	<p align="center">Standard</p>	<p align="center">Sustainability Systems</p>
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Area of applicability: **Eskom Holdings SOC Ltd**


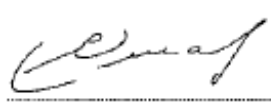


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Appendix F: Overall level of compliance rating..... 19

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1. Introduction

In order to provide occupational hygiene and safety (OHS) assurance, as well as assist in realising Eskom's Zero Harm value, OHS senior advisors from Sustainability Systems OHS Department have been mandated to conduct OHS inspections at all Eskom Holdings SOC Ltd and subsidiary sites.

The activities of the OHS senior advisors are geared towards promoting safety and occupational hygiene through conducting inspections, thereby providing assurance and ensuring that all Eskom sites adhere to South African safety and occupational hygiene statutory requirements, SANS standards, and other OHS legal requirements, as applicable to Eskom, where non-compliances might result in serious injury or harm to people, property, equipment, and systems.

2. Supporting clauses

2.1 Scope

The scope covers the execution of safety and occupational hygiene inspections at Eskom Holdings SOC Ltd and subsidiary sites, in respect of which findings are issued. The role of the OHS senior advisors in Sustainability Systems OHS Department (referred to as OHS inspectors) is to protect employees and contractors against safety and occupational hygiene hazards by ascertaining whether risks in the workplace are properly controlled. The OHS inspectors determine whether Eskom complies with all aspects of safety and occupational hygiene legislation, including compliance with Eskom's Level 1 OHS policies, standards, and procedures.

2.1.1 Purpose

The purpose of this document is to standardise the execution of OHS inspections conducted by Sustainability Systems OHS Department's OHS inspectors at the various Eskom Holdings SOC Limited and subsidiary sites.

2.1.2 Applicability

This standard is only applicable to the OHS inspectors in SS OHS Department who conduct OHS compliance and assurance inspections.

2.1.3 Effective date

The effective date is 1 April 2019.

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 Quality Management Systems
- [2] Constitution of South Africa, Act 108 of 1996 – Chapter 2 – Bill of Rights
- [3] Civil Aviation Act 13 of 2009

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- [4] Compensation for Occupational Injuries and Diseases Act 130 of 1983
- [5] Fire Brigade Services Act 99 of 1987
- [6] Mine Health and Safety Act 29 of 1996 and all its regulations
- [7] National Building Regulations and Building Standards Act 103 of 1977
- [8] Nuclear Energy Act 46 of 1999
- [9] National Road Traffic Act 93 of 1996
- [10] Occupational Health and Safety Act 85 of 1993 and all its regulations
- [11] Hazardous Substances Act 15 of 1973
- [12] Railway Act 24 of 1989
- [13] OHSAS 18001 Safety Management Systems
- [14] Eskom's Code of Ethics "The Way" (32-527) Standard
- [15] Disaster Management Act 57 of 2002
- [16] National Veld and Forest Fire Act 101 of 1998
- [17] Explosives Act 15 of 2003
- [18] National Nuclear Regulatory Act 47 of 1999
- [19] Incident Management Procedure (32-95)
- [20] Fire Risk Management Standard (32-124)
- [21] Emergency Preparedness Standard (32-123)
- [22] Fire Risk Emergency Management and Firefighting Training Programme (32-107)
- [23] Firefighting Organisation (32-108)
- [24] Technical Specification on Personal Protective Clothing and Equipment for Firefighters (32-128)

2.2.2 Informative

Process Control Manual for Assurance and Advisory Audits (240-51367315)

2.3 Definitions

Definition	Explanation
Contractor (mandatory)	An employer, as defined in section 1 of the OHS Act, who performs work for Eskom as the client either directly or indirectly through an agent and could include principals.
Controlled disclosure	Controlled disclosure of information to external parties (either enforced by law or discretionary).
Employer	Any person who employs or provides work to any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her.
Inspection	A systematic and independent evaluation of business processes and documentation to measure compliance with regulatory and organisational requirements.

