 <b>Eskom</b>	<b>Procedure</b>	
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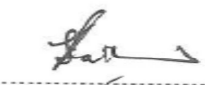
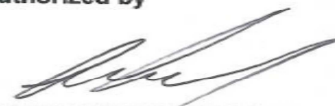
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Compiled by	Functional Responsibility	Authorized by
		
<b>S.N. Middel</b> <b>Middle Manager</b> <b>OHS Incident Management and Awareness</b> <b>Sustainability Systems</b>	<b>K. Pather</b> <b>General Manager</b> <b>Sustainability Systems</b>	<b>Dr. S.J. Lennon</b> <b>Group Executive</b> <b>Sustainability Division</b>
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## **1. Introduction**

Eskom's SHEQ Policy sets out principles and rules that underpin the way in which Eskom approaches occupational health and safety, the environment and quality.

Three of these are as follows:

- a) Poor quality performance and all occupational and environmental incidents are preventable.
- b) Occupational health and safety, environmental, and quality performance is achieved through establishing a Zero Harm culture. This culture is developed by habitually making sound and responsible occupational health and safety, environmental, and quality decisions.
- c) Eskom will strive to ensure Zero Harm to its employees, contractors, the public, and the natural environment.

The effective management of incidents is required so as to achieve the above. Incident management is an integral function of risk management. The aims and objectives of incident management are as follows:

- a) Reduce risk and prevent any recurrence of incidents.
- b) Ensure that incidents are managed effectively.
- c) Ensure that incidents are classified and recorded accurately.
- d) Ensure prompt and appropriate investigation.
- e) Promote the proactive use and value of near-miss incident reporting.
- f) Improve the quality of occupational health, safety, and the environment by learning from incidents, including near misses.
- g) Share incident information.
- h) Report to external and internal stakeholders, as appropriate.
- i) Promote the analysis of trends, and review practices accordingly.
- j) Involve and communicate information to all stakeholders.

Incident management is not a mechanism for assigning blame or monitoring staff performance, but rather a way of identifying and addressing areas for improvement in order to reduce future risks. Eskom is committed to Zero Harm as an Eskom value, which forms an integral part of its operations. This supports the value of Zero Harm to people and the environment.

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## **2. Supporting Clauses**

### **2.1 Scope**

#### **a) Purpose**

This document describes the high-level intention and requirements for the effective management of incidents that occur during the course of Eskom's business that result in, or could result in, occupational diseases/illnesses, fatalities, injuries, near misses, and/or environmental damage.

#### **b) Applicability**

This document shall apply throughout Eskom Holdings (SOC) Ltd, its divisions, subsidiaries, and entities in which Eskom has a controlling interest. In cases where Eskom does not have a controlling interest, this procedure shall apply if no such similar document exists.

The date of applicability is 1 April 2014.

This document is applicable to Eskom employees, contractors and members of the public affected by activities of, or on behalf of, Eskom.

For the purpose of Eskom benchmarking with other organisations, the applicable Responsible Manager may use the relevant classification criteria required for such benchmarking process.

In the case where a site consists of multiple employers, for Eskom reporting purposes, this procedure must be complied with.

For interpretation of requirements related to environmental, occupational health and safety incidents, this document will supersede any other procedures and instructions.

### **2.2 Normative/Informative References**

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

#### **a) Normative**

- [1] 240-62582234: OHS Roles and Responsibilities and Statutory Appointments Standard
- [2] 240-6768903: Eskom Environmental Incident Committee – Terms of Reference
- [3] 32-727: Eskom, Safety, Health, Environment, and Quality Policy
- [4] 32-123: Eskom Emergency Planning Procedure
- [5] 32-124: Eskom Fire Risk Management Standard
- [6] 32-256: Emergency Response Procedure – Communications
- [7] Aviation Act 74 of 1962
- [8] National Environmental Management Act 107 of 1998
- [9] Occupational Health and Safety Act 85 of 1993
- [10] Labour Relations Act 66 of 1995
- [11] Medicine and Related Substance Control Act 101 of 1965
- [12] Mine Health and Safety Act 29 of 1996

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- [13] Compensation for Occupational Injuries and Diseases Act 130 of 1993
- [14] Basic Conditions of Employment Act 75 of 1997
- [15] National Health Act 61 of 2003.

**b) Informative**

- [1] 240-47560170: Process Control Manual (PCM) for Quality Management
- [2] 240-48663560: Process Control Manual (PCM) for Stakeholder Management
- [3] 240-49308149: Process Control Manual (PCM) for Occupational Health and Safety Management
- [4] 240-51122806: Process Control Manual (PCM) for Incident Management
- [5] 240-51317020: Process Control Manual (PCM) for Business Communication Management
- [6] 240-51367318: Process Control Manual (PCM) for Assurance and Advisory Audits
- [7] 240-61760819: Process Control Manual (PCM) for Knowledge Management
- [8] 240-52599304: Process Control Manual (PCM) for Environmental Management
- [9] 240-72899683: Process Control Manual (PCM) for Talent Management
- [10] 32-450: Safety and Occupational Hygiene Performance Management
- [11] ISO 14001 Environmental Management Systems
- [12] ISO 9001 Quality Management Systems
- [13] OHSAS 18001 Occupational Health and Safety Systems
- [14] EPM00: Measurement Specification Document for Headcount
- [15] Criminal Procedures Act 51 of 1977
- [16] Electricity Act 41 of 1987
- [17] Explosives Act 15 of 2003
- [18] Inquest Act 58 of 1959
- [19] Law of Evidence Amendment Act 45 of 1988
- [20] National Road Traffic Act 93 of 1996
- [21] Promotion of Access to Information Act 2 of 2000
- [22] National Environmental Management: Protected Areas Act 57 of 2003
- [23] National Environmental Management: Air Quality Act 39 of 2004
- [24] National Environmental Management: Biodiversity Act 10 of 2004
- [25] National Environmental Management: Waste Act 59 of 2008
- [26] National Environmental Management: Integrated Coastal Management Act 24 of 2003
- [27] National Water Act 36 of 1998
- [28] National Heritage Resources Act 25 of 1999
- [29] National Veld and Forest Fire Act 101 of 1998
- [30] Atmospheric Pollution Prevention Act 45 of 1965
- [31] Conservation of Agricultural Resources Act 43 of 1983
- [32] Marine Pollution (Control and Civil Liability) Act 6 of 1981
- [33] Nuclear Energy Act 46 of 1999
- [34] National Nuclear Regulator Act 47 of 1999
- [35] Hazardous Substances Act 15 of 1973.

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## 2.3 Definitions

Definition	Explanation
<b>Accident</b>	Any unplanned event, arising out of, and in the course of, an Eskom or contractor employee's employment and resulting in personal injury, illness, or death of the employee, including damage and/or environmental pollution or degradation, as well as death of, or injury to, any member of the public.
<b>Acute stress</b>	Acute stress reaction/disorder/psychological shock/mental shock will be a work-related psychological condition (incident) when diagnosed by a medical practitioner following a terrifying or traumatic work-related event, for example, but not limited to, an incident involving assault, hijacking, armed robbery, explosion, being trapped in a confined space or elevator, or a motor vehicle accident.
<b>Analysis</b>	The process of breaking down a complex topic into smaller parts to gain a better understanding of it.
<b>Announcement</b>	An internal Eskom communication informing the business of Eskom and/or contractor employee work-related fatalities.
<b>Athletic activities sponsored by Eskom SOC Ltd.</b>	All Eskom-sponsored athletic activities involving physical exercises. These include any vigorous or energetic actions and any physical activity or exertion associated with exercise, sport or games.
<b>Auditing</b>	A systematic, independent, and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled and includes the following: <ul style="list-style-type: none"> <li>a) First-tier audit: audit process conducted within the means of the OU/BU and by the OU/BU.</li> <li>b) Second-tier audit: audit assurance process conducted at an OU/BU by assurance providers, for example, Sustainability Systems Department, A&amp;FD auditing, or any other OU/BU as an internal independent party within Eskom.</li> <li>c) Third-tier audit: audit process conducted at an OU/BU, Group/Divisional, or Eskom level by an independent external function.</li> </ul>
<b>Bursary holder</b>	A temporary worker who works during holidays or according to another similar arrangement as part of his/her training; also regarded as a casual worker and is under the supervision and/or direction of an employer.
<b>Call-out</b>	Where an employee responds to a formal request to perform work outside normal working hours, in terms of the relevant level 1 Eskom policies.
<b>CARAT principles</b>	Principles relating to the quality of data or information, requiring data/information to be: <ul style="list-style-type: none"> <li>C – complete;</li> <li>A – accurate;</li> <li>R – relevant;</li> <li>A – accessible; and</li> <li>T – timely.</li> </ul>
<b>Case study</b>	A management tool for sharing the details of an incident, which include the incident description, findings, root cause analysis, and environmental, occupational health and safety measures.

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Definition	Explanation
<b>Classification</b>	A process of determining whether the incident is a near miss, first-aid, medical, lost time injury, fatality, public injury, public fatality, property damage, significant environmental incident (legal contravention, legal contravention in terms of the OHD (Operational Health Dashboard)), emergency incident in terms of section 30 of NEMA and section 20 of the National Water Act, or environmental event.
<b>Controlled disclosure</b>	Controlled disclosure to external parties (either enforced by law or discretionary), which needs to be approved by the Legal Department.
<b>Close-out</b>	The final step in the process to verify that all incidents have been properly investigated, all root causes have been addressed appropriately, identified safety measures have been effectively implemented and all relevant information has been captured according to CARAT principles on the SAP EH&S system.
<b>Communication</b>	A process that allows an exchange of information by various methods and that may require feedback.
<b>Commuting</b>	Travelling by any means from the employee's permanent place of residence to a regular place of work and back.
<b>Contractor (also referred to as a mandatory as per section 1 of the OHS Act)</b>	<p>For the purpose of this document, any employer formally contracted (directly or indirectly) by Eskom and who performs work and supplies a service, product, equipment or material for the purposes of advancing Eskom's business or other interests is classified as a contractor. This includes personal contractors (that is, consultants) and third-party contractors (that is, vendors, suppliers, agents, joint ventures, principal contractors and subcontractors). Further definitions relevant to this include the following:</p> <ul style="list-style-type: none"> <li>a) <b>Agent:</b> any person who acts as a representative for Eskom as the client, as defined in the OHS Act and Construction Regulations.</li> <li>b) <b>Consultant:</b> any person, whether self-employed or not, who provides advice or a service in a particular area of expertise</li> <li>c) <b>Courier service:</b> any legal entity contracted (directly or indirectly) for the delivering of messages, packages, and/or mail.</li> <li>d) <b>Joint venture:</b> an entity formed through a decision and agreement to work together between/among two or more persons, parties, and/or organisations to undertake an economic activity together and which entity is managed by means an agreement. The parties agree to create a new entity by both/all contributing equity, and they then share in the revenues, expenses, and control of the enterprise.</li> <li>e) <b>Principal contractor:</b> an employer that is appointed in a formal agreement or contract with Eskom for the supply of a product, material, or service. This implies that the principal contractor has overall control and management of a part or the whole of the actions and resources required to ensure that contractual obligations are met.</li> </ul>

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Definition	Explanation
<p><b>Contractor (also referred to as a mandatory as per section 1 of the OHS Act) – continuation of definition</b></p>	<p>f) <b>Subcontractor:</b> an employer that is appointed in a formal agreement or contract with an Eskom principal contractor or another subcontractor and has no direct, formal contractual agreement with Eskom. The relationship between these entities exists, however, in order to satisfy an agreement between a principal contractor and a subcontractor, or a subcontractor and another subcontractor, in order to fulfil the contractual obligations that form part or are the whole of the agreement or contract with Eskom for the supply of a product, material, or service for the purposes of advancing Eskom's business interests.</p> <p>g) <b>Supplier:</b> any person or organisation that supplies any product, equipment, or material.</p>
<p><b>Contractor employee</b></p>	<p>Any employee employed by a contractor (that is, either a principal contractor or a subcontractor) to perform work for Eskom</p>
<p><b>Crime</b></p>	<p>An illegal/prohibited action (act) or omission that constitutes an offence that may be prosecuted by the state and is punishable by law.</p>
<p><b>Disability</b></p>	<p>A condition that resulted from a disease/an illness, a trauma, or a health or safety-related incident and/or condition that prevents the person from performing his/her regular/normal individual functions/duties. This could be categorised as either a permanent partial, permanent total, or temporary disability:</p> <p>a) <b>Permanent total disability:</b> an injury, other than one that results in death, that permanently and totally incapacitates an employee from following any gainful occupation or that results in the loss of use of any of the following in any one incident:</p> <ul style="list-style-type: none"> <li>i. Both eyes;</li> <li>ii. One eye and one hand, or one eye and one arm, or one eye and one foot, or one eye and one leg;</li> <li>iii. Any two of the following not on the same limb: hand, foot, arm, or leg;</li> <li>iv. Hearing loss in one or both ears.</li> </ul> <p>b) <b>Permanent partial disability:</b> an injury, other than one that results in death or permanent total disability, but that results in the complete loss of use of any member or part of a member of the body or any permanent impairment of functions of the body or part of it, regardless of any pre-existing disability of the injured member or impaired body function. This definition excludes the following:</p> <ul style="list-style-type: none"> <li>i. Inguinal hernia;</li> <li>ii. Loss of fingernails or toenails;</li> <li>iii. Loss of tip of finger without bone involvement;</li> <li>iv. Loss of teeth;</li> <li>v. Disfigurement;</li> <li>vi. Strains or sprains that do not cause permanent limitation of motion.</li> </ul>

