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|  Eskom | <b>Standard</b> |  |
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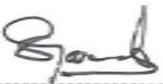
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| Compiled by   | Functional Responsibility   | Authorized by   |
|---|---|---|
|  |  |  |
| <b>S. Govender</b><br><b>Middle Manager OHS Governance and Assurance</b>            | <b>A. Stramrod</b><br><b>Senior Manager OHS Operational Safety</b>                  | <b>K. Pather</b><br><b>General Manager Sustainability Systems</b>                     |
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## **1. Introduction**

Eskom has incorporated Zero Harm as one of its values. To achieve the goal of Zero Harm an integrated Safety Health, Environment and Quality (SHEQ) Organisational Structure with clearly defined roles and responsibilities must be established and operationalised. This structure must enable compliance with legislative and Eskom requirements. The communication channels at all levels and how these structures interface should be clearly defined.

**This document focuses on the Occupational Hygiene and Safety (OHS) component of the Integrated SHEQ Organisational Structure.**

## **2. Supporting Clauses**

### **2.1 Scope**

This document gives detail of the relationship between the OHS Governance Organisation, the associated OHS Support roles and responsibilities and sets out the statutory appointments applicable to Eskom.

#### **2.1.1 Purpose**

The purpose of this standard is to provide clear requirements for the Occupational Hygiene and Safety (OHS) component of the Integrated SHEQ Organisational Structure as well as the relevant roles & responsibilities and statutory appointments.

#### **2.1.2 Applicability**

This standard is applicable throughout Eskom Holdings SOC Limited, its Divisions, subsidiaries and any entity wherein Eskom has a controlling interest.

## **2.2 Normative/Informative References**

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

### **2.2.1 Normative**

- [1] ISO 9001:2008 Quality Management Systems
- [2] Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993
- [3] The Occupational Health and Safety Act (Act 85 of 93) and Regulations
- [4] The Mine Health and Safety Act (Act 29 of 1996)
- [5] Fire Brigade Services Act (Act 99 of 1987)
- [6] 32-727: SHEQ Policy
- [7] 240-49308149 Process Control Manual for Occupational Health and Safety Management
- [8] 240-58515998 Health and Safety Agreement with Organised Labour

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### **2.2.2 Informative**

- [9] 240-63907294: Service Level Agreement Template between Sustainability Systems SHE&S Business Advisors and Eskom Group, Divisions and/or Operating Units
- [10] 221-239: Terms of Reference Executive Management Committee (EXCO)
- [11] 221-232: Terms of Reference Management Committee ("MANCOM")

### **2.3 Definitions**

**Note: Where there are no definitions then the definitions as laid down in the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993 (OHS Act) or its regulations shall be applicable.**

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| Definition                    | Explanation  |
|-------------------------------|--|
| <b>Chief Executive</b>        | In relation to a body corporate or an enterprise conducted by the State, means the person who is responsible for the overall management and control of the business of such body corporate or enterprise   |
| <b>Employee</b>               | <p>A person who has entered into or works under a contract of service, apprenticeship or learnership with an employer, whether the contract is express or implied, oral or in writing, whether the remuneration is calculated by time or work done and paid for in cash or in kind, or tacitly (by tacit agreement) and includes cases where such a person is under the control, instruction and supervision of his/her employer, namely:</p> <p>A Permanent employee, which includes a:</p> <ul style="list-style-type: none"> <li>• full-time employee,</li> <li>• part-time employee;</li> <li>• shift worker; and</li> <li>• a person referred to as a learner (18.1) or an apprentice in the Conditions of Service for Bargaining Unit employees</li> </ul> <p>Non-permanent employee, which includes:</p> <ul style="list-style-type: none"> <li>• a person placed through a TES (Includes a Labour Broker/Personnel Agency);</li> <li>• a temporary employee;</li> <li>• a casual employee employed for the purpose of the employer's business;</li> <li>• an occasional employee;</li> <li>• a vacation student;</li> <li>• any person employed in terms of a Fixed Term Contract, and</li> <li>• A person under a Learnership Contract 18.2.</li> <li>• A bursary holder while under the supervision and/or direction of an employer</li> </ul> |
| <b>Employer</b>               | means any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him  |
| <b>Safety Professional</b>    | Is any appropriately qualified person who is employed to perform OHS related activities as their primary role and job function. (This would exclude statutory Health & Safety Representatives)   |
| <b>OHS Steering Committee</b> | Functions as a governance body, responsible for and playing a significant role in making recommendations to Sustainability Systems, MANCO, and to the organisation on Occupational Hygiene and Safety management matters.  |

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| <b>Definition</b>                             | <b>Explanation</b>   |
|---|--|
| <b>Operating Unit (OU)/Business Unit (BU)</b> | Any defined unit within the Eskom environment, operating as a business. In the context of this document and in terms of health and safety, any reference to an OU/BU includes a defined unit within any Eskom division and its subsidiaries  |
| <b>Responsible Manager</b>                    | Is a Manager of a department, section or operating/business unit who has been appointed as part of the Eskom delegation of authority process with the aim to assist the applicable 16(2) assigned person in executing his/her duties in terms of the Occupational Health and Safety Act                        |
| <b>SHEQ Committee</b>                         | The SHEQ Committee is the governance structure that is established and governed by a terms of reference to address and decide on all Occupational Hygiene, Safety, Environmental and Quality issues presented to it for a particular defined area of the business and includes sub-committees where applicable |
| <b>Work Group</b>                             | Is a group of subject matter experts, who are tasked to research, gather, evaluate, develop and suggest solutions to OHS management problems   |
| <b>Work Place</b>                             | Any premises or place where a person performs work in the course of his/her employment, including a private home or portion thereof in the case of telework, a vehicle, aircraft, boat or vessel   |

## 2.4 Abbreviations

| <b>Abbreviation</b> | <b>Explanation</b>                                  |
|---------------------|---|
| <b>A&amp;F</b>      | Audit and Forensic Department                       |
| <b>BU</b>           | Business Unit                                       |
| <b>CE</b>           | Chief Executive                                     |
| <b>COID</b>         | Compensation for Occupational Injuries and Diseases |
| <b>EXCO</b>         | Executive Committee                                 |
| <b>GE</b>           | Group Executive                                     |
| <b>MANCOM (Ops)</b> | Management Committee (Operations)                   |
| <b>OHSAct</b>       | Occupational Health and Safety Act                  |
| <b>OHS</b>          | Occupational Hygiene and Safety                     |
| <b>OU</b>           | Operating Unit                                      |
| <b>SLA</b>          | Service Level Agreement                             |
| <b>TES</b>          | Temporary Employment Service                        |

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## 2.5 Roles and Responsibilities

The Figure below illustrates the relationship between the OHS Governance Structure, the associated OHS Support roles and responsibilities and the statutory appointments applicable across Eskom Holdings SOC Limited.