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Definition	Explanation
OHS inspectors	OHS inspectors may be full-time employees, consultants, or OHS senior advisors tasked to monitor compliance with safety and occupational hygiene standards in accordance with current legislation and Eskom requirements.
Legal requirements	Refer to legal documents as per section 2.2.1 of this standard.
Responsible manager	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.
Non-compliance	Any deviation from relevant OHS legal requirements and Eskom OHS policies, procedures, and subscribed standards.

2.4 Abbreviations

Abbreviation	Explanation
BU	Business unit
DoL	Department of Labour
GE	Group executive
OHS Act	Occupational Health and Safety Act 85 of 1993
PPE	Personal protective equipment
OHS	Occupational Hygiene and Safety
OU	Operating unit
SS OHS	Sustainability Systems Occupational Hygiene and Safety
SS	Sustainability Systems

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2.5 Roles and responsibilities

	Designation	Roles and responsibilities
1.	Group executive (Risk and Sustainability Division)	<ul style="list-style-type: none"> Endorses the initiative, and supports it fully.
2.	OHS inspectors	<ul style="list-style-type: none"> Effectively communicates this standard to all affected parties. Ensures data integrity in terms of the number of inspections completed and the findings issued and closed. Executes the inspections as allocated in the inspection programme. Conducts himself/herself professionally and ethically at all times. Acts immediately when observing any process or activity where there is clear and immediate danger to a life or lives. Raises findings, and provides recommendations on the close-out of the findings. Verify the close-out of findings, and advises the site accordingly.
3.	Site representative (BU/OU site)	<ul style="list-style-type: none"> Escorts and assists the OHS inspector throughout the inspection.
4.	BU/OU	<ul style="list-style-type: none"> Allows the OHS inspector access to the relevant site. Informs the most senior manager on site about the visit, and arranges for collection, if required.

2.6 Process for monitoring

The activities of the OHS inspector shall be monitored on a continuous basis by his/her respective manager.. All inspections shall be conducted as per the approved SS OHS Department’s OHS inspection plan.

2.7 Related/supporting documents

- [1] OHS Inspection Notification Letter (240-128426320)
- [2] OHS Inspection Report (240-128426202)
- [3] OHS Prohibition Notice (240-73788809)
- [4] OHS Contravention Notice (240-73785407)

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- [5] OHS Improvement Notice (240-128426456)
- [6] OHS Inspection Notice Appeal Template (240-74359369)
- [7] OHS Revocation of an Improvement or Contravention or Prohibition Notice Template (240-73786417)

3. Document content

For every OHS inspection conducted by the OHS inspectors, the OHS protocol as stipulated in this standard and authorised by the senior manager of the SS OHS Department shall be followed. The protocol for the inspection is described below.

3.1 Code of conduct and inspection process

- OHS inspectors and persons assisting in the execution of inspections are expected to conduct themselves in accordance with relevant workplace requirements, Eskom requirements, and OHS policies and procedures, as well as within the framework of Eskom's Code of Ethics "The Way" (32-527) Standard.
- Integrity, objectivity, dedication, diligence, professionalism, and confidentiality are the fundamental principles to be observed and respected while conducting inspections across the entire business.
- Inspection protocol will be used to measure current performance and to identify those areas where an organisation can improve compliance with its occupational hygiene and safety management systems.
- For every inspection conducted, the following official protocol and process shall be followed:
 - a) The OHS inspector shall send the notification letter, signed by the departmental head, to the BU/OU senior manager, informing him/her of the date on which the OHS inspection will be conducted, at least 14 working days prior to the inspection.
 - b) The OHS inspector may request information from the BU/OU prior to the inspection as part of his/her preparation for the inspection.
 - c) On the day of the OHS inspection, the OHS inspector shall be hosted by the site representative nominated to assist with the inspection.
 - d) The duration of the inspection will be dependent on the scope and/or the intention of the inspection.
 - e) During the opening meeting of the inspection, the OHS inspector will outline the scope, objective, and timelines of the inspection.
 - f) After the opening meeting, the OHS inspector will conduct the OHS inspection by conducting a site walkabout and documentation verification, and/or other proof as requested by the OHS inspector, and these shall be provided with the assistance of the site representative hosting the SS OHS inspector.
 - g) During the inspection, findings may be raised against any non-compliance identified by the OHS inspector.
 - h) The findings raised will be rated on their level of priority, which is in accordance with Procedure 32-172 – Audit Reporting and Categorisation of Control, Audit Finding, and Report Ratings. Refer to Appendix D – Rating of the notice.

