



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

DEPARTMENTAL POLICY ON OCCUPATIONAL HEALTH AND SAFETY

Version 4

TABLE OF CONTENTS

Contents	Page
1. DEFINITIONS.....	3
2. INTRODUCTION.....	4
3. REGULATORY FRAMEWORK.....	4
4. OBJECTIVE AND SCOPE.....	5
5. PRINCIPLES, VALUES AND PHILOSOPHY.....	5
6. PROCEDURES.....	6
6.1 Facilities, Training and Assistance to Health and Safety Representatives.....	6
6.2 Co-operation with Inspectors by the Employer and Employees.....	7
6.3 The Occupational Health and Safety Committee (OHSC).....	7
6.4 The Business of the Health and Safety Committee.....	8
6.5 Acts or Omissions by Employees.....	8
6.6 Contingency Plan.....	8
6.7 Compliance.....	9
7. ROLES AND RESPONSIBILITIES.....	9
7.1 General Duties of the Department as an Employer.....	9
7.2 Responsibilities of Employees.....	10
7.3 Responsibilities of the Department and Self-Employed Persons to Persons Other than their Employees.....	10
7.4 Duties.....	11
7.5 Designation of Occupational Health and Safety Representatives (OHSRs).....	11
7.6 The Functions of Occupational Health and Safety Representatives.....	12

8. FINANCIAL IMPLICATION.....13

9. MONITORING AND EVALUATION.....13

10. POLICY ADOPTION AND REVIEW.....13

11. APPROVAL.....14

1. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined as follows:

"Accident"	Means any accident arising out of and in the course of an employee's employment and resulting in a personal injury, illness or death of the employee.
"Accounting Officer / Head of Department"	A person in terms of section 36 of the Public Finance Management Act, Act No. 1 of 1999, as amended.
"Act"	Means the Occupational Health and Safety Act, Act No. 85 of 1993.
"Contingency Officers"	Means Occupational Health and Safety representatives.
"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.
"Danger"	Means anything that may cause injury or damage to persons or property.
"Department"	Means the Department of Roads and Public Works, Northern Cape Province.
"Employee / Official"	(a) Any person that has been appointed permanently, notwithstanding that such appointment may be on probation, to a post contemplated in section 8 (1) (a) of the Public Service Act, Act No. 103 of 1994, as amended; and includes a person contemplated in section 8 (1) (b) or 8 (3) (c) of that Act; or (b) any person that has been appointed on contract in terms of section 8 (1) (c) (ii) of the Public Service Act.
"Employer"	Means the HEAD OF DEPARTMENT of Roads and Public Works or the official to whom the responsibility for compliance with the Act, has been delegated.
"Hazard"	Means any source of/or exposure to danger.
"Health and Safety Standard"	Means any standard 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 Accounting Officer, promote the attainment of the objectives of this policy.
"Healthy"	Means free from illness or injury attributable to occupational causes.
"Inspector"	Means an Occupational Health and Safety Inspector of the National Department of Labour.
"Occupational Health"	Includes occupational hygiene, occupational medicine and biological monitoring.
"Occupational Health and Safety Committee" (OHSC)	Means a committee established under section 19 of the Act.
"Occupational Health and Safety Representative" (OHSR)	Means an authorized person, designated to perform health and safety duties in the Department.

"Occupational Hygiene"	Means the anticipation, recognition evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons.
"Occupational Medicine"	Means the prevention, diagnosis and treatment of illness, injury and adverse health effects associated with a particular type of work.
"Premises"	Include any building, vehicle or aircraft owned by the Department.
"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.
"Risk"	Means the probability that injury or damage will occur.
"Safe"	Means free from any hazard.
"Workplace"	Means any premises or place where an official of the Department performs work in the course of her/his employment.

2. INTRODUCTION

The Occupational Health and Safety Act 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. This means the employer must ensure that the workplace is free of hazardous ergonomics and substances, microorganisms, and the like, which may cause injury or diseases. Where this is not possible, the employer has to inform the employees of the risks and dangers, and how these may be prevented. **The Department is legally obliged and committed to create a healthy and safe working environment for all its employees.**

3. REGULATORY FRAMEWORK

- The Constitution of the Republic of South Africa Act, Act No. 108 of 1996.
- The Occupational Health and Safety, Act No. Act 85 of 1993, as amended and regulated issues in terms of section 43 of the Act.
- The Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993, as amended.
- The Basic Conditions of Employment Act, Act No. 75 of 1997, as amended.
- The Labour Relations Act, Act No. 66 of 1995, as amended.
- The Employment Equity Act, Act No. 55 of 1998, as amended.
- The Disaster Management Act, Act No. 57 of 2000, as amended.
- The Public Service Act, Act No. 103 of 1994, as amended.
- The Fire Brigade Act, Act No. 99 of 1997, as amended.
- The Hazardous Substances Act, Act No. 15 of 1973, as amended.
- The General Administration Regulations of 2003.
- PSCBC Resolution 2 of 1999, as amended.