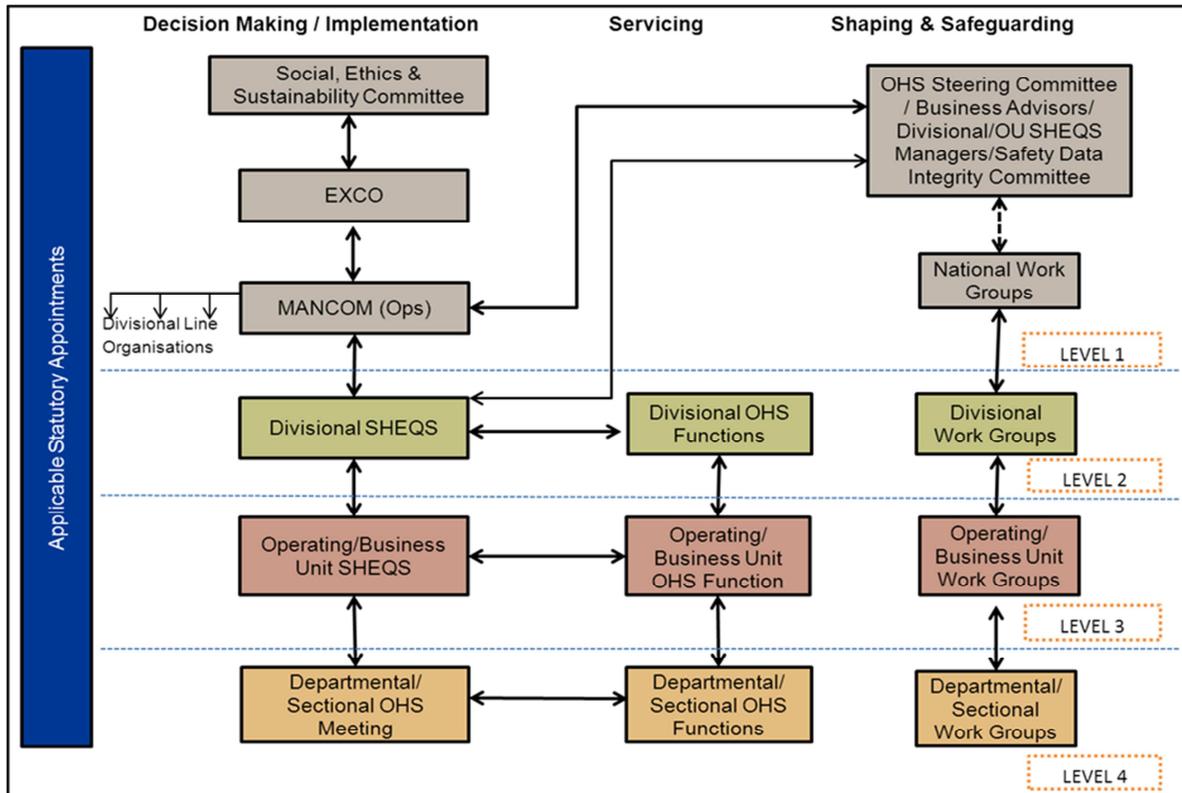


Figure 1: OHS Roles and Responsibilities and Statutory Appointments

### 2.5.1 Decision-making/Implementation

The establishment of SHEQ committees and ensuring direct connection from one SHEQ committee to the next from the highest level of Eskom to the lowest level of the organisation is aimed at:

- Ensuring that SHEQ matters are understood, analysed, evaluated and acted upon
- Ensuring the implementation of agreed solutions
- Monitoring of progress
- Enabling continuous improvement

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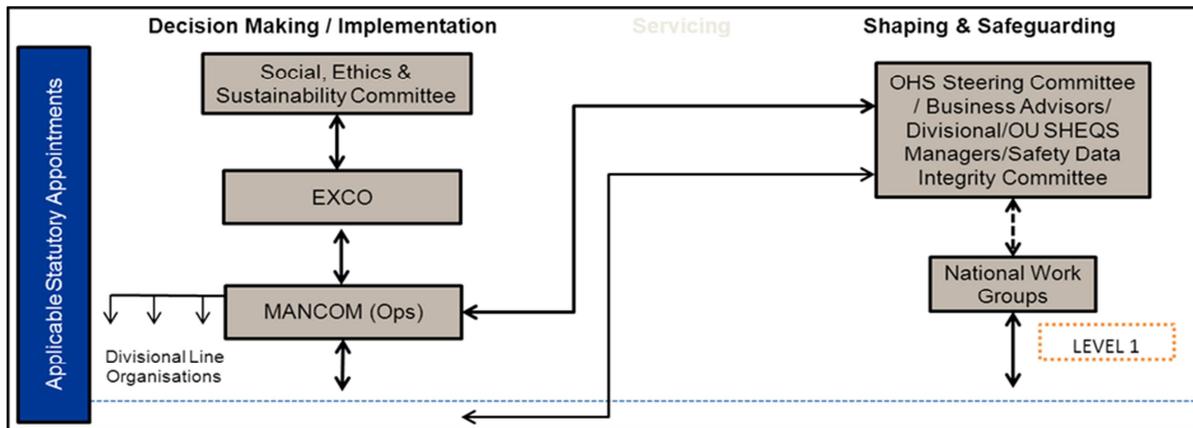
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This Organisational Structure is highly effective if, as illustrated above, each lower order SHEQ committee is chaired by a member of the higher order SHEQ committee. In this way we ensure information flows from the top of the organisation to the bottom and back without dilution; we encourage involvement and analysis at all levels of the organisation while supporting the principle that, Line Management is responsible and accountable to ensure that SHEQ matters are managed to acceptable levels.

**2.5.2 Roles and Responsibilities for Oversight Decision-making and Implementation in the Organisation**

Figure 2 illustrates the Level 1 OHS Governance Structure and the inter-relationships that exist on a national level.



**Figure 2: Level 1 National**

**2.5.2.1 Social, Ethics and Sustainability Committee**

This committee deals with integrated sustainability issues and makes recommendations and monitors compliance on policies, strategies and guidelines, particularly related to safety, health, environment, quality and nuclear issues.

The committee also scrutinises nuclear safety at Eskom facilities to ensure that standards are aligned with all regulatory and internal requirements and remain consistent with international best practice.

**2.5.2.2 EXCO**

Effective SHEQ Governance and oversight shall be performed by Eskom’s executive leadership EXCO.

Its function shall be to assist the Chief Executive in guiding and controlling the overall direction of the business including matters of OHS.

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#### **2.5.2.2.1 Leadership and Composition of EXCO**

The Chief Executive as the designated Section 16(1) in terms of the Occupational Health and Safety Act shall chair EXCO.

Group Executives (Section 16(2) appointees in terms of the OHS Act) shall be members of EXCO and shall also chair their respective Group SHEQ committees.

#### **2.5.2.2.2 EXCO Terms of Reference**

EXCO is governed by a documented Terms of Reference, which describes the mandate, membership and frequency of meetings, including matters relating to OHS management.

#### **2.5.2.3 MANCOM (OPERATIONS)**

Effective SHEQ management and implementation shall be carried out by Eskom's executive leadership through MANCOM Operations which is a subcommittee of EXCO.

