

ETHEKWINI MUNICIPALITY

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HEALTH AND SAFETY SPECIFICATION



*Approved by Occupational Health & Safety
Unit*

**Project Description: CSA 3080-1B-33841-Ward
32: Bulk Sale Market – Monthly, Ammonia
Refrigeration Plant Maintenance Contract
(Reactive/Emergency and Proactive) For A
Maximum Of 9 Months.**

OCCUPATIONAL HEALTH AND SAFETY UNIT SPECIFICATION

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PREAMBLE:

General Statement

It is a requirement of this contract that the Contractor shall provide a safe and healthy working environment and to direct all his activities in such a manner that his employees and any other persons, who may be directly affected by his activities, are not exposed to hazards to their health and safety. To this end the Contractor shall assume full responsibility to conform to all the provisions of the Occupational Health and Safety (OHS) Act 85 of 1993 and the Construction Regulations 2014 issued on 07 February 2014. The Contractor is to complete form **Annexure "1"** (Appointment of the contractor in accordance with CR 5(1)(k) and **Annexure "2"**(OHS ACT Section 37.2 agreement)

For the purpose of this contract the Contractor is required to confirm his status as mandatory to the Employer (Client) and employer in his own right for the execution of the contract, and he shall enter into an agreement in respect of the Occupational Health and Safety Act in the form as included in **Annexure '2'**

If the Client is engaging the services of the Client Agent Safety Officer such Agent will be subject to approval by the Employer (Occupational Health & Safety Unit). The Client Agent Safety Officer shall comply with requirements of **Annexure 4** and forward the report to Occupational health & Safety Unit.

Health and Safety Specifications and Plans to be Submitted at Tender Stage

(a) Employer's Health and Safety Specification

The Employer's Health and Safety Specification will be included in the tender documents as part of the Project Specifications.

(b) Tenderer's Health and Safety Plan

The Tenderer shall submit with his tender sufficient proof that he has a Health and Safety Plan in place. The Contractor will, however, have to submit his Health and Safety Plan on request by the Client during the tender evaluation stage.

In terms of the OHS Act the tender will be disqualified if the tenderer has no Health and Safety Plan.

The Contractor's Health and Safety Plan will be subject to approval by **Occupational Health & Safety Unit Representative**, or amendment if necessary, before commencement of construction work. The Contractor will not be allowed to commence work, or his work will be suspended if he had already commenced work, before he has obtained the **Occupational Health & Safety Unit Representative** written approval of his Health and Safety Plan.

The Contractor shall not be entitled to claim for extension of time or standing time and the related costs for any delays due to delayed commencement or suspension of the work arising from the lack of approval of or non compliance with the Health and Safety Plan.

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PART AH: OCCUPATIONAL HEALTH AND SAFETY ACT 1993 :
HEALTH AND SAFETY SPECIFICATION

AH.1 SCOPE

This specification covers the health and safety requirements to be fulfilled by the Contractor to ensure a continued safe and healthy environment for all workers, employees and subcontractors under his control, and for all other persons entering the site of works.

This specification shall be read with the Occupational Health and Safety Act No 85 of 1993, and the corresponding Construction Regulations 2014, and all other safety codes and specifications referred to in the said Construction Regulations.

In terms of the OHS Act Agreement in **Annexure 2**, the status of the Contractor as mandatory to the Employer (Client) is that of an employer in his own right, responsible to comply with all provisions of OHS Act 1993 and the Construction Regulations 2014.

This Health and Safety Specification and the Contractor's own Safety Plan as well as the Construction Regulations 2014, shall be kept on site and made available for inspection by all employees, inspectors, Client Safety Practitioner and any other persons entering the site of works.

AH.2 DEFINITIONS

For the purpose of this contract the following shall apply:

- (a) "Employer" where used in the contract documents and in this specification, means the Employer as defined in the General Conditions of Contract and it shall have the exact same meaning as "Client" as defined in the Construction Regulations 2014. "Employer" and "Client" is therefore interchangeable and shall be read in the context of the relevant document.
- (b) "Contractor", wherever used in the contract documents and in this specification, shall have the same meaning as "Contractor" as defined in the General Conditions of Contract.

In this specification the terms "Principal Contractor" and "Contractor" are replaced with "Contractor" and "Subcontractor" respectively.

"Contractor" in terms of Construction Regulation means an employer who perform construction work including a Plant Hire.

For the purpose of this contract the "Contractor" will, in terms of OHS Act 1993, be the mandatory of the Employer, without derogating from his status as an employer in his own right.

- (c) "Engineer/Designer" where used in this specification, means the Engineer as defined in the General Conditions of Contract. In terms of the Construction Regulations the Engineer may act as agent on behalf of the Employer (the Client as defined in the Construction Regulations).
- (d) "Construction Manager" means the competent person responsible for the management of physical construction processes and coordination, administration and management of resources on the construction site.

AH.3 PROJECT DESCRIPTION

The work to be carried out under this contract is as described in the eThekweni Municipality bill of quantity tender document in terms of Project description, location and scope of work.

AH.4 TENDERS

The Contractor shall make available the following during the tender evaluation:

- (a) A documented Health and Safety Plan as stipulated in Regulation 7(1) (a) of the Construction Regulations. The Health & Safety Plan must be based on the Construction Regulations 2014 and Health and Safety Specification. Health and Safety Plan will be subject to approval by Occupational Health & Safety Unit Representative;
- (b) A declaration to the effect that he has the competence and necessary resources to carry out the work safely in compliance with the Construction Regulations 2014.
- (c) The Contractor shall made a provision on the tender documents that the cost for health and safety is covered.

