

	SHE SPECIFICATION	Template Identifier	240-73418055	Rev	1
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		Effective Date	20 February 2016		
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Project Name: The provision of Fire systems maintenance service within Distribution Gauteng for period of for a period of 36 months on “an as when required” basis

Scope of the project:

Eskom Contract’s Manager
Name: Donovan Kumkaran

Eskom’s Health and Safety Manager
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Eskom’s Procurement Manager
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CONTENTS

1. INTRODUCTION	3
2. SUPPORTING CLAUSES	3
2.1 SCOPE	3
2.2 NORMATIVE/INFORMATIVE REFERENCES	4
2.3 ABBREVIATIONS	4
2.4 RELATED/SUPPORTING DOCUMENTS	5
3. DOCUMENT CONTENT	ERROR! BOOKMARK NOT DEFINED.
3.1 SCOPE OF WORK	5
3.2 LEGAL COMPLIANCE	5
3.3 APPOINTMENTS	7
3.4 ROLES AND RESPONSIBILITIES	10
3.5 RISK ASSESSMENTS	10
3.6 INCIDENT INVESTIGATION	10
3.7 EMERGENCY MANAGEMENT	11
4. AUTHORIZATION	11
5. REVISIONS	12

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1. INTRODUCTION

Eskom's responsibility and commitment is to ensure a safe working environment is in line with its Safety, Health, Environmental and Quality Policy, along with legislative obligations.

This SHE specification is Eskom's minimum requirements which are required to be met for the specific contract and for the duration of the contract period by contractors and where required, the delivery organisation.

The contractor is expected to develop a SHE plan which meets these requirements as well as all the relevant applicable legislation they conform to.

Eskom in no way assumes the contractor's legal responsibilities. The contractor is and remains accountable for the quality and the execution of his/her health and safety programme for his/her employees and appointed contractor employees.

This SHE specification reflects minimum requirements and should not be construed as all encompassing.

Note 1: All the requirements listed hereunder are in relation to the contract and do not supersede or replace any organizational SHE requirements.

Note 2 : In terms of Eskom requirements, a section of this professional contract falls within the requirements of the Construction Regulations.

Although there are requirements listed in this specification that do not pertain directly to air charter, the requirements are expect of an air charter contractor business to conform to. These requirements are in line with Eskom's Zero Harm value.

Where requirements listed are already in place, then the organisational requirements must be taken cognisance of and listed in the respective SHE plans. If there are any additional Eskom and or legislative requirements listed in the SHE specification, then these must be addressed.

2. SUPPORTING CLAUSES

2.1 SCOPE

This SHE specification lists the legislative and Eskom requirements and where applicable, any requirements pertaining to Local Authorities / Municipal by-laws / Environmental legislation that must be met by the contractor.

2.1.1 Purpose

This document will provided a standardised approach to the compilation of SHE specifications throughout Eskom for contracts and standard and NEC 3 contracts.

2.1.2 Applicability

This SHE specification is applicable to any contracting organisation who intends tendering for the contract.

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		Document Identifier		Rev	1
		Effective Date	20 February 2016		
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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 Environmental Management Act 107 of 1998.
- [4] National Road Traffic Act 93 of 1996.
- [5] 32-37 Eskom Substance Abuse Procedure.
- [6] Civil Aviation Act 13 of 2009.
- [7] Air Services Licence Act 115 of 1990.

2.2.2 Informative

- [8] 32-726 Mandatory SHE Requirements for Eskom Procurement and Supply Chain Management
- [9] 240-62196227 Eskom Life Saving Rules
- [10] Tobacco Products Control Act 83 of 1993 (Updated 2011.05.19)
- [11] SANS 1186 Symbolic Safety Signs
- [12] Constitution of the Republic of South Africa No 108 of 1996
- [13] 32-95 Eskom Procedure Manual for Performing Occupational Health & Safety Management & Environmental Management : Conducting EH&S Incident Management,

2.3

2.4 Abbreviations

Abbreviation	Description
BU	Business Unit
CE	Chief Executive
COID Act	Compensation for Occupational Injuries and Diseases Act
CR	Construction Regulations
DMR	Driven Machinery Regulations
DoL	Department of Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
EAP	Employee Assistance Program
ERfW	Environmental Regulations for Workplaces
GAR	General Administrative Regulations

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		Document Identifier		Rev	1
		Effective Date	20 February 2016		
		Review Date	February 2025		

Abbreviation	Description
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
LDV	Light Delivery Vehicle
MSDS	Material Safety Data Sheets
NEMA	National Environmental Management Act
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SABS	South African Bureau Standard
SANS	South African National Standard

2.5 Related/Supporting Documents

Eskom OHS Act section 37 (2) agreement (to be completed by the contract responsible manager).