Its function in terms of **OHS** is:

- Responsible for the oversight of Safety, Business safety strategy, all fatalities and major incidents within Eskom including public accidents and incidents which affect and are within Eskom's control;
- To review measures and recommendations implemented, following incidents/accidents, in an endeavour to prevent similar incidents including fatalities, and to enhance Eskom's health and safety performance, production performance, and to share lessons learnt from these incidents throughout Eskom;
- To review appropriate operational risk management practices, and ensure that the necessary systems are in place to either eliminate, or minimise those identified risks from the various divisions, to which Eskom might be exposed;
- To receive and consider reports from , amongst others, the OHS Steering Committee;
- To review the year to date business results as well as the projected year-end results relating to OHS performance.

#### **2.5.2.3.1 MANCOM Terms of Reference**

MANCOM shall be governed by a documented Terms of Reference, which shall describe the mandate, membership and frequency of meetings, including standing agenda items relating to OHS management to be addressed at each meeting.

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#### **2.5.2.4 SHEQ Steering Committees (Environmental Steering Committee, OHS Steering Committee)**

Steering Committees function as governance bodies, responsible for and playing a significant role in making recommendations to Sustainability Systems MANCO, MANCOM, and to the organisation on SHEQ management matters respectively. The Committees further co-ordinate and progressively manage the work scope of National Work Groups, and provide first order endorsement of solutions developed by these Work Groups; before proposed solutions are presented to MANCOM for second order endorsement and to EXCO for final ratification and adoption.

##### **2.5.2.4.1 Steering Committees Terms of Reference**

The Steering Committees shall be governed by documented Terms of Reference, which shall describe the mandate, membership and frequency of meetings, including standing agenda items to be addressed at each meeting.

##### **2.5.2.5 Work Groups**

Work Groups will function as per applicable Terms of Reference.

##### **2.5.2.6 Data Integrity Committee**

The Data Integrity Committee shall provide the business with assistance in determining the correct classification of OHS incidents as per the requirements of PC 32-95: Procedure Manual for Environmental, Occupational Health and Safety Incident Management.

###### **2.5.2.6.1 Data Integrity Committee Terms of Reference**

The Data Integrity Committee shall be governed by documented Terms of Reference, which shall describe the mandate, membership and frequency of meetings, including standing agenda items to be addressed at each meeting.

#### **2.5.3 Level 2: Divisional**

Figure 3 illustrates the Level 2 OHS Governance Structure and the inter-relationships that exist at a divisional level.

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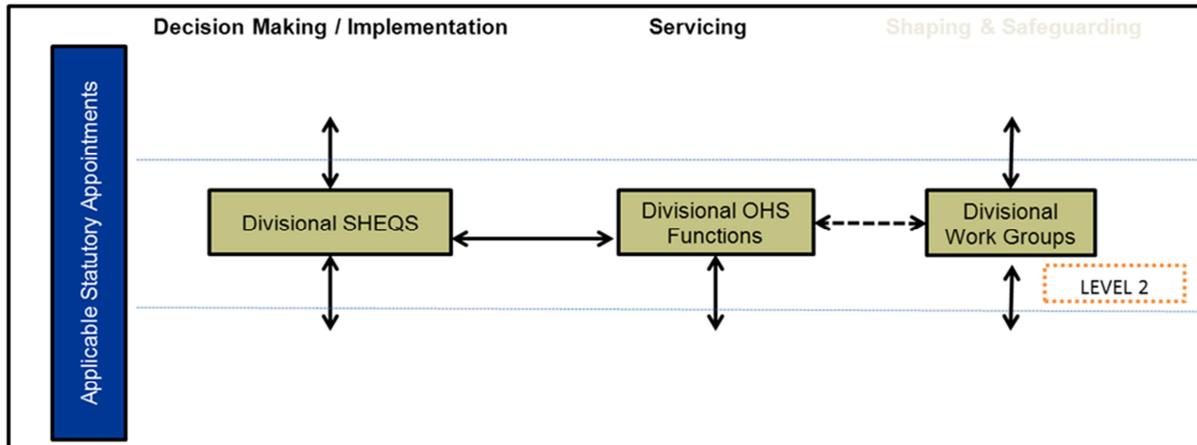


Figure 3: Level 2: Divisional

**2.5.3.1 Divisional / Integrated Divisional Structures**

Each division shall create a Divisional SHEQ Committee in support of its mandate in this regard. These committees have the same SHEQ purpose as EXCO, except that they act in alignment with the overall direction set by EXCO.

Its function in terms of OHS shall be to:

- Ensure Divisional OHS compliance to Eskom SHEQ policy and OHS goals, objectives, standards, procedures and directives, and
- Implement Divisional specific OHS improvements plans and programs
- Provide Divisional direction and oversight
- Promote Divisional OHS performance improvement at “the exclusion of all other divisional imperatives”
- Facilitate knowledge sharing on lessons learnt from incidents and good practices to ensure continuous improvement.

**2.5.3.1.1 Divisional SHEQ Committee Terms of Reference**

The Divisional SHEQ committee shall be governed by a documented Terms of Reference, which shall describe the mandate, membership and frequency of meetings, including standing agenda items to be addressed at each meeting of the SHEQ committee.

**2.5.3.2 Divisional Work Groups**

The establishment of Divisional Workgroups shall be at the discretion of the relevant Division.

**2.5.4 Operating/Business Unit**

Figure 4 illustrates the Level 3 OHS Governance Structure and the inter-relationships that exist at an operating/business unit level.

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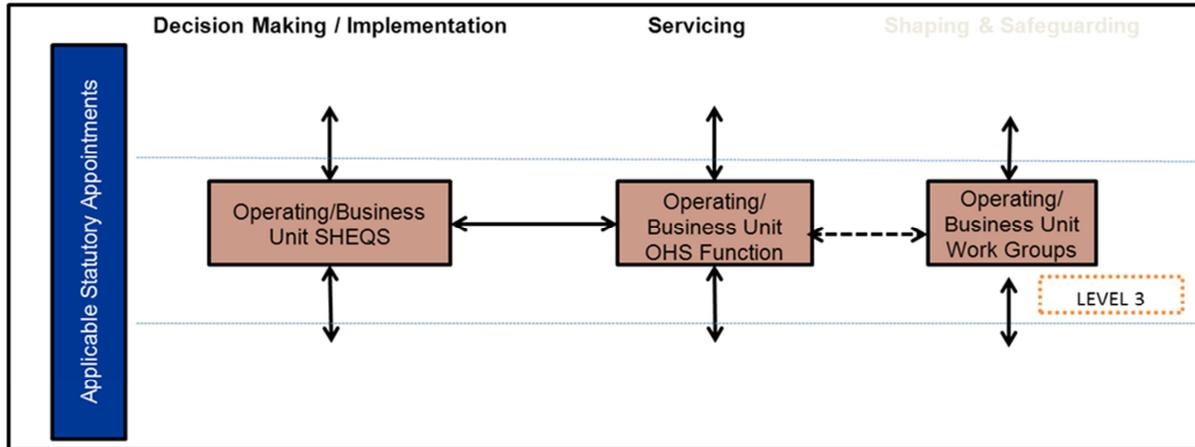


Figure 4: Level 3 Operating/Business Unit

#### 2.5.4.1 Operating/ Business Unit SHEQ Committee

Each Operating/Business Unit shall create an Operating Unit/Business Unit SHEQ Committee in support of its Divisional SHEQ Committee. These committees have the same SHEQ purpose as EXCO, except that they act in alignment with their Divisional SHEQ committee and are limited to Operating/Business Unit SHEQ improvements.

