

	<b>OHS Requirements for</b> HVAC Systems Maintenance Services	<b>Template Identifier</b>	<b>240-73418055</b>	<b>Rev</b>	<b>2</b>
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Project Name: HVAC Systems Maintenance Services

Project Address: KwaZulu Natal

Scope of the project: HVAC Systems Maintenance Services

Eskom Contract Custodian

Name: N Sivanath



16 October 2023

Eskom's Health and Safety Manager

Name: K Zwane



16 October 2023

Eskom's Safety Officer

Name: F Dube



16 October 2023

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## 1. INTRODUCTION

Eskom's responsibility and commitment is to ensure a safe working environment is in line with its Safety, Health, Environmental and Quality Policy, along with legislative obligations.

This SHE specification is Eskom's minimum requirements which are required to be met for the specific contract and for the duration of the contract period by contractors and where required, the delivery organisation.

The contractor is expected to develop a SHE plan which meets these requirements as well as all the relevant applicable legislation they conform to.

Eskom in no way assumes the contractor's legal responsibilities. The contractor is and remains accountable for the quality and the execution of his/her health and safety programme for his/her employees and appointed contractor employees.

This SHE specification reflects minimum requirements and should not be construed as all encompassing.

**Note 1:** All the requirements listed hereunder are in relation to the contract and do not supersede or replace any organizational SHE requirements.

Where requirements listed are already in place, then the organisational requirements must be taken cognisance of and listed in the respective SHE plans. If there are any additional Eskom and or legislative requirements listed in the SHE specification, then these must be addressed.

### 1.1 SCOPE

This SHE specification lists the legislative and Eskom requirements and where applicable, any requirements pertaining to Local Authorities / Municipal by-laws / Environmental legislation that must be met by the contractor.

### 1.2 PURPOSE

This document will provide a standardised approach to the compilation of SHE specifications throughout Eskom for contracts and standards.

#### 1.2.1 Applicability

This SHE specification is applicable to any contracting organisation who intends tendering for the contract.

### 1.3 NORMATIVE/INFORMATIVE REFERENCES

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

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### 1.3.1 Normative

- [1] Basic Conditions of Employment Act No 75 of 1997.
- [2] Occupational Health and Safety Act and Regulations No 85 of 1993.
- [3] National Environmental Management Act 107 of 1998.
- [4] National Road Traffic Act 93 of 1996.
- [5] 32-37 Eskom Substance Abuse Procedure.

### 1.3.2 Informative

- [6] 32-726 Mandatory SHE Requirements for Eskom Procurement and Supply Chain Management
- [7] 240-62196227 Eskom Life Saving Rules
- [8] Tobacco Products Control Act 83 of 1993 (Updated 2011.05.19)
- [9] SANS 1186 Symbolic Safety Signs
- [10] Constitution of the Republic of South Africa No 108 of 1996
- [11] 32-95 Eskom Procedure Manual for Performing Occupational Health & Safety Management & Environmental Management: Conducting EH&S Incident Management,

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## 1.4 DEFINITIONS

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<b>Definition</b>	<b>Explanation</b>
<b>Appointed contractor</b>	Means a contractor appointed by the principal contractor
<b>Baseline assessment risk</b>	(32-520) baseline operational risks refer to the health and safety risks associated with all standard processes and routine activities in the business
<b>Client</b>	Eskom representative (Internal – Asset Owner), also referred to as the contract administrator/custodian or agent or project manager (as defined in the contract). He/she is the person responsible for ensuring that the works or services are executed in terms of the contract, as well as adherence to legislation pertaining to the contract.
<b>Competent person</b>	(OHS Act) means any person having the knowledge, training, experience, and qualifications, specific to the work or task being performed, provided that, where appropriate, qualifications and training are registered in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
<b>Contractor – includes appointed contractor</b>	means an employer as defined in section 1 of the Act who performs contract work and includes principal contractors
<b>Consultant</b>	means a person providing professional advice
<b>Duty of care to the environment</b>	(32-136) anybody who causes or has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing, or recurring. If such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, such person must minimise and rectify such pollution or degradation of the environment
<b>Employee</b>	(OHS Act) means, subject to the provisions of subsection (2), any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person
<b>Employer</b>	(OHS Act) means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her, but excludes a TES (ex-labour broker) as defined in section 1(1) of the Labour Relations Act 1956 (Act No. 28 of 1956)
<b>Eskom requirements</b>	a) Eskom requirements flowing from directives, policies, standards, procedures, specifications, work instructions, guidelines, or manuals
<b>Hazard</b>	(OHS Act) means a source of, or exposure to, danger
<b>Hazard identification</b>	(OHS Act) means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed
<b>Health and safety file</b>	(OHS Act) means a file or other record, containing the information in writing required by the construction regulations.
<b>Health and safety plan</b>	(OHS Act) means a site, activity, or project specific document plan in accordance with the client's health and safety specifications.
<b>Health and safety specification</b>	(OHS Act) means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work.

