



## SHE REPRESENTATIVE LEARNER GUIDE

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**Learner Information:**

Details	Please Complete this Section
Name & Surname:	
Organisation:	
Unit/Dept:	
Facilitator Name:	
Date Started:	
Date of Completion:	

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## **SECTION 1: KM-01-KT01: Roles and responsibilities of the Occupational Health and safety representative as set out in the relevant legislation (Intermediate) (30%)**

### **Learning Outcome**

At the end of this section, learners should cover:

- KT0101 Explain the purpose of the Occupational health and Safety representative: a. Functions as described in the legislation; b. Rights and duties of the employer and employees regarding occupational health and safety; c. Rights and powers of health safety representatives.
- KT0102 Describe the process for appointing Occupational Health and safety representatives: a. Negotiation and consultation process; b. designation of the working places; c. Qualification requirements of representatives; d. Election and appointment of the representatives.
- KT0103 Explain the functions of the occupational Health and safety Committees: a. Structure of the various committees; b. Rights and powers of the Occupational Health and Safety committees; c. Legal obligation to support the work of the committees. The importance of compliance with the relevant legislation



## 1.1 Explain the purpose of the Occupational health and Safety representative

### What is occupational health and safety?

Occupational health and safety is a discipline with a broad scope involving many specialized fields. In its broadest sense, it should aim at:

- the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations;
- the prevention among workers of adverse effects on health caused by their working conditions;
- the protection of workers in their employment from risks resulting from factors adverse to health;
- the placing and maintenance of workers in an occupational environment adapted to physical and mental needs;
- the adaptation of work to humans.

In other words, occupational health and safety encompasses the **social, mental and physical well-being of workers**, that is the “whole person”.

Successful occupational health and safety practice requires the collaboration and participation of both employers and workers in health and safety programmes, and involves the consideration of issues relating to occupational medicine, industrial hygiene, toxicology, education, engineering safety, ergonomics, psychology, etc.

Occupational **health** issues are often given less attention than occupational **safety** issues because the former are generally more difficult to confront. However, when health is addressed, so is safety, because a healthy workplace is also a safe workplace. The converse, though, may not be true - a so-called safe workplace is not necessarily also a healthy workplace. The important point is that **issues of both health and safety must be addressed in every workplace**. By and large, the definition of occupational health and safety given above encompasses **both** health **and** safety in their broadest contexts.



## Why is occupational health and safety important?

Work plays a central role in people's lives, since most workers spend at least eight hours a day in the workplace, whether it is on a plantation, in an office, factory, etc. Therefore, work environments should be safe and healthy. Yet this is not the case for many workers. Every day workers all over the world are faced with a multitude of health hazards, such as:

- dusts;
- gases;
- noise;
- vibration;
- extreme temperatures.

Unfortunately, some employers assume little responsibility for the protection of workers' health and safety. In fact, some employers do not even know that they have the moral and often legal responsibility to protect workers. Because of the hazards and a lack of attention given to health and safety, work-related accidents and diseases are common in all parts of the world.

## What are health and safety representatives?

They are full-time workers nominated or elected and designated in writing by the employer after the employer and workers consulted one another and reached an agreement about who will be health and safety representatives. Further they must at least be familiar with the circumstances and conditions at that part of the workplace for which they are designated. Agreement must also be reached on the period of office and functions of the health and safety representative and must be settled amongst the employer and the workers.



## Role of the health and safety representative

<b>Health and safety representative</b>	
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As a health and safety representative, it is important for you to **know the workers' rights given by your country's health and safety legislation**. Try to get a copy of the legislation and familiarize yourself with it. Other steps to help you reach goals towards creating, strengthening and using legislation are:

1. Work with your union to put pressure on the government to adopt or improve existing health and safety legislation. This should include provisions for adequate and effective enforcement.
2. Educate your co-workers about their rights under the law.
3. Work with your co-workers to identify limitations in your health and safety legislation. Develop strategies (short-term or long-term) for overcoming the limitations.
4. Develop and use check-lists to identify areas in the workplace that are out of compliance with existing regulations.
5. Use collective bargaining to work toward more immediate improvements in working conditions.
6. Work with the union and the employer to correct health and safety problems. If your employer is unwilling to comply with existing regulations, then contact the local factory inspectorate and request assistance.