##### 2.5.4.1.1 Operating/Business Unit SHEQ Committee Terms of Reference

The OU/BU SHEQ committee shall be governed by a documented Terms of Reference, which shall describe the mandate, membership and frequency of meetings, including standing agenda items to be addressed at each meeting of the SHEQ committee.

#### 2.5.5 Departmental/Sectional

Figure 5 illustrates the Level 4 OHS Governance Structure and the inter-relationships that exist at a departmental/sectional level.

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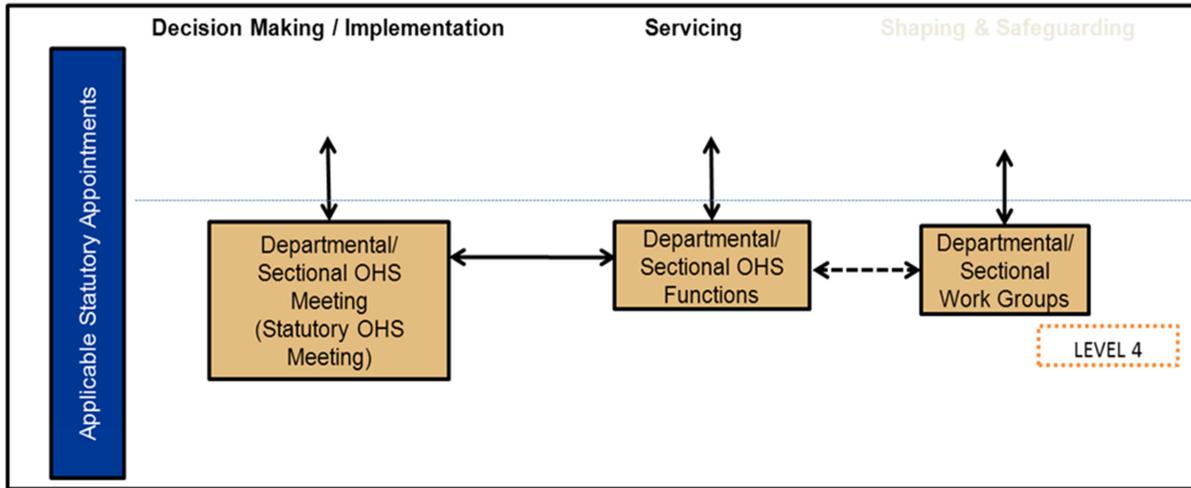


Figure 5: Level 4 Departmental/Sectional

**2.5.5.1 Statutory Health and Safety Committee Meeting**

Each workplace shall hold a Statutory Health & Safety Committee Meeting as prescribed by the OHSAct and the MHSAct where applicable.

**2.5.5.2 Health & Safety Committee Meeting Terms of Reference**

Departmental/Sectional Committee shall be governed by a documented Terms of Reference, which shall describe the mandate, membership and frequency of meetings, including standing agenda items to be addressed at each meeting.

**2.5.6 Sustainability Systems OHS Business Advisors**

An OHS Business Advisor plays a shaping and safeguarding role to a Group/Division in terms of a Service Level Agreement entered into between the OHS Business Advisor and Group/Division which includes but is not limited to the following:

| Focus Area   | OHS Business Advisor Role  |
|--|--|
|  | Expected Service level delivery areas  |
| Mandate, strategy, operational plans or procedures | Advice and support to Group's/Divisional's Senior Management in the implementation and realisation of the OHS mandate, strategy and operational plans or procedures promoting continual improvement to equip leaders in becoming committed, visible and effective. |
| Incident Management                                | Provide support to the Employer is to ensure that serious incidents are reported and investigated in accordance with the requirements of the Incident Management Procedure.  |

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|   |   |
|---|---|
| Performance management  | Provide support to the Employer is to ensure that OHS performance objectives and targets are integrated in the business planning process.   |
| Alignment with Corporate Strategies and Operational Plans     | Participating in the development of the Eskom Level 1 OHS strategies and/or operational plans and ensuring that the Group/Divisional unpack and include this in their Group/Divisional OHS operational plans to allow alignment with corporate strategy.  |
| Advisory Services   | Provide specialist guidance and advice to senior, line management and OHS Business Representatives.   |
| OHS Practitioner Development                                  | Provide specialist guidance and advice to ensure that Group/Divisional management and OHS practitioners have the necessary OHS competencies.  |
| OHS campaigns, initiatives & interventions                    | Inform the Group, Divisional OHS Business Representative of any new Eskom-wide OHS campaigns.   |
| The roles and responsibilities of the SLA can be effected by: | <ul style="list-style-type: none"> <li>• Attending Group/Divisional Statutory and/or Non-statutory Health and Safety Committees as per meeting schedule</li> <li>• Engaging with Senior and Line Management as required</li> <li>• Frequently liaising or meeting with respective Group/Divisional OHS Business Representative(s)</li> </ul> <p>Building a strong team-relationship with the OHS Business Representatives and other stakeholders (as required) to ensure the effective implementation of the SLA.</p> |

**2.5.7 Safety Professional**

The role of the Safety Professional includes but is not limited to the following:

| Focus Area   | Safety Professionals  |
|--|---|
|  | Expected Service level delivery areas   |
| Mandate, strategy, operational plans or procedures | Assist Group, Divisional, Operating Unit and/or Business Unit's Senior Management in the development and implementation of operational plans and procedures, in alignment with strategic initiatives. |

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|  |  |
|--|--|
| Incident Management                                  | Assist Line management to ensure incidents are reported, captured, investigated and analysed and that appropriate corrective and preventive actions are taken and closed out and lessons shared.   |
| Performance management                               | Assist Line management in keeping track of OHS performance to ensure that OHS objectives and targets are met. Where targets are not met, escalate, investigate and take necessary corrective & preventative action.  |
| Alignment with Corporate Strategies and Action Plans | Assist Line Management in the development of OHS operational plans in alignment with the OHS Governance requirements, Corporate Strategies/Plans and initiatives.  |
| Advisory Services                                    | Assist and support Line Management in providing advice and information on OHS matters that is reliable, accurate, complete and timeous. Inform the OHS Business Advisor where information or services has been requested to ensure that the Business Advisor is kept informed on any significant developments. |
| OHS campaigns, initiatives & interventions           | Ensuring facilitation, coordination and implementation of campaigns, initiatives & interventions as per the Eskom approved OHS Strategies.   |

### **2.5.8 Line Management**

- Line Management is responsible and accountable for executing the SHEQ Policy and OHS Management System requirements which includes following the Integrated SHEQ Organisations direction.
- Implementation of OHS actions shall be delivered through line management within their work structures via their employees, with the support and assistance of Safety Professionals as subject matter experts.

