

**CLIENT HEALTH AND SAFETY SPECIFICATIONS
AS PER CONSTRUCTION REGULATION 5(1)(b), 2014
OCCUPATIONAL HEALTH AND SAFETY ACT, NO. 85 OF 1993**



agriculture & rural development

Department of
Agriculture and Rural Development
FREE STATE PROVINCE

CONSTRUCTION WORK
Contractor Pack
Appendix 1

PREPARED BY



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1. BACKGROUND

In terms of the Construction Regulation 5(1)(b), 2014 of the Occupational Health and Safety Act, No. 85 of 1993, the Client, is required to compile an Health & Safety Specification for any intended project and provide such specification to Contractor.

The Project location varies and will be within the Mangaung Local Municipal Area, Free State, South Africa.

2. SCOPE

The scope is the development of a health & safety specification that addresses all aspects of occupational health and safety as affected by construction work.

The Project scope is general Construction Work in Department of Agriculture and Rural Development.

Also refer to the RFQ document.

3. DEFINITIONS

Act: means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

AIA means an Inspection Authority approved by the chief inspector: Provided that an inspection authority approved by the chief inspector with respect to any particular service shall be an Approved Inspection Authority with respect to that service only.

Client: means any person for whom construction work is being performed (Department of Agriculture and Rural Development).

Client's Health and Safety Agent: SHE Group, 5 Walter Sisulu Road, Universitas, Bloemfontein, 9321. Tel. 0514369675

Competent person: means any person having the knowledge, training, experience and qualifications specific to the work or task being performed.

Construction work: means any work in connection with—

- the erection, maintenance, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure;
- the installation, erection, dismantling or maintenance of a fixed plant where such work includes the risk of a person falling;
- the moving of earth, clearing of land, the making of an excavation, piling, or any similar type of work;

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Contractor: means an employer, as defined in section 1 of the Occupational Health and Safety Act, who performs construction work and includes principal contractors;

Hazard identification: 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: means a file or other record in permanent form, containing the information required as contemplated in these regulations;

Health and safety plan: means a documented plan, which addresses hazards identified and includes safe work procedures to mitigate, reduce or control the hazards identified;

Health and safety specification: means a documented specification of all health and safety requirements pertaining to the associated works on a construction site, so as to ensure the health and safety of persons *(this document will only be valid until the relevant applicable regulations change)*

HCS: Hazardous Chemical Substances

MSDS: Material Safety Data Sheet

PPE: Personal Protective Equipment

OREP: Occupational Risk Exposure Profile

Medical Certificate of Fitness: means a certificate contemplated in Construction Regulation 7(8);

Occupational Health Practitioner means an occupational medicine practitioner or a person who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act, 1978 (Act No. 50 of 1978);

Principal contractor: means an employer, as defined in section 1 of the Occupational Health and Safety Act who performs construction work and is appointed by the client to be in overall control and management of a part of or the whole of a construction site;

Risk assessment: means a program 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;

Structure: means any building, steel or reinforced concrete structure

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SACPCMP means the South African Council for the Project and Construction Management Professions

Designer: means a competent person who

- prepares a design;
- checks and approves a design;
- arranges for a person at work under his or her control to prepare a design, including an employee of that person where he or she is the employer; or
- designs temporary work, including its components;
- an architect or engineer contributing to, or having overall responsibility for a design;
- a building services engineer designing details for fixed plant;
- a surveyor specifying articles or drawing up specifications;
- a contractor carrying out design work as part of a design and building project; or
- an interior designer, shop-fitter or landscape architect;

Construction manager: means a competent person responsible for the management of the physical construction processes and the coordination, administration and management of resources on a construction site;

Construction site: means a work place where construction work is being performed.

4. OH&S MANAGEMENT

4.1 Notification of Construction Work

The principal contractor shall, where the contract meets the requirements laid down in Construction Regulation 4, prior to commencement of the works, notify the Department of Labour of the intention to carry out construction work and use the form (Annexure 2 in the Construction Regulations) for the purpose.

A copy shall be kept on the OH&S file and a copy shall be forwarded to the employer for record keeping purposes. No Construction activities may take place before Notification of Construction Work has been submitted to the Department of Labour and proof submitted to Client.