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<b>Definition</b>	<b>Explanation</b>
<b>Health and safety requirements</b>	means comprehensive health and safety requirements for a contract, project, site, and scope of work. This specification is intended to ensure the health and safety of persons, both workers and the public, and the duty of care to the environment. The health and safety requirements must be specific to each contract, project, site, and scope of work
<b>Medical certificate of fitness</b>	(OHS Act) means a certificate specific to the work to be performed and issued by an occupational health practitioner in the form of Annexure 3 of the construction regulations.
<b>Medical surveillance</b>	(OHS Act) means a planned programme or periodic examination (which may include clinical examinations, biological monitoring, or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner
<b>Method statement</b>	(OHS Act) means a written document detailing the key activities to be performed in order to reduce, as reasonably as practicable, the hazards identified in any risk assessment
<b>Organisation</b>	may be defined as a group of individuals (large or small) that is cooperating under the direction of executive leadership in accomplishment of certain common objects
<b>Pre-job meetings</b>	(34-227) means a meeting that is held prior to the commencement of the day's work and that is attended by all the relevant employees associated with the work task
<b>Principal contractor</b>	(In the text of this document) Means an employer, as defined in section 1 of the OHS Act, who intends to tender for or has signed a contract with Eskom for services rendered.
<b>Provincial director</b>	(OHS Act) means the provincial director as defined in Regulation 1 of the General Administrative Regulations under the Act
<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>Risk assessment</b>	(OHS Act) means a programme to determine any risk associated with any hazard at a construction site in order to identify the steps needed to be taken to remove, reduce, or control such hazard.
<b>Site</b>	(34-228) means an Eskom department, unit, complex, building, specific project, work site, or the site where agents, clients, principal contractors, contractors, suppliers, vendors, and service providers provide a service to Eskom, directly or indirectly
<b>Service provider</b>	any private person or legal entity that provides any service(s) to Eskom for compensation
<b>Task</b>	(34-227) a segment of work that requires a set of specific and distinct actions for its completion

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<b>Definition</b>	<b>Explanation</b>
<b>Toolbox talks</b>	(34-227) where the team leader, after conducting pre-task planning, shares all the tasks at hand and discusses task allocation, the identified risks, and the control measures with all his/her team members on site before commencing a specific task and documenting the agreed strategy. (This shall be done to ensure common understanding of the tasks, risks, and control measures required.)
<b>The Act</b>	(OHS Act) means the Occupational Health and Safety Act No. 85 of 1993, as amended, and the Regulations thereto
<b>Visitor</b>	any person visiting a workplace with the knowledge of, or under the supervision of, an employer.

## 1.5 ABBREVIATIONS

<i>Abbreviation</i>	<i>Description</i>
BU	Business Unit
CE	Chief Executive
COID Act	Compensation for Occupational Injuries and Diseases Act
DoL	Department of Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
EAP	Employee Assistance Program
GAR	General Administrative Regulations
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
LDV	Light Delivery Vehicle
SDS	Safety Data Sheets
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SABS	South African Bureau Standard
SANS	South African National Standard

## 1.6 RELATED/SUPPORTING DOCUMENTS

Eskom OHS Act section 37 (2) agreement (to be completed by the contract responsible manager).