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Definition	Explanation
<p><b>Employee</b></p>	<p>A person who has entered into, or works under, a contract of service, apprenticeship, or learner ship with an employer, whether the contract is express or implied, oral or in writing, whether the remuneration is calculated by time or work done and paid for in cash or in kind, or tacitly (by tacit agreement), and includes cases where such a person is under the control, instruction, and supervision of his/her employer, namely:</p> <p>a) <b>Permanent employee</b>, which includes:</p> <ul style="list-style-type: none"> <li>i. Full-time employees who work regular/normal working hours on a continuous basis;</li> <li>ii. Part-time employees who work a five-hour period daily on a continuous basis;</li> <li>iii. A person referred to as a learner (18.1) or an apprentice in the Conditions of Service for Bargaining Unit Employees.</li> </ul> <p>b) <b>Non-permanent employee</b>, which includes the following:</p> <ul style="list-style-type: none"> <li>i. Any person placed through a temporary employment service (TES), including a labour broker/personnel agency, on a contractual basis, to perform work and who is remunerated by the temporary employment service and works under the control, instruction, and supervision of Eskom as the employer. <b>Note:</b> Medical surveillance of labour broker employees must be conducted by the labour broker according to the occupational risk exposure profile. Furthermore, the labour broker must provide a valid fitness for duty certificate to the SHEQ Department.</li> <li>ii. A bursar refers to an Eskom Holdings Limited employee who studies at a University, University of Technology or FET College by means of a full or part time further study bursary and is contractually bound to remain in Eskom's employment on completion of such studies for a period determined by Eskom.</li> <li>iii. A casual employee refers to an individual employee who is a non-permanent worker, works less than 24 hours in any month and do not qualify for fringe benefits that does a once –off job or come in occasionally to do work for an employer when required.</li> <li>iv. Occasional employees who are employed for more than three successive calendar days for a specific purpose or a period not longer than six months and whose services will be terminated when the purpose has been accomplished or the period expires and shall include persons employed on a temporary basis for relief purposes.</li> <li>v. A vacation student under the supervision and/or direction of an employer, which includes university students, university of technology students, and matriculants who do not hold an Eskom bursary.</li> <li>vi. Any person employed in terms of a fixed-term contract.</li> </ul> <p><b>Note 1:</b> An apprentice, for the purpose of this document, means a person in training while on an Eskom site or any other site under Eskom's supervision.  <b>Note 2:</b> An employee only has one employer at any given time. The employer is the person with whom he/she is in a contractual relationship of employment, even when he/she performs his/her contractual obligations for another person.  <b>Note 3:</b> A pensioner is not regarded as an employee, as the employee-employer relationship does not exist.  <b>Note 4:</b> For the purpose of the Mine Health and Safety Act, any contractor employee performing work on a defined mining site is regarded as an Eskom employee.</p> <p style="text-align: center;"><b>CONTROLLED DISCLOSURE</b></p>

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Definition	Explanation
<b>Environment</b>	Environment means the surroundings within which humans exist and that are made up of: a) The land, water, and atmosphere of the earth; b) Micro-organisms and plant and animal life; c) Any part or combination of (a) and (b) and the interrelationships among and between them; and d) The physical, chemical, aesthetic, and cultural properties and conditions of the foregoing that influence human health and well-being.
<b>Environmental aspect</b>	Element of an organisation's activities or products or services that can interact with the environment.
<b>Environmental impact</b>	Any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects.
<b>Environmental legal contravention</b>	Instances where a provision of environmental legislation (national, provincial, or local) and/or condition of an environmental approval (for example, environmental authorisation, water use licence, waste licence, licence in terms of the National Forests Act) or any other legal document issued in terms of environmental legislation is contravened.  <b>Note 1:</b> Environmental legislation refers to legislation or legal requirements that has/have, or potentially has/have, an impact on activities interacting with the physical environment as defined in NEMA, including, but not limited to, events that result in either air pollution, sterilising the soil, or destroying rare, endangered, or protected fauna or flora (as set out in the NEMA: Biodiversity Act or provincial environmental ordinances) or result in making any water resource unfit for its original purpose, such as domestic, agricultural, or industrial use, or reduce the water quality to such a state that human intervention is required to restore it to its original quality.
<b>Environmental, occupational health and safety incidents</b>	All incidents that could, or do, result in harm, damage to fauna and flora, and/or environmental pollution or degradation or give rise to an accident or have the potential to lead to an accident, excluding: a) Property damage where there was no potential for injuries or environmental damage; b) Crime-related incidents where there was no potential for injuries or environmental damage; and c) Motor vehicle accident incidents where the vehicle was stationary and unoccupied or any incidents of windscreen chips/tyre damage, with no serious or potential consequences.
<b>Environmental, occupational health and safety incident feedback report</b>	It is a management tool for sharing the incident description and immediate lessons learnt.

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Definition	Explanation
<p><b>Environmental legal contravention in terms of the Operational Health Dashboard (OHD)</b></p>	<p>These are specific cases of environmental legal contraventions that are considered of very high significance to Eskom in that they have a very high environmental impact or business impact or illustrate a significant failure of business systems. They are identified in terms of the criteria below. If any one of the criteria below is relevant to a specific contravention of environmental legislation, then that environmental legal contravention is classified as an “environmental legal contravention in terms of the Operational Health Dashboard (OHD)”:</p> <ul style="list-style-type: none"> <li>a) The environmental legal contravention results in formal censure from government (for example, a compliance notice, a directive, a fine); and or</li> <li>b) The environmental legal contravention is not reported to government in terms of the NEMA, NWA, and/or any other applicable legislation within the required time frames requiring the reporting of legal contraventions; and or</li> <li>c) The environmental legal contravention is not reported within the Group/Division and/or organisation within the same reporting month that the incident occurred; and or</li> <li>d) The environmental legal contravention is registered as an OHD by the chair or the relevant Eskom Environmental Incident Committee (EEIC) member, in consultation with the Group/Divisional executive (that is, the Group/Divisional executive has discretion, based on the impact on the environment and/or business, to make any environmental legal contravention an OHD); and or</li> <li>e) The environmental legal contravention is considered a repeat environmental legal contravention (using the process flow as in Annex A.1); and or</li> <li>f) The environmental legal contravention is not addressed timeously and/or effectively, as determined by the chair or the relevant Eskom Environmental Incident Committee (EEIC) member, in consultation with the applicable Group/Divisional executive.</li> </ul>
<p><b>Event</b></p>	<p>An event is any observable or extraordinary phenomenon or occurrence. An event could be the product of a chain of occurrences.</p>
<p><b>Environmental event</b></p>	<p>Where an incident results in an environmental consequence that is low/minimum or minor/moderate as per the priority matrix provided in this document.</p>
<p><b>Fatality</b></p>	<p>A fatality is an incident occurring at work, or arising out of, or in connection with, the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequence of which, any person (that is, employee, contractor, or member of the public) dies, regardless of the time intervening between the injury and/or exposure to the cause and death. The date of the incident will reflect the date on which the incident occurred, irrespective of the date of death.</p> <p><b>Note:</b> This excludes the death of a person (employee or contractor employee) while at the workplace and on duty who dies as a consequence of any activity not directly related to the course and scope of the deceased’s employment (for example, death from natural causes, etc.).</p>

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<b>Definition</b>	<b>Explanation</b>
<b>First-aid injury</b>	An incident resulted in a work related injury that can be successfully treated by a First Aider and does not require further treatment by a medical professional. Therefore the following will be regarded as First Aid treatment cases where: a) No medication is required; b) No subsequent medical treatment is required; c) No referral to a medical professional (i.e Medical doctor, Nurse, or Paramedic) is required and, d) The affected employee is able to resume work after the injury has been treated.
<b>Flash report</b>	It is a notification document informing the business of an incident that has occurred.
<b>Home/permanent place of resident</b>	A person's physical address at which legal proceedings may be instituted.
<b>Immediate action</b>	Steps taken after the incident in order to contain or minimise further damage/injuries.
<b>Immediate causes</b>	The sub-standard acts and/or conditions or factors that directly precede an incident. In most cases, they can be detected by our senses (that is, they can be seen, heard, smelled, touched, and sometimes tasted). These causes are readily apparent or evident and immediately precede the contact in a causation sequence/model.
<b>Incident</b>	Any unplanned event that could, or does, result in harm, damage, and/or environmental pollution or degradation or gives rise to an accident or has the potential to lead to an accident.
<b>Incident management</b>	Incident management is an integral function of risk management and is aimed at reducing the impact of incidents, enabling corrective action to be taken and changed practice to be introduced. It also allows for learning from the incidents that have occurred to prevent similar incidents from happening or to mitigate their impact. This includes the effective communicating, reporting, measurement, recording and investigation of incidents.
<b>Irregular place of work</b>	Any other workplace, excluding the regular place of work.
<b>Lay-down area</b>	Any physical space allocated to a contractor or other service provider for the purpose of storage of material or equipment or development of associated infrastructure required to supply a service or function.

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Definition	Explanation
<b>Lost-time injury rate (LTIR)</b>	<p>A work injury, including any occupational disease/illness or fatality, that arises out of, and in the course of, employment and that renders the employee or contractor unable to perform his/her regular/normal work on one or more full calendar days or shifts other than the day or shift on which the injury occurred.</p> <p><b>Note:</b> Normal work refers to any work where a person can perform his/her normal duties without restriction. This will apply if a person is booked off sick by a medical practitioner, registered psychologist, and/or psychiatrist and it will be regarded as lost time.</p> <p>This also includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>a) Amputation or permanent loss of the use of a limb or part of it is classified as a lost-time injury.</li> <li>b) All bone fractures are classified as lost-time injuries, even if no time was lost.</li> <li>c) Any incident that occurs while an employee is off duty and where he/she, because of the situation at that time and his/her expertise, puts himself/herself on duty in order to save a life, or to protect Eskom's property, or to conduct any duty during an emergency situation, in this way furthering Eskom's business. Such an incident will be regarded as a lost-time injury.</li> <li>d) This includes restricted duty as per definition.</li> <li>e) Any occupational disease/illness confirmed by an Eskom occupational medicine practitioner is also classified as a lost-time injury, whether or not any time was lost. The date of diagnosis will be deemed as the date of the incident.</li> </ul> <p><b>Note:</b> In case of hearing loss of a PLH of 2.5 and above from the baseline, that employee must be managed through a noise conservation programme.</p>
<b>Lessons learnt</b>	<p>Valuable information to be shared immediately after an incident has occurred in order to create awareness and to prevent reoccurrence of a similar incident.</p>
<b>Machinery</b>	<p>Means any article or combination of articles assembled, arranged, or connected and that are used, or intended to be used, for converting any form of energy to perform work or that are used, or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring, or controlling any form of energy.</p>
<b>Management</b>	<p>Management comprises of directing and controlling a group of one or more people or entities for the purpose of coordinating and harmonising that group towards achieving a goal.</p> <p>Management often encompasses the deployment and manipulation of human resources, financial resources, technological resources, and natural resources.</p>
<b>Medical injury</b>	<p>An incident that results in a work injury where active treatment (excluding prophylactic treatment that is intended to prevent disease or infection) is rendered by a medical practitioner or an occupational health nurse practitioner within a 24-hour period, and medication is prescribed, dispensed, and/or applied. The affected employee is able to resume work after the injury has been treated.</p> <p><b>Note:</b> Treatment, for the purpose of this document, excludes any diagnostic or examination procedure or method used in the establishment of the extent of injuries or illnesses (for example, X-rays or scans).</p>

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Definition	Explanation
<b>Medical observation:</b>	<p>Medical observation includes observation at a hospital or medical facility as well as any by other person under the instruction of a medical practitioner. The following conditions are relevant: A blow on the head; a blow on the abdomen, the inhalation of harmful gases and/or any other case where a medical practitioner deems observation necessary.</p> <p>Where people are under medical observation:</p> <ul style="list-style-type: none"> <li>• If, after medical observation for less than 48 hours from the time of injury (or a suspected injury known to have a delayed effect), the person is able to resume regular/normal duties, the case shall not be considered a lost time injury. The physician shall verify that the injury was relatively slight and that the person can return to work without any permanent impairment or temporary total disability – the injury shall be classified as a medical treatment case;</li> <li>• However, if the person is admitted for observation and medical treatment or medication is administered after the first 24 hours following the incident, the injury shall be classified/re-classified as a lost time injury; and</li> <li>• if the person is unable to continue with his/her regular/normal duties after a medical observation period of less than 24 hours, the condition shall be classified as a lost time injury.</li> </ul>
<b>Member of the public</b>	<p>Any person who is not regarded as an Eskom employee or a contractor employee in any manner, including visitors and minors.</p> <p>Any family member or visitor of a teleworker in the event of an incident if present and involved in performing work for, or on behalf of, the teleworker at the house deemed to be the employee's house will be regarded as a member of the public.</p> <p><b>Note:</b> Visitor- any person visiting a workplace with the knowledge of, or under the supervision of, an employee. This could include a minor.</p>
<b>Metrics</b>	<p>It is the calculation methodology for a KPI for a specific discipline (refer to Appendix A2.2 for EH&amp;S measurements).</p>
<b>Minor</b>	<p>A person who is under the age of 18, at which age one legally assumes adulthood and is legally granted the rights afforded to adults in society. According to the South African Constitution (section 28), child (that is, a minor) means a person under the age of 18 years.</p>
<b>Near-miss incident</b>	<p>a) Any OHS event that did not result in damage and/or injury, but that had the potential, <b>under different circumstances</b>, to cause harm or damage, occupational diseases, ill-health effects, and/or operating errors.</p> <p>b) An occupational hygiene related event resulting in the possibility of the OEL being exceeded and where, at that time, <b>no person</b> was exposed or involved.</p> <p>c) Any incident where any person was exposed to an occupational hygiene stress factor (including ionised radiation), where the OEL was not exceeded, but, under different circumstances, could have caused harm, occupational diseases, or ill-health effects.</p> <p><b>Note 1:</b> In the case where the OEL has been exceeded, such a case will be classified according to the severity of injuries or treatment required.</p> <p><b>Note 2:</b> There can only be one near-miss incident per event, notwithstanding the number of people involved.</p>
<b>NEMA section 30 incident</b>	<p>An unexpected sudden occurrence, including a major emission, fire, or explosion, leading to serious danger to the public or potentially serious pollution of, or detriment to, the environment, whether immediate or delayed.</p>
<b>NWA section 20 control of emergency incident</b>	<p>Includes any incident or accident in which a substance (a) pollutes, or has the potential to pollute, a water resource or (b) has, or is likely to have, a detrimental effect on a water resource.</p>

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Definition	Explanation
<b>Noise-induced hearing loss (NIHL) incident</b>	Where an individual experiences a bilateral sensorineural hearing loss with a confirmed PHL shift of 10% or more measured from the baseline, which must be based on two diagnostic audiograms, as per Instruction 171 issued by the Compensation Commissioner.
<b>Number of days lost through lost-time injury</b>	The total number of full calendar days that an injured person is unable to perform his/her regular/normal duties as a result of a work injury. The total does not include the day on which the injury occurred or the day on which the injured person returned to work, but it does include the intervening Saturdays, Sundays, public holidays, or plant-shutdown days. In a case where the injured person's service was terminated, the number of days lost would be determined by the medical practitioner involved.
<b>OHS event</b>	Where an incident could or does result in a human injury or illness
<b>Occupational disease/illness</b>	Any confirmed disease/illness arising out of, and in the course of, an employee's employment and that is listed in Schedule 3 of the COID Act or any other condition as determined by an occupational medical practitioner. In the case of employees placed through a labour broker, the onus is on the relevant OU/BU to ensure that the pre-employment medical examinations are done.
<b>Operating unit/business</b>	Any defined unit within the Eskom environment, operating as an operational unit. In the context of this document and in terms of health and safety, any reference to an OU/BU includes a defined unit within any Eskom group, division and its subsidiaries.
<b>Operating/business unit manager</b>	The Responsible Manager at an operating/business unit.
<b>Pensioner</b>	A pensioner is a person who has retired and now collects a pension. It is, accordingly, implied that the person has stopped employment completely.
<b>Plant</b>	This includes fixtures, fittings, implements, equipment, tools, appliances, and anything that is used for any purpose in connection with such plant.
<b>Post-traumatic stress disorder/syndrome</b>	A mental disorder/syndrome certified by a qualified psychiatrist, following exposure to an extreme traumatic work-related event or stressor. <b>Note:</b> The medical certificate where a person was booked off or placed on restricted duty by a psychiatrist would only be considered if the person who was seen and booked off by the specialist was referred to the specialist by a doctor.
<b>Pre-existing condition/medical impairment</b>	An incident arising out of, and in the course of, employment shall be considered as: a) Non-work related if the incident arises <b>solely</b> as a result of a pre-existing condition/medical impairment and if a worker without such a condition/medical impairment would not have suffered such an incident; or b) Work-related if the incident arises where the pre-existing condition/medical impairment may have been a contributing factor. The decision with regard to the impact/implication of such pre-existing condition/medical impairment must be confirmed by an Eskom medical practitioner.
<b>Public fatality</b>	The death of a member of the public.
<b>Public incident</b>	Direct or indirect exposure to Eskom's product or activities caused by sub-standard acts and/or conditions that result in, or have the potential to cause, physical harm to members of the public, damage to property, or interruption of business.

