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**DIRECTORATE: HUMAN RESOURCE MANAGEMENT**

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**TERMS OF REFERENCE FOR OCCUPATIONAL HEALTH AND SAFETY  
COMMITTEES IN TERMS OF OCCUPATIONAL HEALTH AND SAFETY ACT NO  
85 OF 1993, AND COVID-19 OHS REGULATIONS AS AMENDED**

**1. PURPOSE OF OHS COMMITTEE**

The purpose is to promote awareness of safety issues and develop a collaborative relationship between management and employees of the Department of Public Works and Roads to identify and resolve health and safety challenges.

**2. SCOPE:**

The committee shall be responsible for making recommendations in regard to matters pertaining to the health, safety, and environmental conditions of the employees of the Department of Public Works and Roads and any related event and activities etc.

**3. DEFINITION OF TERMS**

**ACT:** Refers to the Occupational Health and Safety Act, No. 85 of 1993, as amended.

**COMMITTEE:** Refers to the Occupational Health and Safety Committee established under Section 19 of the Act.

**COVID-19:** Coronavirus disease discovered in December 2019.

**DEPARTMENT:** Refers to the Department of Public Works and Roads

**EMPLOYER:** Refers to any person who employs or provides work for any other person and remunerates that person or expressly or tacitly undertakes to remunerate him/her.

**EMPLOYEE:** Any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person.

**EXPLOSIVE:** Any substance or article as listed in Class 1: Explosives, in the South African Bureau of Standards Code of Practice, for the Identification and Classification of Dangerous Substances and Goods, SABS 0228.

**HOD:** Head of Department responsible for the overall management and control of the Department, and also appointed under Section 16(1) of the Occupational Health and Safety Act, No. 85 of 1993, as in charge of all Occupational Health and Safety matters within the Department.

**HAZARD:** A source of or exposure to danger.

**HEALTH AND SAFETY REPRESENTATIVE:** A person designated in writing under Section 17(1) of the Act.

**INCIDENT:** Means an incident as contemplated in Section 24(1) of the Act.

**INSPECTOR:** Means a person designated under Section 28 of the Act.

**MACHINERY:** Means any article or a combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.

**MAJOR INCIDENT:** Means an occurrence of catastrophic proportions, resulting from the use of plant, or machinery, or from activities at the workplace.

**OCCUPATIONAL HEALTH:** Includes Occupational Hygiene, Occupational Medicine and Biological Monitoring.

**OFFICE BEARER:** An OHS committee member who holds an executive position.

**PROGRAMME MANAGER:** Head of a Directorate or Sub-Directorate.

**PMDS:** Refers to Performance Management and Development System used by Government Departments to assess, incentivize or develop employees for good performance.

**PREMISES:** Any building, vehicle, vessel, train or aircraft, prescribed by regulation.

**RISK:** The probability that injury or damage will occur.

**SAFE:** Free from any hazards.

**SENIOR MANAGER:** Head of a Directorate or Chief Directorate.

**WORKPLACE:** Any premises or place where a person performs work in the course of his/her employment.

**TRADE UNION:** An association of employees whose principal purpose is to regulate relations between employees and employers, including any employers' organizations- in terms of the Labour Relations Act, No. 66 of 1995

#### **4. NAME OF THE STRUCTURE**

The name of the structure will be Department of Public Works and Roads Occupational Health and Safety (OHS) Committee as established in terms of the Occupational Health and Safety Act, No. 85 of 1993, as amended.

#### **5. NATURE AND SCOPE OF THE STRUCTURE**

This Committee covers employees in all buildings that accommodate provincial office staff in terms of its scope and function. This committee shall be responsible for matters relating to the safety, health and environment conditions of employees of the Department of Health: Provincial Offices, and any related activities, events, etc.

#### **6. AIMS AND OBJECTIVES**

The following are the aims and objectives of the committee:

- To promote employee health and safety in the workplace.
- To initiate, develop, maintain and review measures to ensure the health and safety of employees at work.
- To ensure the effective implementation of the Occupational Health and Safety Policy.
- To ensure effective communication to all Directorates within the Department on matters relating to Occupational Health and Safety.

