

NGQUSHWA LOCAL
MUNICIPALITY



OCCUPATIONAL HEALTH AND SAFETY POLICY
2022/2023

Summary

Publication Date	11 July 2022
Review Date	19 March 2022
Related Legislation/Applicable Section of Legislation	Municipal Offices Bearers Handbook
Related Policies, Procedures, Guidelines, Standards, Frameworks	Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations
Replaces/ Repeals (whichever is relevant, if any)	None
Policy Officer (Position)	<i>Director Corporate Services</i>
Policy Officer (Phone)	040 6732 081
Policy Sponsor (Position)	Mkhuseli Mxekezo
Department Responsible	Corporate Services
Unit responsible	Human Resources
Applies to	All staff and External candidates
Key Words	Occupational Health and Safety Policy
Status	Reviewed/ Amended
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Version	1

REVISION RECORD

Date	Version	Revision Description
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PREAMBLE

WHEREAS the Occupational Health and Safety Act 85 of 1993, requires the employer to provide and maintain as far as reasonable and practical a work environment that is safe and without risk to the health of employees

NOTING that the employer must ensure that the workplace is free of hazardous ergonomics and substances, micro-organisms and other conditions which may cause injury or disease.

WHEREAS the employer has the responsibility to inform the employees of the risk and dangers and how these may be prevented.

WHEREAS the municipality, as an employer, considers its employees to be its most valuable assets and undertakes to safeguard them through providing and maintaining a working environment that is safe and without risk.

THEREFORE the municipality deemed it necessary to develop this policy to guide the employees in order to ameliorate the occupational health risks

1. POLICY NAME/TITLE

1.1 The name of the policy shall be the Occupational Health and Safety Policy

2. POLICY PURPOSE

To provide officials with the relevant policy principles regarding occupational health and safety

3. POLICY OBJECTIVES AND SCOPE

3.1 The objective purpose of this policy is to establish minimum standards and requirements of Occupational Health and Safety for Ngqushwa Local Municipality and also improve the Occupational Health and Safety by adhering to the following:

- a. Identifying hazards and possible risk causing incidents and accidents.
- b. Setting standards of practice, procedures and accountability.
- c. Measuring performance against standards.
- d. Evaluating compliance with standards and applicable laws and regulations.
- e. Correcting deficiencies, deviations and set standards of procedures to be followed.
- f. Considering safety and environmental factors in all operating decisions including planning and acquisition.

- g. Ensuring that personnel are properly trained and provided with appropriate personal protective clothing and equipment where applicable.
- h. Communicating the desire to continuously improve the performance and fostering the expectation that every employee in the employ of Ngqushwa Local Municipality follow this policy and report any environmental, health or safety concerns to management.
- i. Monitoring progress through periodic evaluations and creating and maintaining a healthy and a safe work environment.

4. COMMENCEMENT AND VALIDITY

The policy shall come into full force and effect upon the acceptance hereof by the Council of NGQUSHWA by resolution

5. POLICY DEFINITION

- 5.1 **"Act"** means the Occupational Health Safety Act 85 of 1993
- 5.2 **"Accident"** means an incident arising out of and in the course of an employee's employment and result in a personal injury, illness or death of the employee.
- 5.3 **"Contingency Plan"** means any action that is to be activated during any emergency situation in order to prevent and/or combat or counteract the effects and results of an emergency situation where life or property is threatened.
- 5.4 **"Contingency Officers"** for the purpose of this policy means an Occupational Health and Safety representative.
- 5.5 **"Danger"** means anything that may cause injury or damage to persons or property.
- 5.6 **"Employer"** means the Council of Ngqushwa Local Municipality or the official to whom the responsibility for compliance with the Act has been delegated.
- 5.7 **"Employee"** means any person who is employed by or works for the employer and who receives or is entitled to receive any remuneration or who works under the directions or supervision of the employer.
- 5.8 **"Hazard"** means any source of/or exposure to danger.
- 5.9 **"Healthy"** means free from illness or injury attributable to occupational cause.
- 5.10 **"Health and Safety Standard"** means any standard irrespective of whether or not it has the force of law, which if applied for the purpose of this policy, will in the opinion of the Council of Ngqushwa Local Municipality promote the attainment of objectives of this policy.
- 5.11 **"Incident"** means an incident as contemplated in section 24 of the occupational Health and Safety Act
- 5.12 **"Municipality"** means Ngqushwa Local Municipality (also referred to as "NGQUSHWA"). A local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provision of the Chapter 7 of the Constitution and Section 12 and 14 of the Structures Act

