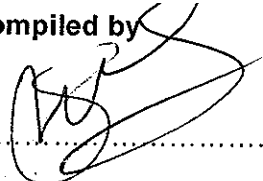
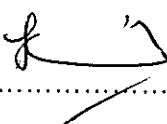
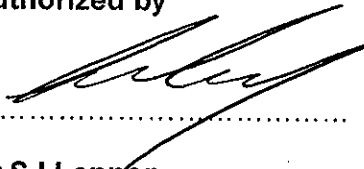
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## **1 Introduction**

This procedure describes the high-level intention for the effective incident management of work-related incidents as well as environmental damage. The aim of this procedure and its supporting annexes is to ensure and facilitate the effective and efficient management of incidents from the moment that one occurs, until it can be audited that corrective and preventive measures were developed and taken.

This procedure is supported by annexes which set out the detailed rules, requirements and action steps as well as useful examples and templates. These two have to be read and applied together to ensure that the aim of this procedure and its supporting annexes is met.

## **2 General responsibilities of the employer with regard to incident management**

The divisions, business units, regions and grids have the responsibility to implement this procedure and the supporting annexes.

The employer must establish effective incident management processes and systems to:

- adhere to all legislative requirements pertaining to the incident management process;
- ensure that **all incidents** are reported internally and to the relevant statutory bodies;
- create an atmosphere of trust and respect that leads to openness in the reporting and investigation of incidents;
- ensure that the incident management process is efficient and effective;
- communicate the value of incident investigations as a tool for continuously improving Safety, Health and Environmental practices and performance;
- provide the resources and priority attention necessary for timely, thorough and comprehensive investigations; and
- ensure that the lessons learnt and recommendations made in an investigation are effectively and efficiently acted on to prevent any recurrence, including communicating those lessons learnt and findings to all who may benefit.

The detailed responsibilities of the employer are highlighted in the specific sections of this procedure, where relevant.

## **3 Planning the Incident Management Process**

All divisions and/or sites shall have incident management processes that address all the basic steps of the incident management process as outlined in this procedure.

## **4 The Incident Management Process**

Incident management is an integral function of Risk Management and is aimed at reducing the impact of incidents, enabling corrective action to be taken and changed practice to be introduced. It also allows for learning from the incidents that have occurred to prevent similar incidents from happening or to mitigate the impact thereof. It is not a mechanism for assigning blame or monitoring staff performance but rather a way of identifying and addressing weaknesses to reduce future risks.

In order to prevent injuries and environmental degradation the sites that foster an atmosphere of learning, openness and trust in the incident-reporting process must use the information from incident investigations as an opportunity to demonstrate duty of care, create a safe and healthy working environment, and to ensure control over all activities and/or sites including the environment.

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In the event of any incident involving an employee, contractor or member of the public, the employer must ensure that all legal aspects and the requirements of this procedure are adhered to as a minimum (i.e. reporting, notification, investigation, etc.). Employers must ensure that they are familiar with these requirements and that they have put systems and processes in place to ensure compliance.

## **Aims and objectives**

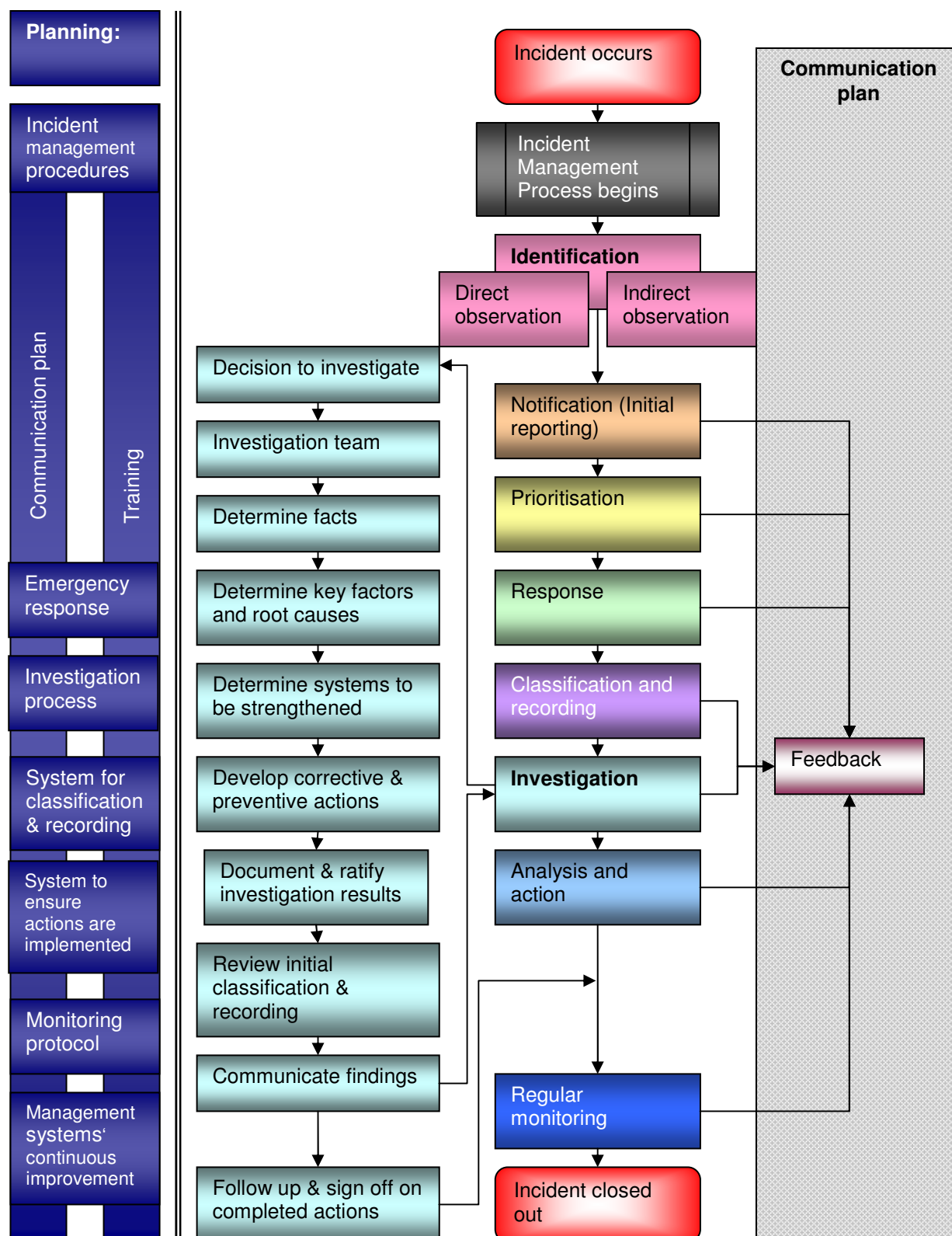
The aims and objectives of incident management are as follows:

- Reduce risk and prevent any recurrence of incidents
- Ensure incidents are managed effectively
- Ensure incidents are classified and recorded accurately
- Ensure prompt and appropriate investigation
- Promote the proactive use and value of near-miss occurrence reporting
- Improve the quality of safety and the work environment by learning from incidents, including near miss occurrences;
- Share incident information
- Report to external and internal stakeholders as appropriate
- Promote the analysis of trends and review practices accordingly
- Involve and communicate information to all stakeholders.

