

Reportable incidents

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South African organisations have frequently been unwilling witnesses to serious incidents at the workplace. These incidents were caused by a combination of factors, for example human negligence, recklessness or simply machinery failure, and have led to the stringent rules and regulations regarding occupational health and safety in place today. However, new technology and legislation bring their own set of problems. These shortcomings often only reveal themselves in the form of horrific accidents, but if investigated properly, can give insight into how to alter the current systems. These insights and changes cannot take place if an incident is not investigated. An incident cannot be investigated if it is not reported.

It is important to note at this point that we should distinguish between incidents reported internally, and those reported externally. Internal reporting refers to the reporting and investigation of incidents inside the company itself. External reporting refers to the reporting to and investigation of incidents by the Department of Labour. Legislation strictly controls the latter but not the former. We have found that, to start with, many companies do not understand what is considered to be a reportable incident in terms of the Occupational Health and Safety Act 85 of 1993.¹

An incident is defined in Section 1 of the Act as "an incident as contemplated in Section 24(1)". Section 24 states that:

"(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 consequence of which –

- (a) any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes ill to such a degree that he is likely either to die or to suffer a permanent physical defect or 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 an inspector by the employer or the user of the plant or machinery concerned, as the case may be.

(2) In the event of an incident in which a person died, or was injured to such an extent that he is likely to die, or suffered the loss of a limb or part of a limb, no person shall without the consent of an inspector disturb the site at which the incident occurred or remove any article or substance involved in the incident therefrom: Provided that such action may be taken as is necessary to prevent a further incident, to remove the injured or dead, or to rescue persons from danger.

(3) The provisions of subsections (1) and (2) shall not apply in respect of—

- (a) a traffic accident on a public road;
 - (b) an incident occurring in a private household, provided the householder forthwith reports the incident to the South African Police; or
 - (c) any accident which is to be investigated under section 12 of the Aviation Act, 1962 (Act No. 74 of 1962).
- (4) A member of the South African Police to whom an incident was reported in terms of subsection (3)(b), shall forthwith notify an inspector thereof."

It is clear from the above that specific incidents are considered serious enough to be reported to the Department of Labour, to enable an Inspector to investigate such incidents. These include what is commonly referred to as a "near miss" or "near hit". We have found that many companies are aware of what a near miss is, but are not aware of the fact that four types of near misses are reportable to the Department of Labour. This non-reporting of near misses causes incident statistics to be skewed, and it is not possible to investigate such incidents. As many near misses could have been fatalities, this means that there is a loophole in the system.

This brings us to the internal reporting of incidents. It is suggested that any and all types of incident be reported inside a company. This would include keeping records of near misses and even first aid cases. Not only is this essential to trend analysis, but it would ensure all information is on file in case of a compensation claim. Every company seems to have its own internal incident reporting terminology, e.g. incident, accident, lost time injury, non-lost time injury, disabling injury, non-disabling injury. This is where the problem comes in. Sometimes, companies change their internal terminology for a specific incident, to ensure that their incident statistics stay down. Employees are brought back to work immediately after an incident, so that they do not lose a shift, and consequently the lost time injury rate does not rise. This is an utter perversion of the intention of the Act, and such companies are not being honest with themselves.

This brings us to the bonus system. Some companies reward employees with a bonus if their injury rate stays low. Recently, an entire department in a company was sworn to secrecy after an incident, and they are now too afraid to report the incident. Reporting the injury would affect the department's bonus.

We would like to appeal to all organisations in South Africa that ALL incidents be reported internally, as well as reporting reportable incidents to the Department of Labour. Without full and honest disclosure of these statistics, it is impossible for our country to ensure that all employees have a safe and healthy working environment.

REFERENCE

1. South Africa. Occupational Health and Safety Act No.85 of 1993 as amended. Pretoria: Department of Labour; 1993. Available at www.labour.gov.za