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- i) During the closing meeting, the non-compliances will be reported and discussed with the senior manager or his/her delegate, and close-out and time frames will be agreed on and included in the OHS inspection report. Since the OHS inspection process does not only entail fault finding, best practices identified/observed during the inspection will also be considered and complimented as best practice.
- j) The non-compliances discussed will be documented in notices (improvement, contravention, and prohibition), which will be issued to the site. Refer to sections 3.4, 3.5, and 3.6 regarding the process for issuing the respective notices.
- k) Should the site dispute any notice raised, it is required to follow the appeal process as stipulated in section 3.7.
- l) As part of the OHS inspection, capacity enhancement is offered to assist the business with the close-out of findings raised.
- m) The OHS inspector shall compile an OHS inspection report within fourteen days of completing the inspection. The report will include information on all the best practices identified/observed, the notices issued, the overall audit opinion rating, and the overall level of compliance score. All findings and notices raised will be captured in a database, referred to in section 3.12.
- n) Depending on the type and number of notices issued, the OHS inspector will give an overall inspection opinion (refer to Appendix E – Overall rating of the report [overall inspection opinion]) and give the level of compliance score (refer to Appendix F – Overall level of compliance rating).
- o) The OHS inspector may request the site to submit an action plan within seven working days of the site receiving the OHS inspection report.
- p) The site shall close out all OHS findings raised within 60 days of completing the OHS inspection. The site shall inform the OHS inspector of the close-out of a particular finding and provide evidence to that effect.
- q) After verification of the evidence provided, on satisfaction of close-out of the finding raised, a revocation notice (see section 3.9) will be issued, and the finding/notice will be closed in the OHS Inspection Database.
- r) A cautionary notice will be issued two weeks prior to the notice becoming overdue. Should a notice become overdue, the escalation process will commence. Refer to section 3.3.

3.2 Process for issuing cautionary notices

A cautionary notice will be issued two weeks prior to a notice becoming overdue to inform the site of the status of the notice and the process of escalation. Refer to section 3.3.

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3.3 Process for escalating overdue notices – Appendix C

The OHS inspector should consult with the site SHEQ team in cases where there are notices that are overdue. Depending on the nature of the finding, the OHS inspector may grant the site an extension to close out the notice. If the notice has not been closed after the extension date, the OHS inspector will escalate the overdue notice to the site senior manager. The site senior manager has to action the escalation notice within seven working days. If the notice is not closed after escalating it to the site senior manager, the OHS inspector shall escalate the notice to his/her respective group/divisional executive.

3.4 Issuing of an improvement notice (ref. no. 240-128426456)

An improvement notice is a notice that prescribes the corrective measures served on the site where the OHS measures instituted by the site do not satisfactorily protect the health and safety of employees. The objective of the notice is to make the site implement more effective measures.

An improvement notice provides the site with an opportunity to improve the compliance status and will:

- specify what the deviation is;
- advise what needs to be done to improve the deviation identified; and
- provide the site with a period of time – 60 days – in which to rectify the deviation to ensure compliance.

