICIPALITY

5.1 PRINCIPLES

- **Promotion of Wellness**

This will enable the organization to conduct employee medical/health surveillance, and encourage personal responsibility for health care, as well as contributing to reducing sickness / absenteeism.

- **Prevention of occupational injuries and diseases**

To monitor risks in the workplace, and contribute to reducing occupational injuries and diseases.

- **Occupational hygiene**

Identification and recognition of workplace hazards, (including chemical, physical, psychosocial, biological, mechanical and ergonomic).The OHS officer together with relevant stakeholders will also make recommendations, for control, monitoring and evaluation of risks.

- **Administration**

The OHS Officer will develop and maintain information management system, as well as statutory records and reports, policy to all managers and personnel.

- **Special Programme**

From time to time certain health needs may arise within the workforce. These needs will be addressed in special programs e.g. for vulnerable groups as well as HIV and AIDS and the chronic diseases of lifestyle. The OHS Officer will refer some cases to the EAP Officer should the need arise.

- **Promoting health and safety issues**

Amongst its many tasks, the OHS service has a part to play in reducing workplace risks to health.

By making the work environment safer the incidence of work related illness and accidents is reduced, personnel wellbeing is improved and client care is benefited.

Promoting health and safety requires a three -way partnership between management, staff and their organization as well as management and labour representatives.

5.2. DUTIES OF THE EMPLOYER

In an endeavor to comply with the duties imposed upon by the OHS Act the EMLM should:

- Provide a working environment that is safe and without risks to the health and safety of employees.
- Take steps to eliminate any hazards to the safety or health of employees.
- Provide such information, training; instruction and supervision as may be necessary to ensure the safety of employees at work. Not permit any employee to do work, handle any substances or to operate any machinery unless all precautionary measures have been taken.
- Ensure that all employees are made conversant with the hazards to their health and safety attached to any work that they have to perform.
- They must be made aware of the effects of any unsafe working environment might have on their lives
- Employees must be informed of the precautionary measures to be followed to prevent injuries / diseases.
- Ensure the maintenance of structures provided for in the policy for employees to participate in the identification of safety.
- Provides necessary health and safety training to employees including safety representative

- Provide appropriate assistance in the form of facilities and resources for health and safety representatives
- Provide reasonable time for carrying out of duties
- Provide and maintain personal protective clothing / equipment to employees free of charge

5.3 DUTIES OF THE EMPLOYEE

- Be aware of and understand all hazards and risks associated with their jobs and work areas
- Take care for their health and safety and of other persons who may be affected by her or his acts or omission
- Co-operate and carry out all instructions given to them to prevent incidents related to health and safety
- Obey health and safety rules and procedures laid down in the interest of health and safety at the workplace
- Report any unsafe or unhealthy conditions to sectional health and safety representative or their immediate supervisor before the end of the working day in which such incident / accident occurred.

6. OCCUPATIONAL HEALTH AND SAFETY STRUCTURE

6.1 HEALTH AND SAFETY REPRESENTATIVES

6.1.1 ELECTIONS

Health and safety representatives are to be elected for each workplace or for different sections within Elias Motsoaledi Local Municipality as follows:

- Each section / Unit and satellites office will have one health and safety representatives.
- The OHS Officer will consult with employees on the procedure to be used for the election of health and safety representatives.

- The OHS Officer with a reasonable period call a meeting of all employees attached to the section to elect their health and safety representatives.
- Only those employees employed in a full time capacity, acquainted with conditions and activities at that workplace or section shall be elected as health and safety representatives.
- The health and safety representatives will be appointed in writing by Municipal Manager for the period of two years.
- The health and safety representatives should be informed that these responsibilities will be additional to their normal duties and will not entitle them to additional remuneration.
- Elected employees must be able to read and write for training and reporting purposes.

6.1.2 **FUNCTIONS**

The functions of health and safety representatives as prescribed in section 18 of the OHS Act are as follows:

- **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 the employer.

- **Investigate incidents**

Representatives may together with the employer investigate complaints from workers regarding health and safety matters and report about it in writing .In collaboration with his/her employer examine the cause of incidents at the workplace.

- **Make representations**

Representatives make representations to the employer regarding the safety of the workplace after or the health and safety committee or where the representations are unsuccessful, to the OHS Officer.

Make representations to the employer on general matters affecting the health or safety of the employees at the workplace.

- **Inspection**

As far as inspections are concerned, representatives may inspect the workplace including health and safety equipment after notifying the employer of the inspection.

Participate in consultations with inspectors at the workplace and accompany the inspector on inspection.

Visit the site of an incident at all reasonable times and attend an inspection. They should inform their immediate supervisor once they leave their workstation.

Inspect documents with OHS information.

With the approval of the Municipal Manager (person appointed according section 16(1) of OHS Act) be accompanied by the OHS Officer during an inspection.