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4.2 Structure and Organisation of OH&S Responsibilities

4.2.1. Overall Supervision and Responsibility for OH&S

- The Client to ensure that the Principal Contractor, is appointed in terms of Construction Regulation 5(1)(k), implements and maintains the agreed and approved OH&S Plan.
- The Chief Executive Officer of the Principal Contractor in terms of Section 16 (1) of the Act to ensure that his Employees (as defined in the Act) complies with the Act. Legal Compliance Audit may be used for this purpose.
- Any OH&S Act (85 /1993), Section 16 (2) appointee/s as detailed in his/her/their respective appointment forms
- The Construction Manager, Assistant Construction Manager, Supervisor and Assistant Construction Supervisor/s appointed in terms of Construction Regulation 8. Should provide proof of OHS training and fully understand their duties and responsibilities outlined by the respective appointments.
- The principal contractor shall appoint as a minimum a Part-Time competent Health and Safety Officer that is registered with the SACPCMP. The Part-Time Health & Safety Officer will be responsible to conduct internal Audits and monitor health and safety on site.

4.2.2 Further (Specific) Responsibilities for OH&S

The contractor shall note that it is a generic list only and is intended for use as a guideline. Other Appointment Letters required as and when required depending on the scope of work:

Appointment	Legal Reference
Construction Manager	Construction Regulation 8(1)
OH&S Officer	Construction Regulation 8(5)
Construction Supervisor	Construction Regulation 8(7)
Risk Assessor	Construction Regulation 9
Fall Protection Plan Developer	Construction Regulation 10
Scaffold Supervisor	Construction Regulation 16

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Stacking & Storage Supervisor	Construction Regulation 28
Emergency Coordinator	Construction Regulation 29
First Aider	General Safety Regulation 3
Fire Equipment Inspector	Construction Regulation 29
Incident Investigator	General Admin Regulation 9
Ladder Inspector	General Safety Regulation 13A
OH&S Representatives	OHS Act Section 17

The above appointments shall be in writing and the responsibilities clearly stated together with the period for which the appointment is made. This information shall be communicated and agreed with the appointees.

Competencies of all Appointed Personnel to be attached to Appointment and Placed on Health and Safety File

The principal contractor shall, furthermore, provide the clients agent with an organogram of all contractors that he/she has appointed or intends to appoint and keep this list updated and prominently displayed on site.

4.3 Communication & Liaison

- 4.3.1 OH&S Liaison between the Client, the principal Contractor, the Designer and other concerned parties will be through the Client.
- 4.3.2 Consultation with the workforce on OH&S matters will be through their Supervisors.
- 4.3.3 The Principal Contractor will be responsible for the dissemination of all relevant OH&S information to the other Contractors e.g. design changes agreed with the Client and the Designer, instructions by the Client and/or his/her agent, exchange of information between Contractors, the reporting of hazardous/dangerous conditions/situations etc.

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4.4 OH&S File

The Principal Contractor must, in terms of Construction Regulation 7(1)(b), keep a health & safety file on site at all times that must include all documentation required in terms of the Act and Regulations and must also include a list of all Contractors on site that are accountable to the Principal Contractor and the agreements between the parties and details of work being done.

The Health And Safety File Index should at least consist of the following, but not limited to:

1. Health and Safety Plan
2. Appointments Letters
3. Notification of Construction Work
4. Letter of Good Standing (COIDA)
5. Policies
6. Risk Assessments
7. Safe Operating Procedures
8. Registers
9. Fall Protection Plan
10. Personal Protective Equipment
11. Incident Management
12. Emergency Preparedness
13. Daily Safe Task Instructions (DSTI's)
14. Act & Regulations
15. 37(2) Agreements
16. Training
 - 16.1. Attendance Register
 - 16.2. Induction Manual
 - 16.3. Competencies (Certificates)
17. Toolbox Talks
18. Occupational Medicals

4.5. OH&S Goals and Objectives and Arrangements for Monitoring and Review of OH&S Performance

The Principal Contractor is required to maintain a DIFR of less than 1 and report on this to the Client on a monthly basis.

