

	HEALTH AND SAFETY SPECIFICATION Professional Service Contracts	Template Identifier	240-73198256	Rev	2
		Document Identifier	240-166910358	Rev	1
		Effective Date	November 2021		
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Title: Replacement of Air
Conditioners at **Luckhoff**
Substation

Project Reference Number:

Rev: 1

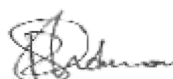
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Date: 02.11.2022

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Date: 03/11/2022

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1. Introduction

Transmission Projects Delivery is committed to ensuring a safe working environment in line with its Safety, Health, Environmental and Quality Policy, along with legislative obligations.

These Safety and Health requirements (hereinafter Requirements) are Transmission Projects Delivery's minimum requirements for the specific contract, and the contractor/service provider shall fully comply with them the duration of the contract period.

The contractor/service provider shall develop a Health and Safety framework (hereinafter the Framework), which responds to these requirements and relevant legislation.

Transmission Projects Delivery in no way assumes the contractor's legal responsibilities. The contractor / service provider is accountable for the quality and execution of his/her health and safety programme for his/her employees and appointed sub-contractor employees. These Requirements reflect minimum requirements and should not be construed as all encompassing.

Transmission Projects Delivery may add or subtract other Requirements, as and may be necessary and the contractor / service provider shall respond accordingly in his framework.

The contractor/service provider shall incorporate details in terms of how COVID-19 is going to be practically managed, monitored, controlled, reported in relation to employees, visitors and members of the public.

The contractor shall develop a detailed documented safe work procedure (SWP) to support the H&S framework in effectively managing the risks of COVID-19 and make reference to the document in the H&S Plan.

2. Supporting Clauses

2.1 Scope

These Requirements list the Legal and Transmission Projects Delivery Requirements and where applicable, Requirements pertaining to Local Authorities / Municipal by-laws / that must be met by the contractor / service provider.

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2.1.1 Purpose

To indicate to contractors/service providers the H&S requirements, upon which their planning for the management of H&S will be based on and thus produce their H&S framework.

2.1.2 Applicability

These Requirements are applicable to any contracting organisation who intends tendering for the contract.

This specification is applicable to all Contractors, Service Providers, Suppliers and all activities and processes carried out for and on behalf of TPD.

2.2 Normative/Informative References

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

2.2.1 Normative

- [1] Basic Conditions of Employment Act No 75 of 1997.
- [2] Occupational Health and Safety Act and Regulations No 85 of 1993.
- [3] National Road Traffic Act 93 of 1996.
- [4] 32-37 Eskom Substance Abuse Procedure.
- [5] 32-136 Contractor Health and Safety Requirements
- [6] 240-62196227 Life- saving Rules
- [7] 32-95 Environmental, Occupational Health and Safety Incident Management Procedure
- [8] 240-62196227: Life-saving Rules Standard
- [9] 240-62946386 Vehicle & Driver Safety Management Procedure
- [10] 240-114967625: Operating Regulations for High Voltage Systems
- [11] 32-124 Eskom Fire Risk Management
- [12] 32-95 Occupational Health and Safety Incident Management Procedure
- [13] 32-93 Eskom Vehicle and Driver Safety Management
- [14] 240-43848327 Employees' right of refusal to work in an unsafe situation
- [15] 32-418: Working from Heights Procedure

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- [16] 32-520: Occupational Health & Safety Risk Assessment Procedure
- [17] 32-123: Emergency Planning
- [18] 32-407 Behaviour Safety Observation Procedure
- [19] Occupational Health and Safety Act and Regulations No 85 of 1993
- [20] Construction Regulations of 2014 or latest edition as per government gazette
- [21] 32-726: Requirements for the Eskom Commercial Process
- [22] 39-98: Safe use of Lifting Machines
- [23] 32-524 Manual, Developing a Specification
- [24] 32-1126 Eskom Smoking Policy
- [25] 32-1134 Physical Access Control at Eskom Premises
- [26] 32-1133 Wearing of Ballistic Body Armour by Security Personnel Policy
- [27] Disaster Management Act, 2002: (Act No.57 of 2002)
- [28] All relevant South African legislation-national; provincial, municipal by-laws.
- [29] All relevant international/national recognised code of practice (such as South African National Standards – SANS)
- [30] 32-727 SHEQ Policy
- [31] Plant Safety Regulations

