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DISTRICT MUNICIPALITY  
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## **HEALTH & SAFETY SHE COMMITTEE POLICY**

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# **OCCUPATIONAL HEALTH & SAFETY COMMITTEE**

## **1. PURPOSE**

The responsibility for dealing with occupational health and safety issues at the workplace rests with the Employer. Occupational Health and Safety Committees (OHASComs), however, have a major consultative role to play on an ongoing basis.

Occupational Health and Safety Committees (OHASComs) have a consultative role by meeting regularly and work co-operatively to contribute to the development of policies and procedures aimed at improving occupational health and safety outcomes.

## **2. POLICY**

### **2.1 SCOPE**

This procedure applies to all employees in the Eden District Municipality.

### **2.2 ESTABLISHMENT OF COMMITTEES**

- 2.2.1 The Employer is accountable for the establishment of occupational health and safety committees in workplaces where two or more occupational health and safety representatives (OHASReps) have been designated (OHS Act, section 19(1)).
- 2.2.2 Occupational Health and Safety Committees (OHASComs) must be made up of employee and employer representatives where-
- 2.2.3 Employee representatives are nominated/elected Occupational Health and safety representative (OHASReps) (OHS Act, section 19(2)(a)); and
- 2.2.4 Employer representatives are designated by the Employer in writing (OHS Act, section 19(3)).
- 2.2.5 The Occupational Health and Safety Act section (19) do not require the participation of union representatives as part of the sub-committees but the employer has agreed to their involvement in playing a consultative role. Accordingly, one (1) union representative from Samwu and one (1) union representative from Imatu need to attend this meeting. The role of the Union Representatives in the occupational health and safety meetings will be that of observation and consultative.
- 2.2.6 The Structure of the Occupational Health and Safety Committee is on display at Human Resources and on public folders.

### **2.3 THE SIZE OF COMMITTEES**

- 2.3.1 The number of employer representatives must not exceed the number of employee representatives and the size of committees must be kept as small as practicable to be efficient without prejudice to the interests of employees.

In deciding the ideal committee size, the following are considered:

- a) the total number of employees;
  - b) the complexity of the operations;
  - c) the degree of hazards in the work performed;
  - d) whether all segments of work force are represented (management, supervisors, male workers, female workers, office staff);
  - e) whether the committee encompasses adequate knowledge of conditions, processes, practices;
  - f) representation on the committee shall reflect all functional areas and working groups within the workplace.
- 2.3.2 The municipality's occupational health and safety structure thus consist of the Central Occupational Health and Safety Committee with its three (3) sub-structures namely:
- 2.3.2.1 The Eastern Occupational Health and Safety Sub-Committee which consist of all occupational categories within the George, Knysna, Mosselbay, Knysna, Pletternberg Bay, Herbertsdale, Victoria bay & Swartvlei workstations.
  - 2.3.2.2 The Northern Occupational Health and Safety Sub-Committee which consists of all occupational categories within the Klein Karoo area such as Oudtshoorn, Calitzdorp, De Hoek, Ladismith, Van Wyksdorp, Herold and Uniondale workstations.
  - 2.3.2.3 The Western Occupational Health and Safety Sub-Committee which includes Riversdale, Albertinia and the Heidelberg workstations.

## **2.4 FUNCTIONS OF OCCUPATIONAL HEALTH AND SAFETY COMMITTEES**

- 2.4.1 Facilitating co-operation between employers and employees in initiating , developing and carrying out measures designed to secure the occupational health and safety of employees in the workplace; and
- 2.4.2 Formulating and reviewing the occupational health and safety standards, rules and procedures that are to be carried out or complied with at the workplace, and making them known to employees.
- 2.4.3 Convening at least once every three months or more frequently subject to the need.
- 2.4.4 Promoting the occupational health and safety policy and program;
- 2.4.5 Assisting the employer in resolving worker occupational health and safety complaints;
- 2.4.6 Providing feedback on employees' suggestions;
- 2.4.7 Promoting and monitoring compliance with occupational health and safety regulations;
- 2.4.8 Attempting to raise occupational health and safety standards above legal requirements;
- 2.4.9 Participating in the identification and control of workplace hazards;
- 2.4.10 Participating in assessments and the development of control programs for hazardous substances;
- 2.4.11. Participating in accident investigations; and
- 2.4.12. Duties/tasks of occupational health and safety committee members must be in writing, posted in the workplace, and a copy issued to each committee member.

