

MSUKALIGWA LOCAL MUNICIPALITY OCCUPATIONAL HEALTH AND SAFETY POLICY

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OCCUPATIONAL HEALTH AND SAFETY POLICY

1. DESCRIPTION OF THE ORGANISATION

Musukaliqwa Municipality is situated in the Province of Mpumalanga. The primary goal of the Municipality of ensuring the sustainable and provision of municipal services to communities to promote a safe and healthy environment as part of CHAPTER 7: OBJECTS OF LOCAL GOVERNMENT: Section 152(1) of the Constitution.

2. OBJECTIVES OF THE OCCUPATIONAL HEALTH AND SAFETY 85 OF 1993

The aim of the OHS Act is to provide for the safety and health of persons at work and in connection with the use of plant and machinery. It further provides for the protection of people other than people at work against hazards to health and safety arising out of or in connection with the activities from people at work.

3. RECOGNISE THE NEED TO COMPLY WITH RELEVANT LEGISLATION

- The primary objective of a health and safety policy should be a working document in support of the Occupational Health and Safety Act;
- To prevent or reduce work-related accidents and occupational diseases at the workplace;
- An appropriate policy could help to avoid the expense, inconvenience, and other consequences of workplace accidents by making sure that employees and other role players know what is expected of them.

Occupational Health and Safety Act 85 of 1993, Section 7 gives reference to the need for an Occupational Health and Safety Policy.

4. PREAMBLE

The need for the policy stems from the Occupational Health and Safety Act 85 of 1993 which requires employers, including municipalities, to develop and adopt an occupational health and safety policy. The policy is intended to create a framework for decision making in respect of human resources management in as far as occupational health and safety is concerned in the municipality.

To comply with the condition relating to the Occupational Health and Safety Act 85 of 1993 the employer

must provide for, and maintain a safe and healthy working environment that is risk free to employees. On the other hand, it is also the duty of every employee at work to take reasonable care for the health and safety themselves as well as to other colleagues.

Musakaliqwa Municipality acknowledges and shall satisfy its responsibility to provide current comprehensive information on potential adverse health effects and appropriate means to ensure health and safety to both its employees and the community (public).

5. SCOPE AND APPLICATION

The provisions of this policy is applicable to all employees and workplaces of Musakaliqwa Municipality, as well as persons other than employees whilst within the service of the municipality and/or on the premises of the municipality which includes contracted services.

6. DEFINITIONS

“**hazard**” means a source of or exposure to danger;

“**employee**” 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**” any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him;

“**health and safety committee**” means a committee established under section 19 of Occupational Health and Safety Act, No 85 of 1993;

“**healthy**” means free from illness or injury attributable to occupational causes;

“**incident**” means an incident as contemplated in section 24 of Occupational Health and Safety Act;

“**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, confining, transforming, transmitting, transferring or controlling any form of energy;

“medical surveillance” means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner, or in prescribed cases, by an occupational medicine practitioner;

“occupational health” means including occupational hygiene, occupational medicine and biological monitoring;

“occupational health practitioner” means an occupational medicine practitioner or a person who holds a qualification in occupational health recognised as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978);

“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;

“risk” means the probability that injury or damage will occur;

“safe” means free from any hazard.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation

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7. OBJECTIVES OF POLICY

- To implement an Occupational Health and Safety Programme;
- To stay abreast of legislative requirements and to meet them as far as is reasonably practicable;
- To be aware of all risks and changes in risk factors in areas regarded as high risk;
- To ensure a safe working environment;
- To sensitize employees on the importance and seriousness of health and safety through education and training;
- To ensure that health and safety committee is established and supported;
- To train all the employees in the municipality on matters pertaining to their work and the associated risks involved; and
- To investigate and resolve complaints relating to health and safety at work.

