



**MKHAMBATHINI LOCAL MUNICIPALITY  
OCCUPATIONAL HEALTH AND SAFETY POLICY**

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## 1. DEFINITIONS

- **Act:** means the Occupational Health and Safety Act 85 of 1993.
- **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.
- **Chief fire coordinator:** means contingency officer who is responsible for the coordination of fire team in the designated areas.
- **Contingency Plan:** means any action that is to be activated during any emergency in order to prevent and/or combat or counteract the effects and results of an emergency where life or property is threatened.
- **Contingency Officers:** for the purpose of this policy means an Occupational Health and Safety representative.
- **Compensation Commissioner:** means the Compensation Commissioner appointed under Section 2 of the Compensation for Occupational Injuries and Diseases Act 1993
- **Department:** means National Department of Health.
- **Danger:** means anything that may cause injury or damage to persons or property.
- **Employer:** means the Director of the Mkhambathini or the official to whom the responsibility for compliance with the Act
- **Employee:** means any person who is employed by or works for the employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of the employer.
- **Hazard:** means any source of/ or exposure to danger.
- **Health:** means free from illness or injury attributable to occupational causes.
- **Health and safety standard:** mean any standard irrespective of whether or not; it has the force of law, which if applied for the purpose of this policy, will in the opinion of the Director promote the attainment of objectives of this policy.
- **Inspector:** means an Occupational Health and Safety Inspector of the Department of Labour.
- **Occupational health:** includes occupational hygiene, occupational medicine and biological monitoring.

- **Occupational Health and Safety Representative (OHSR):** means authorized person designated to perform health and safety duties the municipality.
- **Occupational Health and Safety Committee:** means a committee established under section 19 of the Occupational Health and Safety Act 85 of 1993
- **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 persons.
- **Occupational medicine:** means the prevention, diagnosis and treatment of illness, injury and adverse health effects associated with work.
- **Premises:** include any building, vehicle or aircraft owned by the Municipality.
- **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 Mkhambathini municipality performs work during her/his employment.

## **2. INTRODUCTION**

Occupational Health and Safety Act 85 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 etc., 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 Mkhambathini Municipality is legally obliged and committed to create a healthy and safe working environment for all its employees.

## **3. SCOPE**

The provisions of this policy are applicable to all employees and work places of the Mkhambathini Municipality, as well as persons other than employees whilst within the premises of the municipality.

## **4. PURPOSE**

**The purpose of this policy is to:**

- I. Provide and maintain a working environment that is safe for employees and other persons affected by the Municipality's business.
- II. Ensure that the rights of the employee are respected with regard to his/her health, safety, security and injury on duty.
- III. Provide the facilities in a management system where consultation, inspection of workplaces, investigation of incidents, meetings, etc. can take place in view to provide a healthy and safe working environment which is reasonable, workable and functioning rationally.

## **5. LEGAL FRAMEWORK**

**The directives from which this policy is derived are:**

- i. Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
- ii. Occupational Health and Safety Act 85 of 1993, as amended and regulated issues in terms of section 43 of the Act
- iii. Compensation for Occupational Injuries and Diseases Act 130 of 1993, as amended
- iv. Basic Conditions for Employment Act 75 of 1997, as amended

- v. Labour Relations Act 66 of 1995, as amended
- vi. Employment Equity Act 55 of 1998, as amended
- vii. Disaster Management Act 57 of 2000 as amended
- viii. Public Service Act 103 of 1994 as amended
- ix. Fire brigade Act 99 of 1997 as amended
- x. Hazardous Substance Act 15 of 1973 as amended
- xi. General Administration Regulations 2003
- xii. PSCBC Resolution 2 of 1999, as amended
- xiii. National Water Act 36 of 1998
- xiv. National Building Regulation act 103 of 1977.

## **6. RESPONSIBILITIES AND OBLIGATIONS**

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 Mkhambathini Municipality.

