

**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	eThekwini Municipality – MMS Unit.
Project Name	<b>REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF PEOPLE'S PARK CAFÉ MEASURING 458 SQUARE METRES FOR A PERIOD OF FIVE (5) YEARS WITH AN OPTION TO RENEWAL.</b>
Contract Number	5M-28398
Revision	01
Date	24/02/2025
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Compiled by (Safety officer)	Name and surname: Nonjabulo Memela Signature:  Date: 24/02/2025
Reviewed by (Manager: Safety & Risk)	Name and surname: Arty Zondi Signature:  Date:



# **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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#### **Tenant's Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act**

Written agreement between ETHEKWINI Municipality (the “employer”)

And

(the “Lessee”)

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 “Lessee” and acknowledge that the “Lessee” 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 “Lessee” on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.

Furthermore, I agree the “Lessee” 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 “Contractor” by ETHEKWINI Municipality.

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

The Lessee must compile a health and safety file that will be approved by the MMS Occupational Health and Safety department.

The Lessee must conduct activity risk assessments, develop written safe working procedures and train all its employees on risk assessment and safe working procedures.

The Lessee's driver must obey the traffic signs and speed limit within eThekwini Municipality premises.

The Lessee 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 Lessee must be provided a fully equipped first aid box with a trained employee to administer first aid treatment.

The Lessee shall ensure a high level of housekeeping on site, adequate care must be taken by the contractor to ensure that storage and stacking are correctly and safely carried out, on a daily basis.

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

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

The Lessee must be familiar with the facility Emergency Evacuation Plan and appoint his/her emergency team.

The Lessee must be inducted on employer's site rules and all relevant health and safety site specific rules.

The Lessee must ensure that fire fighting equipment inside their shop are serviced and marked in accordance to the Occupational health and safety Act.

The Lessee must have a pest control contract that will service their shop on a monthly bases.

The Lessee shall, after being awarded the contract, submit the following documents (in the safety file) to the client for approval:

- Proof of registration with Compensation Commissioner (Letter of Good Standing).
- First Aider's competency certificate

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

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

(sign) .....

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

(sign) .....