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4.6 Identification of Hazards and Development of Risk Assessments, Standard Working Procedures (SWP) and Method Statements

The Principal Contractor is required to develop Risk Assessments and Standard Working Procedures (SWP) for each activity executed in the project (See Section 5 below "Project/Site Specific Requirements")

4.7. Arrangements for Monitoring and Review

4.7.1. Monthly Audit by Client

The Client will be conducting monthly Audits to comply with Construction Regulation 5(1)(o) to ensure that the principal Contractor has implemented and is maintaining the agreed and approved OH&S Plan.

If contractor is non-compliant according to Client's Health and Safety Audit, the Client's Agent / Representative may stop the work or a specific work activity and request a re-audit that must be approved by the client and the contractor will be held liable for the cost.

4.7.2. Other Audits and Inspections by Client

The Client reserves the right to conduct other ad hoc audits and inspections as deemed necessary.

The Principal Contractor must conduct a Monthly Internal Health and Safety Audit. The Audit must be conducted by a representative of the contractor, on condition that the person is qualified to conduct an Occupational Health and Safety Audit.

4.7.3. A representative of the Principal Contractor must accompany the Client on all Audits and Inspections and may conduct his/her own audit/inspection at the same time. Each party will, however, take responsibility for the results of his/her own audit/inspection results.

4.7.4. Reports

4.7.4.1 The Principal Contractor is required to provide the Client with a monthly report.

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4.7.4.2 The Principal Contractor must report all incidents where an employee is injured on duty to the extent that he/she:

- * dies
- * becomes unconscious
- * loses a limb or part of a limb
- * is injured or becomes ill to such a degree that he/she is likely either to die or to suffer a permanent physical defect or likely to be unable for a period of at least 14 days either to work or continue with the activity for which he/she was usually employed

OR where:

- * a major incident occurred
- * the health or safety of any person was endangered
- * where a dangerous substance was spilled
- * the uncontrolled release of any substance under pressure took place
- * machinery or any part of machinery fractured or failed resulting in flying, falling or uncontrolled moving objects
- * machinery ran out of control to the Provincial Director of the Department of Labour within seven days. (Section 24 of the Act & General Administrative Regulation 8.)

4.7.4.3. The Principal Contractor is required to provide the Client with copies of all statutory reports required in terms of the Act. The Principal Contractor is required to provide the Client with copies of all internal and external accident/incident investigation reports.

4.7.5. *Review*

4.7.5.1 The Principal Contractor is to review the Hazard Identification, Risk Assessments and SWP's at each Production Planning and Progress Report meeting as the construction work develops and progresses and each time changes are made to the designs, plans and construction methods and processes.

4.7.5.2 The Principal Contractor must provide the Client, other Contractors and all other concerned parties with copies of any changes, alterations or amendments.

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4.8 Site Rules and other Restrictions

4.8.1 Site OH&S Rules

The Principal Contractor must develop a set of site-specific OH&S rules that will be applied to regulate the OH&S aspects of the construction.

4.8.2. Security Arrangements

4.8.2.1 Access control will be managed by Woodland Hills' Security at the main gate. The Principal Contractor must establish site access rules and implement and maintain these throughout the construction period. Access control at the Community Hall must include the rule that non-employees will not be allowed on site unaccompanied.

4.8.2.2 The Principal Contractor must appoint a competent Emergency Controller who must develop emergency contingency plans for any emergency that may arise on site as indicated by the risk assessments. These must include a monthly practice/testing program for the plans e.g. January: Fall Accident, February: Electrical Shock, etc. and practiced/tested with all persons on site at the time, participating.

4.9 Training

The contents and syllabi of all training required by the Act and Regulations to be included in the Principal Contractor's OH&S Plan.

4.9.1 Site Specific Induction Training

All employees of the Principal and other Contractors to be in possession of Site Specific OH&S Induction training.

4.9.2 Other Training

4.9.2.1 All operators, drivers and users of construction vehicles, mobile plant and other equipment to be in possession of Competency Certificates & Medical Certificates of Fitness (Construction Regulation 23).

4.9.2.2 All employees in jobs requiring training in terms of the Act and Regulations to be in possession of valid proof of training.