- 5.13 **"Occupational Health"** includes occupational hygiene, occupational medicine and biological monitoring.
- 5.14 **"Occupational Health and Safety Representative" (OHSR)** means authorized person designated to perform health and safety duties in Ngqushwa Local Municipality.
- 5.15 **"Occupational Health and Safety Committee"** means a committee established under Section 19 of the Occupational Health and Safety Act 85 of 1993.
- 5.16 **"Occupational Hygiene"** means anticipation, recognition, evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons.
- 5.17 **"Occupational Medicine"** means the prevention, diagnosis and treatment of illness, injury and adverse health effects associated with a particular type of work.
- 5.18 **"Premises"** include any building, vehicle owned by Ngqushwa Local Municipality.
- 5.19 **"Proper Use"** means use of any item with reasonable care and with due regard for any information, instruction or advice supplied by the designer, manufacturer, importer seller or supplier.
- 5.20 **"Risk"** means the probability that injury or damage will occur.
- 5.21 **"Safe"** means free from any hazard.
- 5.22 **"Workplace"** means any premises or place where an official of Ngqushwa Local Municipality work in the course of her/his employment.

6. LEGISLATIVE FRAMEWORK

The directives from which this policy is derived are:

- 6.1 Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
- 6.2 Occupational Health and Safety Act 85 of 1993, as amended and regulated issues in terms of Section 43 of the Act.
- 6.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993, as amended.
- 6.4 Basic Conditions for Employment Act 75 of 1997, as amended.
- 6.5 Labour Relations Act 66 of 1995, as amended.
- 6.6 Employment Equity Act 55 of 1998, as amended.
- 6.7 Disaster Management Act 57 of 2000, as amended.
- 6.8 Public Service Act 103 of 1994, as amended.
- 6.9 Fire Brigade Act 99 of 1997, as amended.
- 6.10 Hazardous Substance Act 15 of 1973, as amended.
- 6.11 General Administration Regulations 2003.
- 6.12 PSCBC Resolution 2 of 1999, as amended.
- 6.13 National Water Act 36 of 1998.
- 6.14 National Building Regulation Act 103 of 1977.
- 6.15 National Environmental Management Act 107 of 1998.
- 6.16 Environmental Conservation Act 73 of 1989.
- 6.17 Tobacco Control Act 83 of 1993, as amended.
- 6.18 Public Service Regulations 2001, as amended.
- 6.19 Access to Public Premises and Vehicles Act 53 of 1985.

6.20 National Health Act 61 of 2003.

7. POLICY /PROCEDURE AND TARGET AUDIENCE

The provision of this policy are applicable to all employees and work places including those in the employ of Ngqushwa Local Municipality and through the projects as out sourced by the Local Municipality, as well as persons other than employees whilst within the premises of Ngqushwa Local Municipality.

8. GENERAL PROVISIONS

- 8.1 The responsibility for the interpretation, application and evaluation of this policy shall be vested in the Municipal Council and its employees by delegation.
- 8.2 It is the responsibilities of both the employer and the employees to ensure a safe and healthy environment in the premises of Ngqushwa Local Municipality.

9. POLICY PROCEDURES

9.1 Duties of the council

- 9.1.1 Ngqushwa Local Municipality shall provide and maintain all equipment that is necessary to perform work and all systems according to which work must be done, in a condition that will not affect the health and safety of employees.
- 9.1.2 Protective equipment should be provided where it is required to mitigate risk and hazards.

9.2 Employer compliance

To ensure compliance the employer must:

- 9.2.1 Take measures to protect employee's health and safety against hazards that may result from the production, processing, use, handling, storage or transportation of articles/substances i.e., anything that employees come into contact with at work
- 9.2.2 Ensure that Occupational Health and Safety Representatives are equipped with the first aid kit that would be accessible to all employees in case of emergency.
- 9.2.3 Identify potential hazards which may be present while work is being done, something is being produced, processed, used, stored or transported.
- 9.2.4 Provide precautionary measures and means to implement the measures that are necessary for any equipment which is being used to protect employees against

hazards. This is done by providing the necessary information, instructions, training and supervision while keeping the extent of employee's competence in mind i.e., a list of what one may do or not do (e.g., not to permit anyone to do work unless proper precautionary measures are taken).

- 9.2.5 Ensure that every employee within his/her employment complies with the requirements of this policy.
- 9.2.6 Enforce the necessary control measures in the interest of health and safety.
- 9.2.7 Ensure that each employee is trained and understands the hazards associated with the work he/she is performing
- 9.2.8 Ensure that occupational health and safety precautionary measures are implemented and maintained.
- 9.2.9 Contractors and sub-contractors in the employ of Ngqushwa Local Municipality will have to fully comply with the laws as clearly stated in terms of Section 37 of Occupational Health and Safety Act, 1993.