#### **7. COMPOSITION OF THE COMMITTEE**

The committee shall be made up of one (1) or two (2) nominated employee(s) from each Directorate and one (1) trade union representative of the recognized unions within the Department of Health. These will make up the employee representatives. Employees who are on contracts of less than one year are not eligible for nomination to this committee. Employer representatives on this committee shall come from the following Directorates, namely; Quality Assurance, Legal Services, Security and Records Management, Supply Chain Management ( Facility Management Unit), and Human Resource Services.

#### **8. ELECTION OF OFFICE BEARERS**

There shall be the Chairperson, Deputy Chairperson, Secretary and two additional members elected from the appointed representatives of the committee. The Chairperson of the

committee can either come from the Occupational Health and Safety Unit, but this is not obligatory.

## **9. ADDITIONAL MEMBERS**

In cases where there is a need for specialized information, additional members may be co-opted to provide technical expertise. Such members may not vote on any of the committee decisions where technical information necessitated their presence.

## **10. ROLES OF OFFICE BEARERS**

### **Chairperson**

- Generic roles of a chairperson
- Convene meetings
- Chair meetings

### **Deputy Chairperson**

- Assist and support the chairperson
- Chair the meetings in the absence of the chairperson

### **Secretary**

- Generic secretarial roles
- Arrange logistics regarding meetings
- Take minutes during sittings of meetings
- Distribute minutes before the next sitting of the meeting

### **Additional Members**

- Assist and support the executive committee

## **11. TERM OF OFFICE**

All committee members will be confirmed by a letter of appointment signed by the Head of Department/Administrator (HOD), and will serve for a period of three (3) years. Work done on behalf of the committee will be included in the appointed representatives' work-plan.

They will be assessed as per PMDS assessments for contributions towards the OHS Committee.

## **12. RESIGNATION OF MEMBERS AND REMOVAL OF OFFICE BEARERS**

Committee members are expected to resign formally in writing in case there are valid and compelling reasons for such a resignation. Such a resignation should be directed to the chairperson of the committee, the secretariat and copied to the senior manager of his/her directorate. In cases of resignation, the affected directorate will be required to find a suitable candidate to replace them and inform the IEHW/OHS unit of the resignation and replacement.

Any office bearer, or any committee member holding any position, shall no longer hold that position if;

- They are no longer employed in the workplace which elected them
- They fail to attend three consecutive meetings of the committee without sending any written explanation
- They are unable to perform their duties
- They are no longer in the employ of the Department of Public Works and Roads

## **13. MEETINGS**

Meetings shall be held once a month or bi-monthly as the case may be. When necessary there shall be additional special or extra-ordinary meetings called. The quorum at the committee's meetings shall be made up of 50% plus one (1) of the appointed members. In instances where there is no quorum for two consecutive meetings, the third meeting without a quorum will sit. A member who has tendered a written apology, and his/her apology has been accepted, shall form part of the quorum/meeting. In the absence of the quorum, and there are urgent decisions to be taken, the procedure described in (11) below shall apply and such decisions will be ratified in the next meeting where there is a full quorum.

## **14. MEETINGS PROCEDURES**

Decisions will be made on a consensus basis during meetings. In some instances where it is really urgent for decisions to be made, the executive committee can make such decisions. Each committee member shall be entitled to one (1) vote in instances where issues have to be decided by voting. Minutes of the committee meetings shall be sent to members at least

seven (7) days before the next sitting of the committee. The minutes shall become official once they have been adopted by the committee and signed by the chairperson.

## **15. DISCIPLINE OF MEMBERS**

In instances where members are unable to attend meetings, they should send a written apology and have someone from their directorate to stand in for them at the meeting. An appointed member of the committee who fails to comply with these terms of reference, or who acts in a manner which is detrimental to the interests of the OHS Committee and its members, or who fails to attend three (3) consecutive meetings without any explanation, will be expelled from the committee. His/her senior manager shall be informed in writing for further corrective action. The Head of Department or District Manager will also be informed accordingly.

## **16. ACCOUNTABILITY AND REPORTING**

Committee members are accountable to the Head of Department. Members will be required to submit written reports to the secretariat on matters arising from paragraph 14.1. (a)(b)(c) or (d) below and any other Health and Safety activities in the Department.

## **17. FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES**

The following functions are applicable to Health and Safety representatives as according to Section 18 of the Occupational Health and Safety Act, No. 85 of 1993, as amended.