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4.9.2.3 OH&S Training Requirements: (as required by the Construction Regulations and as indicated by the OH&S Specification & the Risk Assessment/s):

- Site Specific Induction (also visitors) (Sections 8 & 9 of the Act)
- Construction Manager and Supervisor
- Basic Fire Prevention & Protection (ERW 9 and CR 29)
- Basic First Aid (General Safety Regulations 3)
- Work at Heights Training

4.10. Accident and Incident Investigation

4.10.1 The Principal Contractor is responsible for the investigation of all accidents/incidents where employees and non-employees were injured to the extent that he/she/they had to be referred for medical treatment by a doctor, hospital or clinic. (General Administrative Regulation 9)

4.10.2. The results of the investigation to be entered into the Accident/Incident Register: Annexure 1. (General Administrative Regulation 9)

4.10.3. The Principal Contractor is responsible for the investigation of all non-injury incidents as described in Section 24 (1) (b) & (c) of the Act and keeping a record of the results of such investigations including the steps taken to prevent similar accidents in future.

4.11 H&S Representatives

4.11.1 Designation of OH&S Representatives

Before commencing work, the Principal Contractor shall designate a competent Safety, Health and Environmental representative (SHE Rep) who shall be acceptable to the Agent, to represent and act for the Contractor.

The Contractor shall inform the Agent in writing of the name and address of the Contractor's SHE Rep and of any subsequent changes in the name and address of the SHE Rep, together with the scope and limitations of the SHE Rep's authority to act for the Contractor. The Contractor's SHE Rep shall make available to the Employer an all-hours telephone number at which the SHE Rep can be contacted at any time in the event of an emergency involving any of the Contractor's employees, or other persons at the Works.

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4.11.2 OH&S Representatives have to be designated in writing and the designation must include the area of responsibility of the person and term of the designation.

4.11.3 Duties and Functions of the OH&S Representatives

4.11.3.1 The Principal Contractor must ensure that the designated OH&S Representatives conduct a minimum monthly inspection of their respective areas of responsibility using a checklist and report thereon to the Principal Contractor.

4.11.3.2 OH&S representatives must be included in accident/incident investigations.

4.12 Occupational Medicals – Principal Contractor must ensure that all employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner as per Annexure 3 of Construction Regulation, 2014 -Construction Regulation 7(1)(g)

4 PROJECT/SITE SPECIFIC REQUIREMENTS

5.1 The following is a list of specific activities and considerations that have been identified for the project and site and for which Risk Assessments, Standard Working Procedures (SWP), management and control measures have to be developed by the Principal Contractor:

- Site Establishment
- Secure / safe storage for materials, plant and equipment
- Vehicle access to the site
- Dealing with existing structures
- Access control
- Public liability exposures
- Health risks arising from neighboring as well as own activities and from the environment e.g. threats by dogs, bees, snakes, lightning etc.
- Exposure to noise
- Protection against dehydration and heat exhaustion
- Protection from wet and cold conditions
- Dealing with HIV/Aids and other diseases
- Use of portable electrical equipment
- Loading and offloading of trucks
- Manual handling

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- Lifting and lowering operations
- Working in elevated positions
- Signage
- As discovered by the principal contractors hazard identification exercise
- As discovered from any inspections and audits conducted by the client or by the principal contractor or any other contractor on site.
- As discovered from any accident / Incident Investigation

The following are in particular requirements of works and will form a basis for compliance audits which will be arranged by the Client.

1. Administrative & Legal Requirements
2. Education, Training & Promotion
3. Public Safety & Emergency Preparedness
4. Personal Protective Equipment
5. Housekeeping
6. Working at Heights
7. Electrical Safeguarding
8. Emergency/Fire Prevention & Protection
9. Ladders & Tools
10. Lifting Equipment
11. Transport & Materials Handling
12. Site Plant & Machinery
13. Plant & Storage Yard
14. Occupational Health & Hygiene
15. Construction Activities

5.2 Construction Vehicles and Mobile Plant – Regulation 23

The Contractor shall ensure that drivers of motor vehicles are in possession of a driver's license, valid for the class of vehicle which they are required to drive, and shall produce the license on request.

The Contractor shall not permit any driver to be in control of a vehicle at the Works while under the influence of alcohol, drugs or other substance.

A register shall be kept of workers operating construction vehicles and mobile plant.

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The register shall contain proof of training of operators to operate construction vehicles and mobile plant, certification of competency and authorization of operators to operate machinery, vehicles or plant.

Names of operators and their relevant training with date and time stamps together with name of course instructor shall be kept in the Health and Safety File on site.