### **2.5.9 Forums/Workgroups/Committees**

A number of forums, workgroups, care teams and committees comprising of subject matter experts are established throughout the organisation where better practices, incidents and lessons learnt are shared and where documentation such as Standards, Procedures, Guidelines and Work Instructions are drawn up for implementation in the business. The aim of these forums is to co-ordinate and standardise processes across the organisation.

Some forums may also be established to facilitate stakeholder engagement.

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### **2.5.10 Occupational Health and Safety Appointments**

The CE has a mandate to ensure that those obligations conferred to an employer of a workplace are properly discharged. The most important of these obligations being to provide and maintain as far as is reasonably practicable a working environment that is safe and without risk to the health of his/her employees, as stipulated in Section 8(1) and 9 of the Occupational Health and Safety Act.

By virtue of his/her appointment as the Chief Executive (CE) of Eskom Holdings SOC Limited, the CE assumes the duties as set out in terms of Section 16(1) of the OHS Act.

To effectively carry out those duties, the CE may delegate all or some of those duties in terms of Section 16(2) to his Direct Reports.

The Direct Reports shall further assign specific statutory duties and functions as determined by circumstances to his/her Management team who shall further assign specific statutory duties and functions as determined by circumstances to their Management team.

All these assignments are in terms of the OHS Act and the definition of an employer as defined in the OHS Act. This means that any person vested and charged with the control and supervision of persons shall be deemed to be the employer of such persons.

The appointment process is based on the delegation of authority principle.

The CE's Direct Reports do not appoint and sign all his/her subordinate Responsible Managers assignees' Letters of Appointment directly. The appointment and authorisation of all Responsible Managers shall be from the appointed employer, his/her supervisor one level above. With each further delegation, the Responsible Manager's scope of authority as contained in his/her Letter of Appointment shall be very specific in terms of his/her statutory duties and functions and area of responsibility.

In making such appointments, it is imperative that:

- The appointee understands his or her responsibilities in terms of the legal requirements applicable to the specific appointment.
- The appointee understands his or her legal liabilities in terms of the OHS Act, Common Law and Mine Health & Safety where applicable.
- All appointees must be fully conversant with the SHEQ Management structure. This will ensure that appointees know who is responsible for what duties with regard to occupational hygiene and safety.

#### **2.5.10.1 Delegation of Authority whilst in an Acting Capacity**

To ensure the seamless execution of health and safety duties in an acting capacity, the Section 16(2) appointee and the OU/BU Responsible Manager shall ensure a positive transfer of health and safety information to the applicable Acting Manager.

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As part of the delegation of authority during the period in which a person acts on behalf of another, this delegation shall be done with a formal briefing of the duties and responsibilities in terms of the OHSAct including, the current risk profile of the area of responsibility. It is also required, that in handing back responsibilities to the Manager, that the Acting Manager give feedback on the latest risk profile, as it may have changed during their absence.

These delegations shall be with “full authority” and shall be done in writing and acknowledged, in writing, by the Acting Manager.

#### **2.5.10.2 Implementation and maintenance of OHS Appointments**

The Chief Executive and his/her Assigned Employers in terms of Section 16.2 of the OHSAct shall be responsible for implementation and maintenance of the appointment process in terms of the legislation and in terms of the requirements of this Standard.

Operating/Business Unit Managers shall ensure that OHS requirements are implemented and maintained on behalf of the applicable Section 16(2) assignee and that supervisors or any other employee having specific OHS duties receive training regarding statutory requirements and their conformance with those requirements.

Safety Professionals shall service Operating/Business Unit Managers to ensure that the process is properly administered and maintained.

Processing, updating and revision of assignments at OU/BU level shall be the responsibility of OU/BU Responsible Managers, serviced by their respective Safety Professionals.

Sustainability Systems OHS Operational Safety Department shall ensure that all Section 16(2) appointments are in place.

#### **2.5.10.3 Approved Inspection Authorities (AIA)**

It is deemed unreasonable to expect the persons representing Eskom as an employer or Safety Professionals and/or representatives to be specialists in Occupational Hygiene monitoring, vessels under pressure and major Hazardous Installations, and therefore provision is made for Approved Inspection Authorities to assist the employer in complying with certain requirements of the OHSAct and Mine Health & Safety Act where applicable.

It is the function of the AIA, with the aid of specialised knowledge or equipment or after such investigations, tests, sampling or analyses as he/she may consider necessary, and whether for reward or otherwise, renders a service by making special findings, purporting to be objective findings, as to—

- the health of any person;
- the risk to health of any work, article, substance, plant or machinery, or any condition prevalent on or in any premises; or
- the question of whether any particular standard has been or is being complied with, with respect to any work, article, substance, plant or machinery, or with respect to work or a condition prevalent on or in any premises or with respect to any other matter, and by issuing a certificate, stating such findings, to the person to whom the service is rendered.

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### **2.5.10.3.1 AIA for Occupational Hygiene**

The AIA for Occupational Hygiene must be independent and responsible for all the regulated activities as approved by the Department of Labour and the Department of Minerals & Resources where applicable.

The Approved Inspection Authority will remain accountable for the entire process of monitoring i.e. from the planning stage to the reporting thereon.

***The AIA for Eskom as endorsed by the Department of Labour is located at Sustainability Systems.***

### **2.5.11 Exemption in Terms of Applicable OHS Legislation**

This Standard acknowledges and takes cognisance of existing legal requirements pertaining to the application for and granting of exemptions from legal obligation in particular the provisions of the Occupational Health and Safety Act, Act No. 85 of 1993 and its Regulations, the Mine Health and Safety Amendment Act, Act No. 74 of 2008 and Regulations. Sustainability Systems will co-ordinate all exemptions with the relevant authorities.

