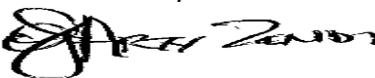


**37.2 Agreement in terms of Occupational  
Health and Safety Act No. 85 of 1993**



Document Title	37.2 Agreement in terms of OHS Act of 1993
Client	eThekweni Municipality – ETA
Project Name	Preliminary Design and Environmental Impact Assessment for second access road to the Port of Durban
Contract Number	34950 – 1T
Revision	01
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Compiled by (Safety officer)	Name and surname: Siya Nkosi Signature:  Date: 18 March 2026
Reviewed by (Manager: Safety & Risk)	Name and surname: Arty Zondi Signature:  Date: 18 March 2026



# **ETHEKWINI MUNICIPALITY**

## **OCCUPATIONAL HEALTH AND SAFETY**

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

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#### **Service Provider Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act**

A written agreement between ETHEKWINI Municipality (the “employer”)

And

(the “Service Provider”)

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 “Service Provider” and acknowledge that the “Service Provider” is an employer 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 “Service Provider” on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.

Furthermore, I agree the “Service Provider” 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 any Contract awarded to the “Service Provider” by ETHEKWINI Municipality.

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

The Service Provider must compile a health and safety file that would be approved by the Occupational Health and Safety Unit.

The Service Provider must conduct activity risk assessments, develop written safe working procedures, train all employees on risk assessment and safe working procedures and keep the training records in the safety file.

The Service Provider’s driver must obey the traffic signs and speed limit within eThekwini Municipality premises.

The Service Provider shall ensure his/her vehicle is in good working condition and safe for use, and that they are used in accordance with their design and intended use.

The Service Provider must ensure that all his or her employees have a valid medical certificate of fitness.

The Service Provider shall ensure that all employees under his/her control are wearing the visible appropriate Personal Protective Equipment for the job and always facing the oncoming traffic when working on the road.

The Service Provider must provide a fully equipped first aid box with a trained employee to administer first aid treatment in line with Unit Standards.

The Service Provider shall maintain a high level of housekeeping on site, every day upon completion of the work.

The Service Provider must be registered and in good standing with the Compensation for Occupational Injuries and Diseases Commissioner.

The Service Provider must ensure that appropriate safety symbolic signs are displayed when working.

The Service Provider must be familiar with the area or facility's Emergency Evacuation Plan and appoint his/her emergency team to react to any emergency.

The Service Provider shall conduct daily toolbox talks to its employees and keep the attendance records.

The Service Provider shall comply with excavation safety regulation 13 in accordance with Construction Regulation.

The Service Provider must be aware of the bees and snakes around his/her working environment.

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

On behalf of the “Service Provider” (print).....

(sign).....

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

(sign) .....