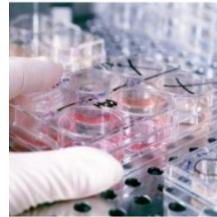




NATIONAL HEALTH  
LABORATORY SERVICE



# EMPLOYERS RESPONSIBILITY AROUND INCIDENT REPORTING AND INVESTIGATION



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20 August 2020

# OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

- The OHS Act 85 of 1993 came into effect in 1 January 1994.
- The OHS Act has 50 Sections and various regulations.

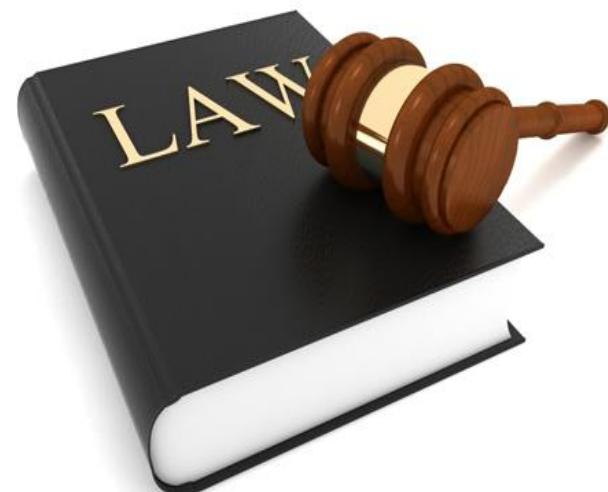


## AIM OF THE OHS ACT 85 OF 1993

The aim of the OHS ACT is to provide for:

- The health and safety of persons at work;
- The health and safety for persons in connection with the use of plant and machinery;
- The protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work;
- To establish an advisory council for occupational health and safety and to provide for matters connected therewith.

# **SECTIONS OF THE OHS ACT RELEVANT TO INCIDENT REPORTING AND INVESTIGATION**



## SECTION 8 – GENERAL DUTIES OF EMPLOYERS TO THEIR EMPLOYEES

Every employer shall provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of his employees

## **SECTION 14 – GENERAL DUTIES OF EMPLOYEES AT WORK**

Take reasonable care for the health and safety of himself and of others who may be affected by his acts or omissions. Report any situation which is unsafe or unhealthy to the employer or to the health and safety representative

## SECTION 18 – FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES (HSR)

- Review the effectiveness of health and safety measures
- Identify potential hazards and potential major incidents
- Examine the causes of incidents at the workplace
- Investigate complaints by any employee
- Inspect the workplace
- Participate in consultations with inspectors
- Receive information from inspectors
- Attend meetings of the health and safety committee



## SECTION 20 - FUNCTIONS OF **HEALTH AND SAFETY COMMITTEES (HSC)**

- Make recommendations to the employer regarding any matter affecting the health or safety of persons at work
- Where these recommendations fail to resolve the matter, make recommendations to an inspector
- Discuss any incident at the workplace where a person was injured, became ill or died
- Keep a record of each recommendation made to an employer



## SECTION 24: REPORT TO INSPECTOR REGARDING CERTAIN INCIDENTS

- Incidents occurring at work whereby a person:
  - dies
  - becomes unconscious
  - suffers a loss of a limb or part of a limb
  - suffers a permanent physical defect
  - likely to be unable for a period of at least 14 days to work
- Any major incident occurs
- If the health or safety of any person was endangered where:
  - a dangerous substance was spilled
  - uncontrolled release of substance under pressure took place
  - part of machinery failed resulting in flying, falling or uncontrolled moving objects
  - machinery ran out of control



## SECTION 25: REPORT TO CHIEF INSPECTOR REGARDING OCCUPATIONAL DISEASE

- A medical practitioner who examines or treats a person for a disease which he believes arose out of that persons employment, shall within 14 days of that examination give notice to the Chief inspector of the DOEL.



# GENERAL ADMINISTRATIVE REGULATIONS, 2003

## Employers responsibility

- Within 7 days of a Section 24 incident occurring, notice must be given to the DOEL in the form of a WCL 2.
- Within 14 days of an occupational disease notice must be given to the DOEL in the form of a WCL 1.



