



THULAMELA LOCAL MUNICIPALITY
OCCUPATIONAL HEALTH AND SAFETY POLICY
2024/2025

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1. BACKGROUND

- 1.1. The OHS Act 85 of 1993, requires the employer to bring about and maintain as far as is reasonably practicable, a workplace that is safe and without risk to the health of its workers.
- 1.2. This policy will assist in providing for the Health and Safety of employees at work and for the health and safety of those working with or using machinery, and the protection of employees at work against hazard and risks.
- 1.3 This also policy will assist municipality in implementing the compensation for occupational injuries and disease act no. 130 of 1993

2. POLICY STATEMENT

- 2.2. **Thulamela Local Municipality** recognizes that there is a need to create and maintain a healthy and safe workplace for its employees and every effort will be made to involve all employees in the development and implementation of health and safety procedures and to comply with health and safety legislations.

3. PURPOSE AND APPLICATION

- 3.1. The purpose of this policy is to provide for measures and procedures to ensure a healthy and safe working environment for all employees of Thulamela Local Municipality.
- 3.2. The Occupational Health and Safety Policy will apply to all Thulamela Local Municipality Officials, all the Departments within the Municipality, all Councilors, Service Providers and Contractors performing Council activities.

4. DEFINITIONS OF TERMS

- 4.1. **OHS Act:** Means the Occupational Health and Safety Act of 1993 (Act 85 of 1993).
- 4.2. **HCS:** Means Hazard Chemical Substances.
- 4.3. **H & S Reps:** Refers to the Health and Safety Representative, a person designated to oversee Occupational Health and Safety measures at the workplace.
- 4.4. **Health and Safety Committee:** It shall mean employees appointed in terms of section 19 of the Occupational Health and Safety Act No 85 of 1993.
- 4.5. **Incident:** Means an incident as contemplated in section 24(1) of the OHS Act.
- 4.6. **Council:** Means council of Thulamela Local Municipality as established in terms of section 157 of the Constitution.
- 4.7. **Municipality:** Means Thulamela Local Municipality as established in terms of section 155(6) of the Constitution.
- 4.8. **Municipal Manager:** Means a person appointed in terms of section 82 of the Municipal Structures Act No 117 of 1998.

- 4.9. **Workplace:** It shall mean all facilities that are at the disposal and belonging to Thulamela Local of Municipality and are used by Thulamela Municipality employees as workplaces.
- 4.10. **Compensation Commissioner:** Means a person appointed in terms of section 2(1) of the Compensation for Occupational Injuries and Diseases Act No 61 of 1997.
- 4.11. **Supervisor:** Means a person appointed to head a section within the Thulamela Municipality.
- 4.12. **AIA:** Refers to the Approved Inspection Authorities.
- 4.13. **Hazard:** Means a source of or exposure to danger.
- 4.14. **OHS Officer:** Refers to the Occupational Health and Safety Officer.
- 4.15. **DMR:** Refers to the Driven Machinery Regulation.
- 4.16. **PPE:** Refers to Personal Protective Equipment and it include Personal Protective Clothing.
- 4.17. **Risk:** Means the probability that an injury or damage may occur.
- 4.18. **BCEA:** Refers to the Basic Conditions of Employment Act No75 of 1997.

4.19. **Inspector:** Means a person designated under section 28 of the Occupational Health and Safety Act 85 of 1993

5. REGULATORY FRAMEWORK

The mandates for the development and implementation of this policy arise from section 7(1) of the OHS Act 85 of 1993.

6. OBJECTIVES

6.1. The Municipality as the employer has a responsibility to provide a healthy and safe working environment for all its employees.

6.2. The employees on the other hand have a duty to adhere and obey health and safety rules in order to protect themselves and others within the workplace.

6.3. The main objectives of the Occupational Health and Safety Policy are as follows:

6.3.1. To implement the provisions of the OHS Act No 85 of 1993 and regulations promulgated there-under.

6.3.2. To conduct regular health and safety inspections in order to assess or evaluate risks attached to certain tasks, remove or reduce hazards in work areas and supply personal protective equipment (PPE) where necessary.