## The roles and responsibilities of elected health and safety representatives

Section 18 of the Occupational Health and Safety Act defines the functions of Health and Safety Representatives as follows:



- To identify health and safety hazards and potential dangers in the workplace;
- To investigate workers' health and safety complaints;
- To ensure that health and safety hazards are properly controlled;
- To review the precautionary measures that are in place;
- To identify the causes of accidents and incidents;
- To inspect workplaces and report unsafe and unhealthy conditions;
- To attend health and safety committee meetings;
- To make health and safety recommendations to the employer or to an inspector from the Department of Labour;
- To access relevant information from the employer;
- To accompany the Department of Labour inspectors on their inspections;
- To undergo health and safety training during working hours;
- With employer's permission, to invite technical experts to take part in workplace inspections; and
- To participate in internal health and safety audits.

### **How many health and safety representatives must be designated?**

A representative must be designated for every workplace consisting of 20 or more workers. Therefore, where only 19 workers are employed, it is not necessary to designate a representative. In the case of shops and offices, one representative must be designated for every 100 workers or part thereof. For example, one representative must be designated in the case of 21 to 100 workers. But two representatives must be designated where 101 to 200 workers are employed, etc.

In the case of other workplaces, one representative must be designated for every 50 workers or part thereof. For example, one representative must be designated in the case of 21 to 50 workers. But two representatives must be designated where 51 to 100 workers are employed.

Depending on circumstances, an inspector may require the designation of more representatives, even in the case where the number of workers is less than 20. For



example, the layout of a plant may be of such a nature that the designation of only one representative for 50 workers is insufficient. The inspector may then require the designation of more representatives. However, if the employer and workers so agree, more than the prescribed number of representatives may be designated.

### **When must health and safety representatives be designated?**

Within four months after the commencement of the employer's business. An employer with more than 20 workers, whose business is operative for less than four months, does not have to designate representatives. In the case where, for example, seasonal workers are employed on farms, causing the number of workers to exceed 20 for a period less than four month, the designation of representatives is also not necessary.

### **When must health and safety representatives perform their activities?**

All activities regarding the designation, function and training of representatives must be performed during normal working hours.

### **What may health and safety representatives do?**

Health and safety representatives are entitled to do the following:

#### **Health and safety audits**

Representatives may check the effectiveness of health and safety measures by means of health and safety audits.

#### **Identify potential dangers**

Representatives may identify potential dangers in the workplace and report them to the health and safety committee or the employer.



## Investigate incidents

Representatives may together with the employer investigate incidents, investigate complaints from workers regarding health and safety matters, and report about it in writing.

## Make representations

Representatives may make representations regarding the safety of the workplace to the employer or the health and safety committee or, where the representations are unsuccessful, to an inspector.

## Attend committee meetings

Representatives may attend health and safety committee meetings. The health, safety and environmental safety representatives' roles and responsibilities are implemented consistent with the relevant legal, regulatory, sector and workplace standards and practices.

Self-Evaluating Checklist (12)	Yes	No
<b>Section 18(1) (j)</b>		
Are all health and safety representatives appointed as health and safety committee members?		
Are your health and safety representative's functions specified on his/her appointment form?		
<b>Section 18(3)</b>		
Have all health and safety representatives received adequate training?		
Are all health and safety representatives appointed as health and safety committee members?		
Are your health and safety representative's functions specified on his/her appointment form?		



### Facilities assistance and training:

It is the employer's duty to ensure that Representatives are properly empowered to perform their duties as health and safety representatives. Representatives must be trained during working hours. Inspection intervals are not specified. Representatives have been given direct access to the inspectorate, are entitled to attend incident investigations and enquiries, inspect documents and participate in health and safety audits.