Failure to submit the foregoing with his tender or during tender evaluation, will lead to the conclusion that the Contractor is not able to carry out the work under the contract safely in accordance with the Construction Regulations and will result in his tender being disqualified.

AH.5 NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION WORK AND CONSTRUCTION WORK PERMIT

NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION WORK

After award of the contract, but before commencement of construction work, the Contractor shall, in terms of Regulation 4, notify the Provincial Director of the Department of Labour in writing at least 7 days before the work is carried out, if the following work is involved:

- (a) the demolition of structure
- (b) the use of explosives;
- (c) excavation work
- (d) working at a height where there is a risk falling.
- (e) construction of single storey dwelling for a Client who is going to reside in such dwelling upon completion

The notification must be done in the form of the pro forma included in Annexure 2 of Construction Regulation 2014.

A copy of the notification form must be kept on site, available for inspection by inspectors, Employer, Engineer, employees and persons on site.

CONSTRUCTION WORK PERMIT

A Client who intends to have construction work carried out, must at least 30 days before that work is to be carried out apply to the Provincial Director of the Department of Labour in writing for a construction work permit to perform construction work if the intended construction work:

- (a) Starts on or the 7th of August 2015 and works contract is of a value exceeding 130 million or CIDB grading level 9
- (b) Starts on or after 7th of February 2017 and works contract is of value exceeding 40 million or CDIB grading level

- (c) Starts on or after 7th of August 2018 and works contract is of value exceeding 13 million or CDIB grading level 7

The following documents shall be submitted to Provincial Director of the Department of Labour in order to obtain a Construction Work Permit:

- (a) Client Baseline Risk Assessment issued by Occupational Health and Safety Unit
- (b) Client Health and Safety Specification issued by Occupational Health and Safety Unit
- (c) Contractor's Health and Safety Plan
- (d) Contractor's Letter of Good Standing with Compensation Commissioner
- (e) Contractor's Safety officers appointment competency and proof of registration with Statutory Body
- (f) Client Appointment letters of Engineers/Designers and proof of registration with Statutory Body
- (g) Client Agents Appointment competency and proof of registration with Statutory Body
- (h) Appointment of the Principal contractor

The provisions of Regulation 3 of the Construction Regulations shall be followed in every detail

An application contemplated in sub regulation 1 must be done in the form similar to Annexure 1 of Construction Regulation 2014.

A copy of the work permit must be kept on site, available for inspection by inspectors, Employer, Engineer, employees and persons on site.

AH.6 GUIDELINES FOR THE DEVELOPMENT OF A HEALTH AND SAFETY PLAN

AH.6.1 Project Background

In terms of the Construction Regulations Regulation 5 (1)(b) of the Occupational Health and Safety Act, No 85 of 1993, the Client is required to compile an Occupational Health and Safety specification for each of its projects and the Contractor, appointed by the Client in terms of Regulation 5 (1) (k), is required to prepare an Occupational Health and Safety Plan. This plan has to be prepared in terms of Regulation 7 (1)(a). In terms of Regulation and 5 (1) (L), the Occupational Health & Safety Unit Representative and the Contractor are required to agree on the Health and Safety Plan before any work may commence.

AH.6.2 Framework for an Occupational Health and Safety Plan

AH.6.2.1 Introduction

The Contractor shall demonstrate to the Occupational Health & Safety Unit Representative that he has a suitable and sufficiently documented Health and Safety Plan as well as the necessary competencies, experience and resources to perform the construction work safely. The Contractor could be required to submit the following documentation for perusal and verification by the Client:-

- Management Structure
- Environmental Management Plan
- Health and Safety Competencies
- "Letter of good standing" with the Compensation Commissioner or licensed compensation insurer.
- Induction programme
- Toolbox Talks Programme
- Incident Management Procedure

- Medical Surveillance Plan
- Traffic Management Plan
- Emergency Preparedness plan
- Public safety Plan
- Confine Space and Rescue Plan
- Hot Work and Cold Work Plan
- Lock out Procedure

AH.6.2.2 Contents of an Occupational Health and Safety Plan

The Occupational Health and Safety Plan shall include the following:-

AH.6.2.2.1 Occupational Health and Safety Management Programme

- Management of Occupational Health and Safety risks
- Occupational Health and Safety structures and appointments
- Programme of Occupational Health and Safety inspections
- Occupational Health and Safety Representatives
- Occupational Health and Safety committee

AH.6.2.2.2 Communication and Management of the Work

- Management structure and responsibilities
- Occupational Health and Safety objectives for the project and arrangements for monitoring and review of Occupational Health and Safety performance
- Regular liaison between parties on site
- Consultation with the workforce
- The exchange of design information between the Client, Engineer, supervisors and subcontractors on site
- Handling design changes during the project
- Selection and control of subcontractors
- The exchange of Occupational Health and Safety information between all subcontractors
- Security for theft and access control
- Site induction and on site training
- Facilities and first-aid
- The reporting and investigation of accidents and incidents
- The production and approval of risk assessments and method statements
- Site Occupational Health and Safety rules
- Fire and emergency procedures
- Reporting to the Client i.e. results of Occupational Health and Safety inspections, incident and incident investigations and committee meetings
- Reporting of incidents to the Department of Labour and Compensation insurer where appropriate

AH.6.2.2.3 Arrangements for Controlling Significant Site Risks

The following are some examples requiring arrangements for controlling the most significant site risks:-

Safety risks

- Services, including temporary electrical installations
- Preventing employees from falling into excavations, from trucks etc.