6.3.3. To accurately report and investigate incidents of injury on duty in order to determine the cause thereof with a view to prevent the reoccurrence of similar incidents.

6.3.4. To conduct training of employees with emphasis on identification of hazards in the work environment.

6.3.5. To compile health and safety statistics in order to objectively measure health and safety performance to highlight problem areas.

6.3.6. To make it the responsibility of every Council employees to work safely at all times.

7. PROCEDURES

In order for the Occupational Health and Safety policy to succeed all relevant safety information has to be identified, be readily available and were appropriate be controlled.

7.1. GENERAL DUTIES OF COUNCIL TOWARDS ITS EMPLOYEES

7.1.1. The Council will first assess or evaluate the risks and document the risks attached to all work being performed.

7.1.2. The Council shall take all reasonable and practicable measures to remove or reduce the risks.

7.1.3. The Council will provide Personal Protective Equipment (PPE) to minimize exposure of employees to hazards.

7.1.4. The Council shall train employees on the proper use of PPE and document all the training records.

7.1.5. The Council will enforce at all times the proper use of PPE.

7.1.6. The Council shall identify and compile Safe Working Procedures for each task posing health and safety risks, train all employees and document all training records.

7.1.7. The Council shall provide necessary health and safety training to employees including safety representatives.

7.2. GENERAL DUTIES OF EMPLOYEES AT WORK

7.2.1. The employees must be aware of and understand all hazards and risks associated with their job and work areas.

7.2.2. The employees will co-operate and carry out all instructions given to them to prevent incidents related to health and safety.

7.2.3. Anything which may affect health and safety in general is reported to the health and safety representative immediately but not later than the end of the working day or shift.

8. ROLES AND RESPONSIBILITIES

8.1. The Municipal Manager as section 16(1) of the OHS Act or all his nominees, Section 16(2) must play a major role in ensuring that the Occupational, Health and Safety Policy is adhered to, implemented and enforced in

accordance with the requirement of the OHS Act No 85 of 1993 and the regulations promulgated there-under.

- 8.2. It is the responsibility of the OHS Officer to ensure that a copy of this policy is displayed on all the workstations and all the Departments in terms of section 7(3) of the OHS Act.
- 8.3. In addition, emergency contact numbers for ambulances, the police and the fire department must be clearly posted at each municipal building & updated.

9. APPOINTMENT OF HEALTH AND SAFETY REPRESENTATIVES

- 9.1. The health and safety representatives shall be appointed in accordance with section 17 of the OHS Act, and their numbers shall spread as follows:
 - 9.1.1. Two health and safety representative per department, and sub offices
- 9.2. The health and safety representatives will be appointed in consultation with all employees and such appointments shall be in writing for a period of two years.
- 9.3. Health and safety representatives may perform the following functions in terms of section 18 of the OHS Act and are as follows:
 - 9.3.1. Carry out the duties of a first aider.
 - 9.3.2. Review the effectiveness of health and safety measures.

- 9.3.3. Identify potential hazards and potential major incidents at the workplace.
- 9.3.4. In collaboration with the employer, examine the causes of incidents at the workplace.
- 9.3.5. Investigate complaints about any employee's health and safety at work.
- 9.3.6. Make representations to the employer or a health and safety committee on matters arising from paragraphs (9.3.2.), (9.3.3.), (9.3.4.) or (9.3.4.), or where such representations are unsuccessful, to an inspector.
- 9.3.7. Make representations to the employer on general matters affecting the health and safety of the employees at the workplace.
- 9.3.8. Inspect the workplace, including any article, substance, plant, machinery or health and safety equipment at the workplace with regards to the health and safety of employees, at such intervals as may be agreed upon with the employer: 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.
- 9.3.9. Participate in consultations with inspectors at the workplace and accompany inspectors on inspections of the workplace.

9.3.10. Receive information from inspectors as contemplated in section 36 of OHS Act.

9.3.11. In his or her capacity as a health and safety representative, attend meetings of the health and safety committee of which he is a member, in connection with any of the above functions.