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## 2. SPECIFICATION

### 2.1 SCOPE OF WORK

- The scope is for the provision of HVAC systems maintenance and installation services. The maintenance will be for corrective and preventative maintenance
- Minor and major service shall include all supervision, labour, materials, equipment, consumable, reporting and testing of units / systems
- The units / systems shall be maintained at optimum efficiency in accordance with manufacturer's recommendations and standards.
- The Contractor will be required to perform minor and major services on domestic air-conditioning units including heat pumps
- The Contractor will be required to perform minor and major services on HVAC package plants and systems, hide way units, open closed loop chiller plant, VRV units, cooling towers etc.
- The servicing of the open closed loop chiller plant shall include all pumps, motors, air handling unit and auxiliary systems and components. This excludes the cooling towers
- The cooling tower servicing will be done as a separate item to the main plant / unit.
- Water treatment of cooling towers shall be required
- The Contractor will be required to fault find, repair, remove and install HVAC units as requested by the Service manager
- The Contractor will be required to advise on HVAC solutions for the various sites
- The scope excludes major breakdowns

**NB: A copy of the scope of works must be retained by the contractor.**

### 2.2 LEGAL COMPLIANCE

#### 2.2.1 Section 37(2) (Legal) Agreement

A section 37(2) agreement must be signed between Eskom and the principal contractor at the time of awarding the contract. The principal contractor must ensure that a section 37(2) agreement is compiled between the principal contractor and all their appointed contractors for the contract.

The original copy of the section 37(2) agreements must be retained by the contractor and a copy retained by the responsible manager.

A copy all the agreements must form part of the respective contractor's SHE file.

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## 2.2.2 Hazardous Work by Children (Child Labour)

The constitution of the Republic of South Africa, in the “Bill of Rights” is clear on the rights of children, especially when it comes to:

1. being protected from exploitative labour practices.
2. not to be required or permitted to perform work or provide services that
  - i. are inappropriate for a person of that child's age; or
  - ii. place at risk the child's well-being, education, physical or mental health or spiritual, moral, or social development.

and the Basic Conditions of Employment Act, Chapter six Section 43 “Prohibition of employment of children”.

Before resorting to the use of child labour, due consideration must be given to the rights of the child in terms of the constitution. Where work is being performed which is not prohibited in terms of the constitution, then such work must be conducted in terms of the OHS Act “Regulations on Hazardous Work by Children in South Africa” with emphasis on paragraph 2 Purpose and Interpretation. Eskom does not condone the use of child labour and therefore all effort must be exercised, and child labour should not be used.

## 2.2.3 OHS Act

The principal contractor and appointed contractors shall have an up-to-date copy of the OHS Act and regulations which will be available to all employees.

## 2.2.4 Legislative Compliance

All contractors will comply with all the legislation pertaining to this contract being:

- The Constitution of the Republic of South Africa (particularly Section 24 of the Bill of Rights).
- Occupational Health and Safety Act 1993 (Act 85 of 1993) and its Regulations.
- Compensation for Occupational Injuries and Diseases Act.

## 2.3 ESKOM REQUIREMENTS

All contractors shall, before commencement of the works ensure that all their employees are familiar with the relevant Eskom, SHE documentation that is applicable to contract.

### 2.3.1 Appointment of a Contractor

The principal contractor will be appointed by Eskom on the awarding of the contract and will be responsible and accountable for all legislative and Eskom requirements for the duration of the contract.

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### 2.3.2 Appointment of sub-contractors

The principal contractor may appoint contractors to assist in the contract. All appointments shall be done in writing and will form part of the SHE plan that is required to be submitted to Eskom. Adequate training and instruction must be given to the appointees and the principal contractor must ensure that all the appointed contractors understand their roles and responsibilities.

Note: Copies of contractor appointments must be kept in the respective SHE files.

### 2.3.3 SHE Policy

A SHE policy is a statement of intent and a commitment by the organisation's CE and senior management in relation to the relevant SHE roles and responsibilities, the achievement of their strategic objectives, values of integrity, customer satisfaction, excellence, and innovation.

The principal contractor and all appointed contractors, if already not in place, will be required to compile an organisational SHE policy in line with their SHE responsibilities. The policy must be signed by the organisation's CE or the appointed assistant to the CE OHS Act Section 16(2). The policy must be displayed in a prominent place within the workplace. A copy of the policy must be filed in all the contract SHE files and as an annexure to the SHE Plans

### 2.3.4 COID

The principal contractor and all his/her appointed contractors shall be registered with an appropriate employment compensation commissioner and have available a valid letter of good standing (LoGS) from such commissioner. The obligation lies with the contractors to ensure that the LoGS remains valid throughout the contract period. A copy of the LoGS must be filed in the entire contract SHE files and as an annexure to the SHE Plans.