13.1.1 A health and safety representative may perform the following functions in respect of the workplace or section of the workplace for which he/she has been designated, namely;

- (a) Review the effectiveness of the health and safety measures,
- (b) Identify potential hazards and potential major incidents at the workplace;
- (c) In collaboration with his/her employer, examine the causes of incidents in the workplace;
- (d) Investigate complaints by any employee relating to that employee's health and safety at work;
- (e) Make representations to the employer or a health and safety committee on matters arising from (a)(b)(c) or (d), or where such representations are unsuccessful, to an inspector;

- (f) Make representations to the employer on general matters affecting the health or safety of employees at work;
- (g) Inspect the workplace including any article, substance, plant, machinery or health and safety equipment at that workplace with a view 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/her intention to carry out such inspection to the employer, who may be present during the inspection;
- (h) Participate in consultations with inspectors at the workplace and accompany inspectors on inspections of the workplace;
- (i) Receive information from inspectors as contemplated in Section 36 of the Act;
- (j) In his/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;
- (k) After being trained on the use of the screening tool for Coronavirus "COVID-19", a health and safety representative will be allowed to do screening of employees and visitors of the department;
- (l) A health and safety representative will conduct awareness sessions and educational campaigns on aspects of COVID-19 such as routes of transmission, signs and symptoms and preventative measures, as informed by the National Department of Health (NDoH), World Health Organization (WHO), National Institute for Communicable Diseases (NICD), and National Department of Employment and Labour;

17.1. A health and safety representative shall, in respect of the workplace or section of the workplace for which he/she has been designated be entitled to;

- (a) Visit the site of an incident at all reasonable times and attend any inspection in loco
- (b) Attend any investigation or formal inquiry held in terms of the Act
- (c) In so far as it is reasonable necessary for performing his functions, inspect any document which the employer is required to keep in terms of the 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 health and safety audit

- 17.2. An employer shall provide such facilities, assistance and training as a health and safety representative may reasonably require and have been agreed upon for carrying out his/her functions
- 17.3. A health and safety representative shall not incur any civil liability by reason of the fact only that he/she failed to do anything which he may do or is required to do in terms of the Act

## **18. FUNCTIONS OF THE HEALTH AND SAFETY COMMITTEE**

The following functions are applicable to the health and safety committee as according to Section 20 of the Occupational Health and Safety Act, No. 85 of 1993, as amended.

### **15(1) A Health and Safety Committee;**

- (a) May make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector regarding any matter affecting the health and safety of persons at the workplace or any section for which such committee has been established
- (b) Shall discuss any incident at the workplace or section thereof in which or in consequence of which any person was injured, became ill or died, and may in writing report on the incident to an inspector, and
- (c) Discuss any incident and take instructions from the Departmental COVID-19 Steering Committee/Task Team on how a person contracted the Coronavirus COVID-19 disease, and what health and safety measures should be put in place to trace the contacts and also to render the workplace healthy and safe for other employees once again.
- (d) Shall perform such other functions as may be prescribed

15. (2) A health and safety committee shall keep a record of each recommendation made to an employer in terms of paragraph 14.1(a), and any report made in terms of paragraph 14.1(b).

15. (3) A health and safety committee or a member thereof shall not incur any civil liability by reason of the fact only that the committee or the member failed to do anything which it or he/she may or is required to do in terms of the Act.

15. (4) An employer shall take the prescribed steps to ensure that a health and safety committee complies with the provisions of Section 19(4) of the Occupational Health and Safety Act, No. 85 of 1993, as amended, and performs the duties assigned to it by subsections 2 and 10 of the Act.




**16. TRAINING AND WORKSHOPS**

Training and workshops for members of the committee will be provided by the Department even during office hours.

**17. REVIEW**

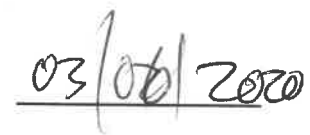
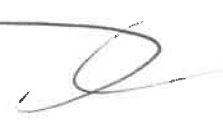
These terms of reference will be reviewed at least after three years so as to ensure improved alignment in accordance with the needs of employees and the Department.

**APPROVED / ~~NOT APPROVED~~**



**MR. M.S. THOBAKGALE**

**ADMINISTRATOR**



**DATE**