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Definition	Explanation
<b>Public Recordable Fatality Incident (PRFI, previously called public SI fatality)</b>	a) A PRFI is an incident resulting in the electrocution of a member of the public by coming into contact with Eskom apparatus, but excluding electrocution resulting from criminal activities. Minors being electrocuted as a result of criminal activity will be regarded as a public recordable fatality incident; or b) Any work-related incident where an Eskom employee or contractor is responsible for the death of a member of the public, excluding incidents where a member of the public was solely at fault.
<b>Recordable incident</b>	a) Any injury that must be recorded in terms of the OHS Act (GAR, section 9), as well as section 23 of the MHSA, as well as public fatalities that meet the following criteria: b) Minors being electrocuted as a result of criminal activity. c) Any other fatality involving a member of the public. d) Any other work-related incident where an Eskom employee or contractor is responsible for the death of a member of the public.
<b>Recording</b>	The process of capturing data or translating information into a format stored on a storage medium (often referred to as a record) for the collection of data.
<b>Repeat incident</b>	<p><b>OHS incident</b>                      Any incident where there is clear evidence that the incident is of the same type, with the same underlying and/or root cause(s).</p> <p>A repeat incident applies to incidents involving employees, contractors and/or members of the public that reoccurred at least within a three-year period:</p> a) All incidents within the same OU/BU; b) All lost-time injuries within the same Eskom Group/Division or Subsidiary; c) All fatalities at all Eskom sites, including subsidiaries.

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Definition	Explanation
<b>Repeat incident (continued)</b>	<p><b>Environmental incident</b></p> <p>Any incident where there is clear evidence that:</p> <ol style="list-style-type: none"> <li>The incident occurred within the same OU/BU; and</li> <li>The incident occurred within 12 months of a similar incident; and</li> <li>The incident was a contravention related to the same legislation; and</li> <li>The incident had the same root causes; and</li> <li>There was an opportunity to prevent reoccurrence; and</li> <li>The incident had the same risk and/or impact.</li> </ol> <p><b>Note:</b> Refer to the process flow in Annex A.1 as a guide.</p>
<b>Reportable incidents</b>	<p>An incident, as defined in section 24(1) and section 25 of the OHS Act, as well as the MHSA, section 23, but including a traffic incident on a public road and electrical contact incidents involving members of the public. This includes the uncontrolled exposure of persons to occupational hygiene stress factors. It also includes significant environmental incidents (NEMA section 30, NWA section 20, incidents, and legal contraventions) that have caused, or may cause, significant pollution or degradation of the environment, and incidents that are, or have resulted, in contravention of legislation.</p>
<b>Restricted duty</b>	<p>A work-related injury or illness that results in an employee/contractor being unable to fully perform one or more of his/her routine functions for a full working day from the day after the injury or illness has occurred and certified by a qualified medical practitioner. All restricted-duty incidents will be regarded as lost-time injuries.</p> <p><b>Note 1:</b> Where the term "light duty" is used, it will be regarded (by implication) as restricted duty, and therefore, the injured is regarded as not fit for normal duty as specified in the first medical or any other medical report.</p> <p><b>Note 2:</b> OU/BU to ensure, in cases where an individual is on restricted duty for a period of 14 days or more, that such cases must be reported to the Department of Labour.</p>
<b>Responsible Manager</b>	<p>Any person appointed as a manager in terms of the Roles and Responsibility Procedure (240-62582234).</p>
<b>Risk management</b>	<p>Risk management is the human activity that integrates the recognition of risk, risk assessment, developing strategies to manage it, and mitigation of risk using managerial resources, with the objective to reduce different risks to an acceptable level.</p>
<b>Root cause (basic or underlying cause)</b>	<p>The underlying, deeper, more fundamental cause(s) that allow(s) the immediate cause(s) to exist, which include(s) human (personal) and workplace factors.</p>
<b>Regular place of work</b>	<p>That part of the workplace where the employee's office/workstation is, and/or he/she will, for example:</p> <ol style="list-style-type: none"> <li>Report for duty and/or regularly attend meetings;</li> <li>Receive his/her job cards and/or principal work instructions;</li> <li>Perform his/her administrative functions</li> <li>Receive training at the same venue for more than five consecutive working days;</li> </ol>
<b>Safety measures (corrective and/or preventive actions/recommendations)</b>	<p>Actions identified to correct and/or prevent the reoccurrence of an incident.</p>
<b>Secondment</b>	<p>Any employee performing work (including training, lecturing/facilitating) at another OU/BU or external company, which is part of a formal written arrangement.</p>

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Definition	Explanation
<b>Serious incident</b>	<p>a) Any incident that results in a person being admitted to ICU for more than three days; and/or</p> <p>b) Any incident involving persons where a dangerous substance was spilled, the uncontrolled spill of any substance under pressure took place, machinery or any part of it fractured or failed, resulting in flying, falling, or uncontrolled moving object(s), where machinery was released out of control, and uncontrolled release of energy.</p>
<b>Severity indicator</b>	<p>An indicator recording the number of lost-time injuries (including restricted duty days) according to their severity and measured in accordance with the number of calendar days lost and is classified in periods of one to three days, four to 13 days, or ≥ 14 days</p> <p><b>Note:</b> In case a person is booked off as a result of work-related injury, it must be captured as accident leave.</p>
<b>Severity rate</b>	<p>The severity rate provides a proportional representation of the calendar days lost through lost-time and restricted duty injuries as a percentage of the number of working hours worked (based on a 12-month rolling average). It is an indication of the seriousness of the fatalities, injuries and occupational diseases/illnesses experienced in terms of days lost, according to COID Act schedules, where:</p> <p>a) The number of days lost for a fatality equals 6 000 days;</p> <p>b) The number of days lost for occupational diseases/illnesses equals 4 000 days for occupational diseases/illnesses that result in permanent disablement (for example, noise-induced hearing loss (NIHL)) (refer to Schedule 3 in the COID Act – standard); or</p> <p>c) 6 000 days for occupational diseases/illnesses where the disease/illness (for example, asbestosis) resulted in the death of the individual.</p> <p><b>Note:</b> Excluding occupational diseases/illnesses involving labour-broker-placed employees.</p>
<b>Significant environmental event</b>	<p>Where an incident results in an environmental consequence that is “major” or “serious/critical” as per the priority matrix within this document or is an environmental legal contravention, environmental legal contravention in terms of the OHD, or a NEMA section 30 and NWA section 20 incidents.</p>
<b>Site</b>	<p>The location of an event, structure, or object, whether actual, abandoned, or an archaeological site, decommissioned site, present or planned, and whether it has defined boundaries or not (refer to definition of workplace boundaries).</p>
<b>Team-building or sports days</b>	<p>Any event with the aim of promoting the enhancement of working relationships and/or employee well-being that has been organised by Eskom, a contractor, or stakeholder, and permission to attend the event has been granted by the employer prior to the event.</p>
<b>Business function/ event/meeting</b>	<p>Any event with the aim of conducting/promoting Eskom business including award functions.</p>
<b>Supervision</b>	<p>An action necessary, by a competent person appointed in the role of supervisor, to ensure:</p> <p>a) The performance of work activities; as well as</p> <p>b) The health and safety of any person at work and/or any person affected by activities arising out of, or in connection with, the activities of persons at work, or in connection with the use of plant or machinery.</p>
<b>Temporary disability</b>	<p>A disability that is of a temporary nature.</p>
<b>Temporary place of residence</b>	<p>A non-permanent place of residence utilised by an employee while on Eskom business.</p>

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Definition	Explanation
<b>Total recordable injury rate (TRIR)</b>	The TRIR is a proportional representation of the work related fatalities, occupational diseases, lost-time and medical injuries, excluding all passengers in commuting incidents. It is used internationally as an indicator or measure of health and safety performance. The figure 200 000 refers to the average number of hours worked by 100 employees in one year. The TRIR reflects a rough estimate of the percentage of the workforce that suffered a recordable incident based on a 12-month rolling average.
<b>Work injury</b>	Injury to Eskom and/or contractor employees, arising out of, and in the course of, employment, including occupational diseases/illnesses and exposures reportable in terms of sections 24 and 25 of the OHS Act.
<b>Work-related incident</b>	Any incident occurring at any workplace, arising out of, or in connection with, the activities of persons at work (whether authorised or not authorised), or in connection with the use of plant or machinery, or any incident referred to that has to be investigated under section 12 of the Aviation Act, 1962 – Civil Aviation Regulations, 2011. <b>Note 1:</b> Incidents involving contractor employees will only be regarded as Eskom work-related incidents if the service provider to the contractor was performing work within the contracted scope between Eskom and the principal contractor or the principal contractor and the subcontractor, whether it occurred on site or not. <b>Note 2:</b> Whether the incident is work-related or not, it must be reported to the Compensation Commissioner.
<b>Working hours of exposure</b>	Calculation of working hours must be consistent with 200 hours per employee per month.
<b>Workplace</b>	Any premises or place where a person performs work in the course of his/her employment, including a private home or portion of it, in the case of telework, a campsite, a lay-down area, a temporary place of residence, a vehicle, aircraft, train, boat, or vessel.
<b>Workplace boundaries</b>	On Eskom property, the boundaries of the workplace include the area where a person enters through any defined first point of entry, for example, entrance, gate, boom, etc. The actual point of entry/exit will be the point where Eskom actively exercises control over such entrance area, gate, or boom. In the absence of the above, any area up to the point where the employee, who is travelling to or from home (that is, commuting), enters or leaves his/her vehicle or public transport that is used for Eskom purposes with permission.  In the case of a lease agreement, the first access point will be regarded as the boundary of the leased premises, unless otherwise stipulated in the lease agreement.
<b>Telework or working from home</b>	Work performed by an employee at his/her home, in the course and scope of his/her employment, for the employer as formally agreed and/or directed by the employer. During the time that such work is performed, the appropriate area (either predefined or the house and/or property as a whole) will be regarded as the "workplace". The onus is on the Responsible Manager to ensure a safe working environment, and he/she is obliged to conduct an assessment in order to ensure, as far as reasonably practicable, the identification of obvious potential hazards related to telework. <b>Note:</b> The supervisor is to conduct a risk assessment on the "workplace" in any suitable manner as appropriate for the particular circumstances at that time.
<b>Work-related normal or routine travel</b>	It is when an employee is travelling to and from site during working hours for the purpose of performing his/her duties and includes travel at regular or irregular hours due to late shifts, overtime, and special or urgent/emergency work.

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## 2.4 Abbreviations

<b>Abbreviation</b>	<b>Explanation</b>
<b>AEL</b>	Atmospheric emission licence
<b>A&amp;FD</b>	Audit and Forensic Department
<b>AIA</b>	Approved Inspection Authority
<b>APPA</b>	Atmospheric Pollution Prevention Act
<b>CC</b>	Compensation Commissioner
<b>CoE</b>	Centre of Excellence
<b>COIDA</b>	Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
<b>DEA</b>	Department of Environmental Affairs
<b>DMR</b>	Department of Mineral Resources
<b>DoL</b>	Department of Labour
<b>DWA</b>	Department of Water Affairs
<b>EDC</b>	Eskom Documentation Centre
<b>EEIC</b>	Eskom Environmental Incident Committee
<b>EIMS</b>	Eskom Insurance Management Services
<b>ENT</b>	Ear, Nose, and Throat
<b>Eskom</b>	Eskom Holdings SOC Limited
<b>Exco</b>	Executive Committee
<b>GAR</b>	General Administrative Regulations
<b>H&amp;S</b>	Health and safety
<b>HR</b>	Human resources
<b>ICU</b>	Intensive Care Unit
<b>INO</b>	Initial Notification of Occurrence
<b>KPI</b>	Key Performance Indicator
<b>LTI</b>	Lost-Time Injury
<b>LTIR</b>	Lost-Time Injury Rate
<b>Manco</b>	Management Committee
<b>MHSA</b>	Mine Health and Safety Act
<b>MoP</b>	Member of The Public
<b>NEMA</b>	National Environmental Management Act
<b>NIHL</b>	Noise-Induced Hearing Loss

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<b>Abbreviation</b>	<b>Explanation</b>
<b>NIOH</b>	National Institute for Occupational Health
<b>NPA</b>	National Prosecuting Authority
<b>NWA</b>	National Water Act
<b>OEL</b>	Occupational Exposure Limit
<b>OHD</b>	Operational Health Dashboard
<b>OHS</b>	Occupational Health and Safety
<b>OHS Act</b>	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
<b>OU/BU</b>	Operating Unit/Business Unit
<b>PCM</b>	Process Control Manual
<b>PHL</b>	Percentage Hearing Loss
<b>PPE</b>	Personal Protective Equipment
<b>PRFI</b>	Public Recordable Fatality Incident
<b>RCat</b>	Root Cause Analysis Technique
<b>SAP</b>	Systems, Applications, and Products in Data Processing
<b>SAP EH&amp;S</b>	SAP Environmental Health and Safety (system)
<b>SAPS</b>	South African Police Service
<b>SDAC</b>	Safety Data Appeal Committee
<b>SDIC</b>	Safety Data Integrity Committee
<b>SHEQ</b>	Safety, Health, Environment and Quality
<b>SI</b>	Sustainability Index
<b>SOC</b>	State-Owned Company
<b>TES</b>	Temporary Employment Service
<b>TOR</b>	Terms Of Reference
<b>TRIR</b>	Total Recordable Injury Rate
<b>WC</b>	Workman's Compensation

## **2.5 Roles and Responsibilities**

Eskom Holdings SOC Ltd and its subsidiaries shall take all reasonably practicable steps to prevent all incidents and harm to any person and the environment, including members of the public and damage to property.