- Work with, on or near fragile materials
- Control of lifting operations
- The maintenance of plant and equipment
- Poor ground conditions
- Storage of hazardous materials
- Accommodating adjacent land use
- Other significant safety risks as and when identified

Health risks

- Storage and use of hazardous chemical substances
- Dealing with contaminated land or material
- Manual handling
- Reducing noise and vibration
- Provision of adequate lighting
- Ventilation considerations
- Extreme heat and cold temperature considerations
- Dealing with HIV/Aids and other illnesses
- Provision of and maintaining ablution and eating facilities
- Other significant health risks as and when identified

AH.7 HEALTH AND SAFETY FILE

The Contractor shall in terms of Construction Regulation 7(1)(b) maintain a Health and Safety File on site at all times. The Health and Safety File is a file or other permanent record containing information on aspects of the construction project - which will be necessary to ensure the health and safety of any person who may be affected by the construction work. The Contractor shall appoint a suitably qualified person who is registered with Statutory Body to prepare the Health and Safety File and to keep it up to date for the duration of the contract. The Health and Safety file shall include the following information:-

- Notification of Construction Work (Construction Regulation 4.) (Annexure 2)
- Copy of OH&S Act (updated) (General Administrative Regulation 4.)
- Proof of Registration and good standing with a COID Insurer (Construction Regulation 7 (1) (c)(iv)
- Copy of health and safety plan (construction regulation 7 (1)(a)
- OH&S Programme agreed with Client including the underpinning Risk Assessment and Method Statements (Construction regulation 9 (1))
- Designs/drawings (Construction Regulation 6 (1)
- A list of Contractors (Subcontractors) including copies of the agreements between the parties and the type of work being done by each Contractor (Construction Regulation 7(1)(f)
- All Appointments/Designations forms required by the ACT and Regulations.
- Medical fitness Certificates conducted by Occupational Medicine Practitioner or Occupational Health Nursing Practitioner. See Annexure 3

AH.7 HEALTH AND SAFETY FILE (cont'd)

- Registers as follows:
 - OH&S Representatives Inspection Register
 - Temporal Works
 - Excavations Inspection registers
 - Lifting Equipment registers
 - Demolition Inspections
 - Designer's Inspection of Structures Record
 - Bulk mixing plant Inspections

- Arc & Gas Welding & Flame Cutting Equipment Inspections
- Construction Vehicles & Mobile Plant Inspections
- Electrical Installation Inspections
- Fire Equipment Inspection & Maintenance
- First Aid register
- Flammable/Hazardous Chemical Substances
- Lifting Tackle and Equipment Inspections
- Inspection of Cranes
- Inspection of Ladders
- Inspection of Pressure Equipment
- Machinery Inspections
- Drivers/Operators of Mobile Plant/Construction Vehicles Daily Inspections
- Accident/Incident Register
- Housekeeping register
- Stacking and storage register
- Construction Employees Facility register
- Hand tools register
- Portable Electrical tools/equipment register

The Health & Safety File shall be handed over to the Client on completion of the contract. It must contain all the documentation handed to the Contractor by any subcontractors together with a record of all drawings, designs, materials used and other similar information concerning the completed project.

AH.8 RISK ASSESSMENT

Before commencement of any construction work during the construction period, the Contractor shall have a risk assessment performed and recorded in writing by a competent person. (Refer Regulation 9 of the Construction Regulations 2014).

Risk is a measure of the likelihood that the harm from a particular hazard will be realized, taking into account the possible severity of the harm. Harm to people includes death, injury (permanent or temporary), physical or mental health or any combination thereof. Risk management in health and safety includes the identification of hazards, assessing risks, taking action to eliminate or reduce the risk, monitoring the effectiveness and performing regular reviews of the entire process. The Contractor shall compile method statements or Written Safe Working Procedures to address or handle the following:

- Hazards particulars to contract
- Identify what could go wrong and how
- Identify the likelihood of this happening
- Identify the persons at risk
- Identify the extent of possible harm
- Measures to eliminate or reduce each risk
- A monitoring plan
- A review plan

AH.8 RISK ASSESSMENT (cont'd)

Contractors must ensure that all subcontractors conduct risk assessments for their scope of work as well.

The risk assessment shall identify and evaluate the risks and hazards that may be expected during the execution of the work under the contract, and it shall include a documented plan of safe work procedures to mitigate, reduce or control the risks and hazards identified.

The risk assessment shall be available on site for inspection by inspectors, Employer, Engineer, subcontractors, employees, trade unions and health and safety committee members, and must be monitored and reviewed periodically by the Contractor.

AH.9 APPOINTMENT OF EMPLOYEES AND SUBCONTRACTORS

AH.9.1 Health and Safety Plan

The Contractor shall appoint his employees and any subcontractors to be employed on the contract, in writing, and he shall provide them with a copy of his documented Health and Safety Plan, or relevant sections thereof. The Contractor shall ensure that all subcontractors and employees are committed to the implementation of his Safety Plan.