2.2.2 Informative

- [1] ISO 45001:2018, Occupational Health and Safety Management Systems-Requirements
- [2] ISO 9001:2015 Quality Management Systems- Requirement
- [3] Constitution of the Republic of South Africa No 108 of 1996

2.1 Definitions

Terminology	Explanation
Appointed contractor	Means a contractor appointed by the principal contractor
Baseline risk assessment	(32-520) baseline operational risks refer to the health and safety risks associated with all standard processes and routine activities in the business

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Controlled disclosure	controlled disclosure to external parties (either enforced by law, or discretionary).
Client	Eskom representative (Internal – Asset Owner), also referred to as the contract administrator/custodian or agent or project manager (as defined in the contract). He/she is the person responsible for ensuring that the works or services are executed in terms of the contract, as well as adherence to legislation pertaining to the contract.
Competent person	(OHS Act) means any person having the knowledge, training, experience, and qualifications, specific to the work or task being performed, provided that, where appropriate, qualifications and training are registered in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
Contractor – includes appointed contractor	means an employer as defined in section 1 of the Act who performs contract work and includes principal contractors
Consultant	means a person providing professional advice
Duty of care to the environment	(32-136) anybody who causes or has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing, or recurring. If such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, such person must minimise and rectify such pollution or degradation of the environment
Employee	(OHS Act) means, subject to the provisions of subsection (2), any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person
Employer	(OHS Act) means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her, but excludes a TES (ex labour broker) as defined in section 1(1) of the Labour Relations Act 1956 (Act No. 28 of 1956)
Eskom requirements	Eskom requirements flowing from directives, policies, standards, procedures, specifications, work instructions, guidelines, or manuals
Hazard	(OHS Act) means a source of, or exposure to, danger
Hazard identification	(OHS Act) means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed
Health and safety file	(OHS Act) means a file or other record, containing the information in writing required by the construction regulations.

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Health and safety framework	means a site, activity or project specific document based on the client's health and safety specifications giving details on the management of safety.
Health and safety requirements	means comprehensive health and safety requirements for a contract, project, site, and scope of work. This specification is intended to ensure the health and safety of persons, both workers and the public, and the duty of care to the environment. The health and safety requirements must be specific to each contract, project, site, and scope of work.
Organisation	may be defined as a group of individuals (large or small) that is cooperating under the direction of executive leadership in accomplishment of certain common objects
Principal Contractor	(In the text of this document) Means an employer, as defined in section 1 of the OHS Act, who intends to tender for or has signed a contract with Eskom for services rendered.
Responsible Manager	Is a Manager of a department, section or operating/business unit who has been appointed as part of the Eskom delegation of authority process with the aim to assist the applicable 16(2) assigned person in executing his/her duties in terms of the Occupational Health and Safety Act
Risk assessment	(OHS Act) means a programme to determine any risk associated with any hazard at a construction site in order to identify the steps needed to be taken to remove, reduce, or control such hazard.
Service provider	any private person or legal entity that provides any service(s) to Eskom for compensation
The Act	(OHS Act) means the Occupational Health and Safety Act No. 85 of 1993, as amended, and the Regulations thereto
Visitor	Any person visiting a workplace with the knowledge of, or under the supervision of, an employer.

2.2 Abbreviations

Abbreviation	Definition
BU	Business Unit
CE	Chief Executive
COID Act	Compensation for Occupational Injuries and Diseases Act
DMR	Driven Machinery Regulations
DoL	Department of Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
EAP	Employee Assistance Program

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Abbreviation	Definition
ERfW	Environmental Regulations for Workplaces
GAR	General Administrative Regulations
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
LDV	Light Delivery Vehicle
LoGS	Letter of Good Standing
MSDS	Material Safety Data Sheets
NEC	Engineering and Construction Contract
NEMA	National Environmental Management Act
NPS	Nuclear Power Station
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SABS	South African Bureau Standard
SANS	South African National Standard
SHE	Safety, Health and Environment

2.3 Related/Supporting Documents

Transmission Projects Delivery's OHS Act section 37(2) agreement between Transmission Projects Delivery and the contractor / service provider shall be signed at procurement during the signing of the NEC contract.

The project manager shall ensure that the 37(2) agreement is signed, and a copy be kept in the contractor/service provider file at procurement.

