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Project Name: Media Desk Services

Project Address: Megawatt Park

Scope of the project: Media Desk Services

Eskom's Health and Safety Professional

Name: *Diane Maunatlala*



14/12/2021

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1. Introduction

Eskom responsibility and commitment is to ensure a safe working environment is in line with its Safety, Health, Environmental and Quality Policy, along with legislative obligations.

This OHS specification is Eskom's minimum requirements which are required to be met for the specific contract and for the duration of the contract period by consultants and where required, the delivery organisation.

The consultant is expected to develop a OHS plan which meets these requirements as well as all the relevant applicable legislation they conform to.

Eskom is in no way assuming the consultant's legal responsibilities. The consultant remains accountable for the quality and the execution of his/her health and safety programme for his/her employees and appointed consultant employees.

This OHS specification reflects minimum requirements and should not be construed as all encompassing.

Note 1: All the requirements listed hereunder are in relation to the contract and do not supersede or replace any organizational OHS requirements.

Where requirements listed are already in place, then the organisational requirements must be taken cognisance of and listed in the respective OHS plans. If there are any additional Eskom and or legislative requirements listed in the OHS specification, then these must be addressed.

2. Supporting Clauses

2.1 Scope

This OHS specification lists the legislative and Eskom's requirements and where applicable, any requirements pertaining to Local Authorities / Municipal by-laws / Environmental legislation that must be met by the consultant.

2.1.1 Purpose

This document will provide a standardised approach to the compilation of OHS specifications throughout Eskom for contracts, standards and NEC 3 contracts.

2.1.2 Applicability

This OHS specification is applicable to any contracting organisation who intends tendering for the contract.

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2.2 Normative/Informative References

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

2.2.1 Normative

- [1] Basic Conditions of Employment Act No 75 of 1997.
- [2] Occupational Health and Safety Act and Regulations No 85 of 1993.
- [3] National Environmental Management Act 107 of 1998.
- [4] National Road Traffic Act 93 of 1996.
- [5] 32-37 Eskom Substance Abuse Procedure.
- [6] 32-136 Contractor Health and Safety Requirements
- [7] 240-62196227 Life- saving Rules
- [8] 32-95 Environmental, Occupational Health and Safety Incident Management Procedure
- [9] 32-727 OHSQ Policy

2.2.2 Informative

- [10] Tobacco Products Control Act 83 of 1993 (Updated 2011.05.19)
- [11] SANS 1186 Symbolic Safety Signs
- [12] Constitution of the Republic of South Africa No 108 of 1996

2.3 Definitions

2.4 Abbreviations

Abbreviation	Description
BU	Business Unit
CE	Chief Executive
COID Act	Compensation for Occupational Injuries and Diseases Act
DEL	Department of Employment and Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
GAR	General Administrative Regulations

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Abbreviation	Description
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
NEMA	National Environmental Management Act
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SANS	South African National Standard

2.5 Related/Supporting Documents

Eskom's OHS Act section 37(2) agreement to be signed at procurement during the signing of the NEC contract, it is the responsibility of the project manager to ensure that the 37(2) agreement is signed and a copy be kept in the consultant file at procurement.

3 Specification

3.1 Scope of work

Real Estate Advisory Services and Business Model Development

Note: The consultant who will be awarded this contract will be known as the "principal contractor" and any consultant appointed by the principal contractor will be known as the "appointed contractor."

3.2 Legal Compliance

3.2.1 Section 37(2) (Legal) Agreement

A section 37(2) agreement must be signed between Eskom and the principal contractor at the time of awarding the contract. The principal contractor must ensure that a section 37(2) agreement is compiled between the principal contractor and all their appointed contractors for the contract.

The original copy of the section 37(2) agreement must be retained by the consultant and a copy retained by the responsible project manager.

A copy of all the agreements must form part of the respective consultant's OHS file

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3.2.2 Hazardous work by children (Child Labour)

The constitution of the Republic of South Africa, in the “Bill of Rights” is clear on the rights of children, especially when it comes to:

17.being protected from exploitative labour practices;

18. not to be required or permitted to perform work or provide services that

i. are inappropriate for a person of that child’s age; or

ii. place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development and the Basic Conditions of Employment Act, Chapter six Section 43 “Prohibition of employment of children”.

Before resorting to the use of child labour, due consideration must be given to the rights of the child in terms of the constitution. Where work is being performed which is not prohibited in terms of the constitution, then such work must be conducted in terms of the OHS Act “Regulations on Hazardous Work by Children in South Africa” with emphasis on paragraph 2 Purpose and Interpretation. Eskom does not condone the use of child labour and therefore all effort must be exercised and child labour should not be used.

3.2.3 OHS Act

The principal contractor and appointed contractors shall have an up to date copy of the OHS Act and regulations which will be available to all employees.

3.2.4 Legislative compliance


All consultants will comply with all the legislation pertaining to this contract being:

- The Constitution of the Republic of South Africa (particularly Section 24 of the Bill of Rights).
- Occupational Health and Safety Act 1993 (Act 85 of 1993) and its Regulations.
- Compensation for Occupational Injuries and Diseases Act.
- National Environmental Management Act 107 of 1998.
- National Road Traffic Act 93 of 1996.

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3.3 Eskom Requirements

All consultants shall, before commencement of the project ensure that all their employees are familiar with the relevant Eskom's OHS documentation that is applicable to contract services.

3.3.1 Appointment of a contractor

The consultant will be appointed by Eskom on the awarding of the contract and will be responsible and accountable for all legislative and Eskom's requirements for the duration of the contract.

3.3.2 Appointment of sub-contractors

The principal contractor may appoint contractors to assist in the contract. All appointments shall be done in writing and will form part of the OHS plan that is required to be submitted to Eskom. Adequate training and instruction must be given to the appointees and the principal contractor must ensure that all the appointed contractors understand their roles and responsibilities.