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The Responsible Managers shall be responsible for:

- a) Implementing this procedure;
- b) Communicating to all their employees, contractors and contractor employees the importance of compliance with this procedure and the consequences of non-compliance. This includes communicating duty of care and refusal to perform an unsafe task to all new employees and new contractors;
- c) Implementing a monitoring process for ensuring understanding of, and compliance with, duty of care and refusal to perform an unsafe task; and
- d) Ensuring understanding of, and compliance with, the requirements of this procedure.

**Note:** Joint ventures: there may be occasions when Eskom and other organisations combine resources to carry out a joint venture. Unless otherwise stipulated, each company in the joint venture must be liable for its own contraventions and could, therefore, be prosecuted in its own name, without reference to any of the other companies involved.

## **2.6 Process for Monitoring**

Compliance with the requirements of this procedure shall be audited as per the first- to third-tier audit process, as defined. The OU/BU is responsible for its own monitoring; all other assurance providers will monitor compliance with this procedure. Incident information, for example, incident registers, reports and supporting documentation must be readily available from the Responsible Manager for auditing and verification purposes.

## **2.7 Related/Supporting Documents**

- [1] Annexure 1: as required by the OHS Act – document number 240-67814139.
- [2] OHS Incident Investigation Report template – document number 240-77046688
- [3] WCL forms.
- [4] EEIC environmental legal contravention closure certificate.
- [5] NEMA section 30 incident form – can be obtained from the DEA website.
- [6] Spill assessment table – document number 240-47176039.
- [7] Spill assessment feedback form – document number 240-47176095.
- [8] Emission related incident: Initial report in terms of NEMA Section 30 (3) template.
- [9] The practice note: Reporting on emission exceedance in terms of section 30 of NEMA.

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### **3. Incident Management Process**

The following steps describe the process of incident management and are described in detail in the remainder of the document:

1. Incident identification.
2. Initiation and execution of emergency response.
3. Notification and reporting to relevant stakeholders.
4. Incident prioritisation.
5. Classification and recording.
6. Incident investigation.
7. Implementation and monitoring of safety measures of incidents.
8. Close-out.
9. Communication of incident – occurs throughout the incident management process and is not necessarily a standalone step.

#### **3.1 Incident Identification**

Identify or recognise that an incident has occurred. There are two types of identification or recognition, that is, direct observation and indirect observation.

To ensure identification of incidents, the Responsible Manager should provide employees with knowledge and skills as well as foster a culture and environment that motivate employees to immediately identify incidents as they occur.

Direct observation includes seeing the incident happening or being involved in the incident. For occupational disease incidents, direct observation refers to medical surveillance conducted by the occupational health practitioner.

Indirect observation includes learning of the incident through, for example, complaints, feedback, or information provided by internal stakeholders (for example, Eskom employees or contractor employees) or external stakeholders (for example, authorities, members of the public, etc.).

Environmental incidents can be identified indirectly through audits, reviews, and government censure. Incidents identified through indirect observation shall be managed in SAP EH&S parallel to the OU/BU audit tracking process if the observation can be defined as an incident.

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### **3.2 Initiation and Execution of Emergency Response**

- a)** Emergency response includes, but is not limited to, the following:
- i.** Rescue operations.
  - ii.** Ensuring that the scene is safe during and after the incident.
  - iii.** Providing emergency care (that is, first-aid treatment) to the injured to stabilise him/her and prevent further injury and obtaining medical assistance, where necessary and/or applicable.
- b)** Activate the appropriate emergency response actions in terms of the site emergency preparedness plan/procedure.
- c)** In the event that the incident may result in significant pollution or degradation of the environment, reasonable measures must be taken to prevent such pollution or environmental degradation from occurring, continuing or recurring.
- d)** In order to prepare for proper emergency response, the Responsible Manager must assess the potential risks and develop a suitable response plan to address the risks. In the event of an incident, emergency care must be provided in accordance with the emergency response plan for the area.
- e)** The supervisor/manager must ensure that the injured person is transported to the doctor/hospital and that the relevant Employers Report (WCL) is duly completed.
- f)** The supervisor/manager must ensure that a copy of the person's identity document is available to the treating doctor/ hospital, which will facilitate prompt treatment. The supervisor/manager may accompany the employee to the doctor/hospital, with the purpose of the supervisor/manager ensuring that the injured receives the best medical care and that the relevant medical reports are completed correctly.
- g)** The OU/BU Responsible Manager to ensure that specific work instructions relating to emergency response are available on site and executed accordingly.
- h)** Emergency response includes collection of evidence which will assist in establishing the root cause. When collecting evidence, take cognisance of the 5 P's (people, position, parts, paper and process evidence).
- i)** Collection and preservation of evidence:
- i.** Immediate actions at the scene following an incident can disturb or potentially remove vital physical items and information important to the investigation.
  - ii.** The responsible manager is responsible for ensuring that complete and correct evidence and records are identified, collected, recorded, obtained, archived, stored and preserved to support the investigation of the incident.

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iii. The Responsible Manager must take steps to preserve physical items, computer data and other relevant information until the incident investigation begins.

iv. No person should be allowed to remove, disturb or tamper with any evidence until authorised to do so by the responsible manager or regulatory authority.

### **3.3 Notification and Reporting to Relevant Stakeholders**

All environmental, occupational health and safety incidents must be reported. If information is not readily available, the available information must be used, and an updated notification must be distributed to all stakeholders as more information becomes available. The action and responsibility requirements under the Incident Prioritisation section must be referenced to identify who needs to be notified.

**Note:** In the case of incidents involving crime and firearm-related incidents, the relevant Security Department at the OU/BU, as well as the Eskom Corporate Security Risk Management Department, must be notified.

#### **3.3.1 Internal stakeholders to be notified for environmental, occupational health and safety related incidents include the following:**

**a) All incidents:**

- i. Supervisor.
- ii. Responsible Manager.
- iii. Occupational health and safety and environmental representative.
- iv. Safety and/or Environmental Department .
- v. Occupational Health Department (if applicable).
- vi. If applicable, Fire Management or Emergency Control Department.

**b) Specific incidents:**

- i. In the case of a fatality or a serious incident, Sustainability Systems Department must be notified immediately.
- ii. In the case of receiving any notification in terms of the OHS Act, sections 30, 31, or 32, or in the case of a summons received from the NPA, or where there is a possibility of liability, immediately notify the Sustainability Systems and Legal Departments.
- iii. In the case of significant environmental incidents, legal contraventions, and NEMA section 30s, the incident must be reported within 24 hours within the OU/BU to the divisional EEIC representative and/or to Sustainability Division: Environmental Management Department. The incident must be reported or declared at EEIC within the same reporting month of the incident occurring.
- iv. All emission related notifications to the authorities must be sent to the Sustainability Division: Environmental Management Department.

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### **3.3.2 Eskom employees performing work temporarily at another Eskom OU/BU:**

- a) The Responsible Manager at the OU/BU where the incident occurred shall report to the relevant stakeholders.
- b) The affected employee's own OU/BU Responsible Manager is responsible for reporting the incident to the CC.

### **3.3.3 Eskom employees performing work at another organisation:**

If an incident occurs during regular/normal work, the reporting to the CC must be done by the original OU/BU, although the external organisation (where reasonably practicable) must assist with completing the documentation for submission to the CC.

### **3.3.4 Notification requirements for employee and contractor fatalities:**

- a) The OU/BU must provide to the Sustainability Systems Department, immediately or within 24 hours, detailed information relating to the circumstances of the incident, including details of the deceased's next of kin, in order that an announcement can be compiled for communication to Eskom's Board, Exco, Manco, and the rest of the organisation.
- b) Only the Eskom Communication Department and/or the Eskom spokesperson may disclose information to the media and/or the public.
- c) Information can only be released to any external party after verification by the Eskom Legal Department.

### **3.3.5 Notification requirements for occupational diseases:**

Where an occupational disease/illness is confirmed by an Eskom occupational medical health practitioner, the Responsible Manager, supervisor, and occupational health and safety and environmental representative must be informed immediately.

### **3.3.6 Notification requirements for environmental incidents:**

- a) Where any environmental legal contravention, NEMA section 30, or DWA section 20 incidents occur, the details must be communicated within the same day to the OU/BU management and the Sustainability Systems: Environmental Department.
- b) All environmental legal contraventions and NEMA section 30 incidents must also be reported to the relevant authorities as per NEMA duty of care, authorisation, and licence or permit conditions.

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### **3.4 Capture Initial Notification**

#### **3.4.1 Capture initial notification**

- a)** Initial reports are reports that are submitted by any individual who is reporting an incident to the relevant OU/BU Environmental, Occupational Health and Safety Department. They can be provided in any form, for example, email, OU/BU Flash report, or INO.
- b)** Initial reports are brief and limited to an outline of the known facts (that is, date, time, place, what happened, immediate actions taken, persons involved, and preliminary findings).
- c)** Eskom's occupational health staff or external medical practitioners shall, where reasonably practicable, be responsible for initially assessing the injury sustained and/or disease/illness contracted by a person in Eskom's employment, arising out of, and/or in the course of, his/her employment.
- d)** Eskom's environmental practitioner shall, where reasonably practicable, be responsible for initially assessing the environmental damage arising out of the incident.

#### **3.4.2 Generate flash or notification report**

- a)** The Responsible Manager is responsible for ensuring that the necessary documentation (that is, the SAP EH&S Flash report) is generated as per the time frames specified in the action and requirements table and communicated to all the relevant stakeholders.
- b) Exceptions to the above are as follows:**
  - i.** For occupational diseases, the Flash report shall be generated within 48 hours after the occupational disease/illness has been confirmed with Eskom's occupational medical practitioner.
  - ii.** An alarm report in terms of NEMA section 30 must be submitted as soon as practical to the relevant authority.

### **3.5 Incident Prioritisation**

From the initial reports, the Responsible Manager, in conjunction with, and advised by, the occupational health and safety and environmental practitioner, must use the matrices below to determine the priority rating of an incident. The Responsible Manager is responsible for ensuring that all those involved in the prioritisation of incidents are in a position to understand and use the relevant matrices.

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### **3.5.1 The priority rating is utilised to:**

- a) Ensure that appropriate management of the incident takes place;
- b) Determine the level of action following notification of the incident;
- c) Assist Responsible Managers with prioritising and classifying incidents; and
- d) Provide clear direction about the incident reporting and communication requirements.

#### **Steps involved in incident prioritisation:**

##### **Step 1**

Determine the actual and potential outcome, consequence, and severity of the incident by using the consequence table. In cases where the actual and potential outcomes are not the same, the assumed worst-case scenarios must be used.

##### **Step 2**

Determine the likelihood of a recurrence of this incident by using the likelihood table. Repeat incidents must increase the likelihood profile of the incident.

##### **Step 3**

Quantify the level of risk associated with the incident by assigning a priority rating to the incident. Using the information obtained in Steps 1 and 2 of this process use the priority matrix to determine the priority rating.

##### **Step 4**

Determine the appropriate action to be taken, as described in the action and responsibility requirements table.

##### **Step 5**

If the severity of the incident changes, that is, lost-time injury to a fatality or environmental legal contravention to OHD, the priority rating of the incident must be reviewed and amended, where necessary, including updating relevant information in SAP EH&S.

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### 3.5.1 Consequences table

Consequences	Low/minimum	Minor	Moderate	Major	Critical
<b>Fatalities/injuries to Eskom and/or contractor employees</b>	First-aid or medical treatment case.	Lost-time injury where fewer than 14 days were lost, diagnosed occupational disease/illness/exposure with non-permanent disability.	Lost-time injury where 14 days or more were lost, diagnosed occupational disease/illness/exposure with permanent disability.	A single fatality or a serious incident.	Multiple fatalities.
<b>Fatalities/injuries to members of the public</b>	First-aid or medical treatment case.	Incidents that resulted in hospitalisation (not ICU).	Incidents that resulted in hospitalisation (ICU).	A single fatality.	Multiple fatalities.
<b>Eskom and/or contractor employee near-miss incidents</b>	Could have resulted, or previously did result, in a first-aid or medical treatment case.	Could have resulted, or previously did result, in a lost-time injury where fewer than 14 days were lost.	Could have resulted, or previously did result, in a lost-time injury where 14 days or more were lost or an exposure that could result in an occupational disease with permanent disability.	Could have resulted, or previously did result, in a single fatality or a serious incident.	Could have resulted, or previously did result, in multiple fatalities.

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<b>Environmental-related incidents</b>	Little or no ecological effect and no measurable impact on human health.	Minor ecological effect. Ecological damage can be remedied within six months. Minor hazard to humans in the immediate vicinity.	Aspect could result in a moderate uncontained or sustained environmental release, impacting the local environment only. Ecological damage can be remedied in less than one year. Health hazard to humans in the immediate vicinity, but not resulting in critical or fatal injury/illness.	Aspect could result in a major uncontained or sustained environmental release, impacting the regional environment only. Ecological damage can be remedied within one year. Health hazard to humans in the immediate vicinity, resulting in critical or fatal injury/illness. Incident gives rise to a legal contravention	Aspect has a recognised global environmental impact. Widespread or permanent local ecological damage. Remediation would take longer than one year. Could result in a major public health hazard. Magnitude is unknown. Incident gives rise to a legal contravention.
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**3.5.2 Likelihood table**

<b>Probability Categories</b>	<b>Likelihood or recurrence of event</b>	<b>Description</b>
Frequent, almost certain	One or more times per month	Is expected to occur again either immediately or within a short period of time (that is, within the next few weeks).
Likely	Occurs once per month	Will probably occur in most circumstances (several times a year).
Possible	Occurs once per year or every two years	Possibly will recur or may occur at some time (may happen every one to two years).
Unlikely	Occurs more than once every 10 years	Possibly will recur or could occur at some time in the next two to five years.
Rare	Occurs once every 10 years or once in a lifetime	Unlikely to occur or may occur only in exceptional circumstances (may happen every 10 to 100 years).