3 Specification

3.1 Scope of work

Location GPS Coordinates: Boundary SS, Everest SS, Harvard SS, Leander SS, Merapi SS and Perseus SS

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Project description/ scope of work:

- Decommissioning and removal of the existing 4 split type units.
- Existing DB1 shall be used for supply of new Air conditioners.
- Supply and install of 3 new 10,7KW under ceiling split type units in the Control room, including
- piping, trunking and electrical equipment.
- Supply and install of 1 new 3.6KW highwall split type units in the Office, including piping
- trunking and electrical equipment.
- These new units shall make use of R410A gas.

Program details:

Submission of final H&S Plan (framework) must be before site establishment /access to site.

- Anticipated date for the commencement of work on site: 01 April 2023
- Project completion date or project duration: 6 Months

A copy of the scope of works must be retained by the contractor.

Note: The contractor / service provider in this contract will be known as the “principal contractor” and any contractor appointed by the principal contractor will be known as the “appointed contractor or Sub-contractor”.

3.2 Legal Compliance

3.2.1 Section 37(2) (Legal) Agreement

A section 37(2) agreement must be signed between Transmission Projects Delivery and the principal contractor at the time of awarding the contract. The principal contractor must ensure that a section 37(2) agreement is compiled between the principal contractor and all their appointed contractors for the contract.

The original copy of the section 37(2) agreement must be retained by the contractor and a copy retained by the responsible project manager.

A copy of all the agreements must form part of the respective contractor's Health and Safety file

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3.2.2 Hazardous work by children (Child Labour)

The Bill of Rights in the Constitution of the Republic of South Africa is clear on the rights of children, especially when it comes to:

- a) *being protected from exploitative labour practices;*
- b) *not to be required or permitted to perform work or provide services that*
 - are inappropriate for a person of that child's age; or
 - Places at risk the child's well-being, education, physical or mental health or spiritual, moral or social development; and the Basic Conditions of Employment Act, Chapter 6 Section 43 "Prohibition of employment of children".
 - Before resorting to the use of child labour, due consideration must be given to the rights of the child in terms of the constitution.

Where the work performed is not prohibited in terms of the constitution, such work shall be conducted in terms of the OHS Act "Regulations on Hazardous Work by Children in South Africa" with emphasis on paragraph 2 Purpose and Interpretation.

Eskom does not condone the use of child labour all efforts must be exercised to avoid it.

3.2.3 OHS Act

The principal contractor and appointed contractors shall have an up to date copy of the OHS Act and regulations which will be available to all employees.

3.2.4 Legal compliance

All contractors will comply with applicable legal requirements, including:

- The Constitution of the Republic of South Africa (particularly Section 24 of the Bill of Rights).
- Occupational Health and Safety Act 1993 (Act 85 of 1993) and its relevant Regulations.
- Compensation for Occupational Injuries and Diseases Act.
- National Road Traffic Act 93 of 1996.
- All relevant legal requirements

3.3 Eskom Requirements

All contractors shall, before commencement of the project ensure that all their employees are familiar with the relevant Transmission Projects Delivery H&S requirements applicable to contract services.

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3.3.1 Appointment of a contractor

The principal contractor will be appointed by Transmission Projects Delivery on the awarding of the contract and will be responsible and accountable for compliance with applicable legal and Transmission Projects Delivery requirements for the duration of the contract.

3.3.2 Appointment of sub-contractors

The principal contractor may appoint contractors to assist in the contract. All appointments shall be done in writing and form part of the SHE file required to be submitted to Transmission Projects Delivery. Adequate training and instruction must be given to the appointees and the principal contractor must ensure that all the appointed contractors understand their roles and responsibilities.

Note: Copies of contractor appointments must be kept in the respective H&S file.

3.3.3 SHEQ policy

A SHEQ policy is a statement of intent and a commitment by the organisation's CE and senior management in relation to the relevant SHEQ roles and responsibilities, the achievement of their strategic objectives, values of integrity, customer satisfaction, excellence, and innovation.

The principal contractor and all appointed contractors shall have their own organisational H&S policy in line with their H&S responsibilities. The policy must be signed by the organisation's CE or the appointed assistant to the CE OHS Act Section 16(2). The policy must be displayed in a prominent place within the workplace. A copy of the policy must be filed in the contractor H&S files and attached as an annexure in the H&S Plan.