- **Attend committee meetings**

Representatives must attend health and safety committee meeting every 3 months

6.2. HEALTH AND SAFETY COMMITTEE

6.2.1 ESTABLISHMENT

- All health and safety representatives must be members of the health safety committee.
- The employer may also nominate persons representing him but number of the employer's representative must not exceed the number of health and safety representatives on that committee.
- The health and safety committees must at its first meeting, determine the procedure, frequency of the meetings and other arrangements governing the functioning of the committee.
- The committee must meet at least once in three months as contemplated in section 19(4) of the OHS Act.
- The Committee 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.
- The Occupational Health and Safety Officer will form part of the committee. The EAP Officer will be the Chairperson of the committee.

6.2.2 FUNCTIONS

The functions of Health and Safety Representatives Committee as prescribed in section 20 of the OHS Act are as follows:

- **Make recommendations**

A committee may make recommendations to the employer about health and safety. Where these recommendations fail to be implemented the committee may make recommendations to an inspector of the Department of Labour.

- **Discuss incidents**

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

- **Record keeping**

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

7. PROCESS AND PROCEDURES

7.1 REPORTING OF INCIDENTS/ACCIDENTS AND OCCUPATIONAL DISEASE

All Occupational Health and Safety injuries shall be reported to the Occupational Health and Safety Officer or immediate supervisor before the end of that working shift. The injury on duty process must be followed,

The following documentation are attached:

- Employers Report (WC.L 2) - **Annexure 1**
- Recording and investigation of incident – **Annexure 2**

All occupational diseases must be reported within 14 days to the divisional head then escalated to the Occupational Health and Safety Officer once the alleged occupational disease arises. The following document is completed by a qualified medical doctor:

- Employers Report of an Occupational Disease (W.CL. 1) – **Annexure 3**

The municipality is responsible to transport employees the first time consultation and follow up consultations with doctors is the responsibility of the employee. Employees are responsible to submit any COIDA documents from doctors e.g. Progress Reports to the OHS Officer.

7.2 ACCIDENT / INCIDENT INVESTIGATION

All Occupational Health and Safety accidents and incidents must be investigated.

- All incidents must be investigated by a team comprising Occupational Health & Safety Officer, sectional Health & Safety Representative, Union representative and Supervisor so that an action be taken to prevent a recurrence of similar incidents.
- The incident investigation report is discussed at the Health & Safety committee meeting with all remedial actions to be taken and also be endorsed by the chairperson of the committee, the Health and Safety Officer and the Municipal Manager.

7.3 RISK ASSESSMENT

Every Health and Safety Representative may conduct regular Risk Assessments in their sections/workplaces. There are essentially three forms of risk assessments that could be used, depending on the risk. These are:

7.3.1 Baseline Risk Assessments

- This will be conducted by a team of the following personnel: Occupational Health and Safety Officer, Occupational Medical Practitioner, Union reps, Environmental Health Officer and Health and Safety Representatives. In the case where the municipality does not have all the specialised personnel it will outsource the service to an accredited company to do the Risk assessment on their behalf. Process will be facilitated by the OHS Officer and/or Risk Officer.

-Identifying major risks

-Leads to issue based and continuous risk assessments

-The result of the assessment will be made available to management and all employees concerned.

7.3.2 Issue Based Risk Assessment

Will be conducted when:

- New machine is introduced
- A system of work is changed or operations alter
- After an accident or incident has occurred

7.3.3 Continuous Risk Assessments

These will include the following:

- Inspection by Health and Safety Representative
- Annual Audits
- Occupational Hygiene assessment

The results and feedback on these risk assessments will be done on the monthly Health and Safety Committee meetings.

7.4 REFUSAL TO WORK PROCEDURE

Every employee has the right to refuse to work if he/she feels that his or her health and safety are at risk. When this situation arises the following steps must be followed.

- Employee stop to work
- Contact Supervisor
- Disagree with Supervisor
- Contact Health and Safety Representative
- Disagree with Health and Safety Representative
- Contact sectional /departmental Manager
- Disagree with sectional /departmental Manager
- Contact Occupational Health and Safety Officer.
- OHS assessment of risk will be final.

Great care should be taken by employees not to misuse the procedure as it can lead to disciplinary actions.

7.5 MEDICAL SURVEILLANCE

- Medical examination will be conducted on employees according to job specification
- The municipality will be liable for medical costs
- The medical examination will be conducted by an Occupational Health Practitioner (OHP) or in prescribed cases by an Occupational Medicine Practitioner (OMP).
- The relevant forms will be completed and records will be kept in the office of the Occupational Health and Safety Officer.
- Confidentiality will be maintained on the findings, supervisor will not be informed of the findings provided employees the informed consent has been obtained.
- Feedback on the findings will be given to the employees
- Employees that are exposed to the following shall be tested annually:

Noise (Hearing test)

Chemicals

Industrial dust (Lung X-Rays and Lung Function Tests)

Any other high risk/hazard

All medical reports shall be kept by Occupational Health and Safety and shall be treated confidential.