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### 3.5.3 Priority matrix

		Consequence/severity				
		Low/ minimum	Minor	Moderate	Major	Critical
<b>Likelihood</b>	Frequent, almost certain	Moderate	Moderate	High	Extreme	Extreme
	Likely	Low	Moderate	High	Extreme	Extreme
	Possible	Low	Moderate	Moderate	Extreme	Extreme
	Unlikely	Low	Low	Moderate	Extreme	Extreme
	Rare	Low	Low	Moderate	Extreme	Extreme

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**3.5.4 Action and responsibility requirements**

	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>Extreme</b>
<b>Levels of management to be informed</b>	Need to inform middle manager and environmental practitioner (for environmental incidents).	Need to inform OU/BU management. OU/BU environmental manager/practitioner (for environmental incidents).	Immediately inform Group Executive and his/her direct reports and divisional EEIC representative and/or senior environmental manager (for environmental incidents) and Sustainability. Systems Department	Immediately inform the Chief Executive and Group Executive and divisional EEIC representative and/or senior environmental manager (for environmental incidents) and Sustainability Systems Department.
<b>Levels of management to be informed of near miss incidents</b>	Inform OU/BU supervisor or applicable Responsible Manager.	Inform supervisor and applicable Responsible Manager.	Inform supervisor and applicable Responsible Manager.	Immediately inform applicable OU/BU Responsible Manager and Sustainability Systems Department.
<b>Employer investigation requirements</b>	Initiate investigation process within seven calendar days. Complete investigation within 30 calendar days or as soon as reasonably practicable (see Note 3 below).	Initiate investigation process within seven calendar days. Complete investigation within 30 calendar days or as soon as reasonably practicable (see Note 3 below) – root cause.	Initiate investigation process within 48 hours. Complete investigation within 30 calendar days or as soon as reasonably practicable (see Note 3 below).	Initiate investigation process within 24 hours. Complete investigation within 30 calendar days or as soon as reasonably practicable (see Note 3 below).
<b>Chairperson of employer investigation</b>	Chaired by a person who is at least at supervisor level.	Chaired by a person who is at least at an MPS14 level.	Chaired by a person who reports directly to the OU/BU manager who is at least at an M17 level. In case of occupational diseases, involve the Eskom AIA from Sustainability Systems Department.	Chaired by a person appointed by Sustainability Systems Department, and establish a team.
<b>Chairperson of near-miss investigation</b>	Chaired by a person who is at least at supervisor level or a delegated investigator.	Chaired by at least supervisor delegated to investigate.	Chaired by at least applicable Responsible Manager who is at least MPS14.	Chaired by direct report to the OU/BU (that is, power station, regional, or grid manager) at least M17 level.

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	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>Extreme</b>
<b>Environmental investigation requirements</b>	Initiate investigation process within seven days. Complete investigation within 30 calendar days or as soon as reasonably practicable. Investigation team shall be determined by OU/BU, in consultation with the OU/BU environmental practitioner.	Initiate investigation process within seven days. Complete investigation within 30 calendar days or as soon as reasonably practicable. Investigate using root cause identification methodology). Investigation team shall be determined by OU/BU, in consultation with the OU/BU environmental practitioner.	Initiate investigation process within 48 hours. Complete investigation within 30 calendar days or as soon as reasonably practicable. Investigate using root cause identification methodology. Investigation team and chairperson shall be determined by OU/BU, in consultation with the divisional EEIC representative, where needed, and/or Sustainability Systems Department.	Initiate investigation process within 24 hours. Complete investigation within 30 calendar days or as soon as reasonably practicable. Investigate using root cause identification methodology. Investigation team and chairperson shall be determined by OU/BU, in consultation with the divisional EEIC representative, where needed, and/or Sustainability Systems Department.
<b>Classification and recording requirements</b>	Initial classification and recording of incidents must be done on SAP EH&S within 24 hours. Any change in classification must be done immediately when new information is available. Confirm classification during the investigation process.	Initial classification and recording of incidents must be done SAP EH&S within 24 hours. Any change in classification must be done immediately when new information is available. Confirm classification during the investigation process.	Initial classification and recording of incidents on SAP EH&S must be done immediately, but not later than 24 hours after the incident occurred. Any change in classification must be done immediately when new information is available. Confirm classification during the investigation process.	Initial classification and recording of incidents on SAP EH&S must be done immediately, but not later than 24 hours after the incident occurred. Any change in classification must be done immediately when new information is available. Confirm classification during the investigation process.

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	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>Extreme</b>
<b>Incident communication</b>	Communicate the SAP EH&S Flash report within 24 hours within OU/BU, and share the lessons learnt within five working days within OU/BU.	Communicate the SAP EH&S Flash report within 24 hours to Sustainability Systems Department and within the Group/Division. The OU/BU must share the lessons learnt within three working days within the Group/Division.	Communicate the SAP EH&S Flash report within 24 hours to the Sustainability Systems Department and within the Group/Division. The OU/BU must, within three working days of the incident occurring, ensure that the lessons learnt are compiled and forwarded to the Sustainability Systems Department in order to be distributed Eskom-wide.	Communicate the SAP EH&S Flash report within 24 hours to Sustainability Systems Department and within the Group/Division. The OU/BU must, within three working days of the incident occurring, ensure that the lessons learnt are compiled and forwarded to the Sustainability Systems Department in order to be distributed Eskom-wide.

**Note 1:** For reference to root cause analysis requirements, see 3.7.3.

**Note 2:** Specific action must be taken for NEMA section 30 and NWA section 20 incidents as specified in legislation and/or guidelines.

**Note 3:** The onus is on the OU/BU manager to provide evidence for the reasons why the incident investigation could not be completed in 30 days.

### **3.6 Classification and Recording of Incidents**

Environmental, occupational health and safety-related incidents must be classified, prioritised, and recorded in the SAP EH&S system according to the CARAT principles. The SAP EH&S system is the only acceptable system for the capturing of incident information. Contractor employees working under the Mine Health and Safety Act will be classified and recorded as contractor employees and not as Eskom employees for the purposes of this document.

#### **3.6.1 Classification**

##### **3.6.1.1 Classification of OHS incidents**

The following must be considered when classifying occupational health and safety incidents: Type of relationship with the person: the aim of classifying the type of relationship with the person is to determine whether the person(s) involved in the incident was/were an Eskom employee(s), contractor employee(s), or member(s) of the public.

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**Work-relatedness:** in order to classify the work status and to determine whether the incident arose out of, or in connection with, the person at work, one needs to consider the work-relatedness of an incident. An affirmative answer to **all** of the following questions is required:

- a) Did the incident or exposure occur at any workplace?
- b) Did it arise out of, or in connection with, the activities of persons at work?
- c) Did it occur in the course of a person's employment?
- d) Did it result, or could it have resulted, in personal injury or health impairment?

### **3.6.1.2 Responsible employer**

**Eskom employees:** determine with which legal entity the employee(s) involved in an incident had a contractual relationship. In the case of an Eskom employee, an incident must be captured against the OU/BU based on the employee's cost centre at the time of the incident.

**Contractor employees:** an incident must be recorded against the OU/BU with whom the contractor has a contractual relationship.

**Repeat incidents:** determine and indicate whether the incident is a repeat of a previous incident, as per definition.

### **3.6.1.3 Classification of environmental incidents**

All environmental incidents must be checked against the criteria in the table in Annex A.3 in order to classify the incident as an environmental event, environmental legal contravention, or environmental legal contravention in terms of the Operational Health Dashboard (OHD). The outcome of the classification must then be completed on SAP EH&S.

If the incident is classified by the OU/BU as an environmental legal contravention or an environmental legal contravention in terms of the OHD, the incident must be reported to EEIC via the divisional EEIC representative. EEIC will review and confirm legal contraventions and will also determine whether the contravention meets the criteria to be registered as a contravention in terms of the OHD.

In terms of classifying substance (oil, hydrocarbon, chemical, etc.) spill incidents, the spill classification form must be completed and electronically attached to the incident in SAP EH&S. The form is registered as spill assessment table (document number 240-47176039). This table must be completed with the spill assessment feedback form (document number 240-47176095), which should be used as the investigation report for all spills and electronically attached to the incident in SAP EH&S document management system.

### **3.6.1.4 Reclassified incidents**

Reclassified incidents must be communicated by means of an updated SAP EH&S Flash report to relevant internal stakeholders, together with an explanation for the reclassification. Supporting documentation or proof must be made available for incident classification, verification, and audit purposes and electronically attached to the incident in SAP EH&S.

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### **3.6.1.5 Clarification regarding incident classification of occupational health and safety related incidents**

Where clarification is required for occupational health and safety incident interpretation of rules and examples for the classification of incidents or in order to resolve disputes, the Responsible Manager must send all relevant information to the Sustainability Systems Data Integrity Committee for review, who will evaluate information and provide direction as per the Terms of Reference of the SDIC.

### **3.6.1.6 The following criteria will assist the reader with interpreting certain incidents classifications:**

#### **a) Occupational diseases**

i. Any contractor diagnosed with an occupational disease/illness, where this is proven to be due to exposure on an Eskom site, must be recorded and included in Eskom's performance measures.

ii. In the case of a pensioner diagnosed with an occupational disease/illness, such disease/illness must be reported in terms of section 25 of the OHS Act. Any medical practitioner who examines or treats a person for a disease/illness described in the COID Act or any other disease/illness that he/she believes arose out of, or in connection with, that person's employment shall, within the prescribed period and in the prescribed manner, report the case to the person's employer and to the chief inspector and inform the person accordingly; the incident must be recorded and included in Eskom's performance measures.

If an employee, during the exit medical assessment, is diagnosed with an occupational disease/illness, the incident will be recorded against the last OU/BU in which he/she was employed.

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## **b) Secondment**

An incident that involves an employee seconded to another OU/BU within Eskom and/ or its subsidiaries will be recorded against the OU/BU that employs that employee and where the cost of the employee is captured. Working hours will be allocated to the OU/BU that employs the employee, unless the individual's cost centre is amended by agreement and processed within the SAP HR system to reflect the OU/BU to which he/she has been seconded.

An incident that occurred during regular/normal work while the employee was transferred/ seconded to organisations external to Eskom (including Eskom Enterprises (Pty) Ltd) will be recorded against the OU/BU from which that person was transferred.

## **c) Travel-related incidents**

### **i. Commuting includes the following:**

- Travel, by any means, from the permanent place of residence to a regular place of work and/or back, and shall not be regarded as work-related travel.
- When an employee makes use of a pool or rented vehicle during commuting or for private use, with permission in terms of the scheme vehicle benefit, it is not regarded as work-related travel.

### **ii. Work-related travel includes the following:**

Unless an employee travels on personal business or for personal reasons to and from a regular or an irregular place of work, or deviates from an accepted regular/normal work-related route, the following will be regarded as work-related travel, if the:

- Eskom employee is travelling between the employee's **permanent place** of residence and an irregular place of work.
- Eskom employee is travelling between a **temporary place** of residence and regular place or irregular place of work.
- Employees using any vehicle that complies with Eskom Vehicle Safety Specifications for business purposes, if the incident occurred out of, and in the course of, duty.
- Employees travelling between a regular or an irregular place of work for the purpose of buying food within a reasonable distance (as determined by the supervisor) and where an Eskom canteen is not available.

**d) Temporary accommodation:** all incidents related to an employee while on a business trip that occurred at the hotel or temporary accommodation (Eskom-owned or not) will not be regarded as work-related, unless the premises were used for official work activities at the time of the incident. Each incident that results in a fatality or a serious incident must be investigated, findings and lessons learnt identified, and the incident presented to the applicable Divisional SHEQ Committee. The lessons learnt must be communicated throughout the division and the investigation report forwarded to Eskom Sustainability Systems and Legal Departments.

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An incident occurring where an employee staying at temporary accommodation, which does not provide meal(s), and the employee is required to go and purchase a meal, then the incident will be regarded as work related. This is not applicable to contractor employees.

**Routine commuting:** where the employer provides transport that is free of charge, directly or indirectly, and the vehicle was driven by an Eskom employee who was an authorised driver, and the incident occurred between the time when an employee boarded the provided vehicle at the point of departure and the time when he/she arrived at the destination, will be regarded as work-related for the driver but in the case of the passengers it shall be regarded as non-work-related. All these incidents will be investigated in terms of action required table (see 3.5.4).

Note: Presentations must be made to Manco/Exco by the relevant group/divisional executive or delegated senior manager.

**e) Incidents occurring in parking areas:** any incident occurring in any parking area or a parking area deemed to be reasonable for business-related purposes shall be considered as work-related.

**Note:** Commuting-related incidents will be regarded as work-related incidents if they occur within the workplace boundaries.

**f) Call out travel related incidents:** any incident that occurs while an employee is responding to a call out duty:

**I.** Travelling directly to the work place from either home or from another place, as circumstances may dictate, will be regarded as work related. (This must be interpreted within the requirements of the level 1- HR policies/ procedures).

**II.** On the return journey, travelling directly from the workplace going home will be regarded as work related, however, traveling to any other destination will be regarded as private and therefore classified as not work related.

**g) Eskom employees without a regular place of work:** an incident involving an Eskom employee who has no regular place of work shall be considered work-related if the incident occurred between his/her permanent place of residence and return from his/her duties for the day, excluding deviation of route or activities of a private nature. This is not applicable to contractor employees.

**h)** An incident involving an Eskom employee who **travels locally or abroad for business** purposes, occurring while on the journey, shall be considered work-related, except if it occurred: during personal activities; during deviations for personal reasons, from a reasonably direct route of travel; or in the course of activities neither necessitated by the journey nor in the interest of the employer.

**j) Contractor travel incidents:** all incidents occurring on an Eskom site involving a contractor will be regarded as an Eskom-related contractor incident and recorded as such. Contractor vehicle incidents occurring off-site or between sites will not be classified as an Eskom-related contractor incident. Each incident that results in a fatality or a serious incident must be investigated by the contractor, who will be requested to present the investigation findings and lessons learnt to the applicable Group/Divisional SHEQ Committee. The lessons learnt must be communicated throughout the division and the investigation report forwarded to Eskom Sustainability Systems and Legal Departments.

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**k) Incidents where a member of the public/third party was at fault for calculating the LTIR for bonus modifier purposes:** any motor vehicle or crime-related incident that results in a fatality or lost-time injury, where it is proven during the investigation that the cause of the incident was ascribed solely (100%) to another party being at fault, must be recorded on SAP EH&S, but will not be included in Eskom's annual bonus modifier performance calculation. The decision of excluding such a case from Eskom's performance measures is to be verified by Sustainability – Data and Systems Department.

**l) Entertainment by, or as, a customer/client:** an incident involving an employee while formally entertaining or being entertained as a customer/client in the interest of the employer, for example, for the purposes of receiving, discussing, or promoting business, shall be regarded as work-related.