8. LEGISLATIVE FRAMEWORK

- Basic Conditions of Employment Act (Act 75 of 1997)
- Labour Relations Act (Act 66 of 1995)
- Municipal Systems Act (Act 32 of 2000)
- Municipal Finance Management Act (Act 56 of 2003)
- Locally negotiated agreements (LLF Resolutions)
- Occupational Health and Safety Act (Act 85 of 1993 + Regulations)
- Compensation for Occupational Injury and Diseases (Act 85 of 1993)
- Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978).

9. IMPLEMENTATION AND MONITORING

This reviewed policy will be implemented and will become effective once approved by Council.

Additions, reductions or changes to the schedule must be motivated by the relevant Manager in writing to the Municipal Manager or his assignee.

Each Department must keep a proper record of all Health and Safety related matters and records must be available for audit and inspection by the Manager: Internal Audit and the Occupational Health and Safety Officer.

10. ROLES AND RESPONSIBILITIES

10.1 Accountability of Management

Occupational Health and Safety Act, Act 85 of 1993, Section 16 gives reference to the duties of the Chief Executive Officer who in this matter is referred to as the Municipal Manager.

10.2 Directors of Departments and the respective Sectional Managers in that Department have the duty and responsibility:

- To know the workplace risks and recording it: keep records by means of reported baseline risk assessments to the Directorate of Corporate Services;
- To establish safe working procedure relevant to job specifications;
- To establish and implement health and safety programs that relate with the functions and operations of all work Sections;
- To Budget in support of established safety programs;
- To uphold the essential elements of health and safety programs;
- That the responsibility of the behaviour of employees to maintain health and safety at work are part and parcel of every single job descriptions;
- To ensure that Health and Safety is a standing item on all Departments General Meeting Agenda;
- That all minutes of the meetings held to be conveyed to the Directorate of Corporate Services;
- Comply to Section 13(a)(b)(c) of the Occupational Health and Safety Act 85 of 1993;
- To enforce and comply with Section 21(a)(b)(c) of the Occupational Health and Safety Act 58 of 1993.

10.3 Duties of the Corporate Services Director

- To ensure the provision of high level systems and **services** for all administrative functions, including compliance with the Occupational Health and Safety Act 58 of 1993.
- To ensure to incorporate health and safety as part and partial of duties and responsibilities into every available job descriptions.

10.4 Duties of Occupational Health Safety Officers

- The Safety Officer is responsible for planning, implementing and overseeing the Municipality's employee safety at work;
- To ensure that the Municipality is in compliance and adheres to Occupational Health and Safety guidelines; and
- To ensure that all record is kept in a comprehensive Occupational Health and safety file.

10.5 General Duties of Employees

Every employee shall at work shall:

- take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions;
- as regards any duty or requirement imposed on his employer or any other person by this Act, cooperate with such employer or person to enable that duty or requirement to be performed or complied with;
- carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health and safety;
- if any situation which is unsafe or unhealthy comes to his attention, as soon as practicable report such situation to his employer or the health and safety representative for his workplace or section thereof, as the case may be, who shall report it to the employer; and
- Ensure that all incidents which have caused them any injury are reported to the employer or anyone authorized thereto by the employer.

10.6 HEALTH AND SAFETY REPRESENTATIVES (OHS A17)

Health and Safety Representatives shall be appointed from each Department and sections as described by section 17 of the OHS Act 185 of 1993. The Safety Representatives shall serve as Reps for the duration of 3 years and new Safety Representatives shall be nominated and designated.

10.7 FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES (OHSA 18)

A health and safety representative must perform the following functions in respect to the workplace or section of the workplace for which he has been designated, namely:

- Review the effectiveness of health and safety measures;
- Identify potential hazards and potential major incidents at the workplace;
- In collaboration with his employer, examine the causes of incidents at the workplace;
- Investigate complaints by any employee relating to that employee's health or safety at work;
- Make representations to the employer on general matters affecting the health or safety of the employees at the workplace and;
- Keep records of inspections and reports of each work station in a health and safety file.