## **Process overview**

Figure 1 describes the high-level generic Incident Management process and is intended to indicate in a simplified way how the steps in the process are interlinked. Note: Sequence of the above process could vary depending on the situation. The elements of this process are described in detail in the remainder of the procedure.

Figure1: The generic Incident Management process



## 4.1 Step 1: Identification

The first step after an incident has occurred is to identify or recognise that the incident occurred. There are two types of identification or recognition, i.e. direct observation and indirect observation.

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Direct observation includes seeing the incident happening or being involved in the incident. Indirect observation includes learning of the incident through e.g. complaints, feedback from colleagues, etc.

It is the role and responsibility of the employer to foster a culture and environment that motivates employees to:

- identify incidents as they occur; and
- notify their employer of such incidents.

This includes providing employees with knowledge and skills so that they can easily recognise an incident when it occurs.

## **4.2 Step 2: Notification (Initial reporting)**

**All incidents must be reported, regardless of the severity of the incident.** Once an employee identifies that an incident has occurred, he/she must immediately notify his/her **supervisor** of such an incident, regardless of its severity, so that an appropriate and timely response can be made, an initial evaluation conducted, and an incident classification made. The employee must also inform the health and safety representative of such incident. Initial reports must be brief and limited to an outline of the known facts (e.g. date, time, place, what happened and the immediate actions taken.) as stipulated in the minimum requirements for flash reports. In the case of a fatality or where an employee or contractor employee has been injured to an extent that the injured is admitted to **ICU**, the BU manager or delegate shall immediately inform the relevant MD/SO as well Corporate OHS Manager (Sustainability and Innovation Department) of such a case and supply the information relating to the circumstances as well as the severity of the injuries.

From these initial reports, the employer must use the prioritisation matrix to identify which investigation process should be followed (through the step of prioritisation – see Annex C.)

It is the responsibility of the employer to create a culture of reporting Near-miss and Repeat incidents within a BU and therefore to promote the awareness of these requirements amongst staff.

It is the responsibility of the employer to ensure that the necessary documentation (e.g. a flash report and WCL form) is generated immediately or as soon as is practicable, before the end of the working day and communicated. In case of an injury, the applicable WCL 2 forms, as included in the first aid kits, must be completed immediately to accompany the injured in a case of medical treatment and reporting to the WCC. If it is not reasonably practicable to complete the form immediately, the onus is on the supervisor to complete it within 24 hours.

In the case where an Eskom or contractor employee sustains a personal injury which can be managed at an Eskom medical centre for a period of 2 days or less, (excluding date of incident) notification to WCC is not required. Employer ensure keeping of records of all medical treatment and to include into medical statistical information. If the injured person is treated after two days (excluding date of incident) and a referral is warranted, notification to WCC is required. This includes completion of a WCL 2 forms First Medical Report (WCL 4). If a referral is not warranted such a case must be closed with completed WCL 2 and WCL 4 to be on file and signed off.

This notification documentation must be communicated to the relevant persons, parties, corporate and divisional structures (including the Corporate Sustainability Department), according to the priority assigned to it.

The employer is also responsible for notifying the relevant external stakeholders (i.e. regulatory bodies as prescribed in legislation) and internal stakeholders of the incident, as prescribed in Annex B on Notification.

### 4.3 Step 3: Prioritisation

All notifications must be prioritised by the employer in conjunction with and advised by the Risk Practitioner and/or the Environmental Practitioner in the case of environment incidents, by using the methodology and the matrix provided in Annex C on Prioritisation. The level of risk associated with an incident can be quantified by assigning a priority rating to the incident.

This priority rating is useful to:

- ensure that appropriate management of the incident takes place;
- determine the level of action following notification of the incident;
- assist employers with prioritising and classifying incidents; and
- provide clear direction about the incident-reporting requirements.

The appropriate management of the incident will depend on the level of risk that the incident poses to the injured or to Eskom. When applying the methodology and the matrix provided in Annex C on Prioritisation, you have to consider the Actual or Potential outcome, consequence and/or severity of the incident (i.e. the assumed worse-case scenario).

It is the responsibility of the employer to ensure that all those involved in the prioritisation of incidents are in a position to understand and use the prioritisation matrix. The priority rating will guide the employer in determining what actions to take and what level of involvement is required.

### 4.4 Step 4: Response

The response phase comprises all the efforts that are targeted at directly addressing the impact of the incident itself. The safety of all those involved in an incident response is an exceptionally important responsibility. All activities must be monitored to minimise risk.

The safety of employees, visitors and the surrounding community and the protection of the environment is the employers first priority; however, in addition to activating the appropriate emergency response to the incident, the employer must take steps to preserve physical items, computer data and other relevant information until the incident investigation begins.

The integral actions that form part of “Response” include the following:

Emergency care	Providing emergency care to the injured to stabilise them and prevent further injury. The detailed requirements for emergency planning and response are stipulated in the Eskom Emergency Planning Procedure (32-123).  In the event that the incident may result in significant pollution or degradation of the environment, reasonable measures must be taken to prevent such pollution or degradation from occurring or continuing.
Barricading the area	Barricading the area is required to limit access and to assist with the preservation of evidence.
Collection and preservation of evidence	Immediate actions following an incident at the scene of an incident can disturb or potentially remove vital physical items and information important to the investigation.  All evidence and records pertaining to the incident must be identified, collected, recorded, archived, stored and preserved. These detailed requirements (which include what information must be stored, time frames, etc.) are described in Annex D on Response.
Supporting staff	Employees involved in an incident must be offered an appropriate level of support. This may include both physical and psychological support, offered by internal or external Eskom Employee Assistance Programme service providers.
Recovery	Recovery focuses on returning organisations and their community to their baseline levels of functioning, and therefore denotes the period that extends from demobilising until return to pre-incident function and capacity. It includes, in addition, the full rehabilitation of employees and equipment, full re-supply and reorganisation of

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	<p>equipment and supplies to a baseline readiness state and baseline non-disaster operations.</p> <p>It also includes the after-action assessment process. That consists of the collection and objective analysis of pertinent response information to produce the lessons learnt, and an incorporation process consisting of improvements in procedures, assignments, equipment, training and helping employees to attain organisational learning.</p> <p>This also includes, when significant pollution or degradation of the environment occurred, rectifying such pollution or rehabilitating the degradation of the environment.</p>
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It is the responsibility of the employer to assess the potential risks and develop a suitable response plan to address the risk, should an incident occur. The employer is also responsible for ensuring that all employees are aware of the prohibition on removing, tampering or sharing evidence.

It is advisable for the employer to appoint, in writing, a recovery manager after the incident has been investigated, in order to facilitate the return of activities to normal, while ensuring the health and safety of all parties and the rehabilitation of the environment during the recovery exercise.

#### **4.4.1 The prohibition on removing, tampering with or sharing evidence**

No employee should be allowed to remove, disturb or tamper with any evidence until authorised to do so by the employer or regulatory authority.

No person may distribute any evidence to anyone not involved in the investigation or to members of the general public, unless it is distributed with the permission of the applicable employer and the Legal Department.