### 2.3.5 Medicals

Note: Eskom will only accept medical surveillances conducted by an Occupational Health Practitioner who holds a qualification in occupational health.

- Principle contractors must ensure that their and their appointed contractors have a medical surveillance program whereby their employees undergo entry, periodic and exit medical fitness examinations.
- In order for the appropriate medical examinations to be conducted, each employee must have a person job specification (profile), which must indicate the description of work, list of hazards and potential occupational exposure limits, physical hazards and required physical attributes.
- For employees working on the contract, medical fitness certificates shall be renewed annually for employees who are not office bound including drivers and once every 3 years for employees that are office bound. This shall be maintained until completion of the contract.

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- The Principal Contractor must ensure that his / her employees and sub-contractor employees have undergone pre-entry medical examination before starting work on the contract.
- The principal contractor shall provide a documented process for managing those employees who are issued with a conditional certificate of fitness.

### 2.3.6 Health and wellness HIV / Aids

Contractors shall submit details of their Employee Health and Wellness Programme as part of their Health and Safety Plan which should include awareness training, support for contracted illness and sharing knowledge with members of the public in the immediate work environment

### 2.3.7 Safety Data Sheets

The contractor awarded with this tender shall comply to 14A of Regulations for Hazardous Chemical Agents

## 2.4 APPOINTMENTS

For the duration of the contract, the principal contractor and all appointed contractors shall appoint competent employees who will meet the requirements of the OHS Act. Where appointments are made, contractors shall ensure that the appointees have been suitably trained and or informed of their responsibilities before getting them to accept such appointment. The relevant statutory appointments shall be made in accordance with the requirements of the OHS Act which includes the requirement of a competent person being appointed in the relevant roles. The statutory appointments should include but not limited to: First Aider, 16(2) appointments.

## 2.5 ROLES AND RESPONSIBILITIES

All contractors are required to list employee's roles and responsibilities pertaining to the contract.

## 2.6 RISK ASSESSMENTS

It is a legal requirement in terms of Section 8 (2)(d) of the OHS Act for an employer to carry out risk assessments to establish what hazards to the health and safety or persons are attached to any work which is performed, any article or substance which is, handled, stored, transported. A risk assessment is defined as an identification of the hazards present in an organisation and an estimate of the extent of the risks involved, taking into account whatever precautions are already being taken. It is essentially a three-stage process:

- identification of all hazards.
- evaluation of the risks.

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- measures to control the risks.

Risk assessments are required to be maintained. This means that significant changes to a process or activity, or any new process or activity should be subjected to a risk assessment and that if new hazards come to light during the work process, then these should also be subjected to risk assessments. Risk assessments for long term processes should be periodically reviewed and updated. Method statements or written safe work procedures are an effective method as information and record of the way jobs / tasks must be performed. Prior to start of work, risk assessments on every job / task are ideal to allow managers and employees to assess any inherent risks that could have been overlooked during the initial risk assessment or any changes that might have occurred in a period of absence. In particular, if a job / task is extended over a day or halted due to inclement weather.

## 2.7 WORKING AT HEIGHT

### 2.7.1 General Requirements

Wherever reasonably practicable, preference is given to the performance of work at ground level as opposed to the elevated position. Where work in an elevated position is necessary, preference is given to fall prevention measures such as, but not limited to, effective barricading and the use of work platforms. Persons may only work from a fall risk position if a site-specific fall protection plan is in place and correctly implemented and consists of the following:

- All appointments for the fall protection plan developer and implementer are in place.
- Baseline risk assessment, which is specific and incorporates the working at height risk assessment, as well as the site-specific risk assessment, has been completed for the work to be conducted.
- Safe working procedure/task analysis and work instructions, approved by a competent person, are in place.
- A fall rescue plan, along with necessary equipment and trained rescuers, is in place.
- Appropriate training, as determined by the risk assessment, has been provided.
- Appropriate height safety equipment and personal protective equipment have been issued to the individual.
- There are equipment inspection procedures and up-to-date inspection records.
- Individuals are medically fit to work at height, and records of this are kept.
- A site-specific risk assessment is performed.