## **7. COMMITMENT TO OCCUPATIONAL HEALTH AND SAFETY**

- i. Council is committed to establish and maintain an Occupational Health and Safety Management System and procedures to:
- ii. Determine those occupational health and safety hazards related to the Municipality's development and activities which may put the health and safety of Mkhambathini Municipality's employees, contractors, visitors and community at risk.
- iii. Plan action to mitigate negative occupational health and safety risks within the Municipality's jurisdiction.
- iv. Provide a framework and the means for setting, monitoring and achieving objectives to improve Occupational Health and Safety performance.
- v. Ensure adherence to all occupational health and safety legislation, government policy and other requirements relevant to the development and operation of the Municipality.
- vi. Achieve high levels of awareness, understanding and participation within employees, contractors and the community with respect to their occupational health and safety obligations and integrate public and stakeholder involvement throughout all stages of the development of the municipality.
- vii. Periodically monitor, audit and review progress.

- viii. In so doing, Council shall, wherever reasonably practicable, manage potentially detrimental effects on health and safety of all employees and communities affected by municipal development.
- ix. As a sphere of government Mkhambathini Local Municipality shall work with companies operating within it and with all tiers of government to ensure appropriate management of OH&S risks within its scope of authority.
- x. The Municipality is committed to applying world-class occupational health and safety (OH&S) management practices within its area. The Municipality shall be developed and managed in a manner, which is economically and socially acceptable and sustainable.
- xi. The Municipality recognizes that Safety, Health and Environmental Management is an integral part of its overall municipal performance as any failure in this area will have a negative impact on the Municipality, its employees, contractors and public.

## **8. CONTINUED IMPROVEMENT**

The Municipality shall pursue continual improvement through:

- i. The use of cost-effective Occupational Health and Safety performance criteria.
- ii. Reduction of the risk of ill health, accidents and incidents.
- iii. Ensuring the application of international best practice parameters for environmental management.
- iv. Promotion and sustenance of environmental best practices, implementation and maintenance of an environmental management system according to international standards.
- v. Implementation and maintenance of occupational health and management system according to national and international best practices, legislation and standards.
- vi. Implementation and maintenance of a quality management system according to national and international best practices, legislation and standards.

## **9. GENERAL DUTIES OF THE MKHAMBATHINI MUNICIPALITY AS AN EMPLOYER TO THE EMPLOYEES**

The Municipality 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.

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

- i. Take measures to protect 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.
- ii. Ensure that contingency officers are equipped with the first aid kit that would be accessible to all employees in case of emergency.
- iii. Identify potential hazards which may be present while work is being done, something is being produced, processed, used, stored or transported.
- iv. 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).
- v. Take steps to ensure that every employee within his/her employment complies with the requirements of this policy.
- vi. Enforce the necessary control measures in the interest of health and safety.
- vii. Ensure that each employee is trained and understands the hazards associated with the work he / she is performing.
- viii. Ensure that the Occupational Health and Safety precautionary measures are implemented and maintained.



## 10. RESPONSIBILITIES OF EMPLOYEES

### It is the duty of all employees to:

- I. 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.
- II. Give information to inspectors from the Department of Labour when so required.
- III. Wear the prescribed safety clothing or use the prescribed safety equipment where necessary.
- IV. Report unsafe or unhealthy conditions to the employer or 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 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.
- V. 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.
- VI. Execute good housekeeping in the workplace and ensure that there is no health and safety hazard due to bad housekeeping; and
- VII. 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.*

## 11. DESIGNATION OF HEALTH AND SAFETY REPRESENTATIVES

- i. The number of health and safety representatives per workplace will be as allocated and agreed to from time to time by the Occupational Health and Safety Committee (OHSC).
- ii. Only officials who are appointed in a full-time capacity at a specific workplace 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.
- iii. 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.

- iv. 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 employee at such a workplace, as health and safety representatives.
- v. The term of office of a health and safety representative will be two years.
- vi. 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.
- vi. 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.
- viii. In accordance with Section 18(4) of the Occupational Health and Safety 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.
- ix. When a position of health and safety representative becomes vacant because of a resignation/transfer/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.