3. Specification

3.1 Scope of work

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

Note: The contractor who will be awarded this contract will be known as the “principal contractor” and any contractor appointed by the principal contractor will be known as the “appointed contractor”.

3.2 LEGAL COMPLIANCE

3.2.1 Section 37(2) (Legal) Agreement

A section 37(2) agreement must be signed between Eskom 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 manager.

A copy all the agreements must form part of the respective contractor’s SHE file.

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3.2.2 Hazardous Work by Children (Child Labour)

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

1. being protected from exploitative labour practices;
2. not to be required or permitted to perform work or provide services that
 - i. are inappropriate for a person of that child’s age; or
 - ii. place 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 six 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 work is being performed which is not prohibited in terms of the constitution, then such work must 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 and therefore all effort must be exercised and child labour should not be used.

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 Legislative Compliance

All contractors will comply with all the legislation pertaining to this contract being:

- 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 Regulations.
- Compensation for Occupational Injuries and Diseases Act.

3.3 Eskom requirements

All contractors shall, before commencement of the charter insure that all their employees are familiar with the relevant Eskom SHE documentation that is applicable to charter services.

3.3.1 Appointment of a Contractor

The principal contractor will be appointed by Eskom on the awarding of the contract and will be responsible and accountable for all legislative and Eskom requirements for the duration of the contract.

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		Document Identifier		Rev	1
		Effective Date	20 February 2016		
		Review Date	February 2025		

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 will form part of the SHE plan that is required to be submitted to Eskom. 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 SHE file.

3.3.3 SHE Policy

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

The principal contractor and all appointed contractors, if already not in place, will be required to compile an organisational SHE policy in line with their SHE 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 all the contract SHE files and as an annexure the SHE Plans

3.3.4 COID

The principal contractor and all his/her appointed 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 remains valid throughout the contract period. A copy of the LoGS must be filed in the entire contract SHE files and as an annexure the SHE Plans.

3.4 PERSONNEL HEALTH / HYGIENE FACILITIES

3.4.1 Dining areas

Where Eskom employees are required to consume food and refreshments at your premises, the following must be complied with:

1. The contractor must in possession of the Certificate of acceptability, comply with Regulation 916 (Food
2. Undergone Safety Audit as per SANS 10049: Water Sample tests done, Microbiological tests done, Audit of the food Safety process done.
3. Dining areas shall have suitable and sufficient tables and chairs for seating whilst eating.
4. Adequate provision must be provided for washing cooking and eating utensils.

Dining and kitchen areas shall be kept in a clean, tidy and hygienic manner.

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3.4.2 Ablution facilities

At the workplace, where possible, the all contractors must attempt to provide sufficient portable ablution facilities for the employees. Such facilities must be serviced regularly

3.4.3 Drinking Water

All contractors shall provide suitable drinking water for all their employees I (free of charge) whilst working in the field. Every effort must be made to keep the water as cold as possible.

3.4.4 Changing areas and Lockers

All contractors shall provide suitable changing facilities for employees, irrespective if they change at the premises or at the workplace. Once again, cognisance must be taken of the dignity of fellow workers and members of the public.

3.4.5 Camp / Office Welfare

The following welfare facilities must be provided for in a clean and suitable condition, unless agreement with the Client/Agent's representative has been confirmed regarding the use of existing facilities:

- a. Shower facilities.
 - b. Sanitary facilities.
 - c. Changing facilities.
 - d. Eating areas.
 - e. Drinking water at strategic locations on site.
 - f. Safe pedestrians walk ways.
1. Water for drinking/consumption purposes shall be drawn only from taps in dining areas and ablution blocks and at points on Site marked "drinking water".
 2. No equipment or system shall be connected onto the drinking water system without prior approval of the Client/Agent's representative.
 3. All contractors must supply a sufficient amount of (cool) potable water on each worksite and in vehicles
 4. The Contractor will be required to provide their own accommodation for the workers.