### **4.5 Step 5: Classification and recording**

All incidents must be classified and recorded (i.e. documented). This includes near-miss occurrences; first-aid treatment cases; medical treatment cases; lost time injuries; occupational diseases/illnesses; fatalities; significant pollution or degradation of the environment; and contraventions of legislation. Classification and recording allow for comparison of incidents, trending and analysis and the development of strategies to prevent, detect and manage incidents.

#### **4.5.1 Classification**

An incident must be classified according to the parameters ascribed to the incident.

The rules and examples for the classification of incidents are discussed in detail in Annex E on Classification and Recording. Where the rules and examples for the classification of incidents as discussed in Annex E on Classification and Recording are not clear and clarification is required, or in order to resolve disputes, the employer is responsible for ensuring that the proposed process as stipulated in Annex E on Classification and Recording is followed and that all role players have been suitably trained.

Some of the parameters that could be described through classification include the following:

<b>Classification parameter</b>	<b>Description</b>
Type of relationship with the person	<p>What was the type of relationship with the person at the time of the incident?</p> <p>The aim of classifying the type of relationship with the person is to determine if the person(s) involved in the incident was (were) an Eskom employee(s), contractor employee(s) or member(s) of the public.</p>

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Work-relatedness	<p>Was this a work-related incident or not? Was the person busy performing activities relating to his/her work at the time of the incident?</p> <p>The aim of classifying the work status is to determine if the incident arose out of or in connection with the person at work. In order to create a culture of duty of care all Eskom related events and activities will be regarded as work related unless it is stipulated otherwise in the document.</p>
Responsible employer	<p>Who was the person working for at the time of the incident?</p> <p>The purpose of classifying the responsible employer is to determine with which legal entity the employee(s) involved in an incident had a contractual relationship.</p> <p>As stated in the definition of an employee, an employee generally has only one employer at any time, which is the employer with whom he/she is in a contractual relationship of employment, even when he/she performs his/her contractual obligations for some other employer.</p> <p>In the case of an Eskom employee, an incident must therefore be recorded by the business unit that has/had the contractual agreement with the employee. In the case of a contractor employee, an incident must be recorded by the business unit that had the contractual agreement with the contractor. In the case of a member of the public, an incident must be recorded by the business unit whose employee or contractor employee was involved in the incident or the Customer Services Department of that area.</p>
Immediate cause of incident	<p>What were the apparent immediate causes of the incident?</p> <p>The aim of this classification is to refer to the cause(s) of the incident. This includes immediate/direct cause(s).</p>
Severity of incident	<p>What was the severity of the incident?</p> <p>The aim of this classification is to determine the severity of the incident, e.g. a near-miss occurrence, first-aid treatment case, medical treatment case, lost time injury (including restricted duty), occupational disease/illness, fatality, environment pollution or degradation, contravention of legislation, damage to public property, etc. The severity of lost time injuries must also be determined.</p>
Repeat incidents	<p>Was this incident a repeat/recurring incident? The repeat of an incident indicates a system failure, e.g. to investigate properly; identify effective corrective action and take such action.</p>

#### 4.5.2 Recording

It is the role and responsibility of the employer to foster a culture and environment that ensure the correct classification and accurate recording and reporting of incidents in an incident register.

The employer is responsible for ensuring that all relevant information about incidents must be captured/recorded/documented in the SAP-IH&S incident register or if not accessible in the mean time use a system that is supported by OHSLC and ELC. The format of such information must be aligned to specified parameters to enable integration in and communication between relevant databases. The Corporate Sustainability Department must be consulted in the design and development of these systems to ensure that their reporting requirements are satisfied appropriately and to ensure standardisation. Standardisation must be achieved by the Corporate Sustainability Department with the input of the relevant OHSLC task team members.

The employer is responsible for the ownership and accountability of the information and for ensuring that accurate and complete information is recorded. Where incident information is consolidated and/or reported, a person must be appointed in writing and be made accountable for the accuracy and verification of such information, and provided with sufficient resources to fulfil this responsibility.

Incident registers must be kept on any site where:

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- people were injured, including first-aid treatment cases;
- environmental incidents occurred;
- process- or plant-related incidents occurred that resulted in damage to or loss of equipment, production time or product;
- contraventions of legislation occurred;
- near-miss occurrences; and
- repeat incidents

Incident information, e.g. incident registers, reports and supporting documentation must be available from the employer (on site) for auditing and verification purposes. This includes information on incidents which involved contractors and members of the public. Regardless of the format of the information, it must have a reliable audit trail and supporting information must be available to verify the information.

#### **4.5.2.1 General agreed principles on recording**

The following general agreed principles must be used for the recording of incidents.

- The date upon which the incident occurred (as opposed to the date of subsequent reclassification on severity e.g. deterioration of condition or death) will be used for reporting purposes. In the case of an occupational disease/illness resulting in lost time or death at a later stage, the date of confirmed diagnosis or death will be used for reporting purposes.
- Reporting and recording must be done based on the information readily available at the time of the incident. Updating of reports and records must be done **immediately** once more information becomes available.
- The employer takes responsibility for the recorded information and is responsible for ensuring this information is accurate and up to date.
- Any preceding incident, including an occupational disease/illness, which occurred as a result of exposure to the same agent or environmental factor, impacting on the same body part or target organ on a different occasion and resulting in similar symptoms or health effects, must be reported and recorded as a new/different incident.
- The reclassification of incidents must be communicated to all stakeholders, together with an explanation for the reclassification. Supporting information or proof must be made available for data verification purposes.

#### **4.5.2.2 OHSLC-agreed indicators for analysis**

The Corporate Sustainability Department is responsible for reporting the OHSLC-agreed indicators to Exco, Exco Ops, the Board, etc. These indicators, metrics, format and the time frames for implementation must be developed and/or frequently revised and agreed by the delegated OHSLC Task Team, where after the indicators must be ratified by the OHSLC and communicated to all relevant stakeholders.

This must include the information that must be reported on incidents involving contractors and members of the public.

#### **4.5.2.3 ELC-agreed indicators for analysis**

The Corporate Sustainability Department is responsible for reporting ELC-agreed indicators to Exco, Exco Ops, the Board, etc. These indicators, metrics, format and the time frames for implementation must be developed and/or frequently revised and agreed by the delegated ELC primary members, thereafter the indicators must be communicated to all relevant stakeholders.

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This must include the information that must be reported on incidents that are classified as contraventions of legislation and also contraventions of legislation in terms of the Operational Health Dashboard.

## **4.6 Step 6: Investigation**

Irrespective of the priority assigned to action, classification and outcome of an incident, the aim of all investigations is to identify what happened, how it happened and how to prevent it from happening again, as illustrated in Figure 2 on page 12.

The BU Manager must ensure that all incidents are properly investigated at business unit level. As explained in detail in Annex F on Investigation, the priority assigned to the incident in the Prioritisation step of the Incident Management Process, will determine which resources will be allocated, which levels in the organisation will be involved and the time frame for the completion of the investigation.

The BU Manager is responsible for **initiating** immediately (at least within 24 hours) an investigation process (Employer's Investigation) to be undertaken by a properly constituted committee, for those incidents specified in Annex F on Investigation. The BU Manager must ensure that all investigations are conducted in accordance with the investigation techniques supported by OHSLC. These techniques should be appropriate to the type of incident investigated. The objective of such investigation should be to determine the underlying factors, critical path or root causes of the incident and determine workable recommendations that will prevent the repeat of such an incident.