Note: Copies of contractor appointments must be kept in the respective OHS file.

3.3.3 OHS policy

A OHS policy is a statement of intent and a commitment by the organisation's CE and senior management in relation to the relevant OHS roles and responsibilities, the achievement of their strategic objectives, values of integrity, customer satisfaction, excellence, and innovation.

The principal contractor and all appointed contractors, if already not in place, will be required to compile an organisational OHS policy in line with their OHS responsibilities. The policy must be signed by the organisation's CE or the appointed assistant to the CE OHS Act Section 16(2). The policy must be displayed in a prominent place within the workplace. A copy of the policy must be filed in the consultant OHS files and attached as an annexure in the OHS Plan.

3.3.4 COID

The principal contractor and all his/her appointed contractors shall be registered with an appropriate employment compensation commissioner and have available a valid letter of good standing (LoG) from such commissioner. The obligation lies with the consultants to ensure that the LoG remain valid throughout the contract period. A copy of the LoG must be filed in the consultant OHS files.


3.4 Substance Abuse

1. Alcohol and substance abuse poses a significant threat to any business, more so in industrial incidents and the driving of vehicles. Eskom is therefore, entitled to take reasonable steps to ensure that intoxicated persons are identified and prevented from entering Eskom.

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2. General Safety Regulation 2A is clear on the legal stance regarding intoxication.
3. **The alcohol and drug permissible level is 0%.**
4. All consultants shall comply with Eskom's procedure 32-37 ("Substance Abuse Procedure"), taking in to account that this is an Eskom Life-saving Rule number 4: BE SOBER", this means anyone entering the Eskom will be subjected to ad hoc alcohol testing.
5. Consultants are encouraged to compile their own manual and to carry out regular alcohol testing of their own employees. The legislative alcohol level is deemed to be zero.
6. Test records must be treated as "Confidential" and filed in the employees' personal file.

3.5 Appointments

For the duration of the contract, the consultant shall appoint competent employees who will meet the requirements of the OHS Act. Where appointments are made, consultants shall ensure that the appointees have been suitably trained and or informed of their responsibilities before getting them to accept such appointment. The relevant statutory appointments shall be made in accordance with the requirements of the OHS Act which includes the requirement of a competent person being appointed in the relevant roles. The statutory appointments will include 16(2) appointments.

3.6 Risk Assessments

It is a legal requirement in terms of Section 8 (2)(d) of the OHS Act for an employer to carry out risk assessments to establish what hazards to the health and safety of persons are attached to any work which is performed. A risk assessment is defined as an identification of the hazards present in an organisation and an estimate of the extent of the risks involved, taking into account whatever precautions are already being taken. It is essentially a three stage process:


- identification of all hazards;
- evaluation of the risks;
- measures to control the risks.

Risk assessments are required to be maintained. This means that significant changes to a process or activity, or any new process or activity should be subjected to a risk assessment and that if new hazards come to light during the work process, then these should also be subjected to risk assessments. Risk assessments for long term processes should be periodically reviewed and updated. Prior to start of work, risk assessments on every job / task

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are ideal to allow managers and employees to assess any inherent risks that could have been overlooked during the initial risk assessment or any changes that might have occurred in a period of absence. In particular, if a job / task is extended over a day or halted due to inclement weather.

3.7 Personal Protective Equipment Requirements

1. All consultants shall ensure that their employees use the correct PPE whilst on worksites.
2. All PPE purchased and used by all consultant employees must comply with the relevant SANS standards.
3. Where deemed as a requirement, then high visibility vests shall be worn.
4. Where PPE is required and the employees are not in possession of, then it is the individual consultant's responsibility to provide the PPE.
5. All consultants shall comply with the requirements of GSR 2 of the OHS Act.

3.8 Incident Investigation

All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using Eskom Procedure 32-95 as a reference, and where injuries as contemplated in sections 24 and 25 have been sustained, be reported to the Department of Labour.

Consultants shall use the standard General Administrative Regulation Annexure 1 "Recording of an Incident" form for all incident investigation reports. The objective of incident investigation, should not only be a legal requirement, but should establish why and how the incident occurred and find out the real root cause of the incident and to decide on precautionary measures that are required to address the root cause to prevent any further recurrences of the same or similar incidents.

3.9 Emergency Management

The art of emergency preparedness and response is to minimise the effects of any emergency and to restore normal activities as soon as practical. Periodic emergency drills must be undertaken to test the effectiveness of the plan. This must be recorded and provided on request.

3.12.1 Non-Conformance and Compliance

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1. Any non-compliance to any Eskom health and safety requirement and applicable legislation is subject to discipline in terms of the Eskom Procurement and Supply Management Procedure.
2. The procedure for the issuing and closing off of non-conformance reports shall be strictly adhered to.
3. Contractor project management must monitor the close out non-conformances issued, in not doing so; any recommendations made may not be implemented.
4. Where non-conformances are issued by Eskom, one step of the close-out procedure will be for the offender to be called by the responsible project manager to explain the non-conformance issued and identify the plans in place to prevent a recurrence of the non-conformance.
5. Should the consulting company/ fail to provide adequate PPE to their employees for the tasks being performed and/or to visitors; failure to enforce the wearing of such PPE will be viewed as a transgression of the legislative and Eskom requirements

Tender Returnable

1. Signed Annexure B
2. OHS plan
3. Letter of good standing with COID

4 Acceptance

Nil.

5 Revisions

Date	Rev.	Compiler	Remarks
Dec 2021	0	Diane Maunatlala	This provides the initial OHS specification requirements that must be met by the relevant contractors who have been awarded a contract for the work to be performed for Eskom.

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