

1 The functions of a Health and Safety Representative

- **Who is Health and Safety Representative?**

Also known as a SHE Rep, a Health and Safety Representative is an individual appointed at the workplace to represent their fellow employees. In their capacity, a SHE Rep is responsible for making sure that all the identified risks and hazards are dealt with as far as reasonably practicable. The SHE Rep makes consultation with their employer and represents them in the Health and Safety Committee regarding all safety, health and welfare related matters which are likely to affect workers, including any other person/s who may be affected by the work done at the specific site or workplace.

- **Who is eligible to be a SHE Rep and how many are needed?**

Section 17 (4) states that employees need to be employed in a full time capacity and must be acquainted with the conditions and activities (hazards and risks involved) in the specific area they are appointed in. Once the candidate is eligible, the designation must be done in writing and a period agreed upon must be reached between the employer and the Health and Safety Representative. An employer cannot appoint a new employee as a Health and Safety Representative or any employee for that matter. The SHE Rep position has to go through a nomination process before it can be undertaken by the chosen candidate.

An employer that employs more than twenty people in the general industry needs to appoint one representative for that group of people and for shops and offices one SHE Rep will represent at least hundred workers according to OHS Act. On the other hand, the Mine Health and Safety Act 29 of 1996 Section 25 (1) indicates that every mine that employs more than twenty people should appoint a SHE Rep for each shift at each designated working place at the mine.

- **How does the appointment process work?**

The General Administrative Regulation Section 6 enclosed in OHS Act stipulates that when a Health & Safety Representative needs to be appointed, the employer must first meet with the trade unions. If there is no registered union in place, a collective agreement shall be entered upon by the employer and employees in consolidation and conclude their agreement regarding the following:

- The nomination or election process of the SHE Rep

- Office terms and the stipulated manner in which a SHE Rep can be removed if they fail to fulfil their responsibilities
- The applicable procedure in which vacancies will be filled
- The manner in which the Health and Safety Representative is expected to perform their functions in accordance with the OHS Act
- The provision of facilities, training and assistance that allows the Health and Safety Representative to perform their functions as stipulated in Section 18 of the OHS Act.

- **Why must Health & Safety Representative be appointed by a nomination process?**

The appointment of a SHE Rep is not inclusive of a promotion or increased remuneration or any attached benefits thereof. It generally needs to be filled by a candidate that has interest in health and safety, the candidate also need to command the respect of his or her employees. Normally employees would nominate an employee they respect and look up to, which means employees can easily take instructions from the nominated candidate in the interest of health and safety. It should also be noted that nomination does not mean the candidate can assume their role and fulfil the function of a SHE Rep. The nominated candidate first has to accept their nomination before they can assume the role of a SHE Rep.

- **The functions of Health and Safety Representatives**

Section 18 of the OHS Act states that a Health and Safety Representative may perform the following functions:

- Review the effectiveness of health and safety measures
- Identify potential hazards and major potential incidents at the workplace
- Examine the causes of incidents at the workplace in collaboration with the employer
- Investigate complaints by any employee relating to health and safety
- Make representation to the employer or a health and safety committee regarding health and safety
- Participate in consultation with inspectors and accompany them on inspections of the workplace
- Receive information from inspectors as stipulated in Section 36 of the OHS Act
- A SHE Rep must attend health and safety committee meetings of which they are a member.

- **When should a Health & Safety Representative carry out their functions and what training is required?**

The provision of SHE training will be at the expense of the employer and all activities related to the designation and function of the SHE Rep needs to be completed during working hours. A representative cannot be expected to perform their functions after hours or have their leave days deducted for attending training.

The Health and Safety Representative course offers basic training in information a representative would need to perform their functions. There are additional training that contributes to efficiency in the execution of the SHE Rep functions.

- **Can a Health & Safety Representative incur any civil liability?**

Section 18 (4) of the OHS Act states that 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/she may do or is required to do in terms of this act. This subsequently means the Representative will not be held liable if they are negligent in executing their functions as a SHE Rep.