



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 OHS Act of 1993 |
| Client | EThekweni Municipality |
| Project Name | Refuse Collection and Street Cleaning in Lamontville for a period of 36 months - Wards 69, 74, 75 |
| Contract Number | WS7498 |
| Revision | 01 |
| Internal Reference no. | S37.2 48/03/2022 |
| (Safety officer) | Name and surname: Hlengiwe Njapha Signature:  Date: 25/03/2022 |
| (Manager: Safety & Risk) | Name and surname: Arty Zondi Signature:  Date: 25/03/2022 |

ETHEKWINI MUNICIPALITY

OCCUPATIONAL HEALTH AND SAFETY



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

Contractor Acknowledgement of Responsibility in terms of the Occupational Health and Safety Act

Written agreement between ETHEKWINI Municipality (the “employer”)

I hereby declare that I,,representing eThekweni Municipality fromUnit

And
(the “mandatary”)

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 “mandatary” and acknowledge that the “mandatary” 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 and its Regulation and other applicable Legislations .

I agree to ensure that all work performed, or machinery and plant used by the “mandatary” on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.

Furthermore, I agree the “mandatary” 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 the course of any Contract awarded to the “mandatary” by ETHEKWINI Municipality.

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

The Contractor must, before the commencement of any work and during work, have risk assessment performed by a competent person appointed in writing; the contractor must have a documented plan and applicable safe work procedures to mitigate, reduce or control the risks and hazards that have been identified.

The Contractors must keep the risk assessment and writing safe working procedures in the safety file.

The Contractor shall ensure that all vehicles are in good working condition and safe for use, and that they are used in accordance with their design and intended use. The vehicles shall only be operated by operators who have received appropriate training. All the vehicles shall be Road worth certified.

A Contractor must ensure that all his or her employees have a valid medical certificate of fitness and issued by Occupational Health Practitioner in the form of Annexure 3. The validity of the medical certificate of fitness shall be determined by Occupational Health Practitioner based on the risk.

The Contractor shall ensure that all employees under his control are always wearing the appropriate Personal Protective Equipment.

The Contractor shall provide a fully equipped first aid box with a trained employee to administer first aid treatment of employees. The Contractor must develop an Injury on Duty procedure to be followed by all employees in the event of work-related injuries and diseases.

The Contractor shall have appoint in writing a Health and Safety Representatives if employees are more than 20.

The Contractor must be registered and in good standing with the Compensation Fund or a licensed Compensation Insurer, a proof of updated letter of Good Standing to be filed in the "Safety File"

The Contractors health and safety information and training records must be filed in the Health and Safety file.

The Contractor shall ensure that all his/her equipment are inspected on monthly basis using the appropriate register and service records are kept in the safety file.

Signed thisday of20.....

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

(sign)

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

(sign)