3.5 Issuing of a contravention notice (ref. no. 240-73785407)

A contravention notice is issued in instances where provisions of OHS legislation – national, provincial, or local – are contravened. This also refers to certificates, exemption permits, and other legal documents issued in terms of legislation a contravention notice provides the site with an opportunity to improve the compliance status and will:

- specify what the non-compliance is;
- advise what needs to be done to rectify the non-compliance identified; and
- provide the site with a period of time – 60 days – in which to rectify the non-compliance to ensure compliance.

3.6 Issuing of a prohibition notice (ref. no. 240-73788809)

A prohibition notice is a notice issued to a site in the case of imminent danger, prohibiting a particular action, process, or the use of a machine or equipment. No person may disregard the content of such a notice, and compliance must take place with immediate effect.

Should an OHS inspector identify a dangerous/harmful/unsafe situation (plant, equipment, machinery, condition) that, in his/her opinion, poses an immediate risk and presents a threat to the life or lives of employees, the OHS inspector must stop the activity and advise the site senior manager that the specific activity and all relevant contributory operations have been stopped with immediate effect.

Such a notice will prohibit the current process that allows the threat from continuing, until such time as all the identified corrective and preventive measures have been implemented to render the operation safe to the satisfaction of the OHS inspector. The stopped process/activity is not permitted to commence until such time as the prohibition notice has been revoked by the issuing OHS inspector.

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3.7 Appeal process against any notice raised (ref. no. 240-74359369)

The affected party may appeal against an improvement, contravention, or prohibition notice by lodging an appeal with the OHS inspector within three working days of the issuing of the notice. The issue/matter under appeal will be re-examined/assessed by an independent OHS inspector who was not involved in the original decision. A responding statement will be issued by the functional section manager within seven days of the appeal. Refer to Appendix B.

3.8 Work stoppage: terms and conditions

Where a prohibition notice has been issued, all employees (Eskom and contractors) involved in the prohibited operational activity/process will cease working. Immediate remedial actions will be implemented to ensure that employees and relevant processes/assets are safe.

3.9 Revoking an improvement/contravention/prohibition notice (ref. no. 240-73786417)

The OHS inspector must be notified as soon as the non-compliance has been rectified. At such time, the OHS inspector shall verify that corrective actions have been implemented and, if he/she is satisfied, revoke the notice (240-73786417) by issuing a revocation notice.

3.10 Overall rating of the Inspection

The overall inspection rating of the site will be based on the number and type of findings raised. The overall inspection rating will be determined as follows: Refer to Appendix E for the rating descriptions.

Type of notice	Rating 2	Rating 3	Rating 4
Improvement notice	Less than 5	5 and more ¹	
Contravention notice	2	3 to 6 ²	6 and more ¹
Prohibition notice	1	2 ³	3 and more ²

¹ In areas where five improvement notices, not more than six contravention notices, and not more than two prohibition notices are issued, a rating of 3 will be issued.
² In areas where no improvement and prohibition notices are issued, but three to six contravention notices are issued, a rating of 3 will be issued.
³ In areas where no improvement and contravention notices are issued, but two prohibition notices are issued, a rating of 3 will be issued.

¹ Irrespective of the number of improvement notices issued, where there is six or more contravention notices issued, a rating of 4 will be issued.
² Irrespective of the number of improvement and contravention notices issued, where there are three or more prohibition notices issued, a rating of 4 will be issued.

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3.11 Powers of OHS inspectors

- Question any person who is or was on or in Eskom premises, either alone or in the presence of any other person, on any OHS matter.
- Examine any book, record, or other document, make a copy of it, or take an extract from it.
- Inspect any article, substance, plant, or machinery that is or was on or in those premises, or any work performed on or in those premises, or any condition prevalent on or in those premises.
- Make copies (within copyright laws) of any book, record, other document, or any such article, take samples of a substance, and take photos of plant or machinery or a part of it.
- Question an employer, employee, contractor, or user, either alone or in the presence of any other person, on any matter related to the non-conformity.
- When an OHS inspector enters any premises, the site senior manager occupying or using those premises, each employee performing any work on it or in it, and any user of plant or machinery on it or in it shall, at all times, provide such facilities as are reasonably required by the OHS inspector to enable him/her to execute his/her functions.

