



health

Department:

Health

REPUBLIC OF SOUTH AFRICA

**OCCUPATIONAL HEALTH AND SAFETY
POLICY FOR THE NATIONAL DEPARTMENT
OF HEALTH**

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1. 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 National Department of Health is legally obliged and committed to create a healthy and safe working environment for all its employees.**

2. SCOPE

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

3. PURPOSE

The purpose of this policy is to establish minimum standards and requirements of occupational health and safety for the National Department of Health in order to reduce the risk by: -

- ▶ Identifying hazards and possible risks causing incidents and accidents,
- ▶ Setting standards of practice, procedures and accountability,
- ▶ Measuring performance against standards,
- ▶ Evaluating compliance with standards,
- ▶ Correcting deficiencies, deviations, and set standards of procedures to be followed,
- Creating and maintaining a healthy and a safe work environment.

4. 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
- xv. National Environmental Management Act 107 of 1998
- xvi. Environmental Conservation act 73 of 1989
- xvii. Road Transportation Act 74 of 1979 as amended
- xviii. Tobacco control act 83 of 1993 as amended
- xix. Public Service Regulations, 2001, as amended
- xx. Access to Public Premises and Vehicles Act 53 of 1985
- xxi. National Health Act 61 of 2003

5. 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 situation in order to prevent and/or combat or counteract the effects and results of an emergency situation 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-General of the Department of Health or the official to whom the responsibility for compliance with the Act has been delegated.

“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.

“Healthy” means free from illness or injury attributable to occupational causes.

“Health and safety standard” means 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-General 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 in the National Department of Health.

“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 a particular type of work.

“Premises” include any building, vehicle or aircraft owned by the National Department of Health.

“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 National Department of Health performs work in the course of her/his employment.

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 the National Department of Health.

6.1 GENERAL DUTIES OF THE NDoH AS AN EMPLOYER TO THE EMPLOYEES

The department 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.

6.2. 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.

6.3 RESPONSIBILITIES OF EMPLOYERS AND SELF-EMPLOYED PERSONS TO PERSONS OTHER THAN THEIR EMPLOYEES

- I. The employer operating within the scope of NDoH, shall conduct his/her undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his/her employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.
- II. The self-employed person operating within the scope of NDoH, shall conduct his/her undertaking in such a manner as to ensure, as far as is reasonably practicable, that he/she and other persons who may be directly affected by his/her activities are not thereby exposed to hazards to their health or safety.

7. THE DUTIES OF THE DIRECTOR GENERAL

- i. The Director-General shall as far as it is reasonably and practical ensure that all activities relating to health and safety are conducted discharged according to the Act.
- ii. The Director-General as Chief Executive Officer in terms of the Occupational Health and Safety Act, 1993 shall appoint a person in terms of Section 16(2) of the Act, without derogating from his responsibility any person who shall:
 - perform duties on behalf of and report to the Director-General;
 - bear the authority and powers of ensuring that all necessary activities are executed in terms of the act; and
 - be appointed in terms of the Act to represent employees in all matters relating to health and safety issues on each floor of all the Department's buildings.

8. 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 work place 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. Where more nominations are received than the number of health and safety representatives required, a ballot will take place to democratically elect the required number of representatives from amongst the nominees. For this purpose every employee at a workplace will have only one vote.
- 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 employees at such a workplace, as health and safety representatives. In this situation the employer may also call for and consider volunteers for such a position.
- 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.
- vii. 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.

9. 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 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.

10. 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.

11. CO-OPERATION WITH INSPECTORS BY EMPLOYER AND EMPLOYEES

- i. The employer and employees must comply with requests, orders, directions, and subpoenas, from inspectors and may not prevent another person from complying with the inspector's requests, orders and directions.
- ii. The inspectors' questions should be answered, but employees are not obliged to answer questions, which may be incriminating to them.
- iii. When the inspector so requires he/ she must be provided with the necessary means and assistance to conduct an investigation.
- iv. The inspector may not be insulted or interrupted during an investigation.

12. OCCUPATIONAL HEALTH AND SAFETY COMMITTEE (OHSC)

- i. The OHSC shall consist of all health and safety representatives within the Department.
- ii. The composition of the OHSC will be in terms OHS Section 19 of the Act.
- iii. The number of persons nominated by the employer shall not exceed the number of health and safety representatives on the OHSC.
- iv. The OHSC may co-opt one or more person(s) by reason of his or her or their particular knowledge of health and safety matters as an advisory member(s) of the committee.
- v. One representative from every trade union represented in the DBC will be allowed observer status at meetings of the OHSC.
- vi. If 10% or more of employees forward a request for a meeting to the Inspector, the chairperson may order that such a meeting be held within 14 working days.
- vii. If such a meeting does not take place, employees may forward the request to an inspector who may order such meeting be held at a time and place as he/she may determine.

13. BUSINESS OF THE HEALTH AND SAFETY COMMITTEE

- i. The OHSC will meet as often as may be necessary, but at least four times in a calendar year at a venue to be made available by the employer for this purpose. Any costs incurred by health and safety representatives or any designated employees to attend meetings, will be borne by the Division: Security Services.
- ii. The Division: Security Services would provide the Secretariat and Chaired by the Director: HRA to whom the Division reports.
- iii. The OHSC will conduct its business in accordance with sections 19 and 20 of the Occupational Health and Safety Act, 1993 as well as be responsible for the allocation of the health and safety representatives per workplace.
- iv. The committee shall determine the procedure at meetings of the OHSC.
- v. The OHSC will also present its minutes of decisions and recommendations to the Risk Management Committee Meeting for information and any further actions as might be deemed necessary.

14. ACTS OR OMISSIONS BY EMPLOYEES

- i. Where any employee's action is deemed to be contradictory to the policy, he/she shall be charged with misconduct and disciplinary action initiated against him/her and carried out in terms of the Disciplinary Code Resolution 2 of 1999, as amended by PSCBC Resolution 1 of 2003.

15. CONTINGENCY PLAN

- i. The sub-directorate security services shall develop and implement the contingency plan within the Department.
- ii. Evacuation drills must be exercised, periodically in terms of the contingency plan to ensure adherence of employees and to evaluate the effectiveness of the plan.
- iii. Occupational Health and Safety committee must review and up-date the contingency plan every three years.

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.

ACTION PLAN:

- * *As a matter of urgency, the DG should sign the Occupational Health & Safety Policy for the NDOH; establish an operational Occupational Health and Safety Committee (OHSC) with correctly elected OHSRs in all the Directorates.*
- * *Each Director must be provided with a copy of the OHSA and a guide to his/her main duties and responsibilities.*
- * *Resources for training OHSRs should be identified by NDOH from the Dept of Labour and a list of names and contact numbers supplied to the Directors.*
- * *The Cluster: Occupational Health & Safety to evaluate hazards in NDOH and develop a hazard audit schedule and prioritise appropriate hazard prevention programmes (HPPs).*
- * *NDOH arrange additional training in occupational hygiene for all occupational health practitioners to assist in NDOH workplaces.*