



## **EMALAHLENI OCCPATIONAL HEALTH AND SAFETY POLICY**

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## 1. INTRODUCTION

It is the belief of the Emalahleni Local Municipality, that a safe and hazard-free working environment is one of the most important factors in promoting the commitment and unquestionable performance of employees. It is on this basis that the Emalahleni Local Municipality expresses its commitment and full support of the spirit and letter of the Occupational Health and Safety Act 1993 (Act 85 of 1993).

This Occupational Health and Safety Policy document is thus generated to clearly state the position of the Emalahleni Local Municipality with regard to this matter and to show its belief on the assistance and co-operation of all the officials towards creation and maintenance of a safe and healthy working environment. The officials support in implementing and complying with this policy will ensure tremendous benefits to the Emalahleni Local Municipality and to employees themselves. It is believed that by prevention we can save not only our material treasures but most importantly, our lives.

This policy details out the responsibilities for both the employees and the employer in accordance with the requirements of the Occupational Health and Safety Act 85 of 1993. It also prescribes and prohibits certain activities and behaviours to be or not to be conducted at or in particular areas, times or situations as a maneuver to prevent, manage or neutralize any hazardous incident.

As one of the management elements, health and safety matters form part of priorities and enjoy the full support of the Management Emalahleni Local Municipality. It is in this spirit that all officials are urged to support those safety and healthy systems that are available and provided within these premises and make the most of it.

## 2. PURPOSE

The purpose of this policy is to provide a framework according to which the occupational health and safety of employees will be managed at the Emalahleni Local Municipality.

## 3. MANDATE

The mandate of this policy is derived from the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

## 4. DEFINITIONS

- **Municipality** - means the Emalahleni Local Municipality
- **Appointee 16.2** – means any person appointed in terms of section 16.2 of this Act, by the Municipal Manager in order to manage and ensure the implementation of the Act in the Emalahleni Local Municipality environment.

- **Contingency Plan** – means any action that has been planned to be actioned during any emergency situation in order to prevent and/ or combat or counteract the effects and results of any emergency situation where life or property is threatened.
- **Danger** – means anything, which may cause injury or damage to persons or property.
- **Hazard** – means any source of or exposure to danger.
- **Health and Safety** – means any condition irrespective of whether or not, it has the force of law, which if applied for the purposes of this Policy will, in the opinion of the Municipal Manager, promote the attainment of objectives of this Policy.
- **Healthy** – means free from illness or injury attributed to occupational causes.
- **Injury on duty** – means an unplanned, uncontrolled event in the line of duty.
- **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 a person.
- **Premises** – a physical structure including building, vehicle, or vessel.
- **Committee** – means the Occupational Health and Safety Committee of Emalahleni Local Municipality.
- **Proper use** – means use of any item with reasonable care, and with due regard to any information, instruction or advice supplied by designer, manufacturer, importer, seller or supplier.
- **Risk** – means the probability that injury or damage will occur.
- **Safe** – means free from any hazard.
- **Workplace** – means any premises or place where a person performs work in the course of his employment.

## 5. FUNDAMENTAL RESPONSIBILITIES

Generally, it is everyone's responsibility to keep every environment, especially one's own working environment, as safe and healthy as possible. This could be one of the reasons why the Occupational Health and Safety Act of 1993 (Act 85 of 1993) places an obligation on the employer as well as the employees directly or otherwise, for the execution of specific responsibilities with regard to creation and maintenance of safe and healthy working conditions. However, to ensure proper control and administration, the statutory responsibility and accountability has been passed through the Act in the following manner.

## 6. STATUTORY RESPONSIBILITY

- 6.1 Through the legislation, the Department of Labour has been appointed as the custodian of the Occupational Health and Safety Act and other related issues. This department carries the responsibility of overseeing that the Act is implemented in all working environments including the private sector and especially, the Government Departments, Local Government and Organs of State.
- 6.2 The Department of Labour appoints officials to work as Health and Safety Inspectors with the responsibility, *inter alia*, of conducting inspection on the premises and plants of all organisations to determine compliance with the Act (by those areas). The accountability of every institution with regard to and in terms of the Act rests with the head of the institution. This implies that the Municipal Manager (in this instance) carries the overall responsibility of health and safety issues for Emalahleni Local Municipality, in spite of the delegations as tabled out in point 2.2, hereunder.

## 7. DELEGATIONS AND APPOINTEE AS PER Section 16(2) of the Occupational Health and Safety Act

- 7.1 As a Chief Executive Officer in terms of the Act, the Municipal Manager shall appoint a Section 16.2 Appointee to oversee that all activities relating to health and safety are conducted accordingly and all responsibilities, in their categories, are carried out as required by the Act.
- 7.2 The Section 16.2 Appointee shall, on behalf of the Municipal Manager, have the authority and powers of ensuring that all necessary activities are executed in terms of the Act and report to the Municipal Manager.