**m) Rules with regard to Work-relatedness/non-work-relatedness of other general incidents:**

- i. Voluntary work:** this will include any activity performed by any person on a voluntary basis, provided that the voluntary work is conducted in the interests of Eskom or its subsidiaries as part of its community development programme, and shall be regarded as work-related.  
**Note:** Section 22 of the COID Act provides that an incident shall be deemed to have arisen “out of and in the course of employment” if the employee was so acting for the purposes of, or in the interests of, or in connection with, the business of his/her employer.
- ii. Business function/event/meeting:** an incident occurring during any formal, pre-arranged business function/event/meeting paid for by Eskom, even if it was held outside the regular/normal workplace and/or working hours will be regarded as a work-related incident.  
**Note:** Whether the incident is work related or not, it must be recorded on SAP EHS and reported to the Compensation Commissioner.
- iii. Incidents arising from team-building or sport days:** any incident that arises from participating in formally arranged team-building or sports days, including travelling, whether intended to be a team-building event or not, will be regarded as a non work-related incident. However, an incident involving an individual who, in the course of performing his/her duty, organised or facilitated such an event will be regarded as work-related.  
**Note:** Whether the incident is work related or not, it must be recorded on SAP EHS and reported to the Compensation Commissioner.
- iv. Athletic activities sponsored by Eskom:** an incident resulting from participation in athletic activities will not be regarded as a work-related incident. However, an incident involving an individual who, in the course of performing his/her duty, organised or facilitated such an event will be regarded as work-related.  
**Note:** Whether the incident is work-related or not, it must be recorded on SAP EHS reported to the Compensation Commissioner.
- v. Incidents from biokinetic exercises:** an incident resulting from official biokinetic exercises shall be classified as work-related if the incident occurred during working hours.

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- vi. Shower room/ablution facility incidents:** an incident that occurs while an employee is proceeding to or from a shower or ablution facility or that occurs while he/she is taking a shower or otherwise using washroom facilities on the premises before, during, or after working hours shall be regarded as work-related if the use of such facilities was necessitated by the employee's work. However, if the incident occurred in respect of washing facilities relating to the person's place of residence, for example, a camp, the incident will be considered non-work-related.
- vii. Incidents occurring during lunch and rest breaks:** an incident that occurs during an employee's specifically defined lunch break or other specifically defined off-duty period shall be considered non-work-related, unless it arises as a result of hazards in the work area.
- Note:** A specifically defined lunch or rest break refers to either a set time or a time reasonably deemed to be a lunch or rest break by a manager or supervisor.
- viii. Physical violence at work:** all incidents of violence at work must be investigated to establish whether the violence was work-related or related to personal issues. If the incident is related to personal issues, it should be classified as non-work-related.
- ix. Playing around (Horseplay) at work:** all incidents involving playing around at work are regarded as work-related.
- x. Purposely inflicted and/or premeditated incidents:** an incident where a person purposely inflicted harm or injury to himself or herself shall be considered work-related if it arises out of, and in the course of, employment. If the incident is unrelated to the injured person's work, it shall be considered a non-work-related incident.
- xi. Incidents arising from activities necessitated by external events:** an incident due to an activity or response necessitated by an external event, for example, firefighting, cleaning up debris, or repairing equipment, shall be classified as work-related, provided that it arises out of, and in the course of, the employee's duties.
- Note:** The person must be fully trained in performing that activity, and it must be in line with the employee's appointed duties.
- xii. Exposure to temperature extremes:** an incident resulting from exposure to temperature extremes (heat or cold) that could or did lead to the symptoms of a related condition is a work-related incident if it arises out of, and in the course of, employment.
- xiii. Skin irritation and infections:** skin lesions, allergic reactions, sensitisation, atopic dermatitis, or infection-related incidents are classified as work-related if they arise out of, and in the course of, employment. This will include skin cancer where an employee was exposed to the sun or any other stress factor that, according to a medical practitioner, could have been the cause of the cancer.
- xiv. Inguinal hernia:** an inguinal hernia (right, left, or bilateral hernia in the groin) shall be considered a work-related injury only if it is precipitated by an impact, sudden effort, or severe strain and meets **all of** the following conditions:
- A clear record exists of an incident such as a slip, trip, fall, sudden effort, or overexertion.
  - Actual pain was experienced in the hernia region at the time of the incident.

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- The immediate pain was so acute that the injured was forced to stop work for long enough to draw the attention of his/her supervisor or fellow employees.
- The attention of a physician was secured within 12 hours.
- There is no evidence of a congenital hernia defect.

**xv. Back injuries and strains:** a back injury or strain shall be considered a work-related injury if it meets all of the following conditions:

- It is caused by an incident such as a sudden effort or overexertion or blow on the back or a slip, trip, or fall that is clearly and formally recorded.
- The incident that caused the back condition was reported to the supervisor immediately or not later than at the end of the shift on which it occurred.
- The physician treating the case is satisfied, after a complete review of the circumstances of the incident, that the injury could have arisen from the said incident and that the disability did not exist prior to the incident.

**xvi. Muscular disability:** muscular disabilities such as bursitis, tenosynovitis, etc. are work-related injuries if they arise out of, and in the course of, employment.

**xvii. Illness from antitoxin, vaccines, or drugs:** illness resulting solely from a reaction to an antitoxin, vaccine, or drug during the treatment of an employee shall be classified as a non-work-related incident, excluding any individual exposed as part of his/her duty, for example, sewerage workers, medical staff, first-aiders, or proto team members.

**xviii. Vector-borne/transmitted diseases/illnesses or death:** when an employee contracts a vector-borne disease/illness that is endemic to his/her regular/normal place of residence and workplace, the disease/illness will be regarded as non-work-related. When an employee, whose regular/normal place of residence is not located in a defined endemic area, is deployed in an endemic area where he/she contracts the disease/illness, the disease/illness will be regarded as work-related. The Compensation Commissioner could apply the same criteria when considering compensation claims.

**xix. Animal and insect bites:** incidents involving animal bites and insect bites/stings are regarded as work-related when they arise out of, and in the course of, employment.

**xx. Death of animals:** incidents resulting in the death of animals and/or protected birds due to Eskom's activities or products must be reported, recorded on SAP EH&S, investigated, and lessons learnt shared.

**xxi. Death from undetermined origin:** where a fatality occurs where the death of the person may have resulted either from an illness or from an incident following the illness, the incident shall be considered work-related only if it is the opinion of the attending medical practitioner (for example, medical practitioner engaged or authorised by the employer) that the illness arose out of, or in connection with, the deceased's duties or was aggravated by the deceased's work.

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- xxii. Food and water poisoning:** incidents resulting from poisoning, where the food and/or water was provided free of charge or subsidised by the employer to the employees from internal sources or external sources managed by means of a formal agreement, shall be considered work-related, unless proven that the individual was negligent.
- xxiii. Security incidents:** incidents involving contractor security personnel guarding their own assets at the contractor dedicated site will not be classified as Eskom-related incidents. Each incident that results in a fatality or a serious incident must be investigated by the contractor, who will be requested to present the investigation findings and lessons learnt to the applicable Group/ Divisional SHEQ Committee. The lessons learnt must be communicated throughout the division and the investigation report forwarded to Eskom Sustainability Systems and Legal Departments.
- xxiv. Subcontractor or principle contractor incidents involving external service providers:** incidents involving subcontractors or principle contractors' external service providers will not be regarded as work-related incidents for Eskom.

**General note 1: Injuries where the person ignores a medical certificate, cancellation of lost time injury and reclassification of original assessment:** Following treatment for a work injury, the attending physician issues a medical certificate entitling the injured to recuperate. If the employee feels he/she can carry on with his/her work, he/she should ask the doctor to reassess his medical fitness and cancel the medical certificate before he/she returns to work and to inform the relevant responsible manager / Eskom medical practitioner accordingly. The cancelled certificate should indicate the date of cancellation and the reasons for cancellation of the original certificate. This incident must be reported to the Compensation Commissioner to prevent the lost days' wages being refunded to the employer (Eskom).

**General note 2: Doubtful degree of disability:** If in doubt about the degree of disability, the classification of an injury shall be based on the decision of the attending medical practitioner.

**General note 3. Second opinion regarding disability/injury:** In the event that an responsible manager doubts the opinion of the attending physician regarding the severity of the injury of an injured employee, the responsible manager is entitled to (within a period of 14 days) refer the employee to the company doctor or a medical practitioner of his/her choice for a second opinion. The injured shall be obliged to co-operate and the second opinion shall take precedence if differing from the first opinion. The attending physician should at all times act in the best interests of the patient.

### **3.6.1.7 Classification dispute and appeal process**

In order to deal with disputes or clarification, the following committees are established at an Eskom level.

#### **a) Classification dispute and appeal process – OHS incidents**

OHS incidents requiring clarification must be tabled at the Eskom Safety Data Integrity Committee (SDIC), which will be reviewed in terms of this procedure and/ or other relevant documentation.

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**b) Classification dispute and appeal process – environmental incidents**

The EEIC supports the Eskom Environmental Steering Committee and operating divisions in classification of environmental incidents as contraventions of environmental legislation and those contraventions of environmental legislation in terms of the Eskom OHD.

The committee members and their responsibilities are outlined in the Terms of Reference, as noted under informative documents.

**3.6.2 Recording**

**3.6.2.1 General requirements**

Environmental, occupational health and safety incidents must be recorded on SAP EH&S using the following general agreed principles:

The date on which the incident occurred, as opposed to the date of subsequent reclassification on severity, for example, deterioration of condition or death or outcome of EEIC decision for environmental incidents, will be used for reporting purposes.

Any preceding incident, including an occupational disease/illness, that occurred as a result of exposure to the same agent or environmental factor, impacting the same body part or target organ on a different occasion and resulting in similar symptoms or health effects, must be reported and recorded as a new/different incident.

**3.6.2.2 Recording of environmental incidents**

**a) Significant environmental incidents**

Significant environmental incidents must be captured and recorded in detail on SAP EH&S following the detailed processes outlined within this document. All significant incidents must also reflect the applicable legislation or permit and the applicable section within the respective legislation that was contravened.

**b) Environmental events**

Environmental events will be recorded with the following minimum information:

- i.** Date and time
- ii.** Incident location
- iii.** Priority rating
- iv.** Classification
- v.** Type of contact
- vi.** Applicable legislation and section/clause of legislation and licence/permit
- vii.** Details of incident
- viii.** Responsible Manager

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Environmental events must also be investigated according to investigation requirements in this document, and safety measures must be implemented successfully in order to close the incident. However, the safety measure information does not need to be captured on SAP EH&S, but must be attached electronically in SAP EH&S document management system in the form of an investigation report. The investigation report must, however, be signed by the environmental practitioner in confirmation that the event has been closed successfully at OU/BU level. The incident can then be closed on SAP EH&S.

### **3.6.2.3 Recording of emission incidents**

All emission exemptions must be managed as incidents and recorded as environmental events on SAP EH&S where the exemption request is granted by the authorities.

If the exemption is not granted by the authorities or the exemption application was not submitted to the authorities and the OU/BU exceeds its cap limit prescribed in its Atmospheric Pollution Prevention Act permit or its emission limit prescribed in the atmospheric emission licence (AEL), the incident will be recorded as an environmental legal contravention.

Detailed information regarding the exemption request must be captured, for example, applicable legislation, applicable licence conditions, which unit or stack was affected, the period for which the exemption was applied for, and whether or not the exemption was granted, not granted, or withdrawn (precautionary exemption). All notifications to the authorities in terms of exceeding AEL emissions must be captured and managed as incidents.

For instances where extensions to existing exemptions are requested, the details of the extension request must be captured and/or updated against the original exemption incident. The incident date will remain as the first date captured, as this is the initial date of request for the exemption. Note that details as to whether the extension was granted or not by the authorities must also be recorded.

### **3.6.2.4 Recording of OHS incidents**

#### **a) Recording of occupational diseases or illnesses:**

Occupational diseases/illnesses will be recorded against the OU/BU to which the employee belongs at the date of diagnosis, unless it can be proven that the occupational disease/illness was caused by the activities of another OU/BU, as described in the section on "Previous Group/Division/OU/BU" below.

#### **b) Previous Group/Division/OU/BU:**

With regards to incidents (including occupational diseases/illnesses, back injuries, etc.) that occurred during employment at another Group/Division/OU/BU where the current employer has sufficient proof or historical information (for example, baseline and/or screening tests) that the involved employee was injured/exposed prior to starting employment at the current OU/BU, he/she must communicate the incident to the previous OU/BU and the Sustainability Systems Department.

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**The following must be noted:**

- i. If the previous Group/Division/OU/BU still exists, the incident must form part of its OH&S performance measure.
- ii. If the previous Group/Division/OU/BU no longer exists, the incident must be included in the OH&S performance measure of the divisional head office of the previous Group/Division/OU/BU.
- iii. If the previous employer is an external company, the incident must be recorded, but not included, in Eskom's performance measures.
- iv. If there is no proof or no historical information available to determine the Group/Division/OU/BU responsible for the exposure, the current Group/Division/OU/BU must report the incident as part of its own performance measures.

**c) Previous Eskom employees:** in the case of incidents involving previous Eskom employees, where no relevant medical records exist, such person(s) must be recorded and included in Eskom's performance measures. The following must be noted:

If this person's previous Group/Division/OU/BU in Eskom still exists, the previous Group/Division/OU/BU must include the incident in its incident register and report on it; and if this person's previous Group/Division/OU/BU in Eskom no longer exists, the incident must be included in the performance measures of the previous Group/Division head office of the previous employer.

**d) Previous incidents:** if an incident develops into a more severe incident at a later stage, such an incident must be reclassified based on the current available information and proof (for example, a medical becomes an LTI), and it must be recorded against the employee's OU/BU that was relevant at the time when the incident occurred.

**e) Training:** an incident that occurred on site at a training facility or in transit to a training facility (whether internal or external) must be recorded against the OU/BU that employs the person.

**f) Telework:** an incident involving an employee working from home (telework) on a temporary or permanent basis will be recorded against the OU/BU that employed such a person, provided that the work was performed with the formal approval of the applicable supervisor and that proof is given that the work actually performed at the time of the incident arose out of, and in the course of, his/her duties.

### **3.7 Incident investigation**

#### **3.7.1 General**

- a) All investigation reports must be considered controlled disclosure documents as per the Eskom document management requirement.
- b) In the investigation of repeat incidents, ineffective safety measures for previous incidents must be considered.

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- c)** Where there are investigations, hearings, or inquiries initiated by the DoL or DMR, Department of Energy, DEA, DWA, and SAPS, the Responsible Manager must inform the Sustainability Systems and Legal Departments, where a legal representative will be appointed as part of the investigation, hearing, or inquiry.
- d)** In the case of incidents involving crime, the OU/BU Security Department and Eskom Security Risk Management from Sustainability Systems Department must be involved in both the employer's investigation and the Corporate Legal investigation.
- e)** All investigation reports must be reviewed and signed off by the investigating committee's chairperson.
- f)** All investigation results must be documented, reviewed (where necessary), and captured on SAP EH&S, including root cause analysis and identified safety measures. The root cause analysis worksheet must be electronically attached to the incident in SAP EH&S.
- g)** Investigations by government agencies could also trigger a review of the initial incident information captured.
- h)** All investigation reports must be marked and treated as "Confidential and for Eskom internal use only".
- i)** Records must be kept by the OU/BU of all section 24 incidents, lost-time injuries, and medical treatment cases on the Annexure 1 form (as required in the OHS Act – General Administrative Regulations for Recording and Investigation of Incidents) for all employees, contractors, and members of the public. All investigation reports must be kept and archived for at least 25 years, unless another period has been specified in legislation or in any court proceedings that may ensue. All reports describing an incident involving a minor must be kept and archived for at least three years after such a person becomes an adult.
- j)** To determine an estimated cost of an incident, the CC cost calculations should be utilised.