7.6 INTOXICATION

No person shall be permitted to enter any workplace who is or who appears to be under the influence of intoxicating liquor or drugs. In cases where employee e.g. a driver is suspected to be intoxicated, a traffic official or security officer may be called to test the person.

Employees taking medicines shall be permitted to perform duties at the workplace if the side effects of such medicine do not constitute a threat to the health and safety of the person concerned or other at such workplace.

7.7 CONTRACTORS

Any contractor doing work for Elias Motsoaledi Local Municipality must complete a written agreement in terms of Occupational Health and Safety Act No. 85 of 1993 and Regulations. Before any work can commence the Contractor must hand in a letter of good that is fully complying with COIDA.

Contractors that will perform any construction work as defined by the Construction Regulations shall hand in their Health and Safety Plan before commencing with their work. They should submit their Safety File and its will be checked by the OHS Officer.

It is the responsibility of Elias Motsoaledi Local Municipality to make sure that all contractors comply with the requirements of Occupational Health and Safety Act No.85 of 1993 and its Regulations unless if there is an appointed agency. The appointed Agency must carry out all the duties of the employer stated in Construction Regulation section 5 in the Occupational Health and Safety Act No.85 of 1993 and its Regulations.

7.8 FIRE EXTINGUISHERS

- All fire extinguishers at Municipal premises should be numbered and recorded in a register.
- These fire extinguishers will be checked monthly by the Health and Safety representatives of the area.
- These fire extinguishers should be serviced annually.
- Every three years these fire extinguishers should be pressure tested by a service provider.
- The service provider should comply with the following legal requirements:
 - Valid SABS certification
 - Valid registration at S.A.Q.C.C. Fire
 - Registration at the Compensation Commissioner

Disciplinary action will be taken if fire extinguishers are misused or tampered

7.9 EMERGENCY PLANNING

- Emergency routes will be displayed on the notice boards and walls.
- Emergency procedures, signs will be displayed and emergency exits should be kept operational.
- Evacuation drills will be conducted annually to ensure employees know how to evacuate the building in an emergency.

7.10 PERSONAL PROTECTIVE EQUIPMENT

- Where all administrative and engineering control measures fail the employees will be provided with appropriate PPE free of charge.
- Employees will be held responsible for the replacement of loss or damaged due to negligence.
- Employees will acknowledge receipt of the PPE by endorsing their signature on the prescribed form to be kept by supervisor

- Employees be trained in the proper use of PPE by the supervisor in coordination with the Health and Safety representative and Occupational Health and Safety officer
- Health and Safety representative and Occupational Health and Safety officer monitor the use of PPE during routine inspection

7.11 **NON COMPLIANCE**

- Any employee who contravene the provisions of this Policy and/or the requirements of the OHS Act may be charged with misconduct in terms of the appropriate provision of the applicable legislation and the disciplinary code & procedures.

8. **APPOINTMENT OF FIRST AIDERS**

- All health and safety representatives must be appointed as First Aiders
- That First Aiders must be trained and be in possession of a valid certificate issued by one of any accredited institutions
- The names of the First Aiders and their contact numbers be displayed in their respective workplace
- The treatment provided by First Aiders be recorded in the First aid register
- The contents of First Aid boxes be inspected on monthly basis and the responsible first aider complete the register
- The Occupational Health and Safety Officer will be responsible for the buying and replenishing of all first aid kits
- The location of first aid boxes should be clearly indicated by symbolic signs and it should be accessible at all times in the presence of the first aider
- Treat all first aid injuries
- Inspect the first aid box on a regular basis
- Ensure that the first aid box is not obstructed

- Ensure your name appears on the box
- Ensure that the content complies with requirements of General Safety Regulation Annexure
- Ensure that all minor injuries are investigated
- Assist the emergency co-ordinator in the event of an emergency

9. **ASSIGNMENT OF RESPONSIBILITY**

The Municipal Manager as the accounting officer shall:

- Appoint an all senior managers according to section 16 (2) of OHS Act to ensure that Occupational Health and safety policy is implemented and enforced in accordance with the requirements of the Occupational Health and Safety Act (Act 85 of 1993) and the regulations promulgated thereunder
- Ensure the provision of the resources for the implementation of the programme
- Ensure the integration of the pro grimmer with other departmental programs
- It is also the responsibility of the Director Corporate Service to keep this policy updated and inform Council of any amendments.

10. **MONITORING AND EVALUATION**

- The Occupational Health and Safety Officer, Health & Safety Representatives and the Unions representatives shall monitor and evaluate the implementation of the Act.
- Department of Labour will monitor the compliance of the OHS Act and Compensation Fund Act in Elias Motsoaledi Local Municipality.

11. POLICY REVIEW

The Policy shall be reviewed and revised as and when required.

12. EFFECTIVE DATE

The Policy shall be effective forthwith from the date approved by the Municipal Council of the EMLM.

13. SIGNATORIES

Municipal Manager

Mrs RM Maredi

Date

The Mayor

Cllr. Mathebe JL

Date