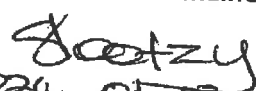



ETHEKWINI MUNICIPALITY
ELECTRICITY UNIT

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



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|---|--|
| Document Title | 37.2 Agreement in terms of the OHS Act of 1993 |
| Client | eThekwini Municipality – Electricity Unit |
| Project Name | MANUFACTURE, TESTING, SUPPLY, DELIVERY AND OFFLOADING OF SIGNS DURING A THIRTY-SIX MONTH PERIOD |
| Contract Number | 28348 (5E) |
| Revision | 01 |
| Date | 22 January 2024 |
| Internal Reference No. | Elec 02/01/2024 |
| Compiled by (Senior Safety Officer: SHERQ and Training) | Name and surname: Charmaine Lootzy Signature:  Date: 2024-01-02 |
| Reviewed by (Acting Chief Safety Officer: SHERQ and Training) | Name and surname: Zwelithini Duma Signature:  Date: 15 / 01 / 2024 |



ETHEKWINI MUNICIPALITY

ELECTRICITY UNIT

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

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 health and health and safety file must be approved by Electricity Health and Safety Department.

The Service Provider must conduct activities/task risk assessments, safe working procedures, train his/her employees on risk assessments and safe working procedures and keep the records on 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 its 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 appropriate Personal Protective Equipment.

The Service Provider shall ensure a high level of housekeeping on completion of the work.

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

The Service Provider must comply with the Code of Practice for managing COVID-19 in the workplace dated 22 June 2022.

Signed thisday of20.....

On behalf of the "Service Provider" (print)

(sign)

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

(sign)



| | |
|-------------------------|--|
| Client | Electricity Unit - Technology Services |
| Document Type | Specification |
| Title | COVID-19 Health and Safety Specification |
| Reference Number | COV01/01//24 |
| Revision | 2.0 |
| Effective Date | 22 January 2024 |

Compiled by:

Charmaine Lootzy
Senior Safety Officer
(SHERQ & Training)

Date:

18/01/2024

Approved by:

Daren Papayya
Electrical Technician
(Specialist Technologist)

Date:

18/01/2024

Project Name:

MANUFACTURE, TESTING, SUPPLY, **DELIVERY** AND OFFLOADING OF SIGNS DURING A THIRTY-SIX MONTH PERIOD-28348 **(5E)**

1. Definitions

"BCEA" means the Basic Conditions of Employment Act (Act No. 75 of 1997).

"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 OHSA, be the mandatory of the Employer, without derogating from his status as an employer in his own right.

"COVID-19" means Coronavirus Disease (2019).

"DoEL" means the Department of Employment and Labour (previously Department of Labour).

"DoH" means the Department of Health.

"Disaster Management Act" means the Disaster Management Act (Act No. 57 of 2002).

"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.

"OHSA" means the Occupational Health and Safety Act (Act No. 85 of 1993).

"PPE" means personal protective equipment.

"virus" means SARS-Cov-2 virus.

"Worker" means any person who works in an employer's workplace including an employee of the Employer or Contractor, a self-employed person or volunteer.

"Workplace" means any premises or place where a person performs work.

"NICD" means National Institute for Communicable Diseases.

"OHMP" means Occupational Health Medical Practitioner.

2. Background

Corona viruses are a large family of viruses that are found in both humans and animals. Some of these viruses are known to cause illnesses ranging from common cold to severe respiratory diseases. Coronavirus COVID-19 was identified in December 2019 in Wuhan, China. Coronavirus infections have spread to other countries in the world.

Exposure to COVID-19 may cause flu like symptoms such as coughing, sneezing, headaches, fever, fatigue/weakness, sore throat and at times affect the lungs and airways. Symptoms can be mild, moderate, severe or fatal.

COVID-19 is a respiratory disease caused by the SARS-CoV-2 virus. To reduce the impact of COVID-19 outbreak conditions on businesses, workers, customers and the public, it is important for all employers to plan now for COVID19. For employers who have already planned for influenza outbreaks involving many staff members, planning for COVID-19 may involve updating plans to address the specific sources of exposure, routes of transmission, and other unique characteristics of SARS-CoV-2, i.e. compared to influenza virus outbreaks.

3. Introduction

The legislation governing workplaces in relation to COVID-19 is the OHSA, as amended, read with the Hazardous Biological Agents Regulations. Section 8(1) of the OHSA, requires the Employer to provide and maintain as far as is reasonably practicable a working environment that is safe and without risks to the health of employees.

Specifically, section 8(2)(b) requires steps such as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard before resorting to personal protective equipment (PPE). However, in the case of COVID-19, a combination of controls is required, although the main principle is to follow the hierarchy of controls.

While engineering and administrative controls are considered more effective in minimising exposure to COVID 19, PPE may also be needed to prevent certain exposures. While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies.

This Health and Safety Specification deals with the current COVID-19 pandemic on work sites and what needs to be adhered to. It covers most scenarios, and each Employer or Contractor should consider their own unique circumstances and make the necessary calls in the interest of the health and safety of their workers.

4. COVID-19 Risk Assessment

- 4.1 The Contractor / Supplier must ensure that a COVID-19 Risk Assessment and COVID-19 Health and Safety Plan is developed and submitted to the Client prior to commencement of any work. The plan shall be in line with the Client's COVID-19 Health and Safety Specification.
- 4.2 The Contractor / Supplier must appoint a COVID-19 Compliance Officer to ensure that all necessary COVID-19 safety precautions are implemented.
- 4.3 In terms of the Code of Practice: Managing Exposure to SARS-COV-2 in Workplace, 2022 all existing COVID 19 risk assessments must be reviewed as per section 5.