ANNEXURE 1

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993  
(ACT NO 85 OF 1993)

REGULATION 9 OF THE GENERAL ADMINISTRATIVE REGULATIONS  
RECORDING AND INVESTIGATION OF INCIDENTS

A. RECORDING OF INCIDENT

1. Name of employer .....

2. Name of affected person.....

3. Identity number of affected person.....

4. Date of incident ..... 5. Time of incident.....

6. Part of body affected	Head or Neck	Eye	Trunk	Finger	Hand
	Arm	Foot	Leg	Internal	Multiple

7. Effect on person	Sprains or strains	Contusion or wounds	Fractures	Burns	Amputation
	Electric shock	Asphyxiation	Unconsciousness	Poisoning	Occupational Disease

8. Expected period of disablement	0-13 days	2-4 weeks	>4-16 weeks	>16-52 weeks	>52 weeks or permanent disablement	Killed

9. Description of occupational disease.....

10. Machine/process involved/type of work performed/exposure\*\*.....

11. Was the incident reported to the Compensation Commissioner and Provincial Director?

Yes	No
-----	----

12. Was the incident reported to the police?

Yes	No
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13. SAPS office and reference .....

\*to be completed in case of a fatal incident.

\*\*in case of a hazardous chemical substance, indicate substance exposed to

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**B. INVESTIGATION OF THE ABOVE INCIDENT BY A PERSON DESIGNATED THERETO**

1. Name of investigator.....
2. Date of investigation.....
3. Designation of Investigator .....
4. Short description of incident  
.....  
.....
5. Suspected cause of incident  
.....  
.....
6. Recommended steps to prevent a recurrence  
.....  
.....

Signature of Investigator

Date

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**C. ACTION TAKEN BY EMPLOYER TO PREVENT THE RECURRENCE OF A SIMILAR INCIDENT**

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.....  
.....

Signature of employer

Date

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**D. REMARKS BY HEALTH AND SAFETY COMMITTEE**

Remarks

.....  
.....  
.....

Signature of Chairperson of Health and Safety Committee

Date .....

## INCIDENT

The term incident can be defined as an occurrence, condition, or situation arising in the course of work that resulted in or could have resulted in injuries, illnesses, damage to health, or fatalities.

## INCIDENT PREVENTION

- Conducting risk assessments to establish where hazards and risks exist.
- Putting control measures in place to control the risk and reduce the likelihood of incidents occurring.
- Following proper written work procedures and safety precautions.
- Wearing the required personal protective equipment (PPE)

## INCIDENT REPORTING AND INVESTIGATING

- It is the responsibility of the affected person to report occupational incidents, accidents, near misses or occupational diseases to the manager and health and safety representative (HSR) within 24 hours or as soon as practicably possible.
- All incidents must be investigated and recorded within 7 days of the date of the incident.



## INCIDENT INVESTIGATING

- The immediate goal of any incident investigation is to find out what happened and why it happened and the ultimate goal is to make sure it never happens again.
- All incident investigations are both reactive and proactive.
  - Reactive - Gathering facts about what led to the incident.
  - Proactive - Making recommendations to ensure that the incident never happens again.
- Trends are reviewed, gaps are identified and improvement plans are developed to prevent future occurrences





-  Audit Checklists
-  Equipment Maintenance
-  Incident Reporting
-  Incident Investigation
-  Safety Checklists
-  Workforce Health
-  Waste Management
-  Workplace Assessment
-  Analytics

## Incident Reporting



Start New  
Incident Report



Find Existing  
Incident Report



Confirm an  
Incident Report



Generate  
Reports



Audit Checklists

Equipment Maintenance

Incident Reporting

Incident Investigation

Safety Checklists

Workforce Health

Waste Management

Workplace Assessment

Analytics

## Incident Investigation



Find Existing  
Investigation



Generate  
Reports

## ACKNOWLEDGMENTS

- NHLS Safety Health and Environment (SHE) Department
- NIOH Outbreak Response Team

*Thank  
you*