3.12 Non-compliances uploaded on a system

All findings/notices emanating during normal inspections will be uploaded on a specified system in order to keep track of them. The OHS inspector shall be responsible for ensuring that all the findings/notices that have been raised are closed within the prescribed time frames. It is the responsibility of the OHS inspector to submit the signed OHS inspection report to the Compliance and Assurance Section for uploading of findings in the database.

3.13 Referencing of inspection report

All inspection reports must be referenced as follows:

- Initials of inspector/OHS/site name/division/financial year/report number
- For example: SM/OHS/MedupiPS/Gx/2017-18/0001

3.14 Referencing of notices

All notices must be referenced as follows:

- Initials of inspector/OHS/site name/financial year/notice number
- For example: SM/OHS/MedupiPS/2017-18/0001

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4. Acceptance

This document has been seen and accepted by:

Name	Designation
M Moahlodi	Senior Manager OHS
S Govender	Middle Manager Compliance and Assurance
M Singo	Senior Advisor OHS
PG May	Senior Advisor OHS

5. Revisions

Date	Rev.	Compiler	Remarks
13 February 2019	4	Mangaga Singo	Changes in the process
11 May 2017	3	Siviwe Mnyani	Changes in the title and process
9 December 2015	2	Siviwe Mnyani	Changes in the process
13 January 2014	1	Fiona Havenga	Changes in the process

6. Development team

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

- S Govender
- M Singo
- P May

7. Acknowledgements

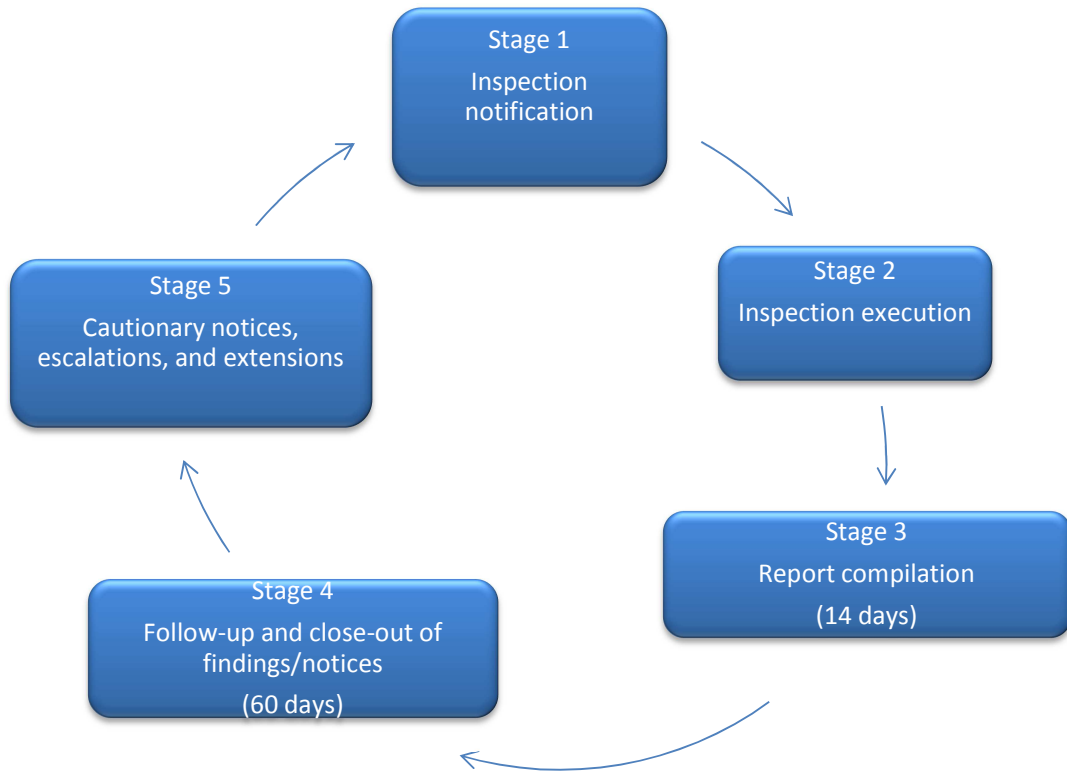
- R Williams
- R Pillay
- S Mnyani

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Appendix A: Inspection process



