

	Occupational Health & Safety Specification Supply and delivery Telecommunication Network Handheld Tester once off contract	Template Identifier	240-73418055	Rev	2
		Document Identifier	559- 162153947	Rev	1
		Effective Date	20 February 2016		
		Review Date	February 2021		

Project Name: Supply and delivery Telecommunication Network Handheld Tester

Project Address: Telecommunications sites

Scope of the project: Supply and delivery Telecommunication Network Handheld Tester once off contract

Eskom Contract's Custodian

Sandy Nxumalo

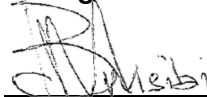


Signature

Date: 28/05/2024

Eskom's Health and Safety Senior Advisor

Masego Msibi



Signature

Date: 28/05/2024

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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 OHS 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 an OHS 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 OHS 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 OHS 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 OHS plans. If there are any additional Eskom and or legislative requirements listed in the OHS specification, then these must be addressed.

2. SUPPORTING CLAUSES

2.1 SCOPE

This OHS 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 provide a standardised approach to the compilation of OHS specifications throughout Eskom for contracts and standard and NEC 3 contracts.

2.1.2 Applicability

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

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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 OHS 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,

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2.3 Definitions

Definition	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
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	a) 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 plan	(OHS Act) means a site, activity or project specific document plan in accordance with the client's health and safety specifications.
Health and safety specification	(OHS Act) means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work.
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
Medical certificate of fitness	(OHS Act) means a certificate specific to the work to be performed and issued by an occupational health practitioner in the form of Annexure 3 of the construction regulations.
Medical surveillance	(OHS Act) means a planned programme or periodic examination (which may include clinical examinations, biological monitoring, or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner
Method statement	(OHS Act) means a written document detailing the key activities to be performed in order to reduce, as reasonably as practicable, the hazards identified in any risk assessment
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
Pre-job meetings	(34-227) means a meeting that is held prior to the commencement of the day's work and that is attended by all the relevant employees associated with the work task
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.
Provincial director	(OHS Act) means the provincial director as defined in Regulation 1 of the General Administrative Regulations under the Act
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.
Site	(34-228) means an Eskom department, unit, complex, building, specific project, work site, or the site where agents, clients, principal contractors, contractors, suppliers, vendors, and service providers provide a service to Eskom, directly or indirectly
Service provider	any private person or legal entity that provides any service(s) to Eskom for compensation

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Task	(34-227) a segment of work that requires a set of specific and distinct actions for its completion
Toolbox talks	(34-227) where the team leader, after conducting pre-task planning, shares all the tasks at hand and discusses task allocation, the identified risks, and the control measures with all his/her team members on site before commencing a specific task and documenting the agreed strategy. (This shall be done to ensure common understanding of the tasks, risks, and control measures required.)
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.

2.4 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
DoEL	Department of Employment & Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
EAP	Employee Assistance Program
ERW	Environmental Regulations for Workplaces
GAR	General Administrative Regulations
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
LDV	Light Delivery Vehicle
SDS	Safety Data Sheets
NEMA	National Environmental Management Act
OHS	Occupational Health and Safety
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SABS	South African Bureau Standard
SANS	South African National Standard

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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

Supply and delivery Telecommunication Network Handheld Tester once off contract.
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 OHS file.

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.

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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 OHS 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.

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 OHS 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 OHS file.

3.3.3 OHS Policy

An OHS policy is a statement of intent and a commitment by the organisation's CE and senior management in relation to the relevant OHS 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 OHS policy in line with their OHS 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 OHS files and as an annexure the OHS Plans

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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 OHS files and as an annexure the OHS Plans.

3.4 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.

3.4.1 Medicals

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

1. Principal contractors must ensure that 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.

3.4.2 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

3.5 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

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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 should include but not limited to: Fire Fighter and Evacuation warden, First Aider, 16(2) appointment.

3.6 ROLES AND RESPONSIBILITIES

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

3.7 COVID 19 PRECAUTIONARY MEASURES

All contractors to ensure compliance with a COVID-19 occupational health and safety measures in their workplaces COVID-19 (C19 OHS), 2020 in terms of Regulation 10 (8) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs, on 29 April 2020 the Minister of Employment and Labour published the Directive: COVID-19 Occupational Health and Safety Measures in Workplaces COVID-19 (C19 OHS), 2020, Published 29 April 2020, Government Gazette 43257, GNR 479.

All contractors to have the following documents in place:

- COVID-19 Plan for e.g. PPE, screening, sanitisation (including vehicles), social distancing
- COVID-19 Baseline Risk assessment
- COVID-19 Policy

3.8 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.

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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.

3.9 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.

3.10 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 and for the delivery vehicle / truck drivers transporting material. The delivery vehicle / truck drivers must be trained and made aware of the emergency process and relevant emergency process (this should include breakdowns) and relevant emergency contact details.
2. Delivery vehicle / trucks must be equipped with emergency preparedness equipment such as Fire extinguishers, first aids e.c.t
3. The Principal contract shall ensure that there is a process or procedure for cargo shedding and spill containment

3.11 VEHICLE SAFETY MANAGEMENT

The principal contractor travelling on Eskom business or doing work on behalf of Eskom, then the following requirements must be observed:

1. All motor vehicles driven/operated by contractors within the contract shall, in all respects, comply with the National Road Traffic Act.
2. Designated drivers shall be in possession of the relevant driver's licence, valid for the class of vehicle.

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3. The driver's license shall be kept by the person so authorised and shall produce such card on request.
4. No drivers or operators may text, talk on cell phones or hand held two way radios whilst driving, unless a hands free kit is used.
5. It is a driver's responsibility to ensure that the vehicle and or equipment they drive on any road is road worthy and complies with the requirements of the National Road Traffic Act.
6. The speed limits within the bounds of the work site must be adhered to.
7. Ensure that all drivers and passengers wear seatbelts, where fitted, while travelling in a motor vehicle.
8. Breakdown and maintenance procedure/ process must be implemented.

3.12 PERSONAL PROTECTIVE EQUIPMENT 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.
6. Where PPE is required and visitors are not in possession of, then it is the individual contractor's responsibility to provide the PPE.
7. All PPE purchased and used by all contractor employees including visitors must comply with the relevant SANS standards.
8. Where deemed as a requirement, then high visibility vests shall be worn.

3.13 NON-CONFORMANCE AND COMPLIANCE

1. Any non-compliance to any health and safety requirement in this OHS 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 "OHS" related non-conformance issues. Similarly, appointed contractors must implement a non-conformance procedure.

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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

Nil

5. REVISIONS

Date	Rev.	Compiler	Remarks
August 2015	0	F Poee	This provides the initial OHS 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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