AH.9.2 Health and Safety Induction Training

The Contractor shall ensure that all employees under his control, including subcontractors and their employees, undergo a health and safety induction training course by a competent person before commencement of construction work. No visitor or other person shall be allowed or permitted to enter the site of the works unless such person has undergone health and safety training pertaining to hazards prevalent on site.

The Contractor shall ensure that every employee or visitor on site shall at all times be in possession of proof of the health and safety induction training issued by a competent person prior to commencement of construction work.

AH.9.3 OH&S Training Requirements

(As required by the Construction Regulations and as indicated by the OH&S Specification and the Risk Assessment/s):

- General Induction (Section 8 of the Act)
- Site/Job Specific Induction (also visitors) (Sections 8 & 9 of the Act)
- Construction Manager
- Construction Supervisor
- OH&S Representatives (Section 18 (3) of the Act)
- Training of the Appointees
- Operation of Cranes (Driven Machinery Regulations 18 (11))
- Operators and Drivers of Construction Vehicles & Mobile Plant (Construction Regulation 23).
- Basic Fire Prevention & Protection (Environmental Regulations 9 and Construction regulation 29)
- Basic First Aid (General Safety Regulations 3)
- Storekeeping Methods & Safe Stacking (Construction Regulation 28)
- Emergency, Security and Fire Co-ordinator

AH.10 APPOINTMENT OF SAFETY PERSONNEL

AH.10.1 Construction Manager

The Contractor must in writing appoint one full-time competent person as the Construction Manager with the duty of managing all the construction work on the single site, including the duty of ensuring the compliance of health and safety, and in the absent of Construction Manager and alternate must be appointed by Contractor.

The Contractor may also have to appoint one or more competent employees to assist the construction manager where justified by the scope and complexity of the works.

Construction Supervisor

The Construction Manager shall appoint a full-time Construction Supervisor with the duty of supervising the performance of the construction work.

The Construction Manager may also have to appoint one or more competent employees to assist the construction supervisor where justified by the scope and complexity of the works.

AH.10.2 Construction Safety Officer or Client Safety Consultant

Subject to the decision by the Inspector of the Department of Labour and taking into consideration the size of the project and the hazards or dangers that can be expected, the Contractor shall appoint in writing a full-time or part-time Construction Safety Officer. The appointed Safety Officer shall be registered with a Statutory Body (SACPCMP).

If the Client decided to engage an external Safety Consultant, the Client must first check with Occupational Health and Safety Unit to determine the capacity to handle the proposed project, the Safety Consultant will be appointed by the Client and approved by Occupational Health and Safety Unit in terms of his/her qualifications and experience in the field of Construction.

Provision will be made in the schedule of quantities to cover the cost of a dedicated Construction Safety Officer.

AH.10.3 Health and Safety Representatives

In terms of Sections 17 and 18 of the Act (OHSA 1993) the Contractor shall appoint a Health and Safety Representative whenever he has more than 20 employees in his employ on the works. The health and safety representative must be selected from employees who are employed in a full-time capacity at a specific workplace.

The number of health and safety representatives for a workplace shall be at least one for every 50 employees.

The function of the health and safety representative(s) will be to review the effectiveness of health and safety measures, to identify potential hazards and major incidents, to examine causes of incidents (in collaboration with his employer, the Contractor), to investigate complaints by employees relating to health and safety at work, to make representations to the employer (Contractor) or inspector on general matters affecting the health and safety of employees, to inspect the workplace, plant, machinery etc. on a regular basis, to participate in consultations with inspectors and to attend meetings of the health and safety committee.

AH.10.4 Health and Safety Committee

In terms of Sections 17 and 18 of the Act (OHSA 1993) the Contractor (as employer), shall establish one or more health and safety committee(s). Where there are two or more Health and Safety Representatives at a workplace, the persons selected by the Contractor to serve on the committee shall be designated in writing.

The function of the health and safety committee shall be to hold meetings at regular intervals, but at least once every three months, to review the health and safety measures on the contract, to discuss incidents related to health and safety with the Contractor and the inspector, and to make recommendations regarding health and safety to the Contractor and to keep record of meetings, recommendations and reports made by the committee.

AH.10.5 Competent Persons

In accordance with the Construction Regulations the Contractor shall appoint, in writing, competent persons responsible for supervising construction work for the following work situations that may be expected on the site of the works.

- (a) Risk assessment (Regulation 9);
- (b) Fall protection (Regulation 10);
- (c) Structures (Regulation 11);
- (d) Temporal works (Regulation 12);
- (e) Excavation work (Regulation 13);
- (f) Demolition work (Regulation 14);
- (g) Tunnelling (Regulation 15);
- (h) Scaffolding work (Regulation 16);
- (l) Suspended platform operations (Regulation 17);
- (j) Rope Access Work (Regulation 18);
- (k) Material Hoists (Regulation 19);
- (l) Bulk Mixing Plant (Regulation 20);
- (m) Explosive actuated fastening device (Regulation 21)
- (n) Cranes (Regulation 22);
- (o) Construction vehicle and mobile plant (Regulation 23
- (p) Electrical installation and machinery on construction site (Regulation 24);
- (q) Use and temporary storage of flammable liquids on construction site (Regulation 25);
- (r) Water environments (Regulation 26);
- (s) Housekeeping on construction sites (Regulation 27)
- (t) Stacking and storage on construction sites (Regulation 28);
- (u) Fire precautions on construction sites (Regulation 29); and
- (v) Construction employee's facilities (Regulation 30).
- (w) Welding, flame cutting, soldering and similar operations (General Safety Regulation 9)
- (x) Accident/Incident Investigator (General Administration Regulation 9)
- (Y) First Aider (General Safety Regulation 3)
- (z) Hand tool (Section 8)
- (aa) Portable Electrical tools/equipment

A competent person may be appointed for more than one part of the construction work with the understanding that the person must be suitably qualified and able to supervise at the same time the construction work on all the work situations for which he/she has been appointed.