10.8 ESTABLISHMENT AND COMPOSITION OF THE HEALTH AND SAFETY COMMITTEE

- Health and Safety committees shall be established as prescribed in section 19 of the Act 85 of 1993; and
- The committee of each department shall consist of the Director or his/her delegate and the manager. The Safety Representatives are members of the committee by virtue of being the representatives of working teams within the different departments. The committee shall meet monthly.

The Joint Health and Safety Committee shall be constituted as follows:

- Two members of the union;
- The OHS unit;
- All the chairpersons from the Departmental Health and Safety Committees; and
- All Directors and the Municipal Manager.

The Municipal Manager will chair all meetings of the committee.

The MM shall appoint all members of the health and safety committee in writing.

Joint Health and Safety Committee shall meet on quarterly basis or when the need arises.

10.9 FUNCTIONS OF HEALTH AND SAFETY COMMITTEES (OHSAA 20):

- Make recommendations to the employer;
- Responsible for monitoring the overall Occupational Health and Safety performance in Msukalligwa Local Municipality as per legislative requirements;
- Discuss any incident at the workplace or section thereof in which or in consequence of which any place was injured, became ill or died, and may in writing report on the incident to an inspector;
- Keep records of each recommendation and minutes for 3 years; and
- Review and deal with complaints of health and safety.

11. HEALTH AND SAFETY FOR CONTRACTORS

The health and safety of employees includes contractors appointed in the municipality. The OHS Officer must be notified on all the appointed by the municipality to do work in the municipal buildings. If the contractors do not adhere to the safety measures, the construction will be stopped immediately until all safety measures are in place.

12. MEDICAL SURVEILLANCE

Directorate Corporate Services: Human Resources to implement the following programs:

Medical Surveillance Program for all Departments

A Medical Surveillance Programme is used to identify and record the presence of any occupational disease and the degree of exposure. The information is used to ensure that the health of the employee will not be compromised by placement in a particular job.

Employees who have a health condition which will or could be compromised will not be placed in high risk areas. General health information, not required for the job, is used to identify health needs and the health care that the individual would require.

All medical surveillances are done only by a Registered Occupational Health Practitioner/nurse.

□ **Pre-employment examination (PEM)**

All employees will undergo a pre-employment medical examination prior to being appointed to a position.

A declaration will be signed by the prospective employee to accepting the conditions of the Medical Surveillance Programme and any resulting testing required.

The Manager shall be notified of the suitability of the prospective employee.

▫ **Periodic Screenings (PS)**

Employees working in specific areas or shifts will undergo screening at various intervals, depending on the health risk profile to risk – e.g. drivers will be examined annually. A certificate of fitness will be issued.

▫ **Exit Medical Screenings**

Employees working in specific areas or shifts will undergo exit medical screening depending on the health risk profile to risk.

13. FIRST AID EMERGENCIES (General Safety Regulation 3)

Msukaliqwa Local Municipality is supplied with a regulation first aid box. This is stored with Human Resources.

Since Msukaliqwa Local Municipality employs more than 10 staff members, the Municipality is required to have a qualified First Aider. An additional First Aider will be allocated for every 50 employees. These persons are readily available during normal working hours and are in possession of a valid certificate of competency.

14. WEARING OF PERSONAL PROTECTIVE CLOTHING (PPC) AND PPE (GENERAL SAFETY REGULATION 2)

Various occupations will be identified in the job specification and risk assessment as requiring Personal Protecting Clothing and Personal Protective Equipment to be worn by the employees. Employees will be required to sign for the Personal Protecting Clothing and Personal Protective Equipment, to follow the procedure and undergo training required for correct usage.

Where Safety clothing or equipment has been issued, it will be seen as an offence if these are not worn

at all times, and thus disciplinary action, according to the disciplinary code, will be taken on non-compliance with reference to the *Personal Protective Equipment policy of Msukaliqwa Municipality*.