3.3.4 COID

The principal contractor and all his/her appointed sub-contractors shall be registered with an appropriate employment compensation commissioner and have available a valid letter of good standing (LoGS) from such commissioner. The obligation lies with the contractors to ensure that the LoGS remain valid throughout the contract period. A copy of the LoGS must be filed in the contractor SHE files.

3.4 Substance Abuse

1. Alcohol and substance abuse poses a significant threat to any business, more so in industrial incidents and the driving of vehicles. Eskom shall take reasonable steps to ensure that intoxicated persons are identified and prevented from entering Transmission Projects Delivery construction sites. **The alcohol and drug permissible level is 0%.**
2. General Safety Regulation 2A is clear on the legal stance regarding intoxication.
3. All contractors shall comply with Eskom's procedure 32-37 ("Substance Abuse Procedure"), taking into account that this is an Eskom Life-saving Rule number 4: BE

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SOBER”), this means anyone entering the Transmission Projects Delivery Power Station will be subjected to ad hoc alcohol testing.

- Contractors are encouraged to compile their own procedure and to carry out regular alcohol testing of their own employees.
- Alcohol test records must be treated as “Confidential” and filed in the employees’ personal file.

3.5 Occupational Health and medical surveillance

3.5.1 Medicals

Note: Transmission Projects Delivery will only accept medical surveillances conducted by an Occupational Health Practitioner who holds a qualification in occupational health.

- Principal contractors must ensure that their employees and appointed sub-contractor employees have a medical surveillance program whereby their employees undergo **entry, periodic and exit medical fitness examinations**.
- In order for the appropriate medical examinations to be conducted, each employee must have a person job specification, which must indicate the description of work, list of hazards and potential occupational exposure limits, physical hazards and required physical attributes.
- Medical fitness certificates in the form of Annexure 3 shall be renewed annually for employees who are working on site. This shall be maintained until completion of the contract.
- The principal contractor must ensure that his/her employees and appointed contractor employees have undergone pre-entry medical examination before starting work on the contract.
- The principal contractor shall provide a documented process for managing those employees who are issued with a conditional certificate of fitness.

3.5 Appointments

For the duration of the contract, the principal contractor and all appointed contractors shall appoint competent employees who will meet the requirements of the OHS Act. Where appointments are made, contractors shall ensure that the appointees have been suitably trained and or informed of their responsibilities before getting them to accept such appointment.

The relevant statutory appointments shall be made in accordance with the requirements of the OHS Act which includes the requirement of a competent person being appointed in the relevant roles. The statutory appointments shall include but not limited to: Fire Fighter and

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Evacuation warden, First Aider, incident investigator, risk assessor, SHE representative, project supervisor or project manager and 16(2) appointments.

3.6 Risk Assessments

It is a legal requirement in terms of Section 8 (2)(d) of the OHS Act for an employer to carry out risk assessments to establish what hazards to the health and safety of persons are attached to any work which is performed, any article or substance which is, handled, stored, transported.

Risk assessments are required to be maintained. This means that significant changes to a process or activity, or any new process or activity should be subjected to a risk assessment and that if new hazards come to light during the work process, then these should also be subjected to risk assessments. Risk assessments for long term processes should be periodically reviewed and updated. Method statements or written safe work procedures are an effective method as information and record of the way jobs / tasks must be performed. Prior to start of work, risk assessments on every job/task are ideal to allow managers and employees to assess any inherent risks that could have been overlooked during the initial risk assessment or any changes that might have occurred in a period of absence. In particular if a job/task is extended over a day or halted due to inclement weather.

3.7 Safe Work Procedures and Practices /Safe Operating

The contractor shall compile written safe work procedures for all activities, aligned with the risk assessments.

3.8 Personal Protective Equipment (PPE) Requirements

1. The principal contractor must provide a detailed programme that includes the issuing, maintenance and replacement of PPE for all his employees and appointed contractors on site.
2. All contractors shall comply with the requirements of GSR 2 of the OHS Act.
3. The risk-based PPE matrix must be compiled detailing the types of PPE that is required to be issued to employees performing the respective tasks.
4. Where there are unusual instances where particular activities require additional type of PPE, then a risk assessment must be conducted where such PPE requirements will be identified and the issuing be carried out.
5. All contractors shall ensure that their visitors wear and use the correct PPE whilst on worksites.