Site investigation procedures must be comprehensive when addressing the basic steps in the incident investigation process. The employer shall ensure that the outcomes of the incident investigation are properly documented.

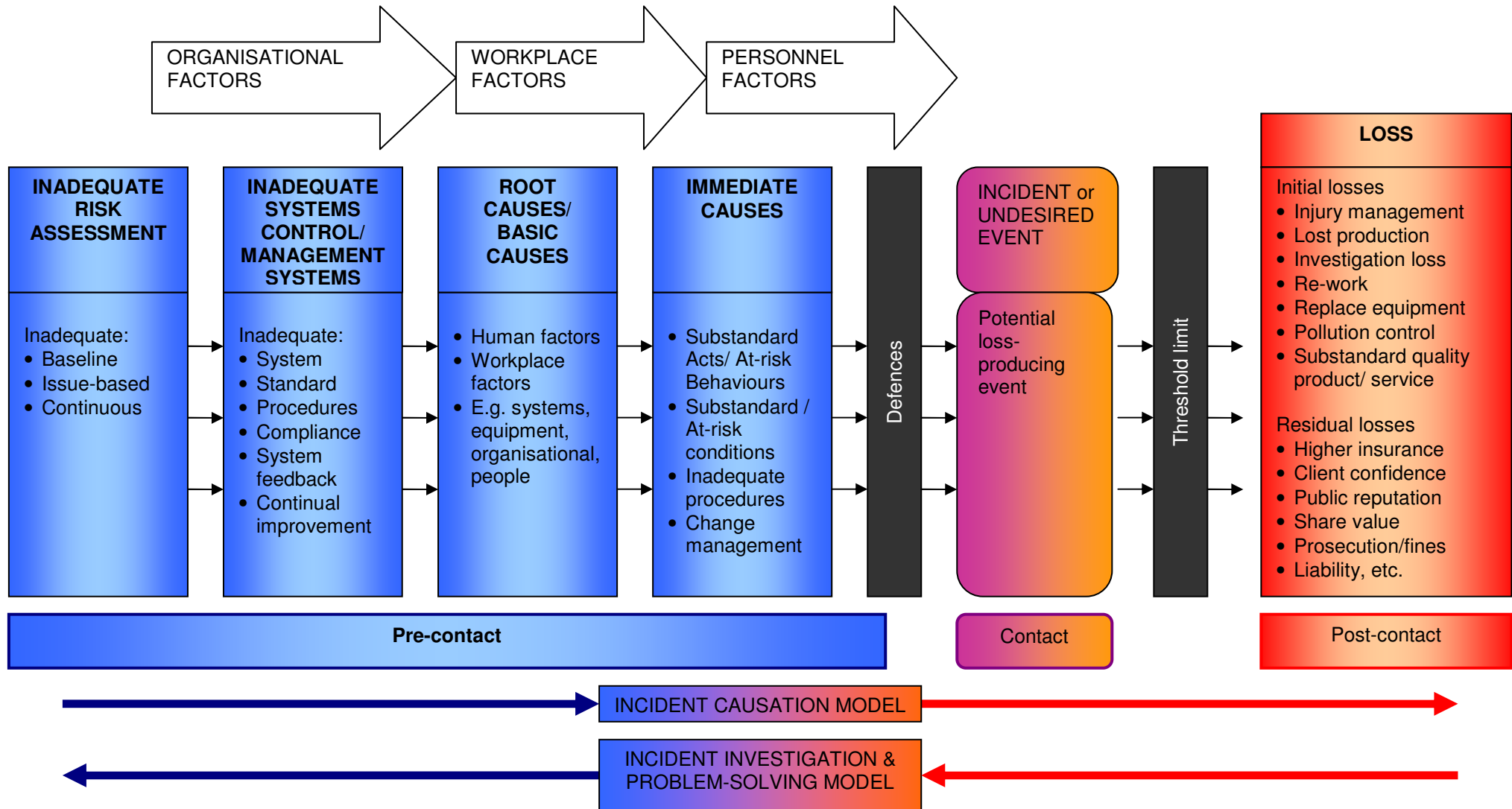
The BU Manager is to ensure a culture of reporting of Near-miss within the BU. Repeat incidents within the BU and or within the applicable division need to be investigated in order to address ineffective corrective actions for the previous event(s).

A corporate legal investigation will be conducted in the case of employee and contractor fatalities as well fatalities involving members of the public. In the case of serious incidents that involve employees, members of the public and contractor employees where the severity is of such nature that the individual has been admitted to ICU a corporate legal investigation will be conducted unless determined otherwise by the Legal Department.

In the case of incidents involving contractor employees, the contractor must investigate those as an employer in his/her own right (Employer's Investigation). Eskom have observer status during these investigations.

A corporate legal investigation will be conducted, which will require the contractor's involvement. The aim of the investigation is to determine the underlying factors; critical path or root causes of the incident and determine workable recommendations that will prevent the repeat of such an incident and to learn from them.

In the case where a contractor does not cooperate during any part of the **Eskom corporate legal investigation**, in terms of contractual and legal obligations, Eskom shall take further steps to ensure that the underlying factors, critical path or root causes of the incident have been identified and ensure that workable recommendations are identified, implemented and that actions that will prevent the repeat of such an incident are implemented in order for Eskom to fulfil its legal obligation.



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#### **4.6.1 Principles of Incident Investigation**

The primary objective of incident investigation is to prevent any recurrence, through understanding and addressing the factors underlying the incident. Every incident is a symptom of a system failure, not just physical failures or human error.

Few incidents occur as a result of a single key factor or action. Incident investigations must follow formal logical methodologies to identify all the related key factors.

Teamwork within and across functional groups (i.e. operations, technical and maintenance) is essential to the investigation, understanding and, ultimately, the prevention of incidents.

Communication of the key lessons learnt and making systemic improvements are the most effective means of preventing the occurrence of similar incidents in future.

#### **4.6.2 Investigation steps**

The steps in the incident investigation are as follows:

- Identification and decision to investigate according to priority and classification
- Selection of investigators and forming of investigation team
- Determining the facts (including interviews, chronology of events and evidence evaluation)
- Determining the key factors and root causes
- Determining the systems that need strengthening
- Proposing recommendations from which corrective and preventive action must be developed
- Documenting and receiving approval of the investigation results (report writing)
- Reviewing the initial incident classification and reporting
- Communicating the findings
- Following up and signing off the completed recommendations, corrective and preventive actions.

Each of these steps is discussed in detail in Annex F on Investigation.

#### **4.6.3 Training in investigation techniques**

The employer must ensure that the key site employees leading the incident investigation process have been properly trained in effective incident investigation techniques. These employees must have the necessary knowledge and skill to conduct thorough investigations and to document complete and well-written investigation reports so that the incident investigation's objectives are met. The employer must also ensure that these employees are conversant with the principles of incident investigation.

Training must address all aspects of the investigation process for employees who lead or facilitate investigations, including the following:

- Collecting and preserving evidence
- Understanding interview techniques
- Establishing event chronologies
- Understanding the methodology for the identification of root cause(s).