- The National Water Act, Act No. 36 of 1998.
- The National Building Regulation Act, Act No. 103 of 1977.
- The National Environmental Management Act, Act No. 107 of 1998.
- The Environmental Conservation Act, Act No. 73 of 1989.
- The Road Transportation Act, Act No. 74 of 1979, as amended.
- The Tobacco Control Act, Act No. 83 of 1993, as amended.
- The Public Service Regulations of 2001, as amended.
- The Access to Public Premises and Vehicles Act, Act No. 53 of 1985.
- The National Health Act, Act No. 61 of 2003.

4. OBJECTIVE AND SCOPE

The objective of this policy is to establish minimum standards and requirements of occupational health and safety for the Department in order to reduce the risk by:

- 4.1 Identifying hazards and possible risks causing incidents and accidents.
- 4.2 Setting standards of practice, procedures and accountability.
- 4.3 Measuring performance against standards.
- 4.4 Evaluating compliance with standards.
- 4.5 Correcting deficiencies, deviations, and set standards of procedures to be followed.
- 4.6 Creating and maintaining a healthy and safe work environment.

In terms of its scope, the provisions of this policy are applicable to all employees and work places of the Department, as well as persons other than employees whilst within the premises of the Department.

5. PRINCIPLES, VALUES AND PHILOSOPHY

All managers and employees of the Department, including contractors and visitors, have a shared responsibility for contributing to the health and safety of all persons in the workplace. The promotion and maintenance of occupational health and safety, and the dissemination of occupational health and safety information is primarily the responsibility of management. Management at all levels, in consultation with employees, have the responsibility for developing, implementing and keeping under review the Department's Occupational Health and Safety programme. The Department will strive to continuously improve occupational health, safety and environmental compliance by adhering to the following:

- 5.1 Developing and improving programs and procedures to ensure compliance with all applicable laws and regulations.
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- 5.2 Ensuring that personnel are properly trained and provided with appropriate safety and emergency equipment, where applicable.
- 5.3 Taking appropriate action to correct hazards or conditions that endanger health, safety and the environment.
- 5.4 Considering safety and environmental factors in all operating decisions, including planning and acquisition.
- 5.5 Engaging in sound re-use and recycling practices and exploring feasible opportunities to minimize the amount and toxicity of waste generated.
- 5.6 Using energy efficiently throughout all operations.
- 5.7 Encouraging personal accountability and emphasizing compliance with standards and conformance with departmental policies and best practices during employee training and in performance reviews.
- 5.8 Communicating our desire to continuously improve our performance and fostering the expectation that every employee will adhere to this policy and will report any environmental, health, or safety concern to management.
- 5.9 Monitoring of progress through periodic evaluations.

6. PROCEDURES

6.1 Facilities, Training and Assistance to Health and Safety Representatives

- 6.1.1 An approved inspection authority as agreed upon by the Occupational Health and Safety Committee (OHSC) will carry out an initial risk analysis of every workplace. This will form the basis/platform from where the health and safety representatives in conjunction with the OHSC can handle the process further.
 - 6.1.2 A safety management system will be implemented for every workplace as provided for by relevant bodies as agreed upon by the OHSC.
 - 6.1.3 To assist the health and safety representatives in performing their duties, all employees will be continually educated and guided on eliminating health and safety hazards and on the prevention of accidents. This will be kick-started by all employees undergoing health and safety courses or the STEP (safety through empowerment of people) programme, which will be funded by the clusters.
 - 6.1.4 Health and safety representatives will be provided with any other facilities, training and assistance as identified from time to time by any of the parties to and agreed upon by the OHSC.
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6.2. Co-Operation with Inspectors by the Employer and Employees

- 6.2.1 The employer and employees must comply with requests, orders, directions, and subpoenas, from inspectors and may not prevent another person from complying with the inspector's requests, orders and directions.
- 6.2.2 The inspectors' questions should be answered, but employees are not obliged to answer questions, which may be incriminating to them.
- 6.2.3 When the inspector so requires he/she must be provided with the necessary means and assistance to conduct an investigation.
- 6.2.4 The inspector may not be insulted or interrupted during an investigation.