9.3 Responsibilities of employees

The employees should:

- 9.3.1 Take care of their own health and safety and that of other employees who may be affected by their actions or negligence at work,
- 9.3.2 Give information to inspectors from Department of Labour when so required.
- 9.3.3 Wear the prescribed safety clothing or use the prescribed safety equipment where necessary.
- 9.3.4 Report unsafe or unhealthy conditions to the employer or Occupational Health and Safety Representative as soon as possible. If employees are involved in an accident that may affect their health or cause an injury, they should report that incident to the employer, an authorized person or the OHSR as soon as possible, but not later than the end of the shift during which the incident occurred. Unless the circumstances were such that the reporting of the incident was not possible in which case the employee must report the incident as soon as it is practically possible.
- 9.3.5 Execute good housekeeping in the workplace and ensure that there is no health and safety hazard due to bad housekeeping.
- 9.3.6 Carry out any lawful order given and obey the health and safety rules and procedures laid down by the employer or by any other authorized person in the interest of health and safety.

9.3.7 Make sure that there is a place for everything and everything is in its place.

9.4 Responsibilities of employees and self-employed persons other than their employees

9.4.1 The employer who is operating within the scope of Ngqushwa Local Municipality shall conduct his/her undertaking in such a manner as to ensure, as far as is reasonably practicable, that person other than those in his/her employment who may be directly affected by his activities are not exposed to hazards to their health and safety.

9.5 Duties of Municipal Manager

9.5.1 The Municipal Manager shall as far as is reasonably and practical ensure that all activities relating to health and safety are conducted and discharged according to the Act

9.5.2 The Municipal Manager as the Chief Executive Officer in terms of the Occupational Health and Safety Act, 1993 shall appoint a person in terms of Section 16(2) of the Act without derogating from his responsibility any person who shall;

- a. Perform duties on behalf of and report to the Municipal Manager;
- b. Be appointed in terms of the Act to represent employees in all matters relating to health and safety issues on each floor of all the buildings of Ngqushwa Local Municipality;
- c. Have the authority and power of ensuring that all necessary activities are executed in terms of the Act.

9.6 Designation of Health and Safety Representatives

9.6.1 The number of health and safety representatives per workplace will be as allocated and agreed to from time to time by management of the Municipality,

9.6.2 Only officials who are employed on full-time capacity at a specific workplace and who are familiar with the conditions and activities at such a workplace will be eligible to be nominated and elected as Health and Safety Representatives.

9.6.3 Health and Safety Representatives will be nominated from amongst the employees at a workplace and be appointed accordingly and issued with appointment letters.

9.6.4 The term of office of a Health and Safety Representative will be two years.

9.6.5 A Health and Safety Representative may be removed from office for the following reasons for dereliction of duty or repeated failure to carry their assigned duties or instructions

9.6.6 The request for the removal of a Health and Safety Representative may be instigated by employees in the workplace or the employer.

- 9.6.7 Section 18(4) of OHSA, 1993 indicates a Health and Safety Representative shall not incur any civil liability by reason of the fact that he/she failed to do anything which he/she may do or is required to do in terms of the Act.
- 9.6.8 When a position of Health and Safety Representative becomes vacant because of resignation/transfer/due to death or removal from office the provision of paragraphs 8(1)-(4) will apply with regard to the filling of the vacancy.

9.7 Functions of the Occupational Health and Safety Representatives (OHRs)

The Occupational Health and Safety Representatives shall: -

- 9.7.1 Conduct health and safety audits in order to check the effectiveness of health and safety measures,
- 9.7.2 Make representation regarding the safety of the workplace to the employer or Health and Safety Committee or the Health and Safety Inspector.
- 9.7.3 Investigate incidents, complaints from workers regarding health and safety matters together with employer and report them in writing to the Occupational Health and Safety Committee.
- 9.7.4 Work in collaboration with the management in promoting safe and health hazard free environment.
- 9.7.5 Conduct an inspection to the workplace after notifying the employer of the inspection.
- 9.7.6 Participate in discussions with the inspectors at the workplace and accompany inspectors on inspections.
- 9.7.7 Inspect documents with the consent of the employer.
- 9.7.8 Serve as a member of the Occupational Health and Safety Committee without derogating from his/her responsibilities as Occupational Health and Safety Representative.
- 9.7.9 Attend health and Safety Committee Meetings.