#### **4.6.4 Investigation by government agencies**

National, provincial and regional government agencies are responsible for, and have the legal authority to investigate certain incidents. An investigation by these agencies should be preceded by giving proper notice to the organisation. Once such notice has been received, the Corporate Sustainability Department should be involved in the process to ensure that employees do not incriminate Eskom or themselves. It is important for site staff to co-operate once they have been notified of the intent to investigate by such an agency and throughout any such investigation.

Because of the potential for such governmental investigations to incriminate people or organisations, Eskom's own investigation team must take care not to contaminate or destroy evidence that might be of value to such governmental agencies. There must be no basis for any implication that Eskom has withheld pertinent facts or otherwise impeded the governmental investigation.

Requests by government agencies for access to the site's investigation reports and related materials must be made in writing and reviewed with Eskom's Legal Department before they are granted.

### **4.7 Step 7: Analysis and action**

The purpose of analysis is to understand how and why the incident occurred, and to identify ways of preventing recurrence. The analysis must take into account all the information gathered during the investigation and classification phases. Actions and recommendations are developed to prevent any recurrence of the incident.

Analysing the information known about the incident provides a clear indication of the actions that must be taken.

Just as there are many ways in which an incident can occur, there are many actions that can be taken to remedy or improve it. Some may need to be applied across the whole organisation, whereas others may be specific to the incident. Actions ought to pertain to the potential severity and frequency of the incident, to ensure that adequate, effective and efficient actions are taken to prevent similar incidents from occurring.

The employer is responsible for implementing plans of action to prevent similar incidents from occurring and to test the effectiveness of such plans. These plans must take into account and inform the entire Management system (Safety, Health, Environment and Quality) to ensure continuous improvement.

The employer is responsible for tracking the progress and effectiveness of the implementation of these plans of action (i.e. recommendations, target dates, accountable person(s), etc.) by means of the minutes of meetings of the Statutory Health and Safety Committee. These minutes must be kept for at least three years.

In the case of safety, health and environmental related incidents, the employer must ensure that action plans are implemented. After completion of all actions relating to a particular incident, any independent and objective person must verify within three months, that the actions have been taken. Once verification has been completed, the file on a particular incident can be signed off and the incident closed.

### **4.8 Step 8: Regular monitoring**

The employer must ensure that regular monitoring is done to evaluate the effectiveness of the actions taken to reduce incidents and prevent similar incidents from occurring. Feedback on the results of and lessons learnt through monitoring must be given to staff and other stakeholders.

### **4.9 Step 9: Incident feedback**

Feedback is a vital part of incident management and is given to all stakeholders, including the injured and other employees, as well as the person who initially reported the incident. The open discussion

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process runs in parallel to the incident management process and is initiated as soon as the priority rating has been allocated.

The employer is responsible for fostering a culture and environment that promote feedback to all stakeholders and enable the sharing of lessons learnt from incidents as well as the successful actions taken to prevent similar events from occurring.

The employer is responsible for providing feedback to the injured and to other employees by following the key feedback principles. The employer is responsible for presenting the findings of the incident investigation and analysis at team meetings. This feedback includes the production and discussion of incident reports on a regular basis. This assists with sustaining the improvements.

The employer is also responsible for creating and maintaining a state of “informed alertness” among employees by passing on information to make them aware of hazards and risks.

The employer is responsible for putting a plan in place to ensure the sharing of information arising from lessons learnt and the successful implementation of actions and improvements, to all employees throughout the organisation. This must include at least the following:

- Publishing case studies on the lessons learnt from incidents on e.g. the Eskom Intranet after verification.
- Circulating reports (e.g. case studies, announcements) of incidents that occurred at a BU throughout the relevant division for other BUs, to ensure the implementation of applicable recommendations.

Other means could include minutes of team meetings, newsletters and other auditable communication strategies.

#### **4.9.1 Key principles of feedback through open disclosure**

The following key principles must be considered when giving feedback:

- Openness and timeliness of communication
- Expression of sympathy/condolences to demonstrate concern/care
- Recognition of the reasonable expectations of the injured and their support persons
- Support for staff members
- Confidentiality of information.

### **5 Communication plan**

The employer, the relevant health, safety and environmental specialists and the Group Communications Department must jointly develop, agree on and implement a communication plan to address the communication requirements of this procedure and to prepare for incidents and/or emergency conditions in which one or more of the following occurred, which could potentially have a negative effect on the brand and image of Eskom and/or result in urgent enquiries from the media, authorities, major customers; large groups of customers and/or other stakeholder groups:

- Incidents and/or emergency conditions that have or could have a significant environmental impact.
- Incidents and/or emergency conditions where the safety and/or health of an employee, contractor or member of the public have or could have been negatively affected.

The proposed scope and content of such a plan, as related to incident management, is described in Annex J on the Communication Plan.

## **6 Misconduct and disciplinary action**

Any transgression of **any of the following** will be treated as misconduct, must be investigated and could result in disciplinary action:

- If misleading information is deliberately supplied or information is deliberately withheld.
- If evidence is wilfully withheld, removed, disturbed or tampered with or distributed without the relevant permission.
- If witnesses or any person involved in the incident investigation process is victimised or intimidated.
- If notification of incident is not given within the specified time frames.
- If prioritisation of the incident is deliberately, wilfully manipulated to indicate a lower priority.
- If any incident is not fully investigated within the time frames specified.
- If incidents are deliberately, wrongfully classified.
- If any incident is not recorded.
- If plans of action are not implemented within the agreed time frames.
- If the effectiveness of controls is not assessed or tested within a reasonable time frame.

## **7 Supporting clauses**

### **List of supporting clauses**

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### **7.1 Scope**

This procedure is a Level 1 corporate document as defined in terms of the “Standard for the Definition of Eskom Documents (EST0001)”. This document describes the purpose, scope and sequence of the activities, control points and responsibilities required to perform a high-level managerial, administrative and technical function and how these functions will be recorded.

Compliance with this procedure is mandatory in its area of applicability.

#### **7.1.1 Purpose**

This procedure describes the high-level intention and requirements of incident management for the effective management of occupational diseases/illnesses, injuries and environmental damage that may occur during the course of Eskom's business. The aim of this procedure and its supporting annexes is to ensure and facilitate the effective and efficient management of incidents from the moment that an incident occurs until it is proven and tested that adequate corrective and preventive measures were put in place to prevent such or similar incidents.

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This includes detailed elements, such as addressing the reporting, communication, recording, measuring and investigation of work-related incidents to ensure consistent and standardised practices in Eskom and to promote learning from incidents.

The annexes set out the detailed rules, requirements and action steps. These have to be read and applied to ensure that the aim of this procedure is met. It is important to note that the annexes have the same weight and authority as the procedure.

### **7.1.2 Applicability**

This procedure shall apply throughout Eskom Holdings Limited, its divisions, subsidiaries and entities wherein Eskom has a controlling interest. In cases where Eskom does not have a controlling interest, this procedure shall apply if no such similar document exists.

This procedure is applicable to Eskom employees, contractors and members of the public affected by activities of or on behalf of Eskom as and on 1 April 2009.

## **7.2 Normative/Informative references**

Parties using this procedure shall apply the most recent edition of the documents listed below:

### **7.2.1 Normative**

The documents listed below contain provisions that, through reference in the text, constitute the requirements of this procedure. At the time of publication, the editions indicated were valid. However, these are subject to revision. All parties are encouraged to use the most recent revisions of the documents listed below. This information may be obtained from the Information Centre at Megawatt Park.

