
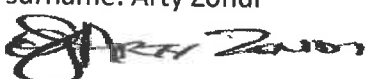


# ETHEKWINI MUNICIPALITY

## Occupational Health & Safety Unit



### 37.2 Agreement in terms of Occupational Health and Safety Act No. 85 of 1993

Document Title	37.2 Agreement in terms of OHS Act of 1993
Client	Human settlements unit
Project Name	Provision of a professional team to conduct feasibility studies and detailed planning studies, including obtaining tranche 1 approval from DoHS, environmental approvals (EIA and SPLUMA) approval for the ENTshongweni Phase 2 Rural settlements
Contract Number	1H-40275
Internal Reference no.	26/12/2021
Compiled by (Safety officer)	Name and surname: Siya Nkosi Signature:  Date: 14/12/2021
Reviewed by (Manager: Safety& Risk)	Name and surname: Arty Zondi Signature:  Date: 14/12/2021

# ETHEKWINI MUNICIPALITY

## OCCUPATIONAL HEALTH AND SAFETY



### OCCUPATIONAL HEALTH AND SAFETY ACT 1993, (ACT NO. 85 OF 1993) MANDATORY AGREEMENT – 37.2

#### **Contractor Acknowledgement of Responsibility in terms of the Occupational Health, Safety and Environmental Act**

Written agreement between ETHEKWINI Municipality (the “employer”)

I hereby declare that I, .....,representing eThekwini Municipality from .....Unit

And  
(the “mandatory”)

as provided for in terms of Section 37 (2) of the Occupational Health and Safety Act No.85 of 1993 as amended by Act 181 of 1993 (as amended) and other relevant statutory and regulatory requirements.

I hereby declare that I, ....., am authorised to represent the “mandatory” and acknowledge that the “mandatory” is an employer in its own right with all duties and responsibilities as prescribed in the Occupational Health and Safety Act no. 85 of 1993 and its Regulation and other applicable Legislations .

I agree to ensure that all work performed, or machinery and plant used by the “mandatory” on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.

Furthermore, I agree the “mandatory” shall comply with all ETHEKWINI Municipality site rules and safety, health, and environmental requirements as may be communicated or stipulated by ETHEKWINI Municipality prior to and during the course of any Contract awarded to the “mandatory” by ETHEKWINI Municipality.

Furthermore, I undertake to ensure that ETHEKWINI Municipality is timeously informed should the “mandatory”, for whatever reason, be unable to perform in terms of this agreement.

#### **I HEREBY UNDERTAKE TO**

Acquaint the officials and employees of the Mandatory with the relevant provisions of the Act and the regulations promulgated in terms of the Occupational Health and Safety Act No. 85 of 1993, and other relevant statutory and regulatory requirements.

Compliance with all the relevant duties, obligations and prohibitions imposed on the Client in terms of the Occupational Health and Safety Act No 85 of 1993 and Regulations and other relevant statutory requirements.

Ensure that all employees are trained on the SHE aspects relating to the Contract works and that they understand the hazards/aspects associated with such work being carried out on site.

Without derogating from the foregoing, to, ensure that all users or operators of any materials, machinery or equipment are properly trained in the use of such materials, machinery or equipment.

Provide full co-operation and information if and when the Client or its representative enquiries into SHE issues concerning the Mandatory. It is hereby recorded that the Client and/or its representative shall at all times be entitled to make such enquiry.

Ensure valid registration with the Compensation Commissioner, as required in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993, and that all payments owing to the Commissioner or insurer are discharged, and to further ensure that the cover shall remain in force whilst any such employee is present on the site.

Ensure that all employees are informed regarding the scope of their authority as contemplated in section 37(1) b of the Occupational Health and Safety Act 85 of 1993 and Regulations.

Ensure as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities area not thereby exposed to hazards to their health or safety.

Ensure that all employees under his/her control are always wearing the appropriate Personal Protective Equipment when visiting sites.