## 8. OTHER PROVISIONS

- 8.1 The daily operation of all functions related to health and safety shall be accommodated under the Corporate Services Directorate and the Occupational Health & Safety Practitioner shall serve as the Co-ordinator for all relevant matters.
- 8.2 The Occupational Health and Safety Committee (OHS Committee) shall be established to handle all relevant matters and make recommendations to the section 16.2 Appointee who will then advise the Municipal Manager accordingly.
- 8.3 The OHS Committee will be composed of the OHS Representatives and function according to the terms of reference as contained in the Occupational Health and Safety Act (Act 85 of 1993) and/or in paragraph 2.3.4.1/6 of this policy.

- 8.4 The following terms of reference shall guide and give powers and authority to the OHS Committee members, while not deviating from their performance agreements:
- 8.5 Since the OHS Committee consists of the Safety Representatives, such members shall, in their workplace or section thereof, perform the following functions:
- (a) review the effectiveness of health and safety measures;
  - (b) identify potential hazards and potential major incidents at workplace;
  - (c) in collaboration with their employer, examine the cause of incidents at the workplace;
  - (d) investigate complaints by any employee relating to that employee's health or safety at work;
  - (e) make presentations to the employer on matters arising from the paragraphs (a), (b), (c), or (d), or where such representations are unsuccessful, to an inspector;
  - (f) make representation to the employer on general issues affecting the health and safety of the employees at the workplace;
  - (g) inspect the workplace, including any article, substance or health and safety equipment at that work place with a view to the health and safety of the employees, at such interval as may be agreed upon by the committee members;
  - (h) attend meetings of the OHS Committee in connection with all the above-mentioned functions;
  - (i) attend any investigation of formal inquiry held in terms of the Act;
  - (j) in so far as reasonably necessary for performing his functions, inspect any document which the employer is required to keep in terms of the Act;
  - (k) accompany any inspector on any inspection;
  - (l) participate in any internal health or safety audit;
- 8.6 Where more than one health and safety committee has been established in respect of a workplace, each health and safety representative for that workplace shall be members of the committee;
- 8.7 The Occupational Health and Safety Committee shall hold meetings as often as may be deemed necessary, but at least once every three months, at a time and place determined by the committee;

- 8.7.1 The Committee shall determine the procedure at the meetings of a Health and Safety Committee.
- 8.7.2 (a) A Health and Safety Committee may co-opt one or more person/s by reasons of his or their particular knowledge of health or safety matters as an advisory member or advisory members of the Committee.
- 8.7.3 (b) An advisory member shall not be entitled to vote on any matter before the Committee.
- 8.7.4 The OHS Committee shall perform such other functions as may be agreed upon with the employer, but not contrary to the Act.
- 7.8 Notwithstanding all the prevention systems applicable, the Emalahleni Local Municipality shall have a Contingency Plan, which will be practised periodically to ensure that all employees are conversant with all emergency procedures.

## **9. RESPONSIBILITIES AND OBLIGATIONS**

### **9.1 RESPONSIBILITY OF THE EMPLOYER**

- 9.1.1 The Emalahleni Local Municipality as an employer shall ensure that no employee is exposed to any hazardous or unhealthy condition while at the place of official duty.
- 9.1.2 Where any employee must work in unsafe or unhealthy conditions, the Emalahleni Municipality Council shall inform the employee accordingly and as far as reasonably practical, provide measures to protect such employee from the existing risks.
- 9.1.3 Where any employee has been affected by the unsafe or unhealthy conditions in his/her work place, the Emalahleni Local Municipality shall, as much as reasonably practical assist such employee for his/her recuperation.
- 9.14 The Emalahleni Local Municipality shall keep all employees informed about existing hazards. Available measures or facilities shall be provided for protection against those hazards.

### **9.2 RESPONSIBILITY OF THE EMPLOYEE**

- 9.2.1 Every employee shall take reasonable care for the health and safety of himself/herself and of other persons who may be affected by his/her acts/omissions.

**9.2.2** Every employee shall follow all procedures set by the employer in terms of the requirements imposed by the Act and give his/her full co-operation to practices prescribed by the employer for the purpose of implementing the Act.

**9.2.3** Every employee shall be held responsible and liable for the incidents resulting from his/her own negligent or ignorant act which amounts to contradiction or defiance of this Policy.

**9.2.4** Where any employee's act is deemed to be contradictory to the Policy, he/she shall be charged with misconduct and disciplinary action shall be initiated against him.

## **10 SAFETY REPRESENTATIVES**

**10.2** Occupational Health and Safety Representatives (referred to as OHS Representatives mentioned hereunder) shall be appointed to represent officials in all matters regarding health and safety issues on each floor of the building.

