

	Annexure B: Eskom Acknowledgement Form for OHS legal and other requirements	Template Identifier	240-43921804	Rev	5
		Document Identifier	240-77471499	Rev	3
		Effective Date	May 2021		

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NOTE: the supplier/contractor/tenderer needs to ensure that he/she understands the OHS requirements listed hereunder.

<p>1. The supplier/contractor/tenderer is expected to comply to the following documents when working at/rendering a service to Eskom but not limited to the following:</p> <ul style="list-style-type: none"> a. Eskom OHS Policies, standards, and procedures b. OHS specification/requirements provided c. Occupational Health and Safety Act 85 of 1993 d. Compensation for Occupational Diseases and Illnesses Act 130 of 1993 e. Eskom Life Saving Rules 240 – 62196227 f. Eskom SHEQ Policy 32 – 727 g. Eskom Occupational Health and Safety Incident Management Procedure 32-95 h. Any other applicable South African legislation <p>Note: Please note that after contract award, it is your responsibility to fully align the company's processes to Eskom's OHS requirements (policies, procedures, standards etc).</p>
<p>2. Penalties</p> <p>Penalties shall be enforced on the main supplier for non-conformance/s (identified for the main supplier and/or its contractor and/or supplier) pertaining to Eskom and/or Statutory OHS requirement/s.</p>
<p>3. A Section 37(2) agreement</p> <p>A Section 37(2) agreement must be signed between the client and the contractor before and or before contract award</p>
<p>4. SHEQ Induction</p> <p>Ensure that all employees (contractors/suppliers) undergo the relevant Eskom induction and the 's induction</p>
<p>5. Letter of Good Standing</p> <p>A contractor shall submit proof of registration and a Letter of Good Standing with the recognized Compensation Fund. This shall remain valid for the duration of the contract and shall reflect the correct details of the contractor.</p>
<p>6. Medical Surveillance</p> <p>The Transactional Advisor (TA) shall ensure that his employees and contractor employees are registered on a medical surveillance programme and are in possession of a valid medical fitness certificate. The certificate of fitness should be relevant to the type of work (risk based) that the employee will be exposed to. This will require each employee to have a risk based person job specification that will be used as a basis for medical examination.</p>

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The Transactional Advisor (TA) must ensure that his employees and contractor employees have undergone pre-entry medical examination before starting work on site, no employee will access site without a valid medical fitness certificate.

7. SHEQ Policy

The Transactional Advisor (TA) and the contractor companies shall each have a SHE/Q Policy authorised by their Chief Executive (OHS Act Section 16(1) appointee) that clearly states overall SHE/Q objectives and commitment to improving Safety, Health, Environment and Quality performance and must be displayed and shared with all stakeholders.

8. Cost Allocation for SHE

The Transactional Advisor (TA) shall ensure that the submitted tender adequately made provision for the cost of Occupational Health and Safety measures.

Note: the costing for OHS must be detailed that is itemised based on the overall contracted scope of the project (i.e.) Medical surveillance (Medicals), provision of PPE, safety equipment purchases, resources and SHE training etc.

9. Organizational Structure

Provide the organizational structure reflecting roles, responsibilities and/accountabilities in terms of the Occupational Health and Safety Act 85 of 1993

10 Training

The Transactional Advisor (TA) and Contractor need to ensure that the resources to work on the project have the required related training, knowledge, and experience specific to the scope of work/services.

11 Incident Investigation and Management

All SHE incident reporting, classification and investigation will be done according to the requirements set out in the Eskom documents 32-95 (Occupational Health and Safety Incident Management Procedure) and 240-13307117 (Environmental Incident Management Procedure) (latest version)

12 Risk Assessment

The Transactional Advisor (TA) shall develop a Risk Assessment in line with Section 8(2)(d) for the OHS Act 85 of 1993 and where applicable Construction Regulation 9 (1) (a-e), in alignment to Eskom 32-520 procedure.

13 Personal Protective Equipment

In terms of Section 8 of the OHS Act, the duty of the employer is to take steps to eliminate or mitigate (hierarchy of control measures) any hazard or potential hazard to the safety or health of employees before resorting to PPE

14 OHS Audits

The Contractor's SHE Plan will be audited against a compliance checklist to confirm compliance to the Eskom SHE requirements.

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15. Management of Contractors/ Suppliers

The main contractor/supplier:

- a) Has to demonstrate to Eskom the process and selection criteria applied when appointing contractors and suppliers.
- b) Has to provide notification to Eskom, prior to the appointment of contractors or suppliers for the commencement of work.
- c) Has to ensure that contractors/ suppliers have adequate resources and competencies.
- d) Is accountable for the management of its contractors/ suppliers to ensure that the applicable legal and Eskom requirements (that are applicable to the main supplier during contract execution) are complied with by the contractors or suppliers.
- e) The main supplier shall monitor contractors or suppliers through audits and assessments about OHS compliance during the execution of the work.
- f) The grounds for the termination of work done by contractors/suppliers shall be provided by the main supplier.
- g) All non-conformances/non-compliance by the contractors/suppliers (all tiers) to the main supplier shall be dealt with directly with the main contractor/supplier in terms of performance and penalty processes.
- h) Eskom reserves the right to verify this when deemed necessary. The contractor may be instructed to provide copies of testimonials/references and the contact detail of clients (including Eskom) for whom the Company has done previous work of a similar nature

I, the undersigned, hereby acknowledge that I have obtained copies of the above documents and confirm that I fully understand them and the consequences of non-compliance.

Signed at on day of **20.....**

Company/Supplier Name: -----

Name of Authorised person (CEO/Director/ Managing Director)

Signature

Date

Witness 1

Witness 2

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