



Zero injuries. Zero fatalities.  
Zero environmental incidents.



**Zero Harm**  
Be aware - Take care

Dear Guardians

### **OCCUPATIONAL HEALTH AND SAFETY ACT: SECTION 37(2) AGREEMENT IMPLEMENTATION**

Section 37 of the Occupational Health and Safety Act, 1993 (“the OHS Act”) places liability on Eskom as an employer for the unlawful acts or omissions of mandatories (contractors/suppliers), unless a written agreement between Eskom and the contractors has been concluded containing arrangements and procedures to ensure that contractors comply with the provisions of the OHS Act. The written agreement is recommended by the legislator to promote Occupational Health and Safety practices between employers and suppliers/contractors.

In order to limit Eskom’s and its subsidiaries’ liability when contracting out work, a standardised agreement in terms of section 37(2) of the OHS Act has been revised, and shall be implemented with immediate effect. All divisions and subsidiaries shall ensure that the standardised section 37(2) agreement is fully implemented throughout Eskom and its subsidiaries.

The Occupational Health and Safety Act: section 37(2) agreement form which must be signed between Eskom, its subsidiaries and contractors/suppliers can be downloaded on the following link:

<https://hyperwave.eskom.co.za/240-77037682>

**All Enquiries regarding the section 37(2) agreement can be directed to Puleng Khabo on +27 83 318 4962 or e-mail at [KhaboP@eskom.co.za](mailto:KhaboP@eskom.co.za).**

Kind regards

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Sustainability Systems Department**

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