**10.3** OHS Representatives shall be appointed, in writing, by the Section 16.2 Appointee.

**10.4** Officials appointed as OHS Representatives shall serve for the period determined by their letter of appointment and the relevant terms of reference.

**10.5** OHS Representatives shall work in collaboration with the Emalahleni Local Municipality in promoting a safe, healthy and hazard-free environment.

**10.6** Any official appointed as OHS Representative shall serve as a member of the OHS Committee without abdicating from his/her responsibility as an OHS Representative.

**10.7** The detailed functions and duties of OHS Representatives shall be tabled out in the OHS Committee terms of reference.

**10.8** The Emalahleni Local Municipality shall be responsible to train all OHS Representatives accordingly and keep them informed of all developments on this subject.

## **11 HEALTH AND SAFETY SYSTEMS AND PROCEDURES**

### **11.2 PREVENTION SYSTEMS AND PROCEDURES**

**11.2.1** All officials irrespective of rank or position shall be responsible for the prevention of accidents and/or health threatening conditions in the work environment.

**11.2.2** Identified dangerous or health hazardous condition shall be reported to the OHS Representative responsible for that specific area of the workplace.



- 11.2.3** The names and related details of OHS Representatives shall be displayed on notice boards in the corridors of every floor.
- 11.2.4** Hazardous conditions or acts or omission of responsibility, which are constructed as hazardous or could result in hazardous conditions, are prohibited in the building.
- 11.2.5** All officials shall be responsible for keeping the environment in and around their working stations in a manner that promotes a hazard-free environment.
- 11.2.6** All officials shall abide with and conduct themselves in accordance with the emergency procedures of the Emalahleni Local Municipality to prevent any further damage or injury during an emergency.
- 11.2.7** Only trained or authorised officials shall control and manage the situation during any emergency.

### **11.3 REACTION PROCEDURES TO AN ACCIDENT**

- 11.3.1** All identified accidents must be reported accordingly without creating panic and tension to affected and/or unaffected people.
- 11.3.2** Proper records of all departmental accidents must be recorded and such records must be maintained by the **Corporate Services Directorate** as the Co-ordinating Unit in the Emalahleni Local Municipality.
- 11.3.3** Records shall be submitted on annual basis and when required, to the Department of Labour.
- 11.3.4** The **Corporate Services Directorate** with the assistance of OHS Committee members shall conduct a thorough investigation on the cause of any accident immediately after such accident is under control.
- 11.3.5** The result of investigations and recommendations, where applicable, shall be submitted to the Section 16.2 Appointee who will advise the Municipal Manager accordingly.
- 11.3.6** All information with regard to the accident/emergency shall be communicated in terms of the Emalahleni Local Municipality Communication Policy and no individual official has any right whatsoever, to communicate such information to the media without proper (written or verbal) authority from the Municipal Manager.

## 11.4 OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

An Occupation Health and Safety Committee is hereby established to render advice to the Municipal Manager and the Emalahleni Local Municipality with regard to the implementation and maintenance of Health and Safety in the Emalahleni Local Municipality. The OHS Committee should comprise the following:

All Directors  
Safety Representatives

10.3.2 Manager: Technical Services;

10.3.3 Manager: Legal Services;

10.3.4 Manager: Labour Relations;

10.3.5 Manager: Quality of Work-life;

10.3.6 Manager: Security Services; and

10.3.7 Representatives of the employee organisations.

The Committee should meet once per quarter.

## 11.5 ADMINISTRATION

11.5.1 The Corporate Services Directorate shall provide the secretarial services to the OHS Committee and co-ordinate all OHS related matters in the Emalahleni Local Municipality.

11.5.2 All administrative matters pertaining to the OHS will be administered by the Corporate Services Directorate.

11.5.3 The arrangement of meetings will be the responsibility of the Technical Department.

11.5.4 The arrangement of workshops; training courses and information sessions will be the responsibility of the Corporate Services Directorate in consultation with the OHS Committee.

11.5.5 The Occupational Health & Safety Practitioner, as the OHS Co-ordinator, shall report to and be accountable to the Departmental Section 16.2 Appointee for all OHS related matters.

11.5.6 All activities regarding the OHS matters must first be mandated and approved by the Municipal Manager.

**13. ENFORCEMENT OF THE POLICY**

This policy applies to all employees of the **Emalaheni Local Municipality**. Non-compliance to this policy will result in the disciplinary action being taken against any employee who contravenes the stipulations of this policy.

**14. DEVIATION**

No deviation from this policy shall be allowed without the prior written approval of the Municipal Manager.

**15. COMMENCEMENTS AND REVISION**

This policy takes effect on the date it is approved by the Council and shall if necessary be reviewed annually.