



EtheKwini Electricity  
1 Taylor Crescent  
Jelf Durban  
4001  
P O Box 147  
Durban  
4000  
Tel: (031) 311 1111  
Fax: (031) 311 9010  
[www.durban.gov.za](http://www.durban.gov.za)

## **Contractor acknowledgement of OHS Act responsibility**

### **Definitions**

**“Client”** means any person for whom construction work is being performed;

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

**“Employer”** 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.

**“Harm”** means anything which may cause injury or damage to persons or property;

**“Mandatory”** includes an agent, a contractor or a sub-contractor for work, but without derogating from his status in his own right as an employer or a user;

**“OHS Act”** means the Occupational Health and Safety Act (No.85 of 1993);

**“PPE”** means personal protective equipment;

**“Risk”** means the probability that injury or damage will occur;

**“Risk Management”** means the systematic application of management policies, processes and procedures to identifying hazards, analysing and evaluating the associated risks, determining whether the risks are acceptable, and controlling and monitoring the risks on an ongoing basis;

**“SANS”** means South African National Standards;

**“Workplace”** means any premises or place where a person performs work.



EtheKwini Electricity  
1 Taylor Crescent  
Jelf Durban  
4001  
P O Box 147  
Durban  
4000  
Tel: (031) 311 1111  
Fax: (031) 311 9010  
www.durban.gov.za

### **Contractor acknowledgement of OHS Act responsibility**

Written agreement between EtheKwini Municipality Electricity Unit (the “employer”) and

.....  
(the “mandatory”) as provided for in terms of Section 37(2) of the Occupational Health and Safety Act (No.85 of 1993).

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).

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 Electricity Unit site rules and safety, health, and environmental requirements as may be communicated or stipulated by EtheKwini Municipality Electricity Unit prior to and during the course of any contract awarded to the “mandatory” by EtheKwini Municipality Electricity Unit.

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

The contractor shall be registered with a Licensed Compensation Insurer or the Compensation Commissioner and have available a valid letter of good standing from such Insurer / Commissioner.

The contractor shall submit a suitable and sufficiently documented Health and Safety Plan which fully complies with all applicable requirements of the Health and Safety specification as well as the necessary competencies, experience and resources to perform the intended construction work. The Tender will be disqualified if the Tenderer has no Health and Safety Plan.

A COVID-19 health risk assessment must be performed and recorded in writing by a competent person and must include measures to curb the spread thereof

The contractor shall cause all incidents which occur within the eTheKwini Electricity area of supply during the contract period to be investigated in terms of the General Administrative Regulations 9. All OHS Act Section 24 and 25 Incidents shall be reported to the Department of Employment and Labour by the contractor within the prescribed period and in the prescribed manner. Investigations shall be conducted by a competent investigator who shall compile the appropriate incident report form as listed in the General Administrative Regulations Annexure 1. A comprehensive and detailed investigation report shall be submitted to the eTheKwini Electricity Unit Representative within 7 days after the incident.

The contractor shall also comply with all the requirements contained in the Occupational Health and Safety Act (No.85 of 1993) and its supporting Regulations, National Environmental Management Act (107 of 1998), Compensation for Occupational Injuries and Diseases Act (130 of 1993), Applicable South African National Standards (SANS), eTheKwini Electricity Substation, Overhead and Underground Mains Codes of Practices, eTheKwini Electricity Safety Rules and eTheKwini Electricity Operating Regulations to ensure that no legislative requirement is omitted in error.

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

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

(sign) .....

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

(sign) .....