6.3. The Occupational Health and Safety Committee (OHSC)

- 6.3.1 The OHSC shall consist of all health and safety representatives within the Department.
- 6.3.2 The composition of the OHSC will be in terms of Section 19 of the Occupational Health and Safety, Act No. Act 85 of 1993, as amended.
- 6.3.3 The number of persons nominated by the employer shall not exceed the number of health and safety representatives on the OHSC.
- 6.3.4 The OHSC may co-opt one or more persons by reason of his or her or their particular knowledge of health and safety matters as an advisory member(s) of the committee.
- 6.3.5 Representatives from trade unions are welcome.
- 6.3.6 If 10% or more of employees forward a request for a meeting to the Inspector, the chairperson may order that such a meeting be held within 14 working days.
- 6.3.7 If such a meeting does not take place, employees may forward the request to an inspector who may order such meeting be held at a time and place as he/she may determine.
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6.4 The Business of The Occupational Health and Safety Committee

6.4.1 The OHSC will meet as often as may be necessary, but at least four times in a calendar year at a venue to be made available by the employer for this purpose. Any costs incurred by health and safety representatives or any designated employees to attend meetings, will be borne by the Directorate of Corporate Services.

6.4.2 The Corporate Services Directorate would provide the necessary expertise through which the OHSC will operate and report.

6.4.3 The OHSC will conduct its business in accordance with sections 19 and 20 of the Occupational Health and Safety Act, 1993 as well as be responsible for the allocation of the health and safety representatives per workplace.

6.4.4 The committee shall determine the procedure at meetings of the OHSC.

6.4.5 The OHSC will also present its minutes of decisions and recommendations to the Director Corporate Services for information and any further actions as might be deemed necessary.

6.5 Acts or Omissions by Employees

6.5.1 Where an employee's action is deemed to be contradictory to this policy, he/she shall be charged with misconduct and disciplinary action initiated against him/her and carried out in terms of the Disciplinary Code Resolution 2 of 1999, as amended by PSCBC Resolution 1 of 2003.

6.6 Contingency Plan

6.6.1 The Directorate Corporate Services shall develop and implement the contingency plan within the Department.

6.6.2 Evacuation drills must be conducted periodically in terms of the contingency plan to ensure adherence of employees and to evaluate the effectiveness of the plan.

6.6.3 The Occupational Health and Safety committee must review and up-date the contingency plan every three years.

6.7 Compliance

6.7.1 All employees shall comply with this departmental Occupational Health and Safety policy.

7. ROLES AND RESPONSIBILITIES

It is the responsibility of both the employer as well as all employees to ensure a safe and healthy working environment in the premises of the Department.

7.1 General Duties of the Department as an Employer

7.1.1 The Department 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. Protective equipment should be provided where it is required to mitigate risks and hazards.

7.1.2 To ensure that these duties are complied with, the Department as employer must:

- (a) Take measures to protect its 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.
 - (b) Ensure that contingency officers are equipped with the first aid kit that would be accessible to all employees in cases of emergency.
 - (c) Identify potential hazards which may be present while work is being done, something is being produced, processed, used, stored or transported.
 - (d) 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 must be 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 employees may and may not do, (e.g. not permit anyone to carry on with any task unless the necessary precautionary measures have been taken).
 - (e) Take steps to ensure that every employee within his/her employment complies with the requirements of this policy.
 - (f) Enforce the necessary control measures in the interest of health and safety.
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- (g) Ensure that each employee is trained and understands the hazards associated with the work he/she is performing.
- (h) Ensure that Occupational Health and Safety precautionary measures are implemented and maintained.

7.2. Responsibilities of Employees

7.2.1 It is the duty of all employees to:

- (a) Take care of their own health and safety, as well as that of other employees who may be affected by their actions or negligence at work.
- (b) Provide information to inspectors from the National Department of Labour, when so required.
- (c) Wear the prescribed safety clothing or use the prescribed safety equipment where necessary.
- (d) Report unsafe or unhealthy conditions to the employer or an Occupational Health and Safety Representative (OHSR) as soon as possible. If employees are involved in an incident that may affect their health or cause an injury, they should report that incident to the employer and 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.
- (e) 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.
- (f) Execute good housekeeping in the workplace and ensure that there is no health and safety hazard due to bad housekeeping.
- (g) The principle to be followed to reduce risks is to make sure that there is a place for everything and everything is in its place.