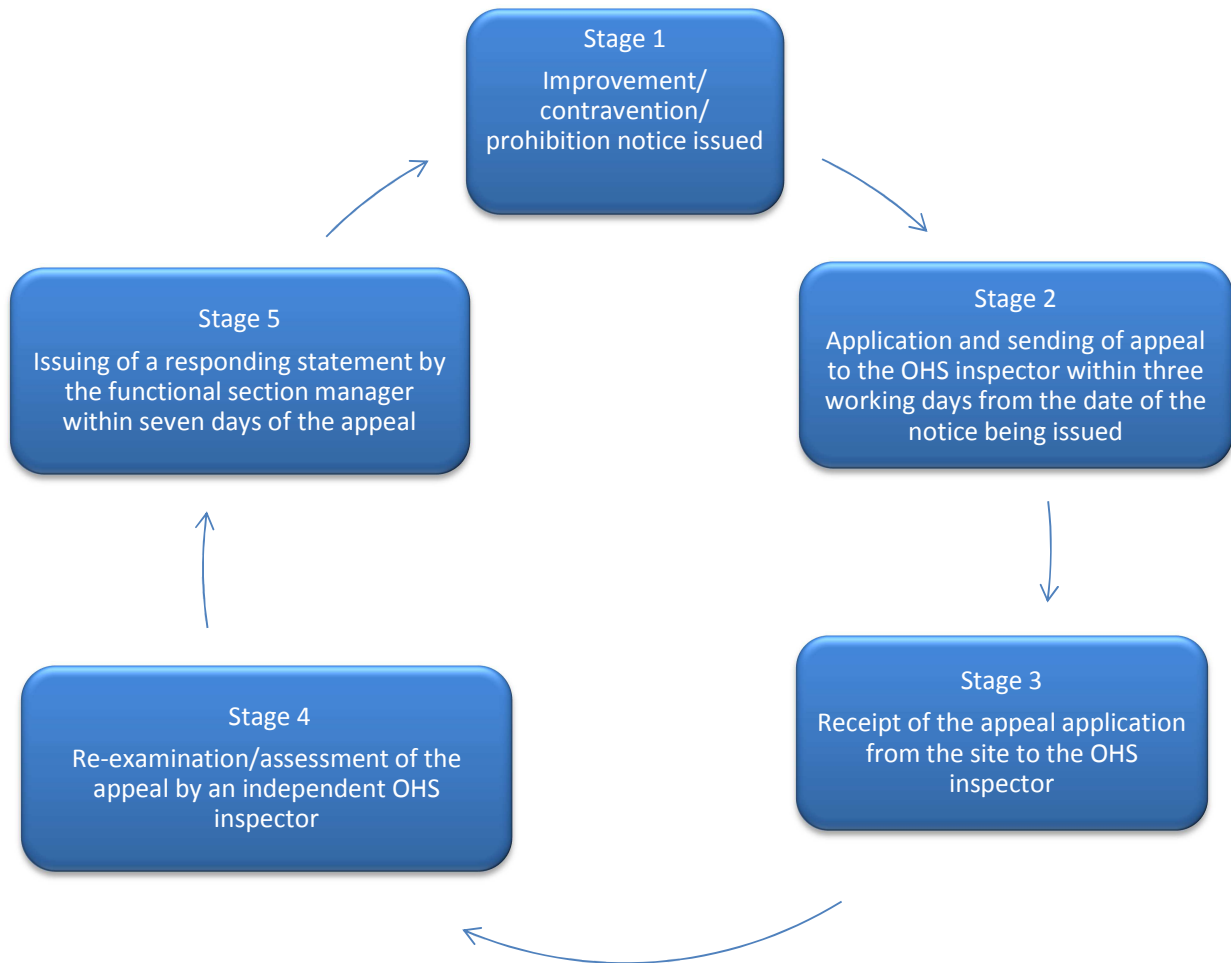
The inspection notification is issued to the relevant site/power station manager.