The Mandatory shall inform the Client of any Health, Safety hazard or Environmental impact which the Mandatory may come across during execution of works.

The Mandatory shall ensure strict SHE discipline on work performed by Service provider.

The Mandatory shall inform the Client of any difficulty encountered with regards to compliance by the Service provider to any safety, health and/or environmental instruction, procedure and/or legal provision applicable to the Contract works the Service provider performs in the workplace.

The Service Provider shall, **after being awarded the contract**, submit the following documents to the client for approval:

- Site Specific Health and Safety Plan;
- Health and Safety Policy signed by Chief executive officer
- COVID19 Health Risk Management Plan (please refer to the attached COVID19 Specification)
- Risk assessment signed by risk assessment team
- Proof of registration with Compensation Commissioner (Letter of Good Standing).
- Proof of registration with relevant body (e.g ECSA, SACPCMP)

Signed this .....day of .....20.....

On behalf of the "mandatory" (print) .....


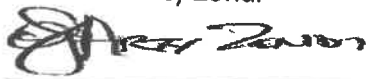
(sign) .....

On behalf of the "employer" (print) .....

(sign) .....



**COVID19 HEALTH AND SAFETY SPECIFICATION**

Document Title	COVID19 Health & Safety Specification
Client	eThekwini Municipality – Human settlements
Project Name	Provision of a professional team to conduct feasibility studies and detailed planning studies, including obtaining tranche 1 approval from DoHS, environmental approvals (EIA and SPLUMA) approval for the ENTshongweni Phase 2 Rural settlements
Contract Number	1H-40275
Internal Reference no.	27/12/2021
Compiled by (Safety officer)	Name and surname: Siya Nkosi Signature:  Date: 14/12/2021
Reviewed by (Manager: Safety& Risk)	Name and surname: Arty Zondi Signature:  Date: 14/12/2021



## **ETHEKWINI MUNICIPALITY OCCUPATIONAL HEALTH AND SAFETY UNIT**

### **COVID 19 HEALTH AND SAFETY SPECIFICATION**

#### **Background:**

Corona viruses are a large family of viruses that are found both in humans and animals. Some of these viruses are known to cause illnesses ranging from common cold to severe respiratory diseases. Corona virus (COVID-19) was identified in December 2019 in China. COVID-19 infections have spread to other countries in the world. Exposure to Covid-19 may cause flue like symptoms such as coughing, sneezing, headaches, fever, sore throat and at times affect the lungs and airways of employees. Symptoms can be mild, moderate, severe or fatal.

Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus. To reduce the impact of COVID-19 outbreak conditions on businesses, workers, customers, and the public, it is important for all employers to plan now for COVID-19. For employers who have already planned for influenza outbreaks involving many staff members, planning for COVID-19 may involve updating plans to address the specific sources of exposure, routes of transmission, and other unique characteristics of SARS-CoV-2 (i.e. compared to influenza virus outbreaks).

#### **Introduction**

The legislation governing workplaces in relation to COVID-19 is the Occupational Health and Safety Act, Act 85 of 1993, as amended, read with the Hazardous Biological Agents Regulations. Section 8 (1) of the Occupational Health and Safety (OHS) Act, Act 85 of 1993, as amended, requires the employer to provide and maintain as far as is reasonably practicable a working environment that is safe and without risks to the health of employees. Specifically, section 8(2)(b) requires steps such as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard before resorting to Personal Protective Equipment (PPE). However, in the case of COVID-19, a combination of controls is required, although the main principle is to follow the hierarchy of controls.