9.4. A health and safety representative shall, in respect of the workplace or section of the workplace for which he has been designated be entitled to:-

9.4.1. Visit the site of an incident at all reasonable times and attend any inspection.

9.4.2. Attend any investigation or formal inquiry held in terms of OHS Act.

9.4.3. 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 this Act.

9.4.3. Accompany an inspector on any inspection.

9.4.4. With the approval of the employer (which approval shall not be unreasonably withheld), be accompanied by a technical adviser, on any inspection; and participate in any internal health or safety audit.

- 9.5. The health and safety representatives shall be informed that these responsibilities will be additional to their normal duties and will not entitle them to additional remuneration.
- 9.6. The names of health and safety representatives will be displayed in their specific workplace.
- 9.7. The letters of appointment will be kept in the employees' file and copies of these letters shall be kept in the Occupational Health and Safety file.

10. HEALTH AND SAFETY COMMITTEE

- 10.1. The municipality shall establish a health and safety committee in accordance with section 19 of the OHS Act and such a committee will consist of:
- 10.1.1. Nominated health and safety representatives per department, an OHS officer, three members nominated by the Municipal Manager at Managerial level and one official from each recognized union.
- 10.2. The nominated members will be appointed in writing for a period of two years.
- 10.3. The health and safety committee shall carry out functions and responsibilities in accordance with Section 20 of the OHS Act which are as follows:
- 10.4.1. Make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector

regarding any matter affecting the health or safety of persons at the workplace.

10.4.2. Discuss any incident at the workplace in which any person was injured, became ill or died, and may in writing report on the incident to an inspector.

10.4.3. A health and safety committee shall keep records of each recommendation made to the employer and of any report made to an inspector.

10.4. The committee will elect the chairperson to chair the meetings and a secretary to record the minutes of such meetings.

10.5. The meetings of the committee will be conducted once in three months or unless, if necessary, in accordance with section 19(4) of the OHS Act.

11. APPOINTMENT OF FIRST AIDERS

11.1. The municipality shall appoints one first aider for each work station where there are more than ten (10) employees, provided that where there are more than fifty (50) employees, a first aider must be appointed for each group of 50 employees and one for each group of 100 in a case of offices.

11.2. The first aider will be trained and be in a possession of a valid certificate issued by one of the following institutions:

- a) S.A Red Cross Society
- b) St John's Ambulance
- c) The S.A First Aid League
- d) Any accredited institution/ authorities

11.3. The Council will affix a prominent notice or sign in a conspicuous place at a working place indicating where the first aid box or boxes are kept as well as names of first aider, and it (first aid box) should be accessible at all times in the presence of the first aider.

11.4. The treatment provided by first aiders will be recorded in the first aid register.

11.5. The contents of the first aid boxes will be inspected by an OHS officer on a regular basis and the first aid register be completed by the responsible first aider.

12. RISK ASSESSMENT

12.1 The Municipality will, in consultation with the OHS officer, appoint a service provider to conduct risk assessment for the potential exposure of employees. The Municipality will, after receiving the report, act as per recommendation by the service provider, and the results will be made available to all employees concerned.

12.2 It shall be the responsibility of the Municipality to approve medical examinations of all employees in accordance with the results of the periodic Risk Assessment carried out in terms of the OHS Act.

12.3 MEDICAL SURVEILLANCE

12.3.1 Medical surveillance will be conducted as outlined as the duties of the employers regarding the listed work in section 12 of the occupational health and safety act of 85 1993:

12.3.2 General duties of employers regarding listed work

"12. (1) Subject to such arrangements as may be prescribed, every employer whose employees undertake listed work or are liable to be exposed to the hazards emanating from listed work, shall, after consultation with the health and safety committee established for that workplace-

- a) Identify the hazards and evaluate the risk associated with such work constituting a hazard to the health of such employees, and the steps that need to be taken to comply with the provisions of this Act,
- b) as far as reasonably practicable, prevent the exposure of such employees to the hazard concerned or, where prevention is not reasonably practicable, minimize such exposure, and
- c) having regard to the nature of the risk associated with such work and the level of exposure of such employees to the hazard, carry out an occupational hygiene programme and biological monitoring and subject such employees to medical surveillance.