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Appendix B: Appeal process for improvement/contravention/prohibition notices



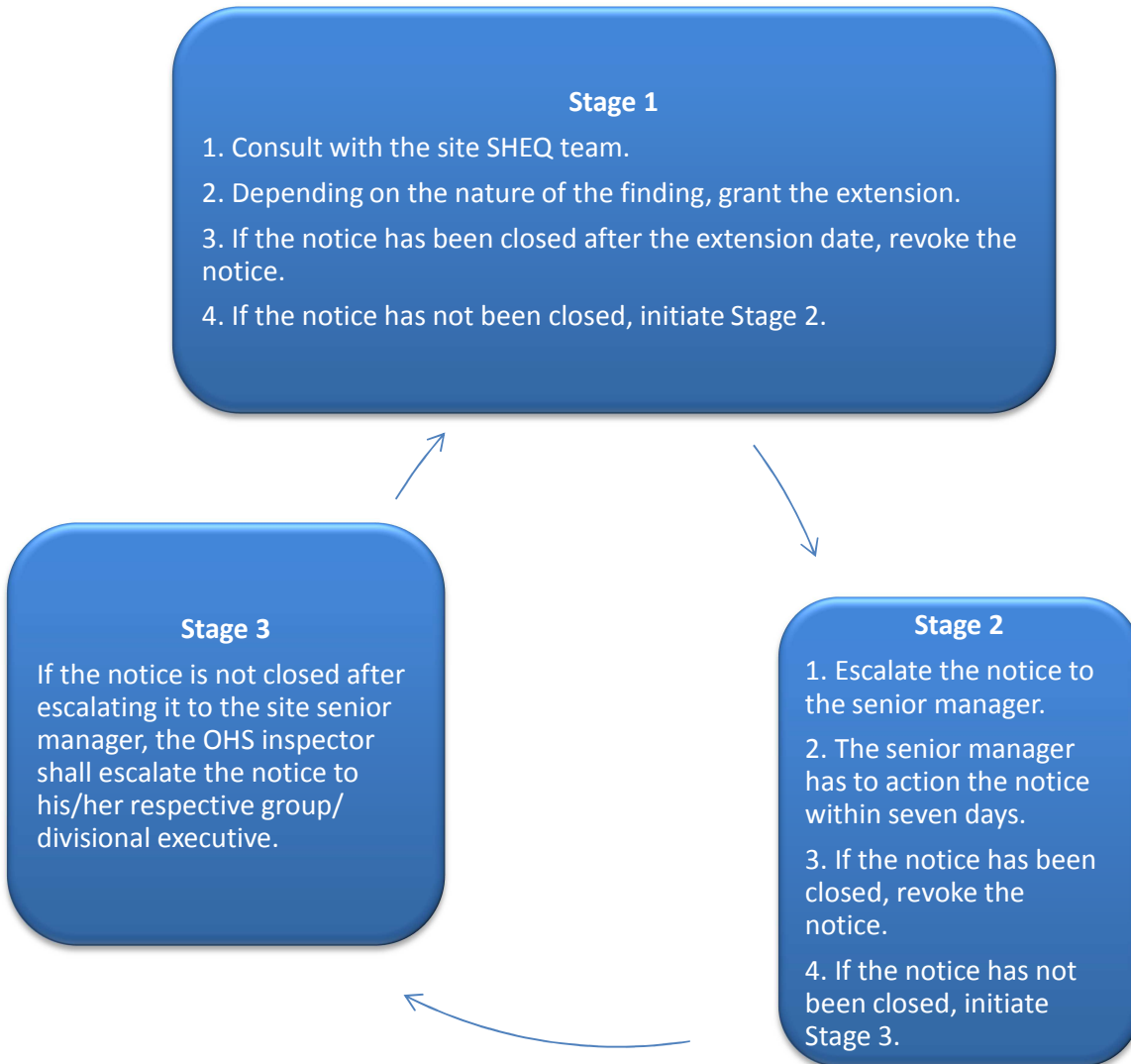
An application for the appeal has to be completed within seven working days from the date of issue.