### All appointed Health and Safety Representatives empowered to:

- Conduct health and safety audits
- Identify potential hazards, risks and dangers
- Investigate incidents
- Make recommendations regarding health and safety
- Conduct inspections
- Attend health and safety committee meetings

### Safety-representative-inspection-list

<b>Frequency:</b>	<b>Monthly</b>		
Date issued:	...../...../2024	Target completion:	for ...../...../2024
Inspector:			
Department:			
Location:			

Nr		Yes	No	Remarks
	<b>BUILDINGS</b>			
1	Clean and in good state of repair			
2	No broken windows, doors or other openings?			
	<b>FLOORS</b>			
3	Clean and free from slippery substances			



4	No tripping or other obstruction hazards?			
5	No holes, unevenness or structural damage?			
	<b>VENTILATION</b>			
6	Sufficient natural or artificial ventilation?			
7	All fans in working order?			
8	Free from any dangerous gasses, dust, smoke etc.?			
	<b>LIGHTING</b>			
9	Sufficient natural or artificial lighting?			
10	All lights in working order?			
11	No straining glares or contrasts?			
12	No dark or shadowy spots?			
	<b>POLLUTION</b>			
13	Adequate disposal system?			
14	No air pollution?			
15	Complying with all disposal standards and procedures?			
	<b>HYGIENE</b>			
16	All toilets, urinals and change rooms clean and hygienic			
17	Kitchens & eating places clean and hygienic?			
18	No eating in places not so indicated?			
	<b>DEMARCATATION</b>			
19	Aisles and passageways demarcated?			
20	Access and exit routes demarcated?			
21	Fire equipment demarcated?			
22	Electrical switchgear demarcated?			
23	All demarcation lines clear and visible?			
	<b>HOUSEKEEPING</b>			
24	Working area clean and tidy at all times?			
25	Yard tidy and clean?			



26	No redundant materials			
27	Adequate storing space?			
28	Stacking safe?			
29	No obstruction in aisles?			
30	Cupboards and shelves tidy and clean?			
	<b>REFUSE AND WASTE</b>			
31	Adequate refuse bins and removal system?			
32	Separate bins for specific materials as prescribed?			
	<b>COLOUR CODING</b>			
33	All pipe work colour coded?			
34	All electrical apparatus colour coded?			
35	Hazardous machine parts colour coded?			
36	Uniform colour coding system throughout?			
	<b>MACHINE GUARDING</b>			
37	All hazardous machine parts adequately guarded?			
38	All guards in good state of repair?			
39	All guards in place and used according prescriptions?			
	<b>ELECTRICAL SUPPLY AND EQUIPMENT</b>			
40	No installation defects			
41	Regular inspections as prescribed?			
42	No abuse?			
	<b>EMERGENCIES</b>			
43	First Aid Boxes in place, demarcated, secured?			
44	First Aid Boxes contents, correct?			
45	First Aiders trained with valid certificates?			
46	Emergency Procedure understood by all and displayed?			
47	Alarm System working?			
38	All guards in good state of repair?			



39	All guards in place and used according prescriptions?			
	<b>ELECTRICAL SUPPLY AND EQUIPMENT</b>			
40	No installation defects			
41	Regular inspections as prescribed?			
42	No abuse?			
	<b>EMERGENCIES</b>			
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47	Alarm System working?			
44	First Aid Boxes contents correct?			
45	First Aiders trained with valid certificates?			
46	Emergency Procedure understood by all and displayed?			
47	Alarm System working?			

## 1.2. Describe the process for appointing Occupational Health and safety representatives

### Eligibility criteria for employees who are nominated for election as health and safety representatives

- All employees nominated and seconded by the employees in the workplace must be eligible for designation as health and safety representatives for that workplace or section.
- All health and safety representatives are to be nominated and elected by employees in their constituency.
- The employer will nominate the management delegates to the health and safety committee.



- Language, educational qualifications and gender may not be used as reasons for excluding an employee from being nominated and elected as a health and safety representative.