## **12. FUNCTIONS OF OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVES (OHSRs)**

OHSR shall:

- i. Conduct health and safety audits in order to check the effectiveness of health and safety measures.
- ii. Together with the employer investigate incidents, complaints from workers regarding health and safety matters and report them in writing to the Occupational Health and Safety Committee.
- iii. Make representation regarding the safety of the workplace to the employer, or health and safety committee or where the representations are unsuccessful to a health and safety Inspector.

- iv. Conduct an inspection to the workplace after notifying the employer of the inspection.
- v. Participate in discussions with the Inspectors at the workplace and accompany Inspectors on inspections.
- vi. Inspect documents with the consent of the employer and be accompanied by a technical advisor during an inspection.
- vii. Work in collaboration with the Department of Labour in promoting a safe and health hazard free environment.
- viii. Serve as members of the Occupational Health Safety committee, without derogating from his/her responsibility as an OHSR; and
- ix. Attend health and safety committee meetings.

### **13. FACILITIES, TRAINING AND ASSISTANCE TO HEALTH AND SAFETY REPRESENTATIVES**

- i. An approved inspection authority as agreed upon by the 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.
- ii. A safety management system will be implemented for every workplace as provided for by NOSA or any other relevant body as agreed upon by the OHSC.
- iii. 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 course or the STEP (safety through empowerment of people) program, which will be funded by the clusters.
- iv. 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.

## **14. CORONAVIRUS DISEASE 2019 (COVID-19) IN THE WORKPLACE**

### **INTRODUCTION TO COVID-19**

COVID-19 is caused by a new coronavirus which was first identified in 2019. Therefore COVID-19 stands for coronavirus disease of 2019. The full name of this particular coronavirus is SARS CoV-2. The outbreak of coronavirus disease 2019 (COVID-19) has created a global health crisis that has had a deep impact on the way we perceive our world and our everyday lives. Not only the rate of contagion and patterns of transmission threatens our sense of agency, but the safety measures put in place to contain the spread of the virus.

### **15. ADMINISTRATIVE CONTROLS REQUIRE ACTION BY THE WORKER OR EMPLOYER.**

- i. Typically, administrative controls bring changes in work policy or procedures to reduce or minimize exposure to a hazard. Examples of administrative controls for SARS-CoV-2 include:
- ii. Encouraging sick workers to stay at home.
- iii. Minimizing contact among workers, clients, and customers by replacing face-to-face meetings with virtual communications and implementing telework if feasible.
- iv. Establishing alternating days or extra shifts that reduce the total number of employees in a facility at a given time, allowing them to maintain distance from one another while maintaining a full onsite work week.
- v. Training workers who need to use protecting clothing and equipment how to put it on, use/wear it, and take it off correctly, including in the context of their current and potential duties.

**Safe Work Practices are types of administrative controls that include procedures for safe and proper work used to reduce the duration, frequency, or intensity of exposure to a hazard. Examples of safe work practices for SARS-CoV-2 include:**

- i. Providing resources and a work environment that promotes personal hygiene. For example, provide tissues, no-touch trash cans, hand soap, alcohol-based hand

rubs containing at least 60 percent alcohol, disinfectants, and disposable towels for workers to clean their work surfaces.

- ii. Requiring regular hand washing or using of alcohol-based hand rubs. Workers should always wash hands when they are visibly soiled and after removing any PPE.
- iii. Post handwashing signs in restrooms. Personal Protective Equipment (PPE) While engineering and administrative controls are considered more effective in minimizing exposure to SARS-CoV-2, PPE may also be needed to prevent certain exposures.
- iv. While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies. Examples of PPE include gloves, goggles, face shields, face masks, and respiratory protection, when appropriate. During an outbreak of an infectious disease, such as COVID-19, recommendations for PPE specific to occupations or job tasks may change depending on geographic location, updated risk assessments for workers, and information on PPE effectiveness in preventing the spread of COVID-19.

## **16. COMPLIANCE**

All employees shall comply with the OHS policy and the procedural manual.

## **17. IMPLEMENTATION**

The Occupational health and Safety Policy will be implemented in the department on a date, which will be communicated to all employees after approval by the Director-General.

**Approved by Resolution Number LC9.6 on the 30<sup>th</sup> day of June 2021.**