7.3 Responsibilities of the Department and Self-Employed Persons To Persons Other than their Employees

- 7.3.1 The Department shall ensure that business is conducted in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in the employment of the Department, who may be
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directly affected by the Department's activities are not thereby exposed to hazards to their health and safety.

- 7.3.2 The self-employed person operating within the scope of the Department shall conduct his/her undertaking in such a manner as to ensure, as far as is reasonably practicable, that he/she and other persons who may be directly affected by his/her activities are not thereby exposed to hazards to their health or safety.

7.4 Duties

- 7.4.1 The Chief Director Corporate Services of the Department shall, as far as it is reasonable and practical, ensure that all activities relating to health and safety are conducted and discharged according to the Act.

- 7.4.2 The Head of Department as Accounting Officer, in terms of the Act, shall appoint a person in terms of Section 16(2) of the Act who shall:

- (a) Perform duties on behalf of and report to the Department.
- (b) Bear the authority and powers of ensuring that all necessary activities are executed in terms of the Act.
- (c) 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 Department's buildings.

7.5 Designation of Occupational Health and Safety Representatives (OHSRs)

- 7.5.1 The number of health and safety representatives per workplace of the Department will be as allocated and agreed to from time to time by the OHSC.

- 7.5.2 Only departmental officials who are appointed in a full-time capacity at a specific work place 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.

- 7.5.3 Health and safety representatives will be nominated from amongst the employees at a workplace and if the nominees accept, they will be appointed accordingly, and issued with appointment letters. Where more nominations are received than the number of health and safety representatives required, a ballot will take place to democratically elect the required number of representatives. In this situation the employer may also call for, and consider volunteers for such a position.
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7.5.4 Only where the process above does not provide the required number of health and safety representatives, will the employer be allowed to designate for a specified period, employees at such a workplace, as health and safety representatives. In this situation the employer may also call for, and consider, volunteers for such a position.

7.5.5 The term of office of a health and safety representative will be two (2) years.

7.5.6 A health and safety representative may be removed from office for the following reasons:

- (a) Dereliction of duty.
- (b) Repeated failure to carry out their assigned duties or instructions.

7.5.7 The request for the removal of a health and safety representative may be instigated by employees in the workplace or the employer. If a representative is found guilty after an enquiry, the employer will issue a letter informing him/her that he/she has been removed from the position of health and safety representative.

7.5.8 In accordance with Section 18(4) of the Act, 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.

7.5.9 When a position of health and safety representative becomes vacant because of a resignation/transfer or due to death or removal from office, the provisions of paragraphs 8 i to iv will apply with regard to the filling of the vacancy.

7.6 The Functions of Occupational Health and Safety Representatives

7.6.1 Conduct health and safety audits in order to check the effectiveness of health and safety measures.

7.6.2 Together with the employer investigate incidents and complaints from employees regarding health and safety matters and report them in writing to the OHSC.

7.6.3 Make representations regarding the safety of the workplace to the employer, or to the health and safety committee or where the representations are unsuccessful to a Health and Safety Inspector.

7.6.4 Conduct inspections of the workplace after notifying the employer of the planned inspection.

- 7.6.5 Participate in discussions with the Inspectors at the workplace and accompany Inspectors on inspections.
- 7.6.6 Inspect documents with the consent of the employer and be accompanied by a technical advisor during an inspection.
- 7.6.7 Work in collaboration with the Department in promoting a safe and health hazard free environment.
- 7.6.8 Serve as member of the OHSC, without derogating from his/her responsibility as an OHSR.
- 7.6.9 Attend OHSC meetings.

8. FINANCIAL IMPLICATION

- 8.1 The Accounting Officer shall make a determination of needs in terms of Occupational Health and Safety requirements according to the designated Departmental budget for a given financial year.

9. MONITORING AND EVALUATION

- 9.1 The Directorate Policy and Planning will monitor and evaluate the implementation and impact of these guidelines in terms of all programmes and sub-programmes in the Department.
- 9.2 The Occupational Health and Safety Officer and the OHSC will perform investigations with regard to compliance and impact of these guidelines in terms of all programmes and sub-programmes in the Department.

10. POLICY ADOPTION AND REVIEW

- 10.1 This policy shall be assessed in two years from its effective date to determine its effectiveness and appropriateness. This policy may be assessed before that time as necessary to reflect substantial organisational etc. changes at the Department or any change required by law.
 - 10.2 Deviations from this policy must be approved by the Accounting Officer.
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11. APPROVAL

This policy is:

Approved / ~~Not approved~~

Comments:

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HEAD OF DEPARTMENT

31.01.2014
DATE