15. HAZARDOUS CHEMICAL SUBSTANCE IN DAILY USE

Material Safety Data Sheets will be available regarding the safe use, storage etc., of all chemical substances in use on site. Each department must ensure that all relevant information are in an accessible file and ensure that operating employees received the necessary training, according to Section 13 (Duty to inform) of the Occupational Health & Safety Act & Regulations.

16. RISK ASSESSMENTS

The Municipality will conduct Risk Assessments for the potential exposure to hazards. Risk assessments should also be done on the buildings that are rented by Msukaliqwa Local Municipality for the officials and control measures implemented.

All standard Operating Procedures should be observed. Where the SOP'S are not available, new ones should be developed and observed.

17. COMMUNICATION

This policy, and related information pertaining to occupational health and safety, will be communicated to all municipal employees and councillors using the full range of communication methods available to the municipality.

18. SPECIFIC SAFETY RULES AND GUIDELINES

To ensure workplace health and safety, and that of co-workers, every employee has the responsibility to observe and obey the rules and guidelines to implement, observe and practice the safe working procedures that are on record and accessible for the job.

19. LEGISLATIVE COMPLIANCE

The Council will follow all aspects of the Occupational Health and Safety Act no. 85 of 1993 and its Regulations, including any other mentioned documents (i.e. SABS codes). Where specific compliance or risks exist, company rules and procedures will apply.

Any training done with respect to the legislation or the Municipality health and safety programme, policies and procedures will be noted and kept in a file.

20. INJURY REPORTING

In terms of the Occupational Health & Safety Act no. 83 of 1993, all injuries and incidents must be reported immediately or as soon as practically possible, for assessment, recording, or possibly investigation. All incidents shall be reported on the same day of the accident by the Manager of the relevant Section to the Department of Corporate Services: Human Resources.

20.1 INJURIES ON DUTY

- A procedure on the process to be followed during injury on duty shall be displayed on all Msukaliywa Local Municipality notice boards and offices of supervisors.
- All incidents must be reported by the supervisor and or health and safety representative to the OHS Officer before the end of the shift.
- All injuries will be reported to the Compensation Fund on the WCL 2 Form.
- Serious and fatal incidents will be investigated and recorded on an annexure 1 found in the General Administrative Regulation.
- Names of all first aiders and fire marshals shall also be visibly displayed on all notice boards and various entrances of the Municipality.

All records of incidents will be kept for a period of three years. Msukaliywa Local Municipality shall cause every incident which must be recorded in terms of section 24 of the Occupational Health and Safety Act to be investigated by a person designated by Msukaliywa local Municipality who may be a member of a health and safety committee, within three months or within the contracted period in the case of contracted workers.

21. EMERGENCY EVACUATION

- Msukaliywa Local Municipality will appoint an accredited service provider to draw an emergency evacuation plan for all buildings. The plan will be visibly displayed.
- All exit and evacuation route signs must be visible
- Emergency exits and evacuation routes should not be obstructed.
- Emergency drills will be performed every six months.

22. TRAINING AND ORIENTATION

All new employees appointed will undergo an OHS induction. Training required for SHE purposes (First Aid, Safety Rep, Fire Fighting, Incident Investigator, Fall Protection Planner) will be planned accordingly and implemented. Safety awareness will be prioritized on a monthly basis.

23. DISPLAY OF SUBSTITUTED NOTICES AND SIGNS (GENERAL SAFETY REGULATION 2B)

All applicable SHE notices and signs will be visibly displayed throughout Municipality and the municipal work stations.

24. POLICY REVIEW

This policy will be reviewed annually and revised as necessary in light of changing conditions and the findings of surveys/studies conducted by the Health and Safety Workplace Committee.

25. BUDGET AND RESOURCES

Purchases and issues must be controlled by each Manager or their assignees.

26. RECORD KEEPING

All documentation and correspondence emanating from or related to this policy will be record.

27. PENALTIES

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

28. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the LLF must be incorporated into the policy.

29. AUTHORITY





SI MALAZA

DATE

ACTING MUNICIPAL MANAGER