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6. The contractor shall ensure that visitors to site have the relevant minimum PPE as may be required on site.
7. PPE shall comply with the relevant SANS standards.
8. Failure to provide adequate PPE to their employees is a transgression of Legal and Transmission Projects Delivery requirements

3.9 Incident Investigation

All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using the latest revision of Eskom Procedure 32-95 as a reference, and where injuries as contemplated in sections 24 and 25 have been sustained, be reported to the Department of Labour.

Contractors shall use the standard General Administrative Regulation Annexure 1 “Recording of an Incident” form for all incident investigation reports. The objective of incident investigation should not only be a legal requirement but should establish why and how the incident occurred and find out the root cause of the incident and to decide on precautionary measures that are required to address the root cause to prevent any further recurrences of the same or similar incidents.

3.10 Emergency Management

The purpose of emergency preparedness and response is to minimise the effects of any emergency and to restore normal activities as soon as practical. Periodic emergency drills must be undertaken to test the effectiveness of the plan. This must be recorded and provided on request.

3.11 Non-Conformance and Compliance

1. Any non-compliance to any health and safety requirement in this SHE specification is subject to discipline in terms of the Eskom Procurement and Supply Management Procedure.
2. Principal contractors shall develop and implement a non-conformance procedure for issuing to contractors for transgressions. The procedure can include “quality” related non-conformance issues. Similarly, appointed contractors must implement a non-conformance procedure.
3. Contractor project management must monitor the close-out of non-conformances issued.

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4. Where non-conformances are issued by Transmission Projects Delivery, one of the close-out steps of the procedure will be for the offender to be called by the responsible project manager to explain the non-conformance issued and what plan is in place to prevent a recurrence of the non-conformance.

3.12 COVID-19

Hierarchy of Controls must be adhered to/ applied

- Avoid close contact with people who are sick or show symptoms that are associated with COVID-19 virus.
- Washing of hands often with soap and water or alcohol-based sanitiser (70% alcohol).
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Stay at home when you are sick and report to your respective supervisor/manager. Seek medical help
- Practice safe coughing, sneezing and nose blowing etiquette e.g. bended elbow/ cover your mouth/cough or sneeze with a tissue. Safely disposed of the tissue in a covered bin or plastic pocket.
- Clean and disinfect frequently touched objects and surfaces.
- Employees to disinfect their workstations including frequently touched equipment (e.g. computers, printers etc).
- Have a schedule of disinfecting the workstations, adhere to the frequencies and provide a proof in a form of signed check-sheets.
- The Contractor shall develop the COVID-19 Policy and Risk Assessment as per the current promulgated COVID-19 Disaster Management Act. Proof of the COVID-19 Policy and Risk Assessment submitted to the Department of Employment and Labour shall be kept on site.
- Ensure that the COVID-19 Plan is continuously reviewed as new amendments are promulgated by the COVID-19 Disaster Management Authorities.

Transportation of employees to work (e.g. taxis/staff busses)

- Social distancing must be adhered to at all times
- Daily disinfection of transport modes before and after transportation of employees and keeping of signed and updated disinfection schedule/registers.
- Employees' hands to be sanitized when getting in and out of the taxis.

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Eating Area

- Ensure disinfection practices on surfaces and washing of hands with water and soap
- Social distancing must be enforced at all times.

NB! The attached addendum must be read and complied with regarding matters of COVID-19.

4 Acceptance

This document has been seen and accepted by:

N. Singh	General Manager
B. Naraghi	Senior Projects Manager Kwa-Zulu Natal
B. Mabena	Manager Safety Risk
C. Fisher	Senior Projects Manager Mpumalanga Portfolio
G. Small	SHEQS Middle Manager
J. Bornman	Senior Projects Manager-Western Portfolio
H. Mohabir	Senior Projects Manager- Gauteng Portfolio
M. Dikgale	Senior Projects Manager Northern Portfolio
M. Maringa	Senior Projects Manager- PMO
N. April	Senior Projects Manager- Southern Portfolio
V. Mthimunye	Middle Manager Health & Safety Inspectorate

5 Revisions

Date	Rev.	Compiler	Remarks
November 2021 A	1	P. Mojela R. Masiza	New document

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6 Development Team

- P. Mojela
- R. Masiza
- R. Moabelo
- B. Mabena

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