9.8 Health and Safety Committee

- 9.8.1 The Local Municipality Health and Safety Committee shall comprise of all Health and Safety Representative appointed for the program with one person appointed as a Chairperson

- 9.8.2 One representative from each Trade Union represented in the Local Municipality will be allowed observer status at meetings of the Occupational Health and Safety Committee.
- 9.8.3 The Occupational Health and Safety Committee will meet as often as possible; at least four times in a calendar year. Any cost incurred by Occupational Health and Safety Representative or any designated employee to attend meetings will be the responsibility of Ngqushwa Local Municipality.
- 9.8.4 The Occupational Health and Safety Committee will conduct its business in compliance with Section 19 & 20 of the Occupational Health and Safety Act, 1993.
- 9.8.5 The Committee shall determine the procedures at the meetings and present its minutes of decisions and recommendations to the Risk Management Committee for information or action necessary.

9.9 Provision of protective clothing and/or equipment

- 9.9.1 The employer shall provide personal protective clothing/equipment where necessary for the face, eyes, ears, hands, feet, legs and body where necessary
- 9.9.1.1 to comply with legislation or a collective agreement;
- 9.9.1.2 to safeguard the employee's health;
- 9.9.1.3 to prevent the transmission of an infection; or
- 9.9.1.4 to protect the employee's private clothes from excessive dirt or wear.

9.10 First aid, emergency equipment and procedures

- 9.10.1 The employer shall take reasonable steps to ensure that employees at work receive prompt first aid treatment in case of injury or emergency
- 9.10.2 The employer shall provide a first aid box or boxes at every workplace which shall be accessible for the treatment of injured employees at the workplace.
- 9.10.3 There should be so designated in the Local Municipality a first aider to assist with first aid treatment at the workplace and be trained and attain a valid certificate in first aid at the expense of the Municipality and be trained at an approved and recognized institution.
- 9.10.4 Each injury shall be written on the prescribed form as indicated in the Compensation for Occupation Injuries and Disease Act and shall be reported to the Occupational Health and Safety Representative and the Human Resources Management.
- 9.10.5 Human Resources Management will forward the forms to the Compensation Commissioner in order to register the injury on duty.

9.10.6 Should any circumstances determine, any Injured person shall be provided treatment to avoid contracting HIV/AIDS, Hepatitis B and or any other similar disease.

9.10.7 All Managers need to be trained or have a basic course in Occupational Health and Safety.

9.11 Work In elevated positions

9.11.1 An employee, including a Health and Safety Representative, maintenance worker/handyman, a cleaner etc. shall not work in an elevated position unless such work is performed safely from a ladder or scaffolding or a position where such person has been made as safe as if she/he was working from scaffolding.

9.12 Contingency plan / evacuation plan

9.12.1 The Fire and Disaster Department and/or Security Services In the employ of the municipality shall develop and implement the Contingency Plan In the Local Municipality

9.12.2 Evacuation drills must be exercised periodically in terms of the Contingency Plan to ensure that employees adhere to it and evaluate the effectiveness of the plan, i.e., each worker knowing how to react in the event of emergency.

9.12.3 The Occupational Health and Safety Committee must review and update the Contingency Plan.

9.13 Security and access control

9.13.1 The security and access control framework shall be developed by the Manager: Corporate Services In conjunction with the Manager: Security Services in the employ of the Local Municipality for each workplace to ensure the safety of all employees and shall be implemented by all offices of the Local Municipality.

9.14 Acts or omissions by employees

An employee shall be charged with misconduct if his/her action is deemed to be contradictory to the policy and a disciplinary action will be instituted against him/her and carried out in terms of the South African Local Government Collective Agreement on disciplinary code and procedure.

9.15 Violence in the workplace

- 9.15.1. The employer shall, as far as reasonably practical, ensure that the workplace is free from violence
- 9.15.2 If, however, an employee is attacked in the workplace, she/he shall be entitled to treatment to avoid contracting HIV/AIDS.

9.16 Compliance

- 9.16.1 All employees of the Local Municipality shall comply with the Occupational Health and Safety Policy and the procedural manual,

9.17 Awareness of the policy

- 9.17.1 The Department of Corporate Services shall ensure that all employees are made aware of the Policy contents and its implications.

10. IMPLEMENTATION

This Policy will be applicable and Implemented from the date at which the Council of Ngqushwa Local Municipality has approved it.

11. RECORD AND REPORTING

Data related to the implementation of the policy should be captured, analysed to determine trends to facilitate improvements. This information should be registered and evaluated by the municipality

12. REVIEW OF POLICY

This policy may be reviewed annually by council

APPROVED BY COUNCIL ON 08th JULY 2022 UNDER AGENDA ITEM NO 5.1



MUNICIPAL MANAGER



MAYOR OBO COUNCIL