ISO 9001:2000	Quality Management Systems
32-77:	Management of Employee Incapacity due to Illness or Injury Procedure
32-84:	Eskom Information Security Policy
32-94:	Eskom SHE Policy
32-123:	Eskom Emergency Planning Procedure
32-249: Procedure	Environmental Liaison Committee (ELC) Performance Indicator Reporting
EST0001:	Standard for the Definition of Eskom Documents
Act No. 66 of 1995	Labour Relations Act, 1995
Act No. 58 of 1959	Inquest Act, 1959
Act No. 74 of 1962	Aviation Act, 1962
Act No. 15 of 1973	Hazardous Substances Act, 1973
Act No. 6 of 1981	Marine Pollution (Control and Civil Liability) Act, 1981
Act No. 85 of 1993	Occupational Health and Safety Act, 1993
Act No.130 of 1993	Compensation for Occupational Injuries and Diseases Act, 1993
Act No. 29 of 1996	Mine Health and Safety Act, 1996
Act No. 93 of 1996	National Road Traffic Act, 1996
Act No. 41 of 1987	Electricity Act, 1987
Act No. 75 of 1997	Basic Conditions of Employment Act, 1997
Act No. 36 of 1998	National Water Act, 1998

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Act No. 101 of 1998	National Veld and Forest Fire Act, 1998
Act No. 107 of 1998	National Environmental Management Act, 1998
Act No. 46 of 1999	Nuclear Energy Act, 1999
Act No. 47 of 1999	National Nuclear Regulator Act, 1999
Act No. 2 of 2000	Promotion of Access to Information Act, 2000
Act No. 15 of 2003	Explosives Act, 2003

### **7.2.2 Informative**

Not applicable.

### **7.3 Definitions**

See Annex A for a full list of definitions.

### **7.4 Abbreviations**

<b>BU:</b>	Business unit
<b>COID Act</b>	Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
<b>AFD</b>	Audit and Forensic Department
<b>EDC:</b>	Eskom Documentation Centre
<b>ELC:</b>	Environmental Liaison Committee
<b>ENT:</b>	Ear, Nose and Throat
<b>NIHL</b>	Noise Induced Hearing Loss
<b>NIOH</b>	National Institute for Occupational Health
<b>OHS</b>	Occupational Health and Safety
<b>OHS Act</b>	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
<b>OHSLC:</b>	Occupational Health and Safety Liaison Committee
<b>SHE:</b>	Safety, Health and Environment
<b>TES:</b>	Temporary Employment Service as defined by the Labour Relations Act, 127, as amended in 1998.
<b>WCC:</b>	Workmen's Compensation Commissioner

### **7.5 Roles and responsibilities**

Eskom and its subsidiaries shall take all reasonably practicable steps to prevent all incidents and harm to any person and the environment, including members of the public, and damage to property.

The employer is responsible for health and safety, as well as the implementation of this procedure and its accompanying Annexes.

The responsibilities of the employer are highlighted in this procedure and must be assigned to the applicable line manager/supervisors at every division and/or business unit (BU) and specific duties must be stipulated in the job compact of the applicable individual line manager/supervisor.

The employer must ensure that the relevant information in this procedure is communicated to all Eskom supervisors, employees, contractors and Temporary Employment Service Providers and any other person involved in Eskom's activities to which this procedure applies.

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Each division will be responsible (where applicable) for the development of its own supporting documents and standards in order to comply with this procedure. The requirements stipulated in this procedure will take precedence over any other requirement where there is a conflict.

### **7.5.1 Joint ventures**

There may be occasions when Eskom and other organisations combine resources to carry out a joint venture. Unless otherwise stipulated, each company in the joint venture must be liable for its own contraventions and could, therefore, be prosecuted in its own name without reference to any of the other companies involved.

Where the work is to be managed jointly with a joint venture partner, the requirements imposed on the employer in this procedure will also apply to the joint venture, unless the Joint Venture contractual agreement specified in writing, the health and safety arrangements as required in terms of section 37.2 (if applicable) of the OHS Act.

## **7.6 Process for monitoring**

It is recognised that this procedure will require a comprehensive rollout in Eskom. Each division will be required to submit a plan stipulating the issues that need to be addressed to comply fully with the requirements of this procedure. Compliance with the requirements of this procedure has to be done in accordance with the submitted plan, until the date of full implementation.

Compliance with the requirements of this procedure has to be audited by the BU at least annually as part of an internal review process. All records have to be audited by Assurance and Forensic or any person appointed by it to do so, on its behalf, at the discretion of Assurance and Forensic and at a frequency determined by it. The focus areas of such monitoring will include: Incident classification and reporting, and incident follow-up.

The Corporate Sustainability Department is responsible for reporting the statistical data monthly and, for the purposes of the annual report, annually.

## **7.7 Related/Supporting documents**

This procedure supersedes the following documents as from 1 April 2009:

- ESKPVABE4: Recording and measuring work injury experience, Rev 1; and
- ESKPVABN9: Reporting, recording and investigation of incidents, Rev 2.

## 8 Authorisation

### 8 Authorisation

This document has been seen and accepted by:

Name	Designation
PM Makwana	Acting Chief Executive
E Johnson	Chief Officer (Networks and Customer Service)
BA Dames	Chief Officer (Generation)
PS O'Flaherty	Finance Director
BE Bulunga	Managing Director (Human Resources Division)
MM Ntsokolo	Managing Director (Transmission Division)
Dr SJ Lennon	Managing Director (Corporate Services Division)
A Noah	Managing Director (Distribution Division)
HJ Steyn	Acting Managing Director (Enterprises Division)
K Lakmeerharan	Managing Director (System Operations and Planning Division)
T Govender	Managing Director (Generation Division)
DL Marokane	Managing Director (Primary Energy Division)

## 9 Revisions

Date	Rev.	Remarks
15 February 2010	1	Withdrawn due to technical reasons and incorrect application date of document.

## 10 Development team

This procedure was developed with inputs from OHSLC members and their mandated representatives:

OHSLC Members:

- R McIntyre, Generation Division and Primary Energy Division
- T Paterson, Transmission Division and Systems Operation & Planning Division
- A Stramrood, Distribution Division
- J Naidoo, Enterprises Division
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Mandated representatives:

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- M Mphelo, Human Resources Division
- D Lucas, Corporate Services Division
- Y Maistro, Corporate Services Division
- SN Middel, Corporate Services Division
- K Terblanche, Corporate Services Division
- W Madonsela, Corporate Legal Department.

