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The importance of reporting an incident in the workplace



Across the South African business environment, workplace safety-related incidents occur daily and are treated haphazardly and differently within the operational context of each business.

In most instances, reporting of incidents is avoided or incidents are reported incorrectly, which may have long-term implications for both the business and the employee.

Reporting incidents forms an integral part of establishing the effectiveness of a company's health and safety management programme. In our series on occupational health and safety in the workplace, we already discussed the *implications of non-compliance with the Occupational Health and Safety Act* and *consequences of non-compliance with the Occupational Health and Safety Act*. For the purpose of this week's blog, we will be looking at the importance of reporting incidents in the workplace.

Provisions of the Health and Safety Act relating to incident reporting

Section 24 of the Occupational Health and Safety Act (OHSA) 85 of 1993 reads as follows:

“24. Report to inspector regarding certain incidents-

1. Each incident occurring at work or arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequences of which-

a. Any person dies, becomes unconscious, suffers loss of a limb part of a limb or is otherwise injured or becomes ill to such a degree that he is likely to die or suffer a permanent physical defect or is likely to be unable for a period of at least 14 days either to work or to continue with the activity for which he was employed or is usually employed;

b. A major incident occurred; or

c. The health or safety of any person was endangered and where-

i. A dangerous substance was spilled;

ii. The uncontrolled release of any substance under pressure took place;

iii. Machinery or any part thereof fractured or failed resulting in flying, falling or uncontrolled moving objects; or

iv. Machinery ran out of control

Shall, within the prescribed period and in the prescribed manner, be reported to the inspector by the employer or the user of the plant or machinery concerned, as the case may be.”

Based on the above peremptory provisions, all incidents occurring at work must be reported to a designated person at the company whether it is , health and safety supervisor or health and safety representative.

What is an incident in the workplace?

A simplified explanation will be that an “incident” is any action endangering the safety and health of any person at work.

This includes the following:

How do you report and record an incident in the workplace?

A major concern is failure to report the various incidents as listed above and several occasions when incidents were reported and recorded incorrectly. Within the table above, the groups of incidents are recorded and reported as follows:

1. Incident types 1, 2 and 7:

- Complete a Near Miss / Non-Conformance Report for all near-misses and damages suffered;
- Record all minor first aid incidents in a first aid register. Where applicable an Annexure 1 may also be completed.

2. Incident types 3 and 6:

- Complete the W.Cl.2 form of Workmen’s Compensation;
 - When the person is taken to a hospital or doctor, a certified ID copy along with the W.Cl.2 form must accompany the employee;
 - Obtain the first medical report;
 - Submit all the above to Workmen’s Compensation;
- Complete the Annexure 1 form as indicated in the General Administrative Regulation 9.

3. Incident types 4, 5 and 6:

- Immediately contact the Department of Labour;
- In the event of a fatality, immediately contact the police as well;
- Complete the W.Cl.2 form of Workmen's Compensation:
 - When the person is taken to the hospital or doctor, a certified ID copy along with the W.Cl.2 form must accompany the employee;
 - Obtain the first medical report;
 - Submit all the above to Workmen's Compensation;
- Complete the Annexure 1 form as indicated in the General Administrative Regulation 9.

In all the above instances, the following should also be included:

- Incidents MUST be reported in the same shift;
- A register of all reported incidents must be kept up to date;
- The incident must be reported to the designated persons, including the section 16(2) appointee, Incident Investigator and Safety Representative;
- All incidents must be discussed during the health and safety committee meetings.

Scenario in the workplace

Failure to report an incident and the long-term implications can be illustrated in the following example: An employee was stacking shelves in a retail shop. As he climbed down from the ladder, he was scratched through his pants by a piece of wire protruding from the frame of the ladder.

It was not reported to anyone within the same shift. The wound became infected and the employee did not return to work for 3 months during which it was said that he had absconded because he could not be reached. After 3 months he reported to work minus a leg. He lost his limb due to gangrene which had developed because he was an untreated diabetic and it had to be amputated.

Because it went unreported, the employee could not claim compensation and was also unemployed.

What is an employer's legal duty to inform employees of health and safety?

It is the duty of an employer, as stated in section 13 of the Occupational Health and Safety Act 85 of 1993, to inform employees of matters relating to health and safety. It is also the duty of the employer to ensure a healthy and safe working environment for all employees.

SERR Synergy's integrated approach to legislative compliance assists employers to ensure that they are not only compliant with the OHS Act 85 of 1993 and its applicable regulations, but also with the Compensation for Occupational Injury and Diseases Act No 130 of 1993. SERR Synergy has a dedicated *Occupational Health and Safety department* which assists with compensation claims, submissions and annual return of earnings to obtain a valid Letter of Good Standing. If you require assistance with compliance orders, please *contact us* for guidance.

About the author: Ilse-Marie van de Wall started her career as a Human Resources and Industrial Relations Practitioner in 2007. She holds a degree from the University of Pretoria and certificates in both NEBOSH and SAMTRAC. She is currently busy with a National Diploma in Safety Management at UNISA. As a professional Health and Safety Practitioner she is registered with SAIOSH and the SACPCMP. She started with SERR Synergy in 2016 as an Occupational Health and Safety Practitioner and currently holds the title of National Occupational Health and Safety Manager.

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