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Appendix C: Processing for escalation of overdue notices



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Appendix D: Rating of the notice

The inspection notices issued will be rated in line with Procedure 32-172 – Audit Reporting and Categorisation of Control, Audit Finding, and Report Ratings. The following overall rating will be used when rating the notices:

Notice	Description	Rating
Improvement	<ul style="list-style-type: none"> • Multiple immaterial instances of ineffectiveness in relation to internal controls tested (effectiveness testing). • Gaps in internal controls have a minor/immaterial negative impact on the control environment (adequacy testing). • Findings may require slightly more time, effort, and cost to remediate. • Findings must be remediated within 60 days. 	2
Contravention	<ul style="list-style-type: none"> • Isolated or multiple material instances of ineffectiveness in relation to internal controls tested (effectiveness testing). • Gaps in internal controls have a material negative impact on the control environment (adequacy testing). • Findings are serious, and significant time, effort, and cost may be required to remediate them. • Findings must be remediated within 60 days. 	3
Prohibition	<ul style="list-style-type: none"> • Pervasive instances of ineffectiveness in relation to internal controls tested (effectiveness testing). • Gaps in internal controls have a material pervasive impact on the control environment (adequacy testing). • Findings are critical, and significant time, effort, and cost may be required to remediate them. • Findings must be remediated within 60 days. 	4

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Appendix E: Overall rating of the report (overall inspection opinion)

The inspection notices issued will be rated in line with Procedure 32-172 – Audit Reporting and Categorisation of Control, Audit Finding, and Report Ratings. The following overall rating will be used when rating the overall report:

Control Rating	Rating
<p>The system of control is regarded as adequate and/or effective to achieve all the related business objectives. No or insignificant control deficiencies were identified.</p>	1
<p>Overall, the system of control is regarded as adequate and/or effective to achieve the related business objectives. However, control deficiencies were identified relating to some of the governance framework components of the system of control, which could affect the achievement of some of the related business objectives.</p>	2
<p>The system of control is regarded as adequate but ineffective to achieve the related business objectives. Most of the governance framework components of the system of control are regarded as ineffective, which results or could result in most of the related business objectives not being achieved.</p> <p style="text-align: center;">OR</p> <p>Overall, the system of control is regarded as inadequate to achieve the related business objectives. Most of the governance framework components of the system of control are regarded as inadequate, which results or could result in most of the related business objectives not being achieved.</p>	3
<p>The system of control is regarded as adequate but ineffective to achieve the related business objectives. Collectively, the governance framework components of the system of control are regarded as ineffective, which results or could result in all of the related business objectives not being achieved.</p> <p style="text-align: center;">OR</p> <p>The system of control is regarded as inadequate to achieve the related business objectives. Collectively, the governance framework components of the system of control are regarded as inadequate, which results or could result in all of the related business objectives not being achieved.</p>	4

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Appendix F: Overall level of compliance rating

- OHS inspectors conducting inspections will have the discretion to allocate a level of compliance based on the rating score of the site.
- The level of score will be based on the level of OHS compliance table below.
- OHS inspectors will also take into consideration the best practices identified/observed on site when determining the level of compliance.

Rating score	Level of compliance %
1	96 to 100
2	80 to 95
3	60 to 79
4	30 to 59

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