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## Annex A: Definitions

The following definitions are used in and pertain to the requirements in this procedure:

List of definitions as they appear		Alphabetical list of definitions	
A.1 <a href="#">Risk Management</a>	A.11 <a href="#">Incident</a>	<a href="#">A person placed through a TES</a>	<a href="#">Recording</a>
A.2 <a href="#">Incident Management</a>	A.12 <a href="#">Accident</a>	<a href="#">A person under Learnership</a>	<a href="#">Regular place of work</a>
• <a href="#">Process</a>	A.13 <a href="#">Work-related incident</a>	<a href="#">Contract 18.2</a>	<a href="#">Repeat incident</a>
• <a href="#">Planning</a>	• <a href="#">Event</a>	<a href="#">Accident</a>	<a href="#">Response</a>
• <a href="#">Identification</a>	• <a href="#">Fatality</a>		<a href="#">Restricted duty</a>
• <a href="#">Notification</a>	• <a href="#">Occupational disease/illness</a>	<a href="#">Action</a>	<a href="#">Risk Management</a>
• <a href="#">Prioritisation</a>	• <a href="#">Disability</a>	<a href="#">Agent</a>	<a href="#">Root cause</a>
• <a href="#">Response</a>	• <a href="#">Permanent total disability</a>	<a href="#">Analysis</a>	<a href="#">Routine travel</a>
• <a href="#">Classification</a>	• <a href="#">Permanent partial disability</a>	<a href="#">Bursar</a>	<a href="#">Safety metrics</a>
• <a href="#">Recording</a>	• <a href="#">Temporary disability</a>	<a href="#">Business Unit (BU)</a>	<a href="#">Secondment</a>
• <a href="#">Investigation</a>	• <a href="#">Medical treatment case</a>	<a href="#">Classification</a>	<a href="#">Serious incident</a>
• <a href="#">Analysis</a>		<a href="#">Close-out</a>	<a href="#">Severity indicator</a>
• <a href="#">Action</a>	• <a href="#">First aid treatment case</a>	<a href="#">Communication</a>	<a href="#">Severity rate</a>
• <a href="#">Monitoring</a>	• <a href="#">Near miss occurrence</a>	<a href="#">Communing</a>	<a href="#">Site</a>
• <a href="#">Feedback</a>	• <a href="#">Vehicle and traffic incident</a>	<a href="#">Consultant</a>	<a href="#">Subcontractor</a>
• <a href="#">Close-out</a>	• <a href="#">Property damage incident</a>	<a href="#">Contractor</a>	<a href="#">Supervision</a>
• <a href="#">Communication</a>	• <a href="#">Serious incident</a>	<a href="#">Contractor employee</a>	<a href="#">Supervisory environment is altered</a>
A.3 <a href="#">Employer</a>	• <a href="#">Recordable incident</a>	<a href="#">Courier service</a>	<a href="#">Supplier</a>
A.4 <a href="#">Contractor/Mandatory</a>	• <a href="#">Technical incident</a>	<a href="#">Days of Lost time</a>	<a href="#">Technical incident</a>
• <a href="#">Vendor</a>	• <a href="#">Repeat incident</a>	<a href="#">Disability</a>	<a href="#">Telework</a>
• <a href="#">Third party contractors</a>		<a href="#">Domicilia citandi et executandi</a>	<a href="#">Teleworker</a>
• <a href="#">Supplier</a>		<a href="#">Employee</a>	<a href="#">Telecommuting</a>
• <a href="#">Courier service</a>		<a href="#">Employer</a>	
• <a href="#">Consultant or Personal contractor</a>			
• <a href="#">Agent</a>		<a href="#">Eskom employee</a>	<a href="#">Temporary place of residence</a>
• <a href="#">Joint venture</a>		<a href="#">Event</a>	<a href="#">Temporarily transferred</a>
• <a href="#">Principal contractor</a>		<a href="#">Fatality</a>	<a href="#">Temporary disability</a>
• <a href="#">Subcontractor</a>		<a href="#">Feedback</a>	
A.5 <a href="#">Employee</a>	A.14 <a href="#">Lost time injury</a>	<a href="#">First aid treatment case</a>	<a href="#">Temporary Employment Service (TES)</a>
• <a href="#">Permanent employee</a>	• <a href="#">Work injury</a>	<a href="#">Home</a>	<a href="#">Third party</a>
• <a href="#">Non-permanent employee</a>	• <a href="#">Restricted duty</a>	<a href="#">Identification</a>	<a href="#">Total recordable incident rate (TRIR)</a>
• <a href="#">A person placed through a TES</a>	A.15 <a href="#">Safety metrics</a>	<a href="#">Immediate cause</a>	<a href="#">Travel</a>
	• <a href="#">Lost time incidence rate (LTIR)</a>	<a href="#">Incident</a>	<a href="#">Vehicle and traffic incident</a>
• <a href="#">Temporary Employment Service (TES)</a>	• <a href="#">Total recordable incident rate (TRIR)</a>	<a href="#">Incident Management</a>	<a href="#">Vendor</a>
• <a href="#">A person under Learnership Contract 18.2</a>	• <a href="#">Severity indicator</a>	<a href="#">Investigation</a>	
• <a href="#">Bursar</a>	• <a href="#">Severity rate</a>	<a href="#">Irregular place of work</a>	
• <a href="#">Teleworker</a>	• <a href="#">Working-hours of exposure</a>	<a href="#">Joint venture</a>	
A.6 <a href="#">Eskom employee</a>	• <a href="#">Number of days lost through lost time injury (Days of Lost time)</a>	<a href="#">Lost time injury</a>	<a href="#">Visitor</a>
A.7 <a href="#">Contractor employee</a>		<a href="#">Lost time incidence rate (LTIR)</a>	<a href="#">Working-hours of exposure</a>
A.8 <a href="#">Pensioner</a>		<a href="#">Machinery</a>	<a href="#">Work injury</a>
A.9 <a href="#">Member of the public/</a>	A.16 <a href="#">Other definitions</a>	<a href="#">Management</a>	<a href="#">Workplace</a>
• <a href="#">Visitor</a>	• <a href="#">Management</a>	<a href="#">Member of the public</a>	<a href="#">Workplace boundaries</a>
• <a href="#">Minor</a>	• <a href="#">Supervision</a>	<a href="#">Minor</a>	<a href="#">Work-related incident</a>
A.10 <a href="#">Workplace</a>	• <a href="#">Business Unit (BU)</a>	<a href="#">Monitoring</a>	
• <a href="#">Workplace boundaries</a>	• <a href="#">Supervisory environment is altered</a>	<a href="#">Near miss occurrence</a>	
• <a href="#">Regular place of work</a>	• <a href="#">Temporary place of residence</a>	<a href="#">Non-permanent employee</a>	
• <a href="#">Irregular place of work</a>	• <a href="#">Temporarily transferred/secondment</a>	<a href="#">Normal travel</a>	
• <a href="#">Telework or "Telecommuting"</a>	• <a href="#">Commuting</a>	<a href="#">Notification</a>	
• <a href="#">Normal or routine travel</a>		<a href="#">Number of days lost through lost time injury</a>	
• <a href="#">Travel</a>		<a href="#">Occupational disease/illness</a>	
• <a href="#">Site</a>		<a href="#">Pensioner</a>	
• <a href="#">Plant</a>		<a href="#">Permanent employee</a>	
• <a href="#">Machinery</a>		<a href="#">Permanent partial disability</a>	
		<a href="#">Permanent total disability</a>	
		<a href="#">Personal contractor</a>	
		<a href="#">Planning</a>	
		<a href="#">Plant</a>	
		<a href="#">Principal contractor</a>	
		<a href="#">Prioritisation</a>	
		<a href="#">Process</a>	
		<a href="#">Property damage incident</a>	

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## **A.1 Risk Management**

Risk management is the human activity which integrates the recognition of risk, risk assessment, developing strategies to manage it, and mitigation of risk using managerial resources, with the objective to reduce different risks to an acceptable level.