The appointment of competent persons to supervise parts of the construction work does not relieve the Contractor from any of his responsibilities to comply with all requirements of the Construction Regulations.

AH.11 CONTRACTOR'S RESPONSIBILITIES

Before commencement of work under the contract, the Contractor shall enter into an agreement with the Employer (Client) to confirm his status as mandatary (employer) for the contract under consideration. (37.2 agreement)

The Contractor's duties and responsibilities are clearly set out in the Construction Regulations 2014, and are not repeated in detail but some important aspects are highlighted hereafter, without relieving the Contractor of any of his duties and responsibilities in terms of the Construction Regulations.

In addition the Contractor shall also comply with the requirements of the Compensation of Occupational Injuries and Diseases Act 130 of 1993 (COIDA) and to this effect shall submit a letter of good standing with the compensation

Insurer to the Client before work on site commences.

AH.11 CONTRACTOR'S RESPONSIBILITIES (cont'd)

(a) Contractor's Position in Relation to the Employer (Client) (Regulation 5)

In order for the Client (Employer) to comply with Regulation 5 of the Construction Regulations, the Contractor shall co-operate with the Employer or the Engineer or Occupational Health and Safety Unit Representative to ensure that all requirements of the Regulations 5 are met and complied with.

The provisions of Regulation 5 of the Construction Regulations shall be followed in every detail.

(b) The Contractor and Subcontractor (Regulation 7)

Where a contractor appoints a sub-contractor, the contractor and sub-contractor must ensure compliance with the regulation7, where a subcontractor appoints another subcontractor to perform construction work, the duties determined in sub regulation 1(b) to (g) that apply to the contractor apply to the sub-contractor as if he or she were the contractor. This refer to all Contractors and Subcontractors including Plant hire companies.

The provisions of Regulation 7 of the Construction Regulations shall be followed in every detail.

(c) Management and Supervision of Construction Work (Regulation 8)

The Contractor must in writing appoint one full time competent person as the construction manager with the duty of managing all the construction work on a single site, including the duty of ensuring occupational health and safety compliance. A construction manager may in writing appoint all responsible persons for construction work, activities and ensuring occupational Health and Safety compliance on the construction site.

The provisions of Regulation 8 of the Construction Regulations shall be followed in every detail.

(d) Risk Assessment (Regulation 9)

The Contractor must, before the commencement of any construction work and during construction work, have risk assessment performed by a competent person appointed in writing; the contractor must have a documented plan and applicable safe work procedures to mitigate, reduce or control the risks and hazards that have been identified.

The provisions of Regulation 9 of the Construction Regulations shall be followed in every detail.

(e) Fall Protection (Regulation 10)

The Contractor must designate a competent person to be responsible for the preparation of all protection plan, ensure that Fall protection contemplated in paragraph (a) is implemented, amended where and when necessary and maintained as required; and take steps to ensure continued adherence to the fall protection plan.

The provisions of Regulation 10 of the Construction Regulations shall be followed in every detail.

(f) Structures (Regulation 11)

The Contractor must ensure that all reasonably practicable steps are taken to prevent the uncontrolled collapse of any new or existing structure or any part thereof, which may become unstable or is in a temporary state of weakness or instability due to the carrying out of construction work; no structure or pat of a structure is loaded in a manner which would render it unsafe; and all drawings pertaining to the design of the relevant structure are

kept on site and are available on the request to an inspector, other contractors, the client and the client's agent or employee.

In addition, the Contractor shall comply with all aspects of Regulation 11 of the Construction Regulations.

H.11 CONTRACTOR'S RESPONSIBILITIES (cont'd)

(g) Temporary works (Regulation 12)

The Contractor must appoint a temporary works designer in writing to design, inspect and approve the erected temporary works on site before use. A contractor must ensure that all works operations are carried out under the supervision of a competent person who has been appointed in writing for that purpose.

The provisions of Regulation 12 of the Construction Regulations shall be followed in every detail.

(h) Excavation Work (Regulation 13)

A contractor must appoint a competent person in writing to supervise excavation work, and to evaluate the stability of the ground before excavation work begins.

A contractor may not require or permit any person to work in an excavation which is not been adequately shored or braced: Provided that shoring and bracing may not be necessary where-

(i) the sides of the excavation are sloped to at least the maximum angle of repose measured relative to the horizontal plane

(ii) such excavation is in stable material: Provided that-

(aa) permission has been given in writing by competent person upon evaluation by him or her

(bb) where any uncertainty pertaining to the stability of the soil still exists, the decision from a professional engineer or a professional technologist competent in excavations is decisive and such a decision must be noted in writing

A contractor must ascertain, as far as reasonable as is reasonable practicable, the location and the nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must before the commencement of excavation work that may affect any such service, take steps that are necessary to render the circumstances safe for all persons involved (**e.g. the use of cable detector**)

The contractor shall comply with all provisions of Regulation 13 of the Construction Regulations 2014.

