



DISTRICT MUNICIPALITY
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OCCUPATIONAL HEALTH & SAFETY REPRESENTATIVE POLICY

Council Approved: 31 March 2014

Council Resolution Nr: DC 633/03/14

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1. 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.

2. APPROVED

3. POLICY

3.1 Scope

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

3.2 The Election Process

- 3.2.1 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.
- 3.2.2 In the event that the number of candidates nominated for election (as OHAS Reps) equals the number of vacancies, the candidates are deemed to be 'elected' and there is no need to proceed with an election as such.
- 3.2.3 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.
- 3.2.4 Any employee can stand for election as the OHAS Rep 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 OHAS Rep as the OHASREP role is one of representation – not one of responsibility for meeting workplace occupational health and safety duties.
- 3.2.5 OHAS Rep must preferably be able to read and write in order to carry out the duties as stipulated in section 3.7 hereunder.
- 3.2.6 All employees at a workplace are entitled to vote in an election.
- 3.2.7 The appointment of an OHAS Rep is voluntary and employees will not receive any compensation.
- 3.2.8 Where shift work is applicable an OHAS Rep must be appointed for every shift.

3.3 Term of Office

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

3.4 Number of OHASREPS

- 3.4.1 A representative must be designated for every workplace employing ten (10) or more workers.
- 3.4.2 A decision relating to a total number of occupational health and safety representatives must be informed by-
- a) Legal prescription;
 - b) Nature and type of work performed in work/functional units;
 - c) Physical layout of premises;
 - d) Number of staff to be represented;
 - e) 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);
 - f) Nature of any hazards; and
 - g) Overtime or shift work arrangements.
- 3.4.3 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.
- 3.4.4 A copy of the Occupational Health and Safety Structure is on display at the Human Resource Department as well as on public folders.

3.5 Appointment of OHASRep

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

3.6 When do OHASReps cease to hold office?

- 3.6.1 The Municipal Manager or his/her assignee can under the circumstances set out below; terminate the appointment of an Occupational Health and Safety Representative-

- 3.6.2 Upon recommendation by the Occupational Health and Safety Committee, but then only after proper investigation, for example, following misconduct;
- 3.6.3 Upon request from the employees whom the Occupational Health and Safety Representative represents, after consultations with them;
- 3.6.4 When the Occupational Health and Safety representative fails to do his/her reporting functions in three consecutive months;
- 3.6.5 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;
- 3.6.6 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;
- 3.6.7 When the Occupational Health and Safety Representative's employment with the Council is terminated;
- 3.6.8 When the Occupational Health and Safety Representative resigns as an Occupational Health and Safety Representative;
- 3.6.9 When the Occupational Health and Safety Representative fails to successfully complete training required fulfilling their function.

3.7 Powers and duties

- 3.7.1 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.
- 3.7.2 These rights include inter alia, the right to:
 - 3.7.3 Review the effectiveness of occupational health and safety measures;
 - 3.7.4 Identify potential hazards and potential major incidents at the workplace;
 - 3.7.5 In collaboration with his employer, examine the causes of incidents at the workplace;
 - 3.7.6 Investigate complaints by any employee relating to that employee's health at work
 - 3.7.7 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
 - 3.7.8 Make representation to the employer on general matters affecting the health or safety of the employees at the workplace;

- 3.7.9 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;
- 3.7.10 Participate in consultations with inspectors at the workplace and accompany inspectors on inspections of the workplace;
- 3.7.11 Receive information from inspectors as contemplated in the OHS Act, Section 36;
- 3.7.12 In his capacity as a health and safety representative attend meetings of the occupational health and safety committee of which he is a member.
- 3.7.13 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 –
- a) Visit the site of an accident at all reasonable times and attend any inspection
 - b) Attend any investigation or formal inquiry held in terms of the OHS Act;
 - c) 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;
 - d) Accompany an inspector on any inspection;
 - e) With the approval of the employer (which approval shall not be unreasonably withheld) be accompanied by a technical adviser, on any inspection; and
 - f) Participate in any internal occupational health or safety audit.
- 3.7.14 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)).
- 3.7.15 All activities regarding the elections, appointments, functions and training of representatives, and the execution of their duties must be performed during normal working hours.

3.8 Training of OHASReps

- 3.8.1 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:

- a) Allow the Occupational Health and Safety Representatives paid time off work to attend the courses;

- b) Pay any associated costs where necessary (e.g. overtime, ad hoc claims for official travel, etc); and
 - c) 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.
- 3.8.2 If the employer refuses it must be on operational reasons but not at the expense of a commitment to build necessary OHS-specific capabilities.

3.9 Acceptance of an appointment and resignation

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

GW LOUW
MUNICIPAL MANAGER

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Amended: 28 August 2013