### **3.7.2 Releasing of investigation reports to a third-party member**

- a)** The completed Annexure 1 form (as required in terms of the OHS Act – General Administrative Regulations for Recording and Investigation of Incidents) that was forwarded to the DoL, on request and in consultation with the Eskom Legal Department, may be made available to a third-party member.
- b)** Chapter 23 of the MHSA Regulations sets out the manner in which incidents are to be reported to the Mine Health and Safety Inspectorate on the following forms: SAMRASS 1, 2, 4, and 9 as per Chapter 21 of the MHSA Regulations, as may be required, in consultation with the Eskom Legal Department.
- c)** Reports must be kept safe and secure. Reports may only be made available to third parties or any other person with the written permission of the Eskom Legal Department. This excludes Annexure 1 (as required in the OHS Act – General Administrative Regulations for Recording and Investigation of Incidents), which is available in the public domain.

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### **3.7.3 Environmental incidents**

**a)** All environmental incidents, regardless of their classification, must be investigated within the OU/BU using a root cause analysis in order to determine the root cause of the incident. The root cause analysis process used by the OU/BU should be in line with the following principles identified in the recommended RCat:

- i.** Determine the type of incident, what occurred (sequence of occurrence), and when and where the incident occurred.
- ii.** Identify consequences and impacts.
- iii.** Determine the risk of the incident reoccurring using the recommended RCat likelihood and consequence table.
- iv.** Determine the immediate cause(s).
- v.** Identify root causes, taking into consideration human, workplace, and natural factors (who, what, and why).
- vi.** Identify system failures (procedure non-conformance, training, plant failure, etc.).

**b)** The focus of the investigation for environmental legal contraventions should be the reason or root cause, direct cause, and contributory cause for the contravention. The investigation shall also include which legislation/permit (including the specific section within legislation) was contravened in addition to the technical details of the incident.

**c)** The investigation team/committee and chairperson for significant environmental incidents shall be appointed by the OU/BU, in consultation with the EEIC divisional representative. The investigation team will require input from the OU/BU SHEQ manager as well as involvement of supervisors, engineers, chemical services, contractor representatives, etc., where applicable. Specialists and consultants for particular fields may also be required for certain incident investigations; specialist involvement in the investigation can be determined by the EEIC representative or OU/BU manager. A detailed investigation report should be generated and captured on SAP EH&S as well as circulated to the divisional EEIC representative and Sustainability Systems Department, on request.

**Note:** For investigations of environmental legal contraventions in terms of the OHD, the respective EEIC representatives shall be involved.

**d)** Investigations of environmental events shall involve the environmental practitioner(s) of the OU/BU as well as the relevant supervisor or contractor representative where the incident occurred. Expertise from relevant fields, for example, engineering, chemical services, or the contractor representative, etc., can be requested, depending on the type of incident being investigated.

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### **3.7.4 OHS incidents**

**a)** It must be noted that Eskom does not have the mandate to investigate incidents that occurred at an employee's home, unless the person was performing work from home (defined as telework) at the time of the incident, in which case the incident would be regarded as work-related.

**b)** Eskom investigations will consist of an OU/BU investigation, or depending on the severity of the incident (as determined in the incident prioritisation section), a corporate investigation will be held.

**c)** Employer's investigation under the MHSA must be conducted as set out in section 11(5), as revised, of the MHSA.

**d)** Root cause analysis techniques

**i.** A root cause analysis technique (RCat) must be used for all employee and contractor OHS investigations.

**ii.** Other techniques may be used supplementary to the RCat.

**iii.** The root cause analysis report will be used as a source document for presentation purposes.

### **3.7.5 Employer's investigation**

#### **3.7.5.1 OU/BU investigations (excluding serious and fatality investigations)**

The Investigation Committee should consist of the following, given the nature of the incident (OHS and/or environmental):

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- a) A chairperson: to be at a level defined in the action and responsibility requirement table.
- b) Representatives from all entities, where multiple organisations and/or Groups/Divisions are involved in an incident.
- c) The relevant supervisor under whose supervision the incident occurred shall be the first person to give evidence related to the incident and will be allowed to remain in attendance at the investigation as an observer, provided there is no conflict of interest.
- d) Where applicable, a dedicated specialist or technical expert and/or team may be appointed.
- e) Applicable health and safety representative.
- f) The applicable union representative as per Eskom's recognised trade unions may participate during the employer's investigation, including the process of evidence collection, investigation, and formulation of findings and safety measures.

**Note:** Limited to one representative per recognised trade union.

- g) Environmental Department representative, if applicable.
- h) EEIC representative.
- i) Applicable BU OHS Department representative.
- j) The relevant witnesses

**Note 1:** All witnesses to be excluded from the committee as committee members

**Note 2:** The investigation may not continue if the chairperson, the health and safety representative, the Responsible Manager (or his/her delegate) and the specialist determined by the chairperson is not present.

**Note 3:** Sustainability Systems Department, as well as an identified subject matter specialist, may attend as observers on the invitation of the most senior persons appointed under the MHSA or relevant legal representation.

**Note 4:** The initiation of the incident investigation must not be delayed due to the injured person(s) being unavailable or hospitalised.

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### **3.7.5.2 Corporate investigations**

#### **3.7.5.2.1 Corporate specialist investigation (employee and contractor serious incidents)**

**a)** Sustainability Systems Department will:

- i.** Appoint an independent chairperson to lead the investigation; and
- ii.** Mobilise a team immediately, who will collect evidence, take statements, conduct root cause analysis, and complete the investigation.

**b)** The chairperson must:

- i.** Provide the incident investigation final report within 10 working days after conclusion of the investigation to Sustainability Systems Department.
- ii.** Provide the OU/BU Responsible Manager with a completed Annexure 1.
- iii.** If there is potential liability, the Corporate Legal Department must be informed.

#### **3.7.5.2.2 Corporate legal investigation (fatalities)**

**a)** In the case of employee and contractor fatalities, Sustainability Systems Department will initiate a corporate legal investigation and mobilise a team immediately, who will collect evidence, take statements, conduct root cause analysis, and complete the investigation, chaired by an independent legal person.

**b)** A safety culture perception survey, when required, may be conducted (to form part of feedback to Manco/Exco during the close-out presentation).

**c)** In case of a fatality, Eskom flags must be flown half-mast at Megawatt Park and at the main site office where the fatality occurred (if flags are available).

**Note 1:** At the discretion of the Chief Executive, in the case of multiple fatalities, additional memorial-related interventions may be executed. When available, the Chief Executive is to visit the site where the fatality occurred.

**Note 2:** In the case where the MHSA applies, the investigation process set out in it will be followed. Thereafter, a corporate investigation may continue, as may be required by Eskom.

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### **3.7.5.2.3 Public incidents**

#### **a) Public fatalities:**

- i. In the case of fatalities that involve members of the public, a corporate legal investigation must be conducted. The OU/BU must notify Sustainability Systems and Legal Department immediately.
- ii. The Legal Department will appoint an attorney from Eskom's panel of attorneys to chair the investigation. The OU/BU must immediately mobilise a team who will collect evidence and assist in conducting the corporate legal investigation. Sustainability Systems will assist the corporate legal chairperson during investigation and oversee the collection of evidence, statements, conducting of root cause analysis, and completing the investigation.
- iii. In the case of electrical related incidents which occurred beyond point of supply or involving electrical related criminal activities (theft), the onus is on the OU/BU to conduct its own investigation and if there is any reason to believe that a corporate legal investigation is required, the OU/BU need to provide a motivation accompanied by supporting documentation to the Sustainability and Legal department for a decision.

#### **b) Non-fatal public incidents:**

- i. In the case of all other incidents involving members of the public where there were injuries (excluding fatalities), an employer's investigation must be conducted, chaired by a person appointed by the OU/BU Responsible Manager.

**Note:** This includes incidents beyond point of supply.

- ii. If, at the conclusion of an employer's investigation, there is/are any reason(s) to believe that potential liability on Eskom's part exists, the chairperson of that Investigation Committee, together with the OU/BU manager, must provide the Corporate Legal Department with the applicable investigation report, evidence related to the incident, completed root cause analysis worksheet, and reasons for requesting the appointment of an independent legal chairperson. The Legal Department will assess the information provided and indicate whether liability exists and whether a corporate legal investigation needs to be conducted.

**Note:** This includes incidents beyond point of supply.

### **3.7.5.3 Employer Corporate Legal Investigation Committee (fatalities)**

The Corporate Legal Investigation Committee, as determined by Sustainability Systems Department, will be structured and limited to the following members:

#### **a) Core committee members**

- i. Chairperson – a legal practitioner formally appointed by the Eskom Legal Department.
- ii. In cases where the incident resulted in a fatality or a potential fatality of an Eskom employee(s) and/or contractor employee(s), the Responsible Manager, appointed in terms of section 16(2) of the OHS Act, in whose area the incident occurred, must be a member of the Corporate Legal Investigation Committee.

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- iii. Sustainability Systems Department representative.
- iv. OU/BU occupational health and safety manager or nominee.
  - v. OU/BU senior management representative (provided that he/she has no direct involvement in the particular incident).
- vi. Representatives from all entities in cases involving multiple organisations and divisions.
- vii. The local statutory health and safety representative.
- viii. The applicable full-time health and safety representative.
- ix. A human resources representative.
- x. In the case where the MHSa applies, the following members may be included as committee members: 4(1) employer's representative, 3(1)(a) mine manager, and 2.13.1 engineering manager (mining equipment)/mine engineer.

**Note:** A quorum is to be determined by the chairperson.

#### **b) Members**

- i. Eskom A&FD representative/nominee, who performs the role of providing independent assurance to Exco.
- ii. A technical expert or specialist, as determined by the committee, to advise the chairperson.
- iii. If applicable, a representative of the Eskom Security Risk Management Department.
- iv. The Eskom-recognised trade union member representing the affected employee(s) may participate during the employer's investigation, including the process of evidence collection, investigation, formulation of findings, and recommendations.

#### **c) Observers**

Any other person whom the chairperson allows on a formal application.

**Note:** The chairperson may grant permission to any observer at his/her own discretion to ask questions during the investigation.

#### **d) Witnesses**

- i. The relevant person appointed as supervisor or safety team leader, under whose supervision the incident occurred, as the first witness.
- ii. Depending on the case, the relevant OHS Act section GMR 2(1) person appointed for plant-related incidents.
- iii. The relevant direct supervisor (if not the same as the person listed above).
- iv. Any person who witnessed the incident.
- v. Any other person with any other evidence related to the incident.
- vi. Any other person identified by the committee.

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**Note 1:** A witness may be recalled to answer further questions from the committee, as determined by the chairperson.

**e) Investigation and hearings initiated by government agencies**

- i. National, provincial, and regional government agencies have the legal authority to inquire into, or investigate, certain incidents.
- ii. Any inquiry or investigation by any of these agencies should be preceded by giving proper notice to the organisation.
- iii. When any of the following notices are received:
  - Compliance and/or pre-compliance notice issued by the DEA or provincial or district municipal environmental authority;
  - Notifications issued by the DoL (in terms of the OHS Act, sections 31 and 32 and section 56 of COID Act – Application for Increased Compensation); and
  - Where the MHSA applies, the Mine Health and Safety Inspectorate may convene an investigation in terms of section 60 of the MHSA and/or an inquiry in terms of section 65 of the MHSA;
  - The OU/BU must immediately inform the Sustainability Systems and Legal Departments of such notice received by providing a copy of the notice, relevant investigation report, and supporting documents.
- iv. Requests by government agencies for access to the site's investigation reports and related materials must be made in writing and reviewed with Eskom's Legal Department before they are granted, as may be applicable.
- v. Employees have the right not to incriminate Eskom or themselves.
- vi. In the case of incidents involving contractor employees, the investigation will require the contractor's involvement.
- vii. In the case where a contractor does not cooperate during any part of the Eskom investigation, in terms of contractual and legal obligations, Eskom shall take further steps to ensure that the immediate and root causes of the incident have been identified and to ensure that workable safety measures are identified and implemented and that actions that will prevent the repeat of such an incident are implemented in order for Eskom to fulfil its legal obligation.
- viii. When required, all persons must be available and cooperate during any investigation by the Department of Labour or NPA.

**f) Contractor employer's investigation report**

- i. In the case of incidents involving contractor employees, the contractor must investigate those as an employer in his/her own right (employer's investigation) and generate a report. The report and Annexure 1 must be submitted to the applicable OU/BU.

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**g)** Eskom has observer status during these investigations.

**Note:** All reports related to investigations, with the exception of Annexure 1, must be marked and treated as confidential and for internal use only.

### **3.8 Management of Safety Measures**

#### **General principles**

- a)** There must be at least one safety measure for each root cause identified during the investigation.
- b)** The Investigation Committee must consider the following hierarchy of control when formulating safety measures:
  - i.** Engineering control for the purpose of designing/redesigning in order to eliminate the risk.
  - ii.** Barriers to isolate/insulate between the source and employees or animals.
  - iii.** The provision of personal protective equipment should be the last resort.
- c)** Planned start and completion (end) dates for all safety measures must be clearly defined and must be:
  - i.** Specific;
  - ii.** Measureable;
  - iii.** Achievable;
  - iv.** Realistic, with clearly allocated responsibilities; and
  - v.** Timeous, with clear deadlines.
- d)** Safety measures and restart criteria/conditions that have to be completed before operations may resume must be clearly identified in the investigation report. Other safety measures (for example, longer-term system-related improvements or evaluations) often have a completion date that extends beyond the start-up date.
- e)** Identify potential risks that can influence the achievement of the safety measures, and document in the investigation report how these risks should be mitigated.
- f)** All safety measures must be verified by the person responsible in order to determine effective implementation. Documentary evidence of the implemented safety measures must be available and attached electronically to the incident in SAP EH&S before the safety measure is closed on SAP EH&S.
- g)** Where a safety measure that has been implemented is deemed ineffective and, therefore, unsuccessful, the safety measure(s) must be revised by the Investigation Committee and implemented. An alternative safety measure must be identified to address the root cause(s).