## **2.5 TRAINING OF COMMITTEE MEMBERS**

- 2.5.1 OHASReps makes up the majority of the occupational health and safety committees and therefore the training for committee members are linked to the training required for the OHASReps to carry out their responsibility successfully.
- 2.5.2 Training requirements will be subject to operational requirements.

## **2.6 RECORD KEEPING**

- 2.6.1 OHS Act, Section 20(2) requires OHASComs to maintain records of the following-
- minutes of committee meetings recommendations made to the employer on OHS issues
  - incident/accident reports
  - investigation and inspection reports
  - training records (committee members)
  - hazard and risk registers

## **2.7 CENTRAL OCCUPATIONAL HEALTH AND SAFETY MEETING**

- 2.7.1 The size of the Central Occupational Health and Safety Committee consists of the councilors appointed to this committee, the Municipal Manager, the three chairpersons of each occupational health and safety sub-committee, the Executive Managers of each department, the competent person/s and the Occupational Health and Safety Officers.
- 2.7.2 A minimum of four meetings are held per annum. The members of this meeting must meet at least once every three months or more frequently subject to the need.
- 2.7.3 It is essential that committees avoid premature involvement in relatively trivial matters. It is also important that committees are administered effectively particularly in regard to the maintenance of adequate records, monitoring of progress and feedback to employees.

# **OCCUPATIONAL HEALTH & SAFETY REPRESENTATIVE POLICY**

## **3. PURPOSE**

Ensure that the employee and/or his/her representative and management are involved in the election of Occupational Health and Safety Representatives in their area of responsibility.

Implement a procedure for the nomination and election of Occupational Health and Safety Representatives.

Ensure compliance with OHS Act, Section 6 of the General Administrative Regulation and Section 17(2) of the OHS Act.

## **4. POLICY**

### **4.1 SCOPE**

This procedure applies to all employees in the Eden District Municipality.

## **4.2 THE ELECTION PROCESS**

- 4.2.1 The election or nomination procedures must be participatory. Before voting for a representative, all employees must be aware of the purpose, benefits and functions of their representative.
- 4.2.2 In the event that the number of candidates nominated for election (as OHASReps) equals the number of vacancies, the candidates are deemed to be 'elected' and there is no need to proceed with an election as such.
- 4.2.3 The methods for the election process may vary according to the size of operations at different sites, but can be established informally, e.g. with a show of hands. Alternatively, it may involve a more formal process, such as the use of ballots.
- 4.2.4 Any employee can stand for election as the OHASRep of a workplace. However, consideration must be given as to whether line management (i.e. managers, supervisors, team leaders, etc.) should or should not be an OHASREP as the OHASREP role is one of representation – not one of responsibility for meeting workplace occupational health and safety duties.
- 4.2.5 OHASRep must preferably be able to read and write in order to carry out the duties as stipulated in section 3.7 hereunder.
- 4.2.6 All employees at a workplace are entitled to vote in an election.
- 4.2.7 The appointment of an OHASRep is voluntary and employees will not receive any compensation.
- 4.2.8 Where shift work is applicable an OHASRep must be appointed for every shift.

## **4.3 TERM OF OFFICE**

The term of office for OHASReps, shall be two (2) years.

## **4.4 NUMBER OF OHASREPS**

- 4.4.1 A representative must be designated for every workplace employing ten (10) or more workers.
- 4.4.2 A decision relating to a total number of occupational health and safety representatives must be informed by-
- Legal prescription;
  - Nature and type of work performed in work/functional units;
  - Physical layout of premises;
  - Number of staff to be represented;
  - Number and grouping of employees who perform similar types of work, such as doing the same tasks or working under the same or similar working arrangements (e.g. having the same shift arrangements; the same breaks; being part-time, casual or seasonal);
  - Nature of any hazards; and

### **Overtime or shift work arrangements.**

- 4.4.3 The municipality has accordingly elected one (1) occupational health and safety representative per team/group within their geographically area to ensure representation of all employees.
- 4.4.4 A copy of the Occupational Health and Safety Structure is on display at the Human Resource Department as well as on public folders.

## **4.5 APPOINTMENT OF OHASREP**

- 4.5.1 The appointment of occupational health and safety representatives must be in writing, clearly indicating the term of office and the area of responsibility.
- 4.5.2 The Occupational Health and Safety Representatives (OHASRep) must sign the acceptance of his/her appointment.