The process to be followed if any OU/BU requires an exemption is as follows:

a) Process and documentation for arriving at a decision to apply for an exemption

The OU/BU requiring/requesting an exemption will consider and document all the pros and cons of the reason/s necessitating an exemption and the following will be detailed in writing:

(Note: Use the Application for Exemption i.t.o. applicable OHS Legislation Template -240-68409461)

- All circumstances considered;
- A determination made of why such circumstance is a 'challenge';
- Evidence of why the 'challenge' cannot be overcome through compliance;
- Outlining of concrete steps to minimise non-compliance/ i.e. concrete steps taken to mitigate 'compliance challenge';
- A determination of a foreseeable period during which 'complete compliance' will endure as a 'challenge' and reason/s for it;
- A detailed exemption implementation procedure including monitoring and evaluation of performance. This procedure will be flexible enough to accommodate any steps that may be recommended by the relevant OU/BU Risk Management Section, the Sustainability System Department and Eskom Legal Department as well as the regulator in the event of the exemption application being feasible;
- The concurrence and permission of OU/BU's Responsible Manager for the exemption to be applied for must reflect his/her: -
  - accepting responsibility for exemption to be applied for;
  - commitment to ensuring complete compliance achievement within shortest stipulated period;

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- The OU/BU requiring/requesting an exemption to be applied for will retain a copy of all information/documentation it has prepared to support its request.

b) Notification to the relevant OHS Business Advisor : -

The Operating unit/Business Unit requiring an exemption will lodge all supporting documentation outlined in paragraph (a) above with the relevant OHS Business Advisor

- The relevant OHS Business Advisor will, **within seven (7) working days** after receiving a documented request for an exemption from a OU/BU, certify the details of information lodged with them by:
  - electing to inspect/audit all or part of the circumstances pertaining to the request for exemption application;
  - calling for further information/evidence supporting the need for exemption which could include consulting interested parties regarding the pros and cons for the exemption application;
  - examining evidence produced in respect of the time period to achieve compliance;
  - engaging/advising the OU/BU requesting exemption regarding any feasible modification of the application details with a view to achieving compliance sooner;
- The relevant OHS Business Advisor will retain a copy of all information/documentation it has received from an OU/BU requiring/requesting an exemption.

c) Notification to Sustainability Systems OHS Department:-

- The relevant OHS Business Advisor will, satisfying himself/herself through the certification of the intended exemption application information as per paragraph (b) (ii) above, then notify the OHS Governance & Assurance section in OHS Operational Safety Sustainability Systems of the planned intention to apply for an exemption by an OU/BU.
- The OHS Governance & Assurance section in OHS Operational Safety Sustainability Systems Department will, **within seven (7) working days** after receiving a documented request from an OHS Business Advisor and OU/BU, evaluate the exemption application information lodged with it by the OHS Business Advisor and engage the said OU/BU Representative/SHEQ Management Section at the OU/BU on any matter incidental to the intended application by:
  - calling for any additional information that may be pertinent to the intended application;
  - closely examining why compliance with the legislation cannot be achieved;
  - determining what conditions must prevail for the situation requiring exemption to be optimally managed;
  - establishing role clarification between itself and the OU/BU Representative/SHEQ Management Section at the OU/BU regarding monitoring of any conditions attached to the granted exemption;

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- o In-conjunction with the OU/BU Representative and OHS Business Advisor consult the Regulation and Legal Department in respect of the legal feasibility of the requisition to apply for an exemption. The Regulation and Legal Department will provide their pronouncement on such a matter to Sustainability Systems Department within **five (5) working days** after being consulted;
- d) **Within five (5) working days** of receiving the pronouncement from Regulation and Legal Department, the Sustainability Systems Department will arrange to interface with the relevant regulator for the required exemption. The OU/BU Representative as well as the OHS Business Advisor will be involved in the discussions with the regulator/relevant government department.
- e) The Sustainability Systems Department will place the matter on the Agenda of the next OHS Steering Committee meeting, where the OU/BU Representative will appraise the committee on the approved exemption.
- f) Sustainability Systems Department will be the custodian of any granted exemption/s with regards to:
  - the keeping of records of granted and current exemptions;
  - the support for and monitoring of compliance with exemption conditions;
  - any regular feedback required by the regulator;
  - the closing-off (signing-off) of the pre-determined exemption 'window period' before or on its expiry once compliance is achieved.

## **2.6 Process for Monitoring**

The implementation and compliance to the policy shall be monitored, audited and reviewed which includes self-assessments, assurance reviews, internal Assurance and Forensic audits and audits related to management systems.

## **2.7 Related/Supporting Documents**

The following is a list of statutory and other organisational appointment templates.

- |      |              |   |
|------|--------------|---|
| [1]  | 240-64724798 | Assignment of Duties in terms of Section 16 of the Occupational Health and Safety Act, Act No. 85 of 1993 |
| [2]  | 240-64724984 | Appointment of Responsible Persons for OHS and Environmental Responsibilities                             |
| [3]  | 240-64725178 | Appointment of OU/BU Responsible Persons for OHS and Environmental Responsibilities                       |
| [4]  | 240-64729342 | Health and Safety Representative Appointment – Section 17, 18 and 19                                      |
| [5]  | 240-64729432 | Employer's Nominee for Health and Safety – S19 (3)  |
| [6]  | 240-64729472 | Statutory Health and Safety Committee Chairperson Appointment – S19(5)                                    |
| [7]  | 240-64729572 | Incident/Accident Investigator Appointment – GAR 9 (2)  |
| [8]  | 240-64729610 | Diving Contractor – Diving Regulations 4  |
| [9]  | 240-64729654 | Stacking Supervisor – Construction Regulations 26 (a)   |
| [10] | 240-64729708 | Principal Contractor – Construction Regulation 4(1)€  |
| [11] | 240-64738310 | Clients Agent – Construction Regulations 4(5)   |
| [12] | 240-64738494 | Contractor – Construction Regulations 5(3)(b)   |
| [13] | 240-64738694 | Construction Supervisor – Construction Regulation 6(1)  |

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- [14] 240-64738774 Assistant Construction Supervisor – Construction Regulations 6(2)
- [15] 240-64738794 Construction Site SHE Officer – Construction Regulations 6(6)
- [16] 240-64738828 Risk Assessor – Construction Regulations 7(1)
- [17] 240-64739784 Fall Protection Designate – Construction Regulations 8(1)(a)
- [18] 240-64956584 Appointment of the Fall Protection Plan Implementer - Construction Regulations 8 (1)(b)
- [19] 240-64959260 Formwork and Support Work Supervisor – Construction Regulations 10(a)
- [20] 240-64960144 Excavation Work Supervisor – Construction Regulations 11(1)
- [21] 240-64961174 Supervisor Explosives Expert in respect of Excavation – Construction Regulations 11(3)(k)
- [22] 240-64961194 Demolition Work Supervisor – Construction Regulations 12(1)
- [23] 240-64978719 Explosives Expert in respect of Demolition Work – Construction Regulations 12(11)
- [24] 240-64978847 Scaffolding Supervisor – Construction Regulations 14(2)
- [25] 240-64978889 Suspended Platform Supervisor – Construction Regulations 15(1)
- [26] 240-64978921 Material Hoist Inspector – Construction Regulations 17(8)(a)
- [27] 240-64978987 Batch Plant Supervisor – Construction Regulations 18(1)
- [28] 240-64979025 Explosive Powered Tools Inspector – Construction Regulations 19(2)(b)
- [29] 240-64979355 Construction Vehicle and Mobile Plant Inspector – Construction Regulations 21(1)( j)
- [30] 240-64990169 Appointment of the Temporary Electrical Installation Inspector – Construction Regulation 22 (d)
- [31] 240-65056357 Fire Fighting Equipment Inspector - Construction Regulations 27(h)
- [32] 240-65057675 Competent Person Supervisor of Machinery – General Machinery Regulations 2(1)
- [33] 240-65058023 Assistant to the Competent Person in relation to Supervision of Machinery – General Machinery Regulations 2(7)(a)
- [34] 240-65059335 Competent Person for Examination and Maintenance of Lifts – Lift, Escalators, Passenger Conveyor Regulations 6(1)
- [35] 240-65602239 Appointment Letter for Employer Representative appointed in terms of Section 4(1) of the Mine Health and Safety Act 29 of 1996, as amended (“MHSA”)
- [36] 240-65602721 Appointment Letter for Assistant to the Chief Executive Officer appointed in terms of Sections 2A(2) of the Mine Health and Safety Act 29 of 1996, as amended (“MHSA”)
- [37] 240-65603701 Member of Workgroup Appointment
- [38] 240-65604207 Non-Statutory Health and Safety Committee Chairperson Appointment
- [39] 240-65604295 Emergency Preparedness Appointment as Transport Co-Ordinator
- [40] 240-65604481 Emergency Preparedness Co-Ordinator Appointment Department / Unit / Complex
- [41] 240-65604549 Fire Co-ordinator / Fire Warden Appointment
- [42] 240-65605597 Emergency Preparedness Appointment as Evacuation Official
- [43] 240-65605729 Emergency Preparedness Appointment as Evacuation Co-ordinator
- [44] 240-65605817 Tester for Emergency Lighting – Environmental Regulations for Workplaces 3
- [45] 240-65606029 Co-opted Member to serve on a Statutory Health and Safety Committee - S 19 (6)
- [46] 240-65606057 Inspector of Ladders – General Safety Regulations 13A
- [47] 240-65917781 First Aid Co-ordinator – GSR 3(4)
- [48] 240-65917951 Appointment of the Explosive Powered Tools Operator – Construction