(I) Demolition Work (Regulation 14)

A contractor must appoint a competent person in writing to supervise and control all demolition work on site

The provisions of Regulation 14 of the Construction Regulations shall be followed in every detail.

(j) Tunnelling (Regulation 15)

No person may enter a tunnel, which has a height dimension of less than 800 millimetres

(k) Scaffolding (Regulation 16)

A contractor must appoint a competent person in writing to ensure that all scaffolding work operations are carried out under his or her supervision and should ensure that all scaffolding works is carried out by competent personnel.

A contractor using scaffolding must ensure that such scaffolding, when in use complies with safety standards

incorporated for this purpose into these Regulations under Section 44 of the Act.

(l) Suspended Platforms (Regulation 17)

Wherever suspended platforms will be necessary on any contract, the Contractor shall ensure that copies of the system design issued by a Professional Engineer are submitted to the Engineer for inspection and approval. The Contractor shall appoint competent persons as supervisors and all suspended platform erectors, operators and inspectors and ensure that all work related to suspended platforms are done in accordance with Regulation 17 of the Construction Regulations.

The provisions of Regulation 17 of the Construction Regulations shall be followed in every detail.

(m) Rope access work (Regulation 18)

wherever applicable a contractor must appoint a competent person in writing as a rope access supervisor with the duty of supervising all rope access work on the site, including the duty of ensuring occupational health and safety compliance in relation to rope access work; provided that the appointment of any such person does not relieve the construction manager of any personal accountability for failing in his management duties in terms of this regulation.

The provisions of Regulation 18 of the Construction Regulations shall be followed in every detail.

AH.11 CONTRACTOR'S RESPONSIBILITIES (cont'd)

(n) Material Hoists (Regulation 19)

A contractor must ensure that every material hoist and its tower have been constructed in accordance with the generally accepted technical standards and are strong enough and free from defects.

The provisions of Regulation 19 of the Construction Regulations shall be followed in every detail.

(o) Bulk mixing plant (Regulation 20)

A contractor must ensure that the operation of a bulk mixing plant is supervised by a competent person who has been appointed in writing and is (a) aware of all the dangers involved in the operation thereof; and (b) conversant with the precautionary measures to be taken in the interest of health and safety.

The provisions of Regulation 20 of the Construction Regulations shall be followed in every detail.

(p) Explosive actuated fastening device (Regulation 21)

No contractor may use or permit any person to use an explosive actuated fastening device, unless the user is provided and uses suitable protective equipment, the user is trained in the operation, maintenance and use of such a device, the explosive actuated fastening device is provided with a protective guard around the muzzle end, which effectively confines any flying fragments or particles, and the firing mechanism is so designed that the explosive actuated fastening device, will not function unless it is held against the surface with a force of at least twice its weight; and the angle of inclination of the barrel to the work surface is not more than 15 degrees from a right angle.

The provisions of Regulation 21 of the Construction Regulations shall be followed in every detail.

(q) Cranes (Regulation 22)

Wherever the use of tower cranes becomes necessary, the provisions of Regulation 22 shall be complied with.

(r) Construction Vehicles and Mobile Plant (Regulation 23)

The Contractor shall ensure that all construction vehicles and plant are in good working condition and safe for use, and that they are used in accordance with their design and intended use. The vehicles and plant shall only be operated by workers or operators who have received appropriate training and have a medical certificate of fitness to operate those construction vehicles and mobile plant, issued by an occupational health practitioner in the form of annexure 3, all in accordance with all the requirements of Regulation 23.

The provisions of Regulation 23 of the Construction Regulations shall be followed in every detail

(s) Electrical Installation and Machinery on Construction Sites (Regulation 24)

The Contractor shall comply with the Electrical Installation Regulations 2009 and Electrical Machinery Regulations 1998 (Government Notice R2920 of 23 October 1992) and the Electrical Machinery Regulations (Government Notice R1593 of 12 August 1998). Before commencement of construction, the Contractor shall take adequate steps to ascertain the presence of, and guard against dangers and hazards due to electrical cables and apparatus under, over or on the site.

All temporary electrical installations on the site shall be under the control of a competent person, without relieving the Contractor of his responsibility for the health and safety of all workers and persons on site in terms of Regulation 24.

The provisions of Regulation 24 of the Construction Regulations shall be followed in every detail

AH.11 **CONTRACTOR'S RESPONSIBILITIES** (cont'd)

(t) Use of Temporary Storage of Flammable Liquids on Construction Sites (Regulation 25)

The Contractor shall comply with the provisions of the General Safety Regulations, 2003, ensure that where flammable liquids are being used, applied or stored at the workplace concerned, it is done in a manner that does not cause a fire or explosion hazard, and that the workplace is effectively ventilated.

The provisions of Regulation 24 of the Construction Regulations shall be followed in every detail

(u) Water Environments (Regulation 26)

Where construction work is done over or in close proximity to water, the provisions of Regulation 26 shall apply.

(v) Housekeeping and general safeguarding on construction site (Regulation 27)

A contractor must, in addition to compliance with the Environmental regulations for workplace, 1987, promulgated by (Government Notice R2281 of 16 October 1987); ensure that suitable housekeeping is continuously implemented on each construction site.