While engineering and administrative controls are considered more effective in minimizing exposure to SARS-cov-2, PPE may also be needed to prevent certain exposures. While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies

This is a risk assessment for dealing with the current COVID-19 situation in the workplace. Where this specification does not cover all scenarios therefore the project management team should develop Standard Operating Procedures as there may be unique circumstances and make a necessary call in the interest of the health and safety of employees

This is a risk assessment for dealing with the current COVID-19 situation in the workplace. It may not likely to cover all scenarios therefore project management team should develop SOP's as there may be unique circumstances and make a necessary call in the interest of the health and safety of the service provider's employees

### **Definitions**

**"BCEA"** means the Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)

**"COVID-19"** means Coronavirus Disease 2019

**"Disaster Management Act"** means the Disaster Management Act, 2002 (Act No.57 of 2002)

**"OHSA"** means the Occupational Health and Safety Act, 1993 (Act No.85 of 1993)

**"PPE"** means personal protective equipment

**"virus"** means SARS-Cov-2 virus

**"Worker"** means any person who works in an employer's workplace including an employee of the employer or contractor, a self-employed person or volunteer

**"workplace"** means any premises or place where a person performs work

**"NICD"** means National Institute for Communicable Diseases

**"OMP"** means Occupational Medical Practitioner

### **COVID 19 Risk Assessment:**

- The service provider must ensure that COVID 19 Risk Assessment (COVID 19 Health and Safety Plan) is conducted and submitted to the Client prior to the commencement of work, it must be in line with the Client COVID19 Health and Safety Specification.
- The service provider must appoint COVID19 Compliance Manager to ensure that all necessary COVID 19 safety precautions are implemented to prevent the spread.

### **Training and awareness:**

- The service provider must ensure that all employees are inducted on COVID19 service provider risk assessment to prevent the spread.
- The service provider must ensure that the employees are trained on COVID19 to prevent the spread of the virus, training records must be kept in the Safety File.
- COVID-19 Directive on Health and Safety in the Workplace Government Gazette dated 29 April 2020, must be used as guideline and be customized to specific workplace.
- The service provider must provide workers with information that raises awareness in any form or manner, including where reasonably practicable leaflets and notices placed in conspicuous places in the workplace informing workers of the dangers of the virus, the manner of its transmission, the measures to prevent transmission such as personal hygiene, social distancing, use of cloth masks, cough etiquette and where to go for screening or testing if presenting with symptoms. (where applicable)

### **Hand Hygiene:**

- The service provider must provide adequate facilities for the washing of hands with soap and clean water on each workplace.
- The service provider must provide 70% alcohol-based hand sanitizers at strategic points of the workplace.
- The service provider must paper towels to dry hands after hand washing.

### **Cleaning and Disinfecting surfaces: (where applicable)**

- The service provider must take measures to ensure that all work surfaces and equipment are disinfected before work begins, regular during the working period and upon completion the work.
- The service provider must ensure frequently cleaning and disinfecting objects and surfaces that are touched regularly particularly in areas of high use such as shared tools, taps, ablution facilities, hand rails light switches, eating and changeroom areas, shared vehicles, etc. using appropriate disinfecting solutions such clean water, soap and bleach

### **Social Distancing:**

- The service provider must arrange the workplace to ensure minimal contact between workers and as far as practicable that there is a minimum of 1,5meter distance between workers while they are working. Employees are aware to maintain social distance when working.
- The service provider must ensure that social distancing measures are implemented through supervision of both the workplace and in the common areas outside the workplace, through queue control or within the workplace, these measures may include dividing the workers into groups or staggering break times to avoid the concentration of workers in common areas.
- The service provider must ensure that where the minimum distance is impossible employees must always be instructed to wear cloth mask/FFP1/2 mask or reducing the

number of workers present in the workplace at any time to achieve the required social distancing.