### **Procedures for the nomination and election of health and safety representatives**

- Once agreement has been reached on the delimitation and demarcation of constituencies within workplaces, the trade union(s) concerned shall be given access to the employer's premises to conduct the health and safety representatives' elections.
- The trade union(s) shall inform the employer 7 days in advance of their intention to conduct health and safety representatives' elections.
- Such access shall allow the trade union representatives 3 hours per workplace to:
  - Explain the role and duties of elected health and safety representatives,
  - Explain the agreement reached between the trade unions and the employer regarding the demarcation of the constituencies in that workplace,
  - Identify the health and safety committees on which these elected representatives will meet with management representatives,
  - To receive nominations and to conduct the elections for the constituencies of that workplace.
- The employer may appoint representatives to observe and monitor the elections and the counting of votes/ballot.
- Nominations and elections of H&S Reps should as far as practically possible coincide with the election of shop stewards
- All Health and Safety Representatives are to be nominated and elected by those employees in a constituency who are not eligible to be appointed by management to represent the employer in the health and safety committee.
- All employees working within the specific section or constituency have the right to take part in the nomination and election process.
- Whenever there is more than one nomination for the election of a health and safety representative, employees in that constituency are to decide whether they will conduct the election by ballot or by show of hands.



### **Terms of office, the procedures for removing health and safety representatives and the way vacancies will be filled**

- The elected health and safety representative will hold office for four years.
- Only those employees who elected the health and safety representative may recall the health and safety representatives if they believe that she/he has failed to carry out her/his duties.
- Health and safety representatives shall vacate office when:
  - The term expires, provided that new elections take place not earlier than 3 months before the term of office expires and not later than 3 months after the elections are due.
  - On termination of employment.
  - On resigning as an elected health and safety representative.
  - On leaving the constituency due to an alternative appointment or promotion.
  - On leaving the constituency due to a transfer in terms of the conditions of employment.
  - On receipt of a petition signed by at least 20% of the workforce of the constituency indicating their demand for the replacement of the health and safety representative.
- The trade unions' representatives and the employer must meet within 10 working days of receiving notification of an elected health and safety representative vacating her/his position, or of employees petitioning for the re-call of an elected health and safety representative, to arrange for the nomination and election of a replacement health and safety representative.

### **1.3 Explain the functions of the occupational Health and safety Committees**

#### **Functions of health and safety committees**

Full consultation with the committee on all aspects of the health and safety programme is very important. All matters referred to the committee from either the employees or the health and safety representatives must be dealt with in a sufficient and formal manner. The employer must provide a suitable meeting place for committee meetings.



### **Committee's duties:**

- They may make and keep records of recommendations to employers and inspectors;
- Where these recommendations do not lead to solving the matter, the committee may make recommendations to an inspector.
- Shall discuss, report and keep records of incidents in which someone is killed, injured, or becomes ill
- Shall discuss incidents, injuries, illness, DEATH AND MAY REPORT ON AN INCIDENT IN WRITING TO INSPECTOR
- Shall perform functions as prescribed
- Shall keep records of recommendations (3 years)

### **Who determines the procedure at the meeting?**

The members of the committee elect the chairperson and determine his or her period of office, the meeting times, the place of the meeting, procedures, etc.

### **May health and safety committees consult experts for advice?**

Committees may co-opt people as advisory members for their knowledge and expertise on health and safety matters. However, an advisory member does not have the right to vote.

### **Liability:**

The committee or a member shall not incur any civil liability if they failed to do anything which they may do or is required to do.



## Record keeping:

GAR 5 stipulates those records of meetings needs to be kept for a period of at least 3 years.

Self-Evaluating Checklist (14)	Yes	No
<b>Section 20</b>		
Do you have a constitution?		
<b>Section 20(1) (a)</b>		
Do you have equal or more health and safety representatives on the committee than employer nominees?		
Are the Chief Executive Officer and other legally appointed persons involved in the health and safety committee activities?		
Does your committee have a procedure for reporting recommendations to the employer?		
<b>Section 20(2)</b>		
Does the employer comment and sign the recommendations of all health and safety committee meetings?		
Are written records and recommendations kept for at least three years?		
Does your health and safety committee discuss all reportable and recordable incidents as well as diseases, as a fixed agenda item?		