The provisions of Regulation 27 of the Construction Regulations shall be followed in every detail

(w) Stacking and Storage on Construction Sites (Regulation 28)

The provisions for the stacking of articles contained in the General Safety Regulations, 2003 (Government Notice R1031 of 30 May 1986) as well as all the provisions of Regulation 28 of the Construction Regulations shall apply.

(x) Fire Precautions on Construction Sites (Regulation 29)

The provisions of the Environmental Regulations for Workplaces (Government Notice R2281 of 16 October 1987) shall apply.

In addition the necessary precautions shall be taken to prevent the incidence of fires, to provide adequate and sufficient fire protection equipment, sirens, escape routes etc.

The provisions of Regulation 29 of the Construction Regulations shall be followed in every detail

(y) Construction Employee's Facilities (Regulation 30)

The Contractor shall comply with the construction site provisions as in the Facilities Regulations; 2004 (Government Notice R92 of 3 August 2004).

The provisions of Regulation 30 of the Construction Regulations shall be followed in every detail

(z) Non-compliance with the Construction Regulations 2014

The foregoing is a summary of parts of the Construction Regulations applicable to all construction projects. The Contractor, as employer for the execution of the contract, shall ensure that all provisions of the Construction Regulations applicable to the contract under consideration are complied with to the letter. Should the Contractor fail to comply with the provisions of the Regulations 3 to 33 as listed in Regulation 33, he will be guilty of an offence and will be liable, upon conviction, to the fines or imprisonment as set out in Regulation 33.

The Contractor is advised in his own interest to make a careful study of the Act and the Construction Regulations and other applicable Act and Regulations as ignorance of the Act and the Regulations will not be accepted in any proceedings related to non-conformance to the Act and the Regulations.

(ZZ) Asbestos Regulation (AR)

Before starting on asbestos-related work, regardless of the extent of the work, every employer (or self-employed person) must write to the relevant provincial director and explain what kind of work is to be done. Such work could include manufacturing processes during which asbestos fibres are mixed with other materials and the fabrication, installation or removal of asbestos containing materials. Only the registered company who can perform any work related to the asbestos

Personal protective equipment and facilities-Employers must provide effective personal protective equipment and facilities free of charge. The equipment must also be properly selected, maintained, cleaned, undamaged and properly used. Some manufacturers of respirators give specific instructions in this regard

Control of exposure to asbestos of persons other than employees--The employer must therefore take steps to prevent the release of asbestos into the environment. This could include the use of proper filtration systems. Any substance that forms part of the filtration system should be disposed of as asbestos waste.

Control of exposure to asbestos --where the assessment, air monitoring and medical surveillance identify potential exposure, control measures should be implemented

AH.12.1 MEDICAL CERTIFICATE OF FITNESS

A Contractor must ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by Occupational Health Practitioner in the form of Annexure 3. The validity of the medical certificate of fitness shall be determined by Occupational Health Practitioner based on the risk.

AH.12.2 PROJECT / SITE SPECIFIC REQUIREMENTS

The following is a list of specific activities and considerations that have been identified for the project and the construction site and for which Risk Assessments, Standard Working Procedures (SWP), management and control measures and Method Statements (where necessary) have to be developed by the Principal Contractor.

Refer to sections of the Project Specification that detail the work to be done.

Some examples:-

- Location of Works
- Security of Site Staff
- Accommodation of Traffic
- Bridge Construction
- Retaining Wall Construction
- Removal of Lateral Support
- Demolition Work
- Existing Services
- Earthworks and Road Construction
- Rehabilitation

AH.13 ARRANGEMENTS FOR MONITORING AND REVIEW

The Occupational health & Safety Unit Representative will conduct a Monthly Audit to audit compliance with Construction Regulation 5 (1) (o) to ensure that the Contractor has implemented and is maintaining the agreed and approved OH&S Plan.

The Client reserves the right to conduct other ad hoc audits and inspections as deemed necessary.

A representative of the Contractor shall accompany the Client on all audits and inspections and may conduct his own audit/inspection at the same time. Each party will, however, take responsibility for the results of his own audit/inspection results.

AH.14 MEASUREMENT AND PAYMENT

Payment for the Contractor's obligations in respect of the Occupational Health and Safety Act and Construction Regulations shall be made through three payment items described below. The three payment items together shall include full compensation for all personnel (including a dedicated full time Construction Safety Officer), costs and incidentals in respect of compliance with and enforcement of the Health and Safety specifications, which shall include for the compilation, presentation, implementation and maintenance of the site Health and Safety Plan as contemplated in Regulation 7 of the Construction Regulations.

In tendering rates for the three items the Contractor shall ensure that the sum of the amounts for the three items shall not be less than one percent (1%) of the Tender Amount.

Item AH 14.1 Contractor's initial obligations in respect of the Occupational Health and Safety Act and Construction Regulations (Lump Sum)

The full amount will be paid in one instalment only once:-

- (a) The Contractor has notified the Provincial Director of the Department of Labour in writing of the project.
- (b) The Contractor has made the required initial Appointments of Employees and Sub-Contractors.
- © The Client has approved the Contractor's Health and Safety Plan.
- (d) The Contractor has set up his Health and Safety File.