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- Regulations 19 (3)
- [49] 240-65917965 Lifting Machinery Inspector – Driven Machinery Regulations 18
  - [50] 240-65919775 Appointment for Electrical Installations in Hazardous Locations – Master Electrician – Electrical Installations Regulations 9 (2)
  - [51] 240-65926029 Explosive Powered Tools Person Issuing Cartridges and Nails – CR 19(2)(g)(i)
  - [52] 240-65926519 Temporary Electrical Installation Controller – CR 22 €
  - [53] 240-66754917 Lifting Tackle Inspector – DMR 18(10)€
  - [54] 240-67312720 Assignment of Responsibilities in terms of the OHS Steering Committee Terms of Reference
  - [55] 240-68409461 Application for Exemption in Terms of Applicable OHS Legislation
  - [56] 240-69138410 Hazardous Chemical Substance Co-ordinator Appointment

### 3. Document Content

Not applicable.

### 4. Acceptance

This document has been seen and accepted by:

| Name         | Designation  |
|--------------|--|
| B Dames      | Chief Executive                                    |
| E Johnson    | Group Executive (Enterprise Development)           |
| DL Marokane  | Acting Group Executive (Group Capital)             |
| C Henry      | Acting Chief Financial Officer                     |
| K Lakmeharan | Acting Group Executive (Technology and Commercial) |
| BE Bulunga   | Group Executive (Human Resources Division)         |
| MM Ntsokolo  | Group Executive (Transmission Division)            |
| Dr SJ Lennon | Group Executive (Sustainability Division)          |
| T Govender   | Group Executive (Generation Group)                 |
| A Noah       | Group Executive (Distribution)                     |
| T Molefe     | Group Executive (Customer Services)                |
| C le Roux    | Senior General Manager (Nuclear)                   |

### 5. Revisions

| Date       | Rev. | Compiler    | Remarks  |
|------------|------|-------------|--|
| April 2013 | 1    | S. Govender | Document supersede 32-296 (1) to align with organisational changes |

### 6. Development Team

The following people were involved in the development of this document:

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- Sivi Govender
- Mxolisi Thanjekwayo
- Karen Terblanche
- Joseph Makhuvele
- Mike Townsend

## **7. Acknowledgements**

SN Middel

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**Annex A**

The following is a list of required minimum statutory appointments in terms of the OHS Act and Organisational Appointments.

| <b>DESCRIPTION</b>   | <b>REFERENCE TO LEGISLATION<br/>(where applicable)</b> |
|--|--|
| 1. Assignment of Duties in terms of Section 16 of the Occupational Health And Safety Act, Act No. 85 Of 1993 | OHS Act - S16(2)                                       |
| 2. Appointment of Responsible Persons for OHS and Environmental Responsibilities                             |  |
| 3. Appointment of OU/BU Responsible Persons for OHS and Environmental Responsibilities                       |  |
| 4. Health and Safety Representative Appointment  | OHS Act – S 17, 18 & 19                                |
| 5. Employer’s Nominee for Health and Safety  | OHS Act - S19 (3)                                      |
| 6. Statutory Health And Safety Committee Chairperson Appointment   | OHS Act - S19(5)                                       |
| 7. Incident/Accident Investigator Appointment  | General Administrative Regulations 9 (2)               |
| 8. Stacking Supervisor   | Construction Regulations 26 (a)                        |
| 9. Principal Contractor  | Construction Regulation 4(1)(c)                        |
| 10. Clients Agent  | Construction Regulations 4(5)                          |
| 11. Contractor   | Construction Regulations 5(3)(b)                       |
| 12. Construction Supervisor  | Construction Regulation 6(1)                           |
| 13. Assistant Construction Supervisor  | Construction Regulations 6(2)                          |
| 14. Construction Site SHE Officer  | Construction Regulations 6(6)                          |
| 15. Risk Assessor  | Construction Regulations 7(1)                          |
| 16. Fall Protection Designate  | Construction Regulations 8(1)(a)                       |
| 17. Appointment of the Fall Protection Plan Implementer  | Construction Regulations 8 (1)(b)                      |
| 18. Formwork and Support Work Supervisor   | Construction Regulations 10(a)                         |
| 19. Excavation Work Supervisor   | Construction Regulations 11(1)                         |

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|   |   |
|---|---|
| 20. Supervisor Explosives Expert in respect of Excavation                       | Construction Regulations 11(3)(k)                     |
| 21. Demolition Work Supervisor  | Construction Regulations 12(1)                        |
| 22. Explosives Expert in respect of Demolition Work                             | Construction Regulations 12(11)                       |
| 23. Scaffolding Supervisor  | Construction Regulations 14(2)                        |
| 24. Suspended Platform Supervisor   | Construction Regulations 15(1)                        |
| 25. Material Hoist Inspector  | Construction Regulations 17(8)( a)                    |
| 26. Batch Plant Supervisor  | Construction Regulations 18(1)                        |
| 27. Explosive Powered Tools Inspector   | Construction Regulations 19(2)(b)                     |
| 28. Construction Vehicle and Mobile Plant Inspector                             | Construction Regulations 21(1)( j)                    |
| 29. Appointment of the Temporary Electrical Installation Inspector              | Construction Regulation 22 (d)                        |
| 30. Fire Fighting Equipment Inspector   | Construction Regulations 27(h)                        |
| 31. Competent Person Supervisor of Machinery                                    | General Machinery Regulations 2(1)                    |
| 32. Assistant to the Competent Person in relation to Supervision of Machinery   | General Machinery Regulations 2(7)(a)                 |
| 33. Competent Person for Examination and Maintenance of Lifts                   | Lift, Escalators, Passenger Conveyor Regulations 6(1) |
| 34. Member of Workgroup Appointment   |   |
| 35. Non-Statutory Health and Safety Committee Chairperson Appointment           |   |
| 36. Emergency Preparedness Appointment as Transport Co-ordinator                |   |
| 37. Emergency Preparedness Co-Ordinator Appointment Department / Unit / Complex |   |
| 38. Fire Co-Ordinator / Fire Warden Appointment                                 |   |
| 39. Emergency Preparedness Appointment as Evacuation Official                   |   |
| 40. Emergency Preparedness Appointment as Evacuation Co-ordinator               |   |
| 41. Tester for Emergency Lighting   | Environmental Regulations for Workplaces 3            |