## What is the purpose of health and safety committees?

Members meet to initiate, promote, maintain and review measures of ensuring the health and safety of workers.

## When to form a committee

One or more health and safety committee(s) must be established when employers have appointed two or more health and safety representatives or when inspectors from the Department of Labour instruct the employers to do so. Based on Legislation in section 19, of the Occupational Health and Safety Act



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## Employer's duties

The employer should decide on the number of health and safety committee members. In other words, the number of persons that would form part of the committee is left to the discretion of the employer, the so called "self-regulation principal" applies.

It is Important to note that the number of employer nominees (persons other than health and safety representatives) may not exceed the number of health and safety representative acting on the committee. The intention of the legislator is to have a balance between the number of representatives and any other persons acting on the committee. The employer must consult with the committee with a view to initiate, develop, promote, maintain and review measures to ensure the health and safety of his employees at work.

The employer needs to appoint committee members - in writing - for specified period. Please note that this is a compulsory legal appointment, basically the same as the appointment of the health and safety representative for the workplace. The employer should also ensure that committees conduct formal meetings at least once every 3 months and that the committee complies with the prescriptions of the Act.

Based on Legislation in section 19, of the Occupational Health and Safety Act. The employer must provide a suitable meeting place for committee meetings. Based on Legislation in section 20, of the Occupational Health and Safety Act

## Committee's duties

- Committees must make and keep records of recommendations to employers and inspectors;
- Where these recommendations do not lead to solving the matter, the committee must make recommendations to an inspector.
- Shall discuss, report and keep records of incidents in which someone is killed, injured, or becomes ill



- Shall discuss incidents, injuries, illness, death and must report on an incident in writing to an inspector
- Shall perform their functions as prescribed
- Shall keep records of recommendations (for a minimum period of at least 3 years)

### **Who determines the procedure at the meeting?**

There are no prescriptions pertaining to the matter. This is left to the discretion of the employer. Members of the committee normally elect the chairperson and determine his or her period of office, the meeting times, the place of the meeting, procedures etc.

### **May health and safety committees consult experts for advice?**

Yes, committees may co-opt people as advisory members for their knowledge and expertise on health and safety matters. However, an advisory member does not have the right to vote.

### **Liability**

The committee or a committee member shall not incur any civil liability if the committee or he/ she failed to do anything which the committee or he/ she may do or is required to do. Based on Legislation in section 20, of the Occupational Health and Safety Act

### **Record keeping**

Records of meetings need to be kept for a period of at least 3 years.

Based on Legislation in GAR 5, of the Occupational Health and Safety Act.

### **Procedures for establishing Health and Safety Committees and representation in these structures**

- No health and safety committee structure shall exclude representation of elected health and safety representatives and trade union representatives.



- Health and Safety Committees shall include the elected health and safety representatives of any sub-contractor contracted to undertake work or provide services in the workplace.
- Where there are two or more elected health and safety representatives, a health and safety committee must be established.
- A health and safety committee may include one or more constituencies.
- No elections of health and safety representatives will take place in any workplace without the employer and the trade unions agreeing as to which health and safety committee the nominated person/s will form part of.
- Management representatives may not exceed the number of elected health and safety representatives in a health and safety committee.
- Where there is more than one health and safety committee operating in a workplace or section of a workplace, then there must also be a coordinating health and safety committee with representation from each of the existing health and safety committees in that workplace.



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## Formative assessment

- KT0101 Explain the purpose of the Occupational health and Safety representative: a. Functions as described in the legislation; b. Rights and duties of the employer and employees regarding occupational health and safety; c. Rights and powers of health safety representatives.
- KT0102 Describe the process for appointing Occupational Health and safety representatives: a. Negotiation and consultation process; b. designation of the working places; c. Qualification requirements of representatives; d. Election and appointment of the representatives.
- KT0103 Explain the functions of the occupational Health and safety Committees: a. Structure of the various committees; b. Rights and powers of the Occupational Health and Safety committees; c. Legal obligation to support the work of the committees. e. The importance of compliance with the relevant legislation