
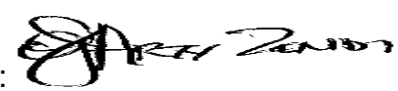




37.2 Agreement in terms of Occupational Health and Safety Act No. 85 of 1993

Document Title	37.2 Agreement in terms of OHS Act of 1993
Client	Architecture Department
Project Name	Standby Diesel Generator
Contract Number	CSA 3308
Revision	01
Date	19-05-2023
Internal Reference no.	37.(2) AGM 37/05/23
(Safety officer)	<p>Name and Surname: Bongiwe Gazu and Wendy Mkhize</p> <p></p> <p>Signature:</p> <p>Date: 19-05-2023</p>
(Manager: Safety& Risk)	<p>Name and surname: Arty Zondi</p> <p></p> <p>Signature:</p> <p>Date: 19-05-2023</p>

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 employees under his control, including subcontractors' employees and visitors, undergo a health and safety induction training conducted by a competent person before commencement of construction work.

The Contractor shall appoint a full-time Construction Supervisor with the duty of supervising the performance of the construction work.

The Contractor shall appoint the Health and Safety Representative where 20 employees at working in high-risk areas, 50 employees working in a normal workplace and 100 employees working in shops and offices.

The Contractor may appoint in writing a full-time or part-time Safety Officer who shall ensure the safety compliance of the organisation.

Where two or more Health and Safety Representatives have been appointed, the Contractor shall establish the health and safety committee to hold meetings at regular intervals, to review the health and safety measures and discuss incidents happened in the workplace.

The Contractor shall ensure that all construction vehicles and plant are in good working condition and safe for use, and that they are used in accordance with their design and intended use. The vehicles and plant shall only be operated by operators who have received appropriate training and have a medical certificate of fitness to operate those construction vehicles and mobile plant.

A Contractor must ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed 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 and Sub Contractors shall ensure that all relevant legal appointments specified in the Occupational Health and Safety Act 85 of 1993 and Construction Regulations are made in writing prior to commencement of the construction work.

The Principal Contractor shall before commencement of the construction work, notify the Department of Labour in writing of the construction work.

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

The Contractor shall provide a fully equipped first aid box with a trained employee to administer first aid treatment to construction site 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 ensure a high level of housekeeping on site, adequate care must be taken by the contractor to ensure that storage and stacking is correctly and safely carried out, on completion the construction work, the contractor is responsible for clearing the site of all material, scrap, temporary building to the satisfaction of the client.

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 contractor is expected to have a daily safety "toolbox" meeting, to reinforce good health and safety practice, attendance records to be filed in the safety file.

The Contractor shall develop the Health and Safety Plan/Safety file detailing all his/her safety measures which will be subject to monthly audit review to ensure compliance.

The Contractor health and safety information and training records must be filed in the 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.

The Contractor shall develop and implement an emergency evacuation plan for the construction site in collaboration with sub-contractors and the client representative.

The contractor must be qualified to install generator, qualified electrician and proof must be attached on the safety file

Emergency light and emergency lift must be connected

Before the completion of the installation the test must be conducted and compliance certificate to be issued by a competent person

Fire precautions on construction site the Principal Contractor shall provide suitable fire extinguishers which shall be serviced regularly in accordance with the manufacture's recommendations. Safety signage shall be prominently displayed in all areas where fire extinguishers are located. The Principal Contractor shall arrange for training of the relevant personnel, in the use of fire extinguishers. The provisions of Regulation 29 of the Construction Regulations as well as Regulation 9 of Environmental Regulation for Workplaces shall be followed in every detail.

Electrical installations and machinery on construction site the Principal Contractor shall designate a competent electrician in writing who shall control all electrical installations.

All temporary electrical installations used by the contractor are inspected at least once a week by a competent person and the inspection findings are recorded in a register kept on the construction site. All Electrical machinery is inspected by the authorized operator or user on daily basis using a relevant checklist prior to use and the inspection findings are recorded in a register kept on the construction site.

The provisions of Regulation 5, 6 & 9 of the Electrical Installation Regulations shall be followed in every detail

Painting work

The painting must take place in an open space, Employees must wear dust mask

Hand over a consolidated health and safety file to the client upon completion of the construction work.

Signed thisday of20.....

On behalf of the “mandatary” (print)

(sign)

On behalf of the “employer” (print)

(sign)