3.5 FOOD HANDLING HYGIENE

3.5.1 Storage

Where camps are established, adequate cold storage must be supplied for the storage of food.

3.5.2 Transportation

Where bulk purchasing is carried out, all food must be transported in appropriate sealable containers.

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3.5.3 Handling

Where camp cooks are employed the appropriate hygienic conditions within the kitchen and utensil washing facilities must be maintained.

3.6 OCCUPATIONAL HEALTH, HYGIENE AND REHABILITATION,

All contractors are required to develop an Occupational Health, Hygiene and Rehabilitation program. The program is intended to ensure that the risks to health are identified and controlled.

3.6.1 Medicals

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

1. Principle contractors must ensure that their and their appointed contractors have a medical surveillance program whereby their employees under go entry, periodic and exit medical fitness examinations.
2. In order for the appropriate medical examinations to be conducted, each employee must have a person job specification (profile), which must indicate the description of work, list of hazards and potential occupational exposure limits, physical hazards and required physical attributes.
3. For employees working on the contract, medical fitness certificates shall be renewed annually for employees who are not office bound including drivers and once every 3 years for employees that are office bound. This shall be maintained until completion of the contract.
4. The Principal Contractor must ensure that his / her employees and sub-contractor employees have undergone pre-entry medical examination before starting work on the contract, should it be for longer than three (3) days.
5. The principal contractor shall provide a documented process for managing those employees who are issued with a conditional certificate of fitness.

3.6.2 Health and wellness HIV / Aids

Contractors shall submit details of their Employee Health and Wellness Programme as part of their Health and Safety Plan which should include awareness training, support for contracted illness and sharing knowledge with members of the public in the immediate work environment

3.7 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

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		Document Identifier		Rev	1
		Effective Date	20 February 2016		
		Review Date	February 2025		

appointed in the relevant roles. The statutory appointments should include but not limited to: Fire Fighter and Evacuation warden, First Aider, 16(2) appointment.

3.8 ROLES AND RESPONSIBILITIES

All contractors are required to list employee's roles and responsibilities pertaining to the contract.

3.9 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. A risk assessment is defined as an identification of the hazards present in an organisation and an estimate of the extent of the risks involved, taking into account whatever precautions are already being taken. It is essentially a three stage process:

- identification of all hazards;
- evaluation of the risks;
- measures to control the risks.

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.

3.10 INCIDENT INVESTIGATION

All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using 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, not only being a legal requirement, is to establish why and how the incident occurred, but to find out the real causes of the incident and to decide on precautionary measures that are required to address the causes to prevent any further recurrences of the same or similar incidents.

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3.11 EMERGENCY MANAGEMENT

1. The art of emergency preparedness and response is to minimise the effects of any emergency and to restore normal activities as soon as practical. The supplier must develop their own emergency response in their work premises. The Eskom employees attending training must be made aware of the emergency process and the assembly points. Where any office and or site is located within any Local Authorities area, then the plans must include their involvement. Emergency preparedness

Periodic emergency drills must be undertaken to test the effectiveness of the plan. This must be recorded and provided on request.

3.11.1 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 are required to implement a non-conformance procedure (if not already in place) 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. The procedure for the issuing and closing off of non-conformance reports shall be strictly adhered to.
4. Contract management must close out non-conformances issued, in not doing so, will not ensure that any recommendations made have been carried out and or implemented.
5. Where non-conformances are issued by Eskom, then one of the close-out steps of the procedure will be for the offender to be called on by the contractor responsible manager to explain the non-conformance issued and what they intend doing to prevent a recurrence of the non-conformance.
6. Contractor failure to provide adequate PPE to their employees for the tasks being performed and/or to visitors and failure to enforce the wearing of such PPE will be viewed as a transgression of the legislative and Eskom requirements.

4. AUTHORIZATION

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5. REVISIONS

Date	Rev.	Compiler	Remarks
August 2015	0	F Poee	This provides the initial SHE specification requirements that must be met by the relevant contractors who have been awarded a contract for the work to be performed for Eskom.
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