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|  |  |
|--|--|
| 42. Co-opted Member to serve on a Statutory Health and Safety Committee -                    | OHS Act - S 19 (6)                         |
| 43. Inspector of Ladders   | General Safety Regulations 13              |
| 44. First Aid Co-ordinator   | General Safety Regulations 3(4)            |
| 45. Appointment of the Explosive Powered Tools Operator                                      | Construction Regulations 19 (3)            |
| 46. Lifting Machinery Inspector  | Driven Machinery Regulations 18            |
| 47. Appointment for Electrical Installations in Hazardous Locations – Master Electrician     | Electrical Installations Regulations 9 (2) |
| 48. Explosive Powered Tools Person Issuing Cartridges and Nails                              | Construction Regulations 19(2)(g)(i)       |
| 49. Temporary Electrical Installation Controller   | Construction Regulations 22(e)             |
| 50. Lifting Tackle Inspector   | Driven Machinery Regulations 18(10)(e)     |
| 51. Assignment of Responsibilities in terms of the OHS Steering Committee Terms of Reference |  |
| 52. Application for Exemption in Terms of Applicable OHS Legislation                         |  |

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## Annex B

The following appointments are applicable in terms of the Mines Health and Safety Act.

| DESCRIPTION  | REFERENCE TO LEGISLATION        |
|--|---------------------------------|
| 1. Appointment Letter for Assistant to the Chief Executive Officer | Section 2A(2)                   |
| 2. Employers Representative - Appointment                          | Section 4(1)                    |
| 3. Employers Representative - Appointment                          | Sections 2A(3), 4(1) & 7(2)     |
| 4. Mine / Plant Manager  | Section 3(1)                    |
| 5. Mine / Plant Manager (Acting) - Appointment                     | Section 3(1)                    |
| 6. Subordinate Manager   | Regulation 2.6.1 & Section 7(4) |
| 7. Acting Subordinate Manager - Appointment                        | Regulation 2.6.1 & Section 7(4) |
| 8. Manager's Representative - Appointment                          | Section 7(4)                    |
| 9. Resident Engineer   | 2.13.1                          |
| 10. Resident Engineer  | 2.13.2                          |
| 11. Acting Resident Engineer                                       | 2.13.2                          |
| 12. Subordinate Engineer - Appointment                             | 2.13.3.2                        |
| 13. Acting Subordinate Engineer - Appointment                      | 2.13.3.2                        |
| 14. Subordinate Engineer - Appointment                             | 2.13.3.1                        |
| 15. Acting Subordinate Engineer - Appointment                      | 2.13.3.1                        |
| 16. Shiftboss  | 2.15.1                          |
| 17. Acting Shiftboss - Appointment                                 | 2.15.1                          |
| 18. Chief Safety Officer - Appointment                             | 2.17.4                          |
| 19. Acting Chief Safety Officer - Appointment                      | 2.17.4                          |
| 20. Safety Officer - Appointment                                   | 2.17.1                          |

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|   |                |
|---|----------------|
| 21. Acting Safety Officer - Appointment                               | 2.17.6         |
| 22. Mine Surveyor/Competent Person                                    | 2.12.1 & 17.2  |
| 23. Acting Mine Surveyor / Competent person - Appointment             | 2.12.1 & 17.2  |
| 24. Competent Person / Fire Precaution Controller                     | 5.1(1) & 2.9.2 |
| 25. Acting Competent Person / Fire Precaution Controller Appointment  | 5.1(1) & 2.9.2 |
| 26. Ambulance Officer / First Aid Room Attendant                      | 24.5.1         |
| 27. Acting Ambulance Officer / First Aid Room Attendant - Appointment | 24.5.1         |
| 28. Search for Explosives   | 9.5.2          |
| 29. Locomotive Driver - Appointment                                   |                |
| 30. Self-Propelled Mobile Machine Driver - Authorisation              |                |
| 31. Self-Propelled Mobile Machine Driver Tester - Appointment         |                |
| 32. Acting Self-Propelled Mobile Machine Driver Tester - Appointment  |                |
| 33. Competent Person Electrical Installations                         | 21.15 (b)      |
| 34. Acting Competent Person Electrical Installations - Appointment    | 21.15 (b)      |
| 35. Health and Safety Representative                                  |                |
| 36. Full Time Health and Safety Representative - Appointment          | Section 29(4)  |
| 37. Acting Full Time Health and Safety Representative - Appointment   | Section 29(4)  |
| 38. Health and Safety Representative - Appointment                    | Section 29(4)  |
| 39. Alternate Health and Safety Representative - Appointment          | Section 29(4)  |

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|   |   |
|---|---|
| 40. Health and Safety Committee Member - Appointment                  | Section 34                                |
| 41. Occupational Hygienist - Appointment                              | Section 12(1)                             |
| 42. Occupational Medical Practitioner - Appointment                   | Section 13(3)(a)                          |
| 43. Occupational Health Practitioner                                  |   |
| 44. Assignee  | 2.9.2                                     |
| 45. Specific Compliance Co-ordinator - Appointment                    | 2.9.2                                     |
| 46. Acting Specific Compliance Co-ordinator - Appointment             | 2.9.2                                     |
| 47. General Compliance Co-ordinator - Appointment                     | 2.9.2                                     |
| 48. Acting General Compliance Co-ordinator - Appointment              | 2.9.2                                     |
| 49. Lifting Equipment and Lifting Tackle - Authorization              | 8.5(5)                                    |
| 50. Magazine Master   | Regulation 9.11.1                         |
| 51. Acting Magazine Master - Appointment                              | Regulation 9.11.1                         |
| 52. Transport of Explosives   | Regulation 9.15                           |
| 53. Authorisation to Transport Explosives                             | Regulation 9.15.4                         |
| 54. Authorisation to Transport Explosives (Acting)                    | Regulation 9.15.4                         |
| 55. Radiation Protection Officer                                      | Hazardous Substances Act No<br>15 Of 1973 |
| 56. Acting Radiation Protection Officer - Appointment                 |   |
| 57. Appointment of the Temporary Electrical Installation<br>Inspector | Construction Regulation 22 (d)            |

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