



EtheKwini Electricity
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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.



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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.

Signed thisday of20.....

On behalf of the "mandatory" (print)

(sign)

On behalf of the "employer" (print)

(sign)



Unit:	Electricity
Document type:	Specification
Title:	COVID-19 Health and Safety Specification for Workplaces and Construction Sites
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Compiled by:

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Date: 2022-07-15

Approved by:

Daren Papayya

Specialist Technologist: Technology Services

Date: 2022-07-22

Contract/project name and details:

E.9768: Assembly, supply, delivery and off-loading of power line carrier (plc) small power distribution units during a thirty-six-month period

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 shall 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 shall appoint a COVID-19 Compliance Officer to ensure that all necessary COVID-19 safety precautions are implemented.
- 4.3 If the Contractor employs more than 500 employees, that contractor must submit a record of its risk assessment together with a written policy concerning the protection of the health and safety of its employees from COVID-19 as contemplated in section 7(1) of the OHSA to its health and safety committee established in terms of section 19 and of OHSA and the DoEL.
- 4.4 The Contractor must ensure that the measures required by the Consolidated Directions on Occupational Health and Safety Measures in Certain Workplaces dated 28 September 2020 and its risk assessment plan are strictly complied with through monitoring and supervision.

5. Training and awareness

- 5.1 The Contractor shall ensure that all its workers are inducted on COVID-19 risk assessment.
- 5.2 The Contractor shall 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 Consolidated Directions on Occupational Health and Safety Measures in Certain Workplaces dated 28 September 2020, shall be used as a guideline to the management of COVID-19 at workplaces and work sites.
- 5.4 The Contractor shall provide its workers with information that raises awareness in any form or manner, including where reasonably practicable leaflets and notices placed in conspicuous places in the workplace informing workers of the dangers of the virus, the manner of its transmission, the measures to prevent transmission such as personal hygiene, social distancing, use of cloth masks, cough etiquette and where to go for screening or testing if presenting with symptoms.

6. Hygiene

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

7. Cleaning and Disinfecting

- 7.1 The Contractor shall take measures to ensure that all work surfaces and equipment are disinfected before work begins, regularly during the working period and upon completion of the work.
- 7.2 The Contractor shall ensure frequent cleaning and disinfecting objects and surfaces that are touched regularly, particularly in areas of high use such as shared tools, shared construction vehicles, etc. using appropriate disinfecting solutions such as clean water, soap and bleach.

8. Social Distancing

- 8.1 The Contractor shall arrange the site to ensure minimal contact between workers and as far as practicable so as to ensure a minimum of 1,5 m distance between workers while they are working. Workers shall be made aware to maintain social distance when working.
- 8.2 The Contractor shall ensure that social distancing measures are implemented through supervision of both the construction site and in the common areas outside the workplace, through queue control or within the workplace. These measures may include dividing the workers into groups or staggering break times to avoid the concentration of workers in common areas.
- 8.3 The Contractor shall ensure that where the minimum distance is impossible, workers must always be instructed to wear FFP2 masks or reducing the number of workers present at the site at any time to achieve the required social distancing.
- 8.4 The Contractor shall ensure that employees working in offices are provided with physical barriers placed between their workstations.

9. Personal Protective Equipment (PPE)

- 9.1 The Contractor shall ensure that every worker is provided with two cloth masks to be worn when in the workplace or public space which comply with the requirements set out in the guideline issued by Department of Trade, Industry and Competition.
- 9.2 The main benefit of everyone wearing a cloth mask is to reduce the amount of virus droplets being coughed up or becoming airborne during normal conversations by those with infection, and transmitted to others and to surfaces which others may touch.
- 9.3 The Contractor shall ensure that workers are informed, instructed and trained on the correct use of all masks which may be used.
- 9.4 The Contractor shall issue face shields/visors, where this is applicable.

10. Point of entry screening

- 10.1 The Contractor shall identify the screening area for each site.
- 10.2 The Contractor shall ensure that the daily point of entry screening is conducted when entering site by a nominated person.
- 10.3 The Contractor shall ensure that all workers and visitors are screened and only those with the all clear will be given clearance to carry on within the work site.
- 10.4 The Contractor shall ensure that during the screening a 1,5 m distance is maintained and an FFP 2 mask to be worn by the nominated person.
- 10.5 The Contractor shall ensure that the person conducting the screening is trained.
- 10.6 The Contractor shall ensure that a bottle of sanitiser is available at the screening area.
- 10.7 The Contractor shall ensure that all workers complete a COVID-19 questionnaire which will be used to screen potential risk personnel entering the site.

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

- 11.1 If a worker has been diagnosed with COVID-19, the Contractor 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 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 only allow a worker to return to work on the following conditions:

- a) the worker has undergone a medical evaluation confirming that the worker has been tested negative for COVID-19;
- b) the employer ensures that personal hygiene, wearing of masks, social distancing, and cough etiquette is strictly adhered to by the worker; and
- c) the employer closely monitors the worker for symptoms on 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 The Contractor shall ensure that any person who ticks YES to one or more symptoms will be sent home and be advised to seek testing by a healthcare provider.
- 14.2 The Contractor shall 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.
- 14.3 The Contractor shall 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 shall apply for an illness benefit.
- 14.4 The Contractor shall ensure that workers confirmed to have COVID-19 will be managed in line with DoH guidelines.
- 14.5 For workers diagnosed as symptomatic at the workplace, the Contractor shall isolate the worker and issue him/her with an FFP2 or surgical mask, arrange for the worker to be transported safely for further medical examination or testing, in a manner that does not place other workers or members of the public at risk.
- 14.6 The Contractor shall ensure that the driver who is transporting the Person-Under-Investigation is provided with an FFP2 mask.
- 14.7 The Contractor must assess the risk of transmission, disinfect the work area and refer those workers who may be at risk for screening to prevent possible transmission.
- 14.8 The Contractor shall advise the DoEL and DoH so that other contacts be identified and be investigated.

- 14.9 The Contractor shall ensure that the positive case is not discriminated in terms of the Employment Equity Act.
- 14.10 The Contractor shall ensure that if there is evidence that the worker contracted COVID-19 as a result of occupational exposure, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act (No. 130 of 1993) and Directive on Compensation for Workplace-Acquired Novel Coronavirus dated 30 June 2020.
- 14.11 The Contractor shall ensure that if a worker has been diagnosed with COVID-19 and isolated in accordance with the DoH Guideline, a Contractor may only allow a worker to return to work only when the worker has produced a medical certificate of clearance.

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. Recommended Best Practice

The Contractor shall ensure that vulnerable workers who are 60 years and older are identified and receive special measure for their protection in accordance with the Guidance on Vulnerable Employees and Workplace accommodation in relation to COVID-19 (version 4 dated 25 May 2020). 16.2 The Contractor shall ensure that for communication, Microsoft Teams, Zoom, Skype, etc. are utilised as far as possible to minimise personal interaction.

17. 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).