(2) Every employer contemplated in subsection (1) shall keep the health and safety representative designated for their workplaces or sections of the workplaces, informed of the actions taken under subsection (1) in their respective workplaces or sections thereof and of the results of such actions: provided that individual results of biological monitoring and medical surveillance relating to the work of the employee shall only with, the written consent of such employee be made available to any person other than an inspector, the employer or the employee concerned"

12.3.3. All employees will be expected to participate in medical surveillance, consent forms will be completed before the screening of an employee is conducted. If an employee refuses to be screened a refusal consent form will be completed and the municipality will not be liable for the damage and/or loss that an employee may suffer due to his/her non-participation in the medical surveillance screening.

12.3.4 All employees who are returning to work after a prolonged illness or injury lasting for 14 days or more will undergo a physical and functional work capacity evaluation or assessment by an Occupational therapist.

12.3.5 All employees who failed a return -to-work assessment would be given a vocational rehabilitation program and review date for re assessment by an Occupational therapist.

12.3.6. An employer intending to dismiss an employee due to incapacity must do so in accordance with items 10 and 11 schedule 8 to the Labour Relations Act, no 66 of 1995 (LRA), failing which the fairness of such dismissal falls to be challenged.

13. SAFE WORK PROCEDURES

13.1 The Council shall take all reasonably practicable steps to ensure that Safe Working Procedures are complied with.

13.2 The health and safety hazards attached to identify work activities must be compiled.

13.3 The means to apply precautionary measures shall be established.

13.4 The employees will be assisted and expected to be in accordance with the above clauses as far as it relates to them.

13.3 Disciplinary measures shall be enforced so as to prevent any deviation from Safe Working Procedures.

13.4 The adequate monitoring of Safe Working Procedures by supervisors as well as health and safety representatives shall be ensured.

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13.5 Safe Working Procedures shall be made available and be displayed in all relevant workstations.

13.6 All employees will be trained in Safe Work Procedures relating to their work and the training records be filled in in the employees' personal file.

14. PERSONAL PROTECTIVE EQUIPMENT (PPE).

14.1 The Municipality will provide appropriate PPE to employees free of charge.

14.2 The employees shall be informed by their health and safety representatives that they will be held responsible for the replacement, loss or damaged PPE issued to them, due to negligence.

14.3 The employees will be informed through their health and safety representatives that should they not wear their PPE while performing duties, they would be in contravention of section 14 of the OHS Act.

14.4 The employee shall acknowledge receipt of the PPE by endorsing their signature on a prescribed form to be kept by the supervisors.

14.5 The wearing of PPE where deviation occurs will be enforced by virtue of the Conditions of Employment as contained in the BCEA.

14.6 Employees shall be trained in the proper use of PPE by their supervisors.

14.7 The OHS Officer will be responsible for the monitoring of the use of PPE by means of routine inspections.

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15. HEALTH AND SAFETY FOR CONTRACTORS

- 15.1. The municipality shall enter into a written agreement with each and every contractor regarding the exemption of the responsibility for Health and Safety in their respective workplace until after the site has been handed back to the municipality by the contractor.
- 15.2. The council will, through heads of departments, ensure that the written agreement as in the clause above are in place and the terms of agreement are adhered to.
- 15.3. The council shall compile a list of all its approved contractors and such a list will be made available on request.

**16. COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT
EMPLOYER TO FURNISH RETURNS OF EARNING**

16.1 The Municipality will furnish the returns in line with section 82 of CIDA Act NO. 130 OF 1993.

"82. (1) An employer, excluding an employer referred to in section 84(1)(a) and (b), shall before the thirty – first day of March in each year or, if he began carrying on business after that date, within one months after so beginning, furnish the commissioner with a return in the prescribed form, certified by him as correct, showing-

a) the amount of earnings paid by him to his employees the period with effect from the first day of march of the immediately preceding year up to and including the last of February of the following year; and

b) such further information as may be prescribed or as the commissioner may require.

(2) If an employer carries on business at more than one place or if he carries on more than one class of business, the commissioner may require a separate return for each. place or class of business from him.