5. Training and awareness

- 5.1 The Contractor / Supplier must ensure that all its workers are inducted on COVID-19 risk assessment.
- 5.2 The Contractor / Supplier must ensure that its workers are trained on COVID-19 to prevent the spread of the virus. Training records shall be kept in the safety file.
- 5.3 The Contractor must notify all its workers on the contents of the Code of Practice: Managing Exposure to SARS-COV-2 in Workplace, 2022 and its plan contemplated in section 5(1)(b).

6. Hygiene

- 6.1 The Contractor / Supplier must provide adequate facilities for the washing of hands with soap and clean water on each site.
- 6.2 The Contractor / Supplier must provide 70 % alcohol-based hand sanitiser at strategic points of the construction site.
- 6.3 The Contractor / Supplier must provide paper towels to dry hands after hand washing, with bin to dispose of these as may be required.

7. Cleaning and Disinfecting

- 7.1 The Contractor / Supplier must ensure frequent cleaning and disinfecting objects and surfaces that are touched regularly, particularly in areas of high use, using appropriate disinfecting solutions such as clean water, soap and bleach.

8. Social Distancing

- 8.1 Physical distancing / Social distancing is no longer a legal requirement but may be recommended as per the Contractor's / Supplier's risk assessment.

9. Personal Protective Equipment (PPE)

- 9.1 The use of Cloth Mask is no longer required Voluntary mask use is encouraged, however a employee that has Covid 19 Symptoms shall wear a mask at the workplace or when undertaking work
- 9.2 The use of Respiratory protective equipment must be guided by site specific risk assessment

10. Point of entry screening

- 10.1 Point of entry screening is no longer mandatory however employees that have Covid 19 symptoms are encouraged to follow the normal sick leave procedure or wear a mask when coming to work.

11. Reporting and Investigation of a positive COVID-19 case

- 11.1 If a worker has been diagnosed with COVID-19, The Contractor / Supplier must inform the DoH and DoEL and investigate the cause including any control failure and review its risk assessment to ensure that the necessary controls and PPE requirements are in place.
- 11.2 The Contractor / Supplier must give administrative support to any contact-tracing measures implemented by the DoH.

12. Return to work after testing positive

If a worker has been diagnosed with COVID-19 and isolated in accordance with the DoH Guidelines, a Contractor may allow a worker to return to work.

13. Worker Obligation

In addition to the obligations of employees under the OHSA, every worker is obliged to comply with measures introduced by their Employer or Contractor as required by the Consolidated Directions on Occupational Health and Safety Measures in Certain Workplaces.

14. Symptomatic workers

- 14.1 As per section 8(1)(a) of the Code of Practice: Managing Exposure to SARS-COV-2 in Workplace,

2022, every contractor / supplier must take measures to determine the vaccination status of their workers.

- 14.1 The Contractor / Supplier must ensure that workers who are sick with continuous cough, sore throat, difficulty breathing, or a high temperature in the workplace will be encouraged to stay home.

- 14.2 The Contractor / Supplier must ensure that where there is a positive tested COVID-19 case, the worker is on paid sick leave in terms of section 22 of the BCEA or if the worker's sick leave is exhausted, The Contractor / Supplier must apply for an illness benefit.

- 14.3 The Contractor / Supplier must ensure that workers confirmed to have COVID-19 will be managed in line with DoH guidelines.

- 14.4 For workers diagnosed as symptomatic at the workplace, The Contractor / Supplier must manage them in line with DoH guidelines.

15. Emergency Numbers

- 15.1 COVID-19 24-hour hotline number: 080 002 9999.

- 15.2 COVID-19 WhatsApp number: 060 012 3456.

- 15.3 COVID-19 National Crisis Helpline: 0861 322 322.

- 15.4 National Institute of Communicable Diseases 24-hour hotline number: 0800 029 999 or 0800 111 132.

- 15.5 SAPS gender-based violence service complaints: 0800 333 177.

- 15.6 Gender Based Violence Command Centre: 0800 428 428/ *120*7867# (free from any cell phone)/SMS line: 32312.

- 15.7 Women Abuse Helpline: 0800 150 150.

- 15.8 People Opposing Women Abuse: 011 642 4345/ Afterhours: cell number: 083 765 1235.

- 15.9 Child Line: 0800 055 555.

- 15.10 Lifeline South Africa: 0800 012 322 (free on mobile networks including landlines).

- 15.11 FAMSA: Advice on family relationships – 011 975 7107

- 15.12 Persons with Disabilities: SMS 'help' to 31531.

- 15.13 National AIDS Helpline: 0800 567 567.

- 15.14 Substance Abuse Helpline: 0800 12 12 14.

16. **References**

- a) Disaster Management Act.
- b) Occupational Health and Safety - The Department of Employment and Labour: Workplace Preparedness: COVID-19 (SARS-CoV-19 virus).
- c) Consolidated Directions on Occupational Health and Safety Measures in Certain Workplaces Hazardous Biological Agents Regulations.
- d) National Institute for Occupational Health (NIOH).
- e) Code of Practice: Managing Exposure to SARS-COV-2 in Workplace, 2022