While work is in progress, adequate warning signs and/or barricades shall be used in all areas where there is a risk of persons being injured by materials or equipment falling from the work area. Barricades should be continuous and easily visible.

A drop zone shall be established with appropriate warning signs and barricading, warning personnel below of workers above and potential falling objects.

**Every employer shall ensure that work at height is:**

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- properly planned.
- appropriately supervised; and
- carried out in a manner that is, as far as is reasonably practicable, safe and that its planning includes the selection of work equipment.

## 2.7.2 LADDERS

- Ladders used shall conform to the requirements of GSR 13A and used in terms of GSR 6.
- The appropriate head protection, with chin strap shall be worn by employees working from a ladder or with climbing irons.
- The ladder wheels, brakes and platform must be in good condition.
- All metal parts to be in good condition, no cracks.
- Non-slip devices must be in good condition and no paint to be on wooden ladders
- Climbing irons are permitted to be used in place of ladders on condition that the requirements of GSR 6 are not compromised and from an electrical point of view not damage any cabling. The working at heights risk assessment must indicate the use of climbing irons.
- Employees using climbing irons shall be suitably trained in the use, care and maintenance of such climbing irons.
- When using climbing irons, the appropriate rope grab fall prevention system shall be used.
- The correct fall protection equipment shall be worn and used whilst climbing up, working from, and climbing down ladders.
- The appropriate head protection, with chin strap shall be worn by employees working from a ladder or with climbing irons.
- A detailed inspection of all ladders shall be conducted monthly by a competent person and every time prior to climbing by employees using such ladders. The inspection check lists must be filed in the site SHE files.

## 2.8 INCIDENT INVESTIGATION

All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using Eskom Procedure 32-95 as a reference, and where injuries as contemplated in sections 24 and 25 have been sustained, be reported to the Department of Labour.

Contractors shall use the standard General Administrative Regulation Annexure 1 "Recording of an Incident" form for all incident investigation reports. The objective of incident investigation, not only being a legal requirement, is to establish why and how the incident occurred, but to find out the real causes of the incident and to decide on precautionary

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measures that are required to address the causes to prevent any further recurrences of the same or similar incidents.

## 2.9 EMERGENCY MANAGEMENT

The art of emergency preparedness and response is to minimise the effects of any emergency and to restore normal activities as soon as practical. The supplier must develop their own emergency response.

### 2.9.1 Non-Conformance and Compliance

- Any non-compliance to any health and safety requirement in this SHE specification is subject to discipline in terms of the Eskom Procurement and Supply Management Procedure.
- Principal contractors are required to implement a non-conformance procedure (if not already in place) for issuing to contractors for transgressions. The procedure can include “quality” related non-conformance issues. Similarly, appointed contractors must implement a non-conformance procedure.
- The procedure for the issuing and closing off of non-conformance reports shall be strictly adhered to.
- Contract management must close out non-conformances issued, in not doing so, will not ensure that any recommendations made have been carried out and or implemented.
- Where non-conformances are issued by Eskom, then one of the close-out steps of the procedure will be for the offender to be called on by the contractor responsible manager to explain the non-conformance issued and what they intend doing to prevent a recurrence of the non-conformance.
- Contractor failure to provide adequate PPE to their employees for the tasks being performed and/or to visitors and failure to enforce the wearing of such PPE will be viewed as a transgression of the legislative and Eskom requirements.

## 3. MONTHLY OHS REPORTING

During the execution of the Contractor, the contractor must submit the following reports at the frequencies that would be agreed upon.

- OHS Report &
- Manhour report

## 4. AUTHORIZATION

Nil

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## 5. REVISIONS

Date	Rev.	Compiler	Remarks
August 2015	0	F Pooe	This provides the initial SHE specification requirements that must be met by the relevant contractors who have been awarded a contract for the work to be performed for Eskom.
October 2023	1	F. Dube	This provides the initial SHE specification requirements that must be met by the relevant contractors who have been awarded a contract for the HVAC Systems Maintenance Services Eskom Real Estate in Kwazulu-Natal Operating Unit.

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