## **4.6 WHEN DO OHASREPS CEASE TO HOLD OFFICE?**

- 4.6.1 The Municipal Manager or his/her assignee can under the circumstances set out below; terminate the appointment of an Occupational Health and Safety Representative-
- 4.6.2 Upon recommendation by the Occupational Health and Safety Committee, but then only after proper investigation, for example, following misconduct;
- 4.6.3 Upon request from the employees whom the Occupational Health and Safety Representative represents, after consultations with them;
- 4.6.4 When the Occupational Health and Safety representative fails to do his/her reporting functions in three consecutive months;
- 4.6.5 When the Occupational Health and Safety Representative is absent without an apology from three or more Occupational Health and Safety Committee meeting during the year;
- 4.6.6 When the Occupational Health and Safety Representative is transferred to a different workplace/ department/ another directorate where there is no need for an additional Occupational Health and Safety Representative;
- 4.6.7 When the Occupational Health and Safety Representative's employment with the Council is terminated;
- 4.6.8 When the Occupational Health and Safety Representative resigns as an Occupational Health and Safety Representative;
- 4.6.9 When the Occupational Health and Safety Representative fails to successfully complete training required fulfilling their function.

## **4.7 POWERS AND DUTIES**

- 4.7.1 Occupational Health and safety representatives have a number of rights (OHS Act, section 18(1) & (2)), which the employer is, under OHS Act, section 18(3) obliged to allow them to exercise.

### **These rights include inter alia, the right to:**

- Review the effectiveness of occupational 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 at work
- Make representations to the employer or a occupational health and safety committee on matters arising from the above or where such representation are unsuccessful to an inspector
- Make representation to the employer on general matters affecting the health or safety of the employees at the workplace;
- Inspect the workplace including any articles, substance, plant, machinery, or health and safety equipment at that workplace with a view to the occupational health and safety of employees; Provided that the health and safety representative shall give reasonable notice of his intention to carry out such an inspection to the employer who may be present during the inspection;

- Participate in consultations with inspectors at the workplace and accompany inspectors on inspections of the workplace;
  - Receive information from inspectors as contemplated in the OHS Act, Section 36;
  - In his capacity as a health and safety representative attend meetings of the occupational health and safety committee of which he is a member.
- a) Occupational Health and Safety representative shall, in respect of the workplace or section of the workplace for which he has been designated be entitled to –
  - b) Visit the site of an accident at all reasonable times and attend any inspection
  - c) Attend any investigation or formal inquiry held in terms of the OHS Act;
  - d) In so far as it is reasonably necessary for performing his functions, inspect any document which the employer is required to keep in terms of the OHS Act;
  - e) Accompany an inspector on any inspection;
  - f) With the approval of the employer (which approval shall not be unreasonably withheld) be accompanied by a technical adviser, on any inspection; and
  - g) Participate in any internal occupational health or safety audit.

Although OHASReps have the authority to do any of the things listed above, and must be allowed to exercise their rights in this regard, they do not become liable in any civil proceedings for a failure to exercise their powers, or as a result of the way they exercise their powers (OHS Act, section 18(4)).

All activities regarding the elections, appointments, functions and training of representatives, and the execution of their duties must be performed during normal working hours.

## **4.8 TRAINING OF OHASREPS**

4.8.1 Occupational Health and safety representatives are entitled to attend an approved initial training course when they are elected and a refresher course should they be re-elected.

### **The employer must:**

- 4.8.2 Allow the Occupational Health and Safety Representatives paid time off work to attend the courses;
- 4.8.3 Pay any associated costs where necessary (e.g. overtime, ad hoc claims for official travel, etc); and
- 4.8.4 Allow Occupational Health and Safety Representatives to attend courses that have been approved for Occupational Health and Safety Representatives, unless there is a 'reasonable' excuse.
- 4.8.5 If the employer refuses it must be on operational reasons but not at the expense of a commitment to build necessary OHS-specific capabilities.



## **4.9 ACCEPTANCE OF AN APPOINTMENT AND RESIGNATION**

- 4.9.1 After appointment, the representative has the right to resign before completing the term of office recorded in the appointment letter.
- 4.9.2 The employer may not coerce, victimize or hold any prejudice against the representative as a result of this decision.