Item AH 14.2 Contractor's time related obligations in respect of the Occupational Health and Safety Act and Construction Regulations (Lump Sum)

Payment shall be effected as follows only after payment for Item AH.14.1 has been made. Payment of incremental amounts (calculated by dividing the sum by the contract duration in months as stated in the Appendix to the Form of Tender) will be authorised in each of the subsequent progress certificates for the authorised duration of the contract. The tendered sum shall not be exceeded without prior approval from the Engineer.

Item AH 14.3 Submission of the Health and Safety File (Lump Sum)

This amount will be paid only once the Contractor has met all his obligations in respect of the Occupational Health and Safety Act and the Construction Regulations and has submitted his Health and Safety File complete as envisaged on this specification to the Client's satisfaction.

DESIGNER COMMENTS ON HEALTH AND SAFETY SPECIFICATION

Designer's Health and Safety Checklist

Name and address of Project _____

Item and Legal Reference	Y/N	Comment
CR 6(1) (a) Has the designer familiarised himself with the Construction Regulations 2014 (particularly Regulation 6) and the Safety Standards incorporated into these Regulations?		
CR 6(1) (b) During the design stage, was the Client's Health and Safety Specifications given due consideration?		
The structural design aspects that could have an effect on the pricing of construction work?		
The geotechnical-science aspects?		
The weight which the structure is designed to safely withstand?		
CR 6(1)(d) Has the designer communicated all known and anticipated hazards and risks associated with the construction of the designed structure? Furthermore, has the safe method statement been developed to ensure that construction work is safely executed?		
CR 6 (1) (e) As far as is reasonably practicable, are the dangerous processes and materials been eliminated or replaced in the design?		
CR 6(1) (f) Has due consideration been taken during the design stage, for the safe maintenance of the structure after its completion?		
CR 6 (g-i) Is the designer aware of his/her responsibility to carry out periodic site inspections to ensure that the structure is constructed correctly in accordance with the design?		

CR 6(1) (j) Have all ergonomic hazards been considered for the lifecycle of the structure (i.e. during construction and after completion)?		
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(Please ensure that the checklist is completed in full particularly the comments column)

Name of Designer_____

Designer's Title (e.g. Engineer, Architect)_____

Signature_____

Date_____



ETHEKWINI MINICIPALITY OCCUPATIONAL HEALTH AND SAFETY

OCCUPATIONAL HEALTH AND SAFETY ACT 1993, CONSTRUCTION REGULATION 5(1) (k) APPOINTMENT PRINCIPAL CONTRACTOR

I,.....hereby appoint..... as the principal contractor responsible to carry out the construction work of.....

In terms of this appointment you are responsible to ensure that all construction work herein referred to is carried out as follows:

1. You shall ensure that you meet all the requirements in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and in particular the Construction Regulations as promulgated under Government Notice No.84 of 7 February 2014, or as amended;
2. Ensure that all contractors appointed by yourself and reporting to you complies with the requirements as stipulated in the SAID Regulations;
3. Ensure that all the information and specifications necessary to ensure that the construction work is carried out in a safe manner are discussed and provided to all appointed contractors reporting to you;
4. Ensure that a health and safety file is kept and maintained and made readily available for inspection by any interested party, which file is to be handed over on the completion of the contract;
5. You shall further ensure that all records, registers and required documents are maintained and that all persons appointed to carry out tasks as stipulated by these regulations are competent and have the necessary resources to complete their tasks effectively in such a manner that health and safety is not in any manner compromised.

This appointment is valid from..... to the completion of the stipulated construction work.

You shall submit a written weekly report on all shortfalls that have not been met in terms of these regulations.

.....
Signature

.....
Date

Kindly confirm your acceptance of this appointment by completing the following:

I, understand the implications of the appointment as detailed above and confirm my acceptance.

.....
Signature

.....
Date



ETHEKWINI MUNICIPALITY

OCCUPATIONAL HEALTH AND SAFETY

Contractor Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act

Written agreement between ETHEKWINI Municipality (the “employer”)

And

.....(the “mandatary”)

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.

I hereby declare that I,, am authorised to represent the “mandatary” and acknowledge that the “mandatary” 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.

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

Furthermore, I agree the “mandatary” 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 “mandatary” by ETHEKWINI Municipality.

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

Signed thisday of200.....

On behalf of the “mandatary” (print).....

(sign)

On behalf of the “employer” (print).....

(sign)

Annexure 3

OCCUPATIONAL HEALTH AND SAFETY ACT, 85 OF 1993 Construction Regulations, 2014

Medical Certificate of Fitness

Name of Employee _____ ID Number _____ Co. Number _____

* Occupation e.g. General Worker, Welder, Bricklayer, Steel fixer, Mobile Crane Operator, etc.	* Possible Exposures e.g. noise, heat, fall risk, confined space etc.										* Job Specific Requirements e.g. Operating Mobile Crane, Digging Trenches, Erecting Formwork & Supportwork etc.	* Protective Equipment e.g. Dust Respirator (Light Duty), Welding Gloves etc.

* The Employer to complete the information in the spaces marked with an * before sending the Employee for a medical examination

Declaration by the Medical Examiner:

I certify that I have, by examination and testing, using the above criteria specified by the employer, satisfied myself that the above mentioned employee is fit to perform the duties as described by the employer in the matrix above.

Occupational Medicine Practitioner/Occupational Health Nursing Practitioner: (Please Print Name) _____

Signature _____

Practice Number: _____

Date: _____

Address: _____

[Type here]