## **A.2 Incident Management**

Incident management is the management of incidents through planning, organising, leading/motivating and controlling the work environment to prevent incidents from occurring. This includes the effective communicating, reporting, measurement, recording and investigation of incidents.

### **A.2.1 Definitions that relate to Incident Management**

The following definitions relate to the Incident Management process:

Process	A naturally occurring or designed sequence of changes in properties or the attributes of an object or system.
Planning	<p>Planning is both the organisational process of creating and maintaining a plan; and the psychological process of thinking about the activities required to create a desired future on some scale. As such, it is a fundamental property of intelligent behaviour.</p> <p>The term is also used to describe the formal procedures used in such an endeavour, such as the creation of documents and diagrams or holding meetings to discuss the important issues to be addressed, the objectives to be met and the strategy to be followed.</p>
Identification	The function of Identification is to map a known quantity to an unknown entity so as to make it known. Identification is the capability to find, retrieve, report, change or delete specific data without ambiguity.
Notification	A process of using a system as a means of delivering a message to a set of recipients.
Prioritisation	A process of establishing or arranging priorities for a set of tasks, to be dealt with in order of importance.
Response	Mobilisation of the necessary resources to manage the events following an incident.
Classification	A process in which incident information is placed into groups, based on quantitative information about one or more inherent characteristics (e.g. variables, characters, etc.) and in relation to a set of previously labelled categories or a taxonomy (i.e. kinds of things that are arranged frequently in a hierarchical structure, typically related by subtype-super type relationships, also called parent-child relationships.)
Recording	Recording is a process of capturing data or translating information into a format stored on a storage medium (often referred to as a record), for the collection of data.
Investigation	Investigation is the process of inquiring into a matter through research, follow up, study or a formal procedure of discovery.
Analysis	The process of breaking down a complex topic into smaller parts to gain a better understanding of it.
Action	Making a change to address a weakness identified in a management system, in response to an incident.

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Monitoring	To monitor or monitoring generally means to be aware of the state of a system, using a monitor or a measuring device of some sort, e.g. observation.
Feedback	A bi-directional process of sharing observations, concerns and suggestions with another person with the intention of improving his/her performance or understanding as an individual, so as to ensure continuous improvement.
Close-out	The final step in an investigation to verify that all recommendations have been implemented.
Communication	A process that allows an exchange of information by several methods, and that requires feedback.

### **A.3 Employer**

An employer is defined in terms of Section 1 of the OHS Act, which states:

“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 labour broker as defined in section 1(1) of the Labour Relations Act, 1956.”

For the purpose of this document, the employer means the person who represents the company in terms of section 16.1 or any person formally assigned in terms of section 16.2 of the OHS Act.

### **A.4 Contractor (also referred to as a mandatary)**

For the purpose of this document any employer formally contracted (directly or indirectly) by Eskom and who performs work, supplies a service, product, equipment or material for the purposes of advancing Eskom's business or other interests. This includes personal contractors (i.e. consultants) and third party contractors i.e. vendors, suppliers, agents, joint ventures, principal contractors and subcontractors.

#### **A.4.1 Contractor types**

In order to explain the various types of contractor, the following definitions apply:

Vendor	Any employer who provides a service or product in terms of a specified contract.
Third party contractors	A third party identified by Eskom e.g. Close Corporations, organisations, companies and (Pty) Ltd companies for a specific scope of work.
Supplier	Any person or organisation which supplies any product, equipment or material; and this includes courier services.
Courier service	Any legal entity contracted (directly or indirectly) for the delivering of messages, packages and mail.
Consultant	Any person, whether self-employed or not, who provides advice or a service in a particular area of expertise. Note: this excludes permanent Eskom employees (S band Task Grading S14 to 18 and SSE)
Agent	Any person who acts as a representative for Eskom as the client, as defined in the OHS Act, Construction Regulations.
Joint venture	An entity formed through a decision and agreement to work together between two or more persons, parties and/or organisations to undertake an economic activity together and which entity is managed by means of this agreement. The parties agree to create a new entity by both contributing equity, and they then share in the revenues, expenses and control of the enterprise.

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Principal contractor	<p>An employer that is appointed in a formal agreement or contract with Eskom for the supply of a product, material or service.</p> <p>This implies that the principal contractor has overall control and management of a part or the whole of the actions and resources required to ensure that contractual obligations are met.</p>
Subcontractor	<p>An employer that is appointed in a formal agreement or contract with an Eskom Principal Contractor or another Subcontractor and has no direct, formal contractual agreement with Eskom.</p> <p>The relationship between these entities exists, however, in order to satisfy an agreement between a Principal Contractor and a Subcontractor, or a Subcontractor and another Subcontractor, in order to fulfil the contractual obligations that form part, or are the whole, of the agreement or contract with Eskom for the supply of a product, material or service for the purposes of advancing Eskom's business interests.</p>

## A.5 Employee

A person who has entered into or works under a contract of service, apprenticeship or learnership with an employer, whether the contract is express or implied, oral or in writing, whether the remuneration is calculated by time or work done and paid for in cash or in kind, or tacitly (by tacit agreement) and includes cases where such a person is under the control, instruction and supervision of his/her employer, namely:

- a. Permanent employee, which includes a:
  - a.1. full-time employee,
  - a.2. part-time employee;
  - a.3. shift worker; and
  - a.4. a person referred to as a learner (18.1) or an apprentice in the Conditions of Service for Bargaining Unit employees.
- b. Non-permanent employee, which includes:
  - b.1. a person placed through a TES (Includes a Labour Broker/Personnel Agency);
  - b.2. a temporary employee;
  - b.3. a casual employee employed for the purpose of the employer's business;
  - b.4. an occasional employee;
  - b.5. a vacation student;
  - b.6. any person employed in terms of a Fixed Term Contract, and
  - b.7. A person under a Learnership Contract 18.2.
- c. A bursary holder while under the supervision and/or direction of an employer.

Note 1: An employee only has one employer at any given time. The employer is the person with whom he/she is in a contractual relationship of employment, even when he/she performs his/her contractual obligations for another person.

Note 2: A pensioner is excluded/not regarded as an employee as the employee-employer relationship does not exist.

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**A.5.1 Employee types**

In order to explain what an employee is, the following definitions apply:

Permanent employee	<ul style="list-style-type: none"><li>• Full-time employees who work regular/normal working hours in the day time on a continuous basis. (Also referred to as day workers or non-shift workers)</li><li>• Part-time employees who work a five-hour period daily on a continuous basis.</li><li>• Shift workers who are full-time employees performing their duties in variable periods according to approved shift rosters</li><li>• A person referred to as a learner (18.1) or an apprentice in the Conditions of Service for Bargaining Unit employees.</li></ul>
Non-permanent employee	<ul style="list-style-type: none"><li>• A person placed through a TES (includes a Labour Broker/Personnel Agency);</li><li>• Casual employees who work fewer than 24 hours (i.e. working hours) in any month and who do not qualify for fringe benefits</li><li>• Occasional employees who are employed for more than three (3) successive days for a specific purpose or a period not longer than six (6) months and whose services will be terminated when the purpose has been accomplished or the period expires and shall include persons employed on a temporary basis for relief purposes</li><li>• A vacation student under the supervision and/or direction of an employer which includes University students, University of Technology students and