(3) If in a return referred to in subsection (1) the amount shown as earnings is less than the amount actually paid, the commissioner may impose a fine not exceeding 10

percent of the difference between the amount shown and the actual amount.

(4) The commissioner may reduce any fine referred to in subsection (3).

(5) If an employer fails to furnish a return or if the Estimate of the earnings which an employer expects to pay during a particular period is in the opinion of the commissioner too low, the commissioner may himself estimate the earnings concerned.

(6) An employer who fails to comply with the provisions of this section shall be guilty of an offence.

16.2 INCIDENT REPORTING AND INVESTIGATION

16.2.1. Supervisors, health, and safety representatives, and whoever becomes aware of the incident shall report such incident to the OHS Officer immediately but not later than the end of the working day or shift.

16.2.2. The municipality will, through OHS Officer; reports all incidents to the Compensation Commissioner as prescribed in the act.

16.2.3. The OHS Officer shall record all incidents in the incidents register.

16.2.4. The OHS Officer will be notified on the prescribed form by the health and safety representatives of the occurrence of incident in their responsible workstations.

16.2.5. All incidents shall be investigated by an investigation team consisting of OHS officer, Supervisor and health and safety representative or Committee member within three months from the occurrence thereof and that action will be taken to prevent a reoccurrence of incidents of a similar nature.

16.2.6. The incident investigation report will be discussed at the Health and Safety Committee meeting with all remedial actions to be taken and also be endorsed by the Chairperson of the Committee, the OHS Officer and it will be forwarded to the Municipal Manager.

17. GENERAL ENVIRONMENTAL REGULATIONS- ANNUAL AUDIT

17.1 General Environment

17.1.1 The Council will distribute a questionnaire to employees annually to ascertain if the temperature, lighting, ventilation, noise levels, space, housekeeping, and equipment provided in their workplace are satisfactory.

17.1.2. If there are any negative responses, the OHS officer must specifically audit the Work area in conjunction with General Environmental Regulations and if necessary, make recommendations to the Health and Safety Committee on intervention required.

17.2 Fire Precautions

17.2.1 The Municipality will ensure that there are emergency exits/escape doors from all rooms or passages and that they are easily accessible and easily opened.

17.2.2 There must be at least two possible means of exits situated as far apart as possible.

17.2.2 The fire fighting equipments will be placed at strategic locations as may be recommended by the OHS Officer and must be inspected and kept in good working condition.

18. FACILITIES REGULATIONS- ANNUAL AUDIT

18.1 The Council will distribute questionnaires to all employees annually to ascertain if there is/are sufficient toilet papers, safe drinking water, hand towels or hand dryers, soap or similar cleansing agent, facilities for safe keeping (storeroom) and seats for work purpose.

18.2 If there are any negative responses, the OHS officer must specifically investigate the work area in conjunction with General Facilities Regulations and if necessary, make recommendations to the Health and Safety Committee on intervention required.


19. **MONITORING, AUDITS AND REVIEWS**

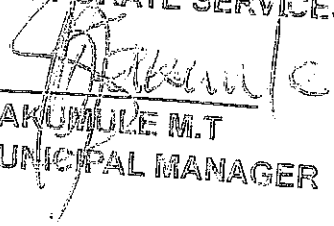
- 19.1 The Council will regularly review and the OHS officer will audit the contractors conducting Council activities for compliance to their own standards and the Council's Health and Safety Specifications.
- 19.2 A register and maintenance records of all equipments used shall be kept in the office of the OHS Officer.
- 19.3 The Municipality will keep this policy updated and inform Council of any amendments.
- 19.4 Any employee who contravenes the provision of this Policy and /or the requirement of the OHS Act shall be charged with misconduct.
- 19.5 The policy shall be reviewed after period of three years and/or when it is necessary.

Approval

This document is duly approved as the official Occupational Health and Safety policy document for Thulamela Local Municipality.

This document is applicable to the Thulamela Local Municipality and will be affected from


SIKHWIVHILU N.M
ACTING SENIOR MANAGER:
CORPORATE SERVICES


MAKUMULE M.T
MUNICIPAL MANAGER

31/05/2024
DATE

31/05/2024
DATE

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NMS