- The service provider must ensure that employees working in offices are provided with physical barriers placed between work their workstations. (where applicable)

### **Personal Protective Equipment (PPE)**

- The service provider must ensure that every worker is provided with two cloth masks to be worn when in workplace or public which comply with the requirement set out in the guideline issued by Department of Trade, Industry and Competition.
- The main benefit of everyone wearing a cloth mask is to reduce the amount of virus droplets being coughed up by those with infection and transmitted to others and to surface that others may touch.
- Every service provider must ensure that workers are informed, instructed, trained and informed as to the correct use of cloth mask.
- The service provider must ensure to issue face shield/visors where applicable as double protection

### **Point of entry screening (where applicable)**

- The service provider must identify the screening area for each workplace.
- The service provider must ensure that the daily point of entry screening is conducted when entering workplace by a person nominated by the service provider.
- The service provider must ensure that all employees and visitors are screened and only those with all clear will be given clearance to carry on with works.
- The service provider must ensure that during the screening a 1.5 m distance is maintained and FFP1/2 mask to be worn by a nominated person.
- The service provider must ensure that the screening person is trained.
- The service provider must ensure that a bottle of sanitiser is available at the screening area.
- The service provider must ensure that the thermal device are provided during the screening process.
- The service provider must ensure that all employees complete a COVID19 Questionnaire which will be used to screen potential risk personnel entering the workplace.

### **Symptomatic employees**

- The service provider must ensure that any person who ticks YES to one or more symptoms will be sent home and be advised to seek testing by a healthcare provider.
- The service provider must ensure that employees who are sick with continuous cough, sore throat, difficulty breathing, or a high temperature in the workplace will be encouraged to stay home.
- The service provider must ensure that the positive tested COVID19 case, the employee is on paid sick leave in terms of section 22 of BCEA or if the employee's sick leave is exhausted, the service provider shall apply for an illness benefit.
- The service provider must ensure that employees confirmed to have COVID19 will be managed in line with National Department of Health COVID19 guidelines.



- The service provider must isolate the worker with confirmed COVID19 case and issued him/her with FFP2 or surgical mask, arrange for the worker to be transported for further medical examination or testing, in a manner that does not place other workers or members of the public at risk
- The service provider must cover how Investigating and Reporting of COVID19 cases (section 25 of an Occupational Health and Safety Act) will be addressed
- The service provider must ensure that the driver who is transporting the Person Under Investigation is provided with surgical mask or FFP2 mask.
- The service provide must assess the risk of transmission, disinfect the work area and refer those workers who may be at risk for screening to prevent possible transmission.
- The service provider must advise the Communicable Disease Centre (CDC) so that other contacts be identified and be investigated
- The service provider must ensure that tested positive for COVID19 is not discriminated in terms of Employment Equity Act no. 55 of 1998.
- The service provider must ensure that if there is evidence that the worker contracted COVID19 as a result of occupational exposure, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act no. 130 of 1993.
- The service provider must ensure that if a worker has been diagnosed with COVID 19 and isolated in accordance with the National Department of Health Guidelines, the service provider may only allow a worker to return to work on the following conditions, the worker has undergone a medical evaluation confirming that the worker has been tested negative for COVID 19.
- The service provider must cover how Monitoring and Enforcement of the COVID19 Health Risk Management Plan will be done during execution of works

## **Emergency Numbers**

- Corona virus (COVID-19) 24-Hour Hotline number:0800 029 999
- Corona virus (COVID-19) WhatsApp Number: 0600 12 3456
- COVID-19 National Crisis Helpline - 0861 322 322
- NICD (National Institute of Communicable Diseases) 24-Hour toll-free hotline number: 0800 029 999 or 0800 111 132
- SAPS gender-based violence service complaints (SAPS) - 0800 333 177
- GBV (Gender Based Violence) Command Centre -0800 428 428/ \*120\*7867# (free from any cell phone)/ SMS Line: 32312
- Women Abuse Helpline - 0800 150 150
- People Opposing Women Abuse (POWA) - Tel: 011 642 4345/ Afterhours cellphone: 0837651235
- Child Line - 0800 055 555
- Lifeline South Africa - 0800 012 322 (free on mobile networks including landlines)
- FAMSA - Advice on family relationships - 011 975 7107
- Human trafficking - Report cases of human trafficking - hotline operated by the Salvation Army and Be Heard - 08007 37283 (0 8000-rescue)
- National Human Trafficking Helpline - 0800 222 777