Physical and Psychological fitness shall be proved by way of a medical certificate of fitness of the said operators before allowing operators to operate machinery, vehicles or plant.

The Health and Safety File shall include the written training material offered to operators for the different construction vehicles and mobile plant.

Each and every driver shall be trained on risks involved and safety procedures.

All Construction vehicles and mobile plant must be of acceptable design and construction and used according to their design.

All construction vehicles and mobile plant must be maintained in good working order.

A register of all vehicles and plant shall be kept on site together with names of operators responsible for each.

The register shall report all maintenance activities performed on these vehicles and plant as well as signatures certifying the condition of the vehicles as in a good working order.

All requirements on the vehicles and mobile plant with regard to safety and health shall be inspected and certified.

During use of Construction vehicles or mobile plant the following rules shall be adhered to:

- No person shall be allowed to or require to ride on any Construction Vehicle or Mobile Plant in a position otherwise than a safe place provided for on the construction vehicle or mobile plant as designed for that purpose.
- The construction site must be organized in such a way that as far as is reasonable practical, pedestrians and vehicles can move safely and without risks to health and safety.
- No tools and/or material shall be transported in the same compartment as the operators/drivers/employees unless the said are secured against movement during transportation.

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5.3 Barricading and Demarcation

The construction site shall be barricaded completely to prevent pedestrians and vehicles to enter the construction area at the community hall.

Protection around the site must be in the form of a physical barrier and appropriate signage, to prevent public from entering the area.

5.4 Housekeeping and Construction Sites – Regulation 27

The Contractor shall at all time carry out the Works in a manner to avoid the risk of bodily harm to persons or risk of damage to any property. The Contractor shall take all precautions, which are necessary and adequate to eliminate any conditions, which contribute to the risk of injury to persons or damage to property. The Contractor shall continuously inspect all work, materials and equipment to discover and determine any such conditions and shall be solely responsible for the discovery, determination and elimination of such conditions.

During the period of this Contract, the Contractor shall be responsible for the safe storage of all materials and equipment required for execution of the Contract, and for disposal of all non-usable waste material in an orderly manner.

All materials, whether stored on the construction site or within the Contractor's designated area, shall be stored neatly and safely to prevent possible injury to any personnel. The material shall be stored to facilitate safe access to, and removal of the material from the storage area.

Loose material need for use shall not accumulate so as to obstruct means of access to and egress from the workplace.

Scrap and waste shall not be allowed on site and must be removed daily.

The construction sites adjacent to build up area or public way shall be effectively fenced and controlled with access points.

5.5 Stacking and Storage on Construction Sites – Regulation 28

A Competent person shall be appointed in writing with the duty of supervising all stacking and storage of material on site. Adequate storage areas shall be provided which includes demarcated areas. All storage areas shall be kept neat and under control. Registers and checklist on housekeeping shall be kept on site

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5.6 First Aid

5.6.1 Safety Notice Board

The Contractor shall provide a Safety Notice Board where safety notices, site regulations concerning safe working practices and information on the location of the nearest first aid station, can be conspicuously displayed to all staff. The size of the notice board shall be at least 600 mm x 800 mm.

5.6.2 First Aid Equipment

The Contractor shall provide for its employees a stretcher for emergencies and an approved first aid box. The first aid box shall be checked weekly by a responsible person, who shall be appointed by the Contractor, and a record shall be kept of the contents. Any deficient medical supplies shall be promptly replenished by the Contractor.

5.6.3 Hazard Notices

The Contractor shall display hazard notices in all areas where hazardous conditions prevail or may occur.

5.6.4 Reporting of Incidents and/or Injuries

All incidents in respect of damage to Works, property or machinery, or injury to persons, shall be reported by the Contractor's SHE Rep by the quickest means possible.

A mandatory incident report form, containing full details of the incident, shall be completed and submitted to the Site Agent and the Department of Employment and Labour within twenty four (24) hours of the occurrence of the incident.

5.7 Construction Welfare Facilities – Regulation 30

On each site where existing facilities are not present, at least one sanitary facility shall be erected for every 10 workers, one shower for every 15 workers, and sheltered eating areas.

Eating facilities shall be made available in the form of a shaded net, table and chairs.

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