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- h)** The revised safety measure must be approved by the chairperson of the Investigation Committee, and the report must be revised accordingly. The chairperson must provide the motivation and/or justification for the decision. The previous ineffective safety measure must be closed out on SAP EH&S and a new safety measure identified and captured on SAP EH&S.
- i)** Risk assessment must be done to ensure that any safety measure that constitutes an improvement does not create an additional risk or increase the existing risk.
- j)** To ensure the prompt follow-up and close-out of safety measures from an incident investigation report, periodic status reports must be provided from SAP EH&S to site management until all recommendations have been acted on and closed out.
- k)** The Statutory Occupational Health and Safety/SHEQ Committee meetings must also track the safety measures, target dates, and responsible person(s) identified during investigations and note, in the minutes, the discussion points on the progress made with the implementation of safety measures. The minutes must be kept for at least three years.
- l)** The OU/BU manager, as the Responsible Manager, is responsible for reviewing/analysing the recommendations made in the incident investigation report, assigning responsibilities to the relevant applicable Responsible Manager s, and providing the necessary resources to implement the recommendations made, within a reasonable time frame that does not expose persons to risk for an unnecessarily long period, and to prevent recurrence of the incident.
- m)** After implementation of all OHS safety measures for incidents with an extreme priority rating, the Responsible Manager must ensure that an independent and objective person who was not involved in the investigation must verify the effectiveness of the safety measures taken within three months after the planned end date of the safety measures.

#### **Safety measures for significant environmental incidents**

- a)** All significant environmental incidents must have safety measures developed using the general principles provided above and captured on SAP EH&S.
- b)** The relevant environmental or risk manager is responsible for ensuring that the safety measures are implemented.

#### **Safety measures for environmental events**

- a)** Environmental events do not require safety measures to be captured in SAP EH&S; however, the investigation report should determine what measures need to be implemented, who is responsible for the implementation, and time frames for implementation.
- b)** The responsible environmental practitioner will sign off the investigation report, indicating that the safety measures have been implemented. Once this has been completed, the document must be electronically attached to the incident in SAP EH&S in order for the environmental manager/advisor to verify and close the incident.

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### **Scan and attach relevant documentation**

Scan and attach all relevant documentation (for example, the initial notification report, SAP EH&S system-generated Flash report, Eskom Internal Investigation Form/ Report, OHS Act Annexure 1, safety measure implementation supporting evidence, WCL2 and 4, photographs) on SAP EH&S, which must be marked as confidential and for internal use only.

**Note:** OHS Act Annexure 1 must **not** be marked as confidential and for internal use only.

### **3.9 Incident close-out**

**a)** Close-out is the final step in the incident management process. The action of closing out an incident signifies that all safety measures have been effectively implemented, lessons learnt, and case studies effectively communicated.

**b)** The incident must then be closed out in SAP EH&S as an action.

**c)** All environmental legal contraventions and contraventions in terms of the OHD must have a closure certificate completed.

### **3.10 Incident Communication**

The following are the communication means for environmental, occupational health and safety incidents:

**a)** Initial incident notification reports are reports that are submitted by any individual who is reporting an incident to the relevant OU/BU Environmental, Occupational Health and Safety Department. They can be provided in any format, that is, email, OU/BU Flash report, or INO.

**b)** The SAP EH&S Flash report is the formal notification informing all relevant stakeholders that an incident has occurred.

**c)** Fatality announcement – Sustainability Systems Department will send out an SMS and an announcement for employee and contractor work-related fatalities.

**d)** For the purposes of the memorial service and memorial wall, the date of death will be used.

**e)** Environmental, occupational health and safety incident feedback report (lessons learnt) – the incident feedback report must state the lessons learnt, which need to be shared immediately in order to create awareness and to prevent reoccurrence. The Responsible Manager where the incident occurred is responsible for compiling an incident feedback report for all incidents. In the case of incidents where the priority rating is extreme and/or significant environmental incidents, the incident feedback report must be communicated to the Sustainability Systems Department for further distribution to all relevant stakeholders.

**f)** Significant environmental incident feedback reports and occupational health and safety incident feedback reports must be published by the OU/BU on the relevant Eskom publication tool.

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**g) When compiling the lessons learnt, consider the following:**

- i. The lessons should be those lessons that are obvious (not necessarily the root causes, as they might not be available at the time of communication).
- ii. They must only cover a few main points.
- iii. Focus on positive points as well.
- iv. Protect the individuals by excluding names and places or any other information that could be sensitive. Where reasonably practicable, use photos that are relevant to the incident. Be sensitive towards the reader. (Do not include any sensitive photos or information.)
- v. The OU/BU must ensure that this information is disseminated to all affected and interested parties who could benefit from the feedback. The OU/BU Responsible Manager must ensure that the effectiveness of shared lessons learnt is monitored.
- vi. The communication of the lessons learnt should not be delayed by waiting for the incident investigation outcome/report. Lessons learnt are, therefore, not findings or recommendations.

**h) Manco/Exco fatality presentations:**

- i. Presentations must be made to Exco/Manco on all employee and contractor fatalities by the relevant Group/Divisional executive or delegated senior manager.
- ii. Any additional and/or amended information provided at Exco/Manco must be updated on SAP EH&S and a revised case study must be republished immediately on the Eskom publication tool, i.e Hyperwave.

**i) Case studies must be published for the following incidents:**

- i. Case studies must be published for all occupational health and safety incidents rated with a priority rating of extreme, high, and/or moderate. In the case of near-miss incidents, publish those rated as extreme.
- ii. Public fatalities and injuries (excluding public crime-related incidents and incidents that occurred beyond point of supply) with a priority rating of extreme, high, and/or moderate.
- iii. Environmental legal contraventions and environmental legal contraventions in terms of the OHD.

For the above incidents, after the investigation has been completed, the findings, the root cause analysis, and the safety measures must be captured on SAP EH&S and the case study generated and formally communicated within the OU/BU within five working days after finalising the report. The OU/BU must ensure that all case studies are published on an Eskom publication tool, i.e Hyperwave, which will be linked to the OHS website or appropriate Eskom wide communication tool.

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### **3.11 Guidance to chairpersons during disciplinary hearings related to environmental, occupational health and safety incident management**

Transgression of any of the following will be treated as misconduct:

- a) If misleading information is deliberately supplied or information is deliberately withheld.
- b) If evidence is wilfully withheld, removed, disturbed, tampered with, or distributed without the relevant permission.
- c) If a witness or any person involved in the incident investigation process is victimised or intimidated.
- d) If notification of the incident is not given within the specified time frames.
- e) If prioritisation of the incident is deliberately, wilfully manipulated to indicate a lower priority.
- f) If any incident is not fully investigated within the time frames specified.
- g) If incidents are deliberately, wrongfully classified.
- h) If any incident is not recorded.
- i) If safety measures are not implemented within the time frames agreed and captured in SAP EH&S.
- j) If the effectiveness of safety measures is not assessed within the required time.

**Note 1:** The collection of evidence for the purpose of the disciplinary process must be conducted separately from the environmental, occupational health and safety incident investigation process.

**Note 2:** The disciplinary process must collect its own evidence.

## **4 Acceptance**

This document has been seen and accepted by:

<b>Name</b>	<b>Designation</b>
Neo Tsholanku	General Manager Legal and Compliance
Alex Stramrood	Senior Manager: OHS Manager (Operational)
Deidre Herbst	Senior Manager: Environmental Manager
Dr Penny Mkalipe	Senior Manager: Health and Wellness
Piet Nkuna	Manager: COIDA
OHS Steering Committee Members	
Environmental Steering Committee Members	

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## **5 Revisions**

<b>Date</b>	<b>Rev.</b>	<b>Compiler</b>	<b>Remarks</b>
28 February 2014	4	SN Middel	Changes in incident management steps, corporate investigation process, and expansion of environmental incident process.
31 October 2011	3	K Terblanche	This document was compiled to address the PCM and in line with the objectives of the Back to Basics project.
18 February 2010	2	SN Middel and K Terblanche	Correction of document and application date of document.
15 February 2010	1	SN Middel	Withdrawn due to technical reasons and incorrect application date of document.

## **6 Development Team**

The following people were involved in the development of this document:

- a) SN Middel
- b) Sue Fourie
- c) Nirasha Rajdeo
- d) Mthoko Zondi
- e) Martin van Aswegen
- f) Bryan McCourt

## **7 Acknowledgements**

- a) Isa Fourie
- b) Luvhengo Ndlovu
- c) Fatima Devajee
- d) Shane Roux
- e) Sheryl Isaacs
- f) Phindile Dlamini
- g) Revive Nkuna
- h) Wandile Katoo
- i) Mike Mathekga
- j) Esther Appleyard

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- k) Glentine Kekana
- l) Silindile Mbhele
- m) Motlagomang Chobokoane
- n) Amanda Qithi
- o) Bob Phahle
- p) Thulani Ngwenya
- q) Zizo Tshisela
- r) Koos Krafft
- s) Colin Smith
- t) Barry Maccoll.

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
## Annex A

### A.1 Process flow to determine repeat environmental incidents



Reported environmental legal contravention

**Questions to be asked:**



Did the incident take place within 12 months of the previous event?

Yes   No (then not a repeat)



Did it take place within the **same BU** (for example, grid, region, power station)?

Yes   No (then not a repeat)

Is the contravention related to the **same legislation** (for example, section 24 of NEMA (EIAs), CAPCO certificate condition, water permit condition) as classified as a legal contravention previously?

Yes   No (then not a repeat)



If incident is related to plant/equipment failure, then was it the plant (for example, oil holding dam, water holding dam, ash dam, and precipitator), and was the cause the same (failure of procedure, personnel, or equipment)? In the case of project execution, this may, in cases, not be applicable.

Yes   No (then not a repeat)

Have the corrective and preventive actions identified to address the previous incident been implemented as per the agreed time frames, such that there was an opportunity to prevent the present occurrence?

Yes   No (then not a repeat)

Has the incident resulted in the same risk/impact (for example, water contamination, air pollution, destruction of vegetation, "licence to operate") that has either persisted or has increased (for example, this could be because no corrective action was taken or that action taken was not effective)?

Yes   No (then not a repeat)

### A.2 Environmental, occupational health and safety metrics

#### A.2.1 Environmental metrics

Metrics	Calculation
<b>Contravention of environmental legislation</b>	Total number of contraventions of environmental legislation over the previous 12-month period (12-monthly moving index) and financial year to date.
<b>Contraventions of environmental legislation in terms of the OHD</b>	The total number of contraventions in terms of the OHD over the previous 12-month period (12-monthly moving index) is used as the key performance indicator and is reported against a set "target", "alarm", and "critical", as well as financial year to date.

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## A.2.2 OHS metrics

Metrics	Calculations
<b>Fatalities (employee and contractor)</b>	Total number of fatalities as a result of work-related incidents that occurred in a 12-month period measured against a set target of zero.
<b>Lost-time injury rate (LTIR)</b>	<p>LTIR = (total number of lost-time injuries x 200 000) / (total number of employee work hours). The figure 200 000 refers to the average number of hours worked by 100 employees in one year, where:</p> <ul style="list-style-type: none"> <li>total number of lost-time injuries is the sum of all the lost-time injuries that occurred over a 12-month period; and</li> <li>total number of employee work hours is the sum of all employee work hours over a 12-month period, and measured against a set target.</li> </ul>
<b>Public Recordable Fatality Incidents (PRFI)</b>	The total number of PRFI (public recordable fatality incidents) that occurred in a 12-month period measured against a set target of zero.
<b>Severity indicator</b>	Measured in accordance with the number of calendar days lost and restricted days, classified in periods of one to three days, four to 13 days, or ≥ 14 days.
<b>Severity rate</b>	<p>Severity rate = (the number of calendar days lost x 200 000) / (total number of employee work hours), where:</p> <ul style="list-style-type: none"> <li>the number of days lost is the sum of all the calendar days lost and restricted days over a 12-month period; and</li> <li>total number of employee work hours is the sum of all employee work hours over a 12-month period.</li> </ul>
<b>Total public fatalities</b>	The total number of public fatalities that occurred in a 12-month period measured against a set target of zero.
<b>Total Recordable Injury Rate (TRIR)</b>	<p>TRIR = (total number of recordable incidents x 200 000) / total number of employee work hours). The figure 200 000 refers to the average number of hours worked by 100 employees in one year, where:</p> <ul style="list-style-type: none"> <li>total number of recordable incidents is the sum of all recordable incidents that occurred in a 12-month period; and</li> <li>total number of employee work hours is the sum of all employee work hours over a 12-month period and measured against a set target.</li> </ul>

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**A.3 EEIC criteria for classification of environmental legal contraventions and OHDs**

<b>EEIC criteria for classification of legal and OHD contraventions</b>			
<b>Element</b>	<b>N/a</b>	<b>Yes</b>	<b>No</b>
1. Did Eskom contravene any environmental legislation and/or licence?			
2. Did the event result in either sterilising the soil or destroying rare, endangered, or protected fauna or flora?			
3. Did the event result in making any water resource unfit for its original purpose such as domestic, agricultural, or industrial use or reduce the water quality to such a state that human intervention is required to restore it to its original quality?			
4. Did Eskom fail to take reasonable measures to prevent pollution or degradation from occurring?			
5. Did Eskom fail to prevent pollution or degradation from continuing?			
6. Did Eskom fail to implement measures to prevent pollution or degradation from recurring?			
7. Was the incident reported to the authorities later than the required time frames?			
8. Did Eskom fail to implement measures to contain and minimise the effects of the event on the environment and on the health, safety, and property of persons?			
Specify legislation, applicable section within legislation, and licence condition that were contravened.			
<b>Classified as legal contravention</b> If "Yes" to any of the questions, classify incident as legal contravention.			

**If classified as a legal contravention, check against the following criteria to determine whether the incident is an OHD.**

<b>Criteria</b>	<b>Yes</b>	<b>No</b>
1. The environmental legal contravention results in formal censure from government (for example, a compliance notice, a directive, a fine).		
2. The environmental legal contravention is not reported to government in terms of the NEMA, NWA, and/or any other applicable legislation within the required time frames requiring the reporting of legal contraventions.		
3. The environmental legal contravention is not reported within the division and/or organisation (within the same reporting month).		
4. The environmental legal contravention is registered as an OHD by the chair or the relevant Eskom Environmental Incident Committee (EEIC) member, in consultation with the Group/Divisional executive (that is, the Group/Divisional executive has discretion, based on the impact on the environment and/or business, to make any environmental legal contravention an OHD), and registered on the OHD by the EEIC member, in consultation with the MD.		
5. The environmental legal contravention is considered a repeat environmental legal contravention (using the process flow found in Annexure 1 of this document).		
6. The environmental legal contravention is not addressed timeously and/or effectively as determined by the chair or the relevant Eskom Environmental Incident Committee (EEIC) member, in consultation with the Group/Divisional executive.		
<b>OHD event (any shaded area marked)</b>		

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