- Persons with Disabilities - SMS 'help' to 31531
- National AIDS Helpline - 0800 012 322
- Suicide Helpline - 0800 567 567
- Stop Gender Violence - Anonymous, confidential and accessible telephonic information, counselling and referrals, in all 11 official languages - 0800 150 15
- Substance Abuse Helpline - 0800 12 13 14

## **Recommended Best Practice**

- The service provider must ensure that vulnerable and 60 years old workers are identified and received a special measure for their protection.
- The service provider must ensure that for communication strategy Microsoft Team, ZOOM or Skype or cell phones are used to prevent the spread of COVID 19 virus.
- The service provider must ensure to keep the workplace well ventilated by natural or mechanical means to reduce the SARS – CoV – 2 viral loads.

## **Returnable:**

When submitting your safety file for approval, please ensure that the following documents are attached:

- COVID19 Health Risk Management Plan signed by 16(1) or 16(2) – Chief executive officer or assistant Chief executive officer
- COVID19 Policy signed by 16(1) – Chief executive officer
- COVID19 Manager appointed in writing - preferable any person who is conversant and with influence on site.
- COVID19 Risk assessment, outlining all the processes as detailed on your COVID19 Health Risk Management Plan

## **References**

- COVID-19 Disaster Management Act
- Occupational Health & Safety Act 85 of 1993
- The Department of Employment and Labour: Workplace Preparedness: COVID-19 (SARS-CoV-19 virus)
- COVID-19 Occupational Health and Safety Measures in Workplaces COVID-19 (C19 OHS), 2020
- Hazardous Biological Agents Regulations
- National Institute for Occupational Health (NIOH)

**N.B.** This Specification must be read in conjunction with the OHS Directive issued by Department of Employment and Labour.

# COMPANY LOGO

## Covid-19 access into construction site, point of entry screening questionnaire

Company / Construction Site: \_\_\_\_\_

Name and Surname: \_\_\_\_\_ Co No: \_\_\_\_\_

Line Manager Name: \_\_\_\_\_

Question:	Yes	No
1. Have you had flu or symptoms of flu in the last few weeks?		
2. Do you have a persistent cough that has started in the last few days?		
3. Do you have symptoms of fever? (red, tearing or burning eyes, sweats, clammy hands)?		
4. Do you have any signs of a respiratory infection, shortness of breath, difficulty breathing? (Self-test: Hold in your breath for 10 seconds)		
5. In the last 14 to 21 days, have you travelled outside the borders of South Africa?		
6. In the last 14 to 21 days, have had contact with anybody that has travelled outside the Provincial or South African borders?		
7. Have you been near or in contact with anyone who has symptoms or tested positive for COVID-19?		
If you have answered yes to any of the above questions, please inform your supervisor immediately. Brief description of events (When, where and who else were you with: _____ _____ _____		
<b>Personal Commitment</b>		
✓ I further undertake to immediately report any change in my medical condition to my supervisor/manager!		
✓ I will always maintain excellent personal and company hygiene standards!		
✓ I will maintain and keep the minimum social distance of 1m between myself and other employees!		
✓ I will utilize PPE and sanitizers provided to me to prevent the spread of the virus!		
✓ I will ensure all equipment / materials handed over to another person has been cleaned and sanitized!		
✓ I will not abuse, misuse, share or lose the PPE and related materials / equipment issued to me!		
Employee Signature		
Date		

Temperature: \_\_\_\_\_ °C. (if temperature is at 38°C or higher refer to Process Flow Annexure 1 document then deny entry, isolate and start reporting process)

Entry Cleared Yes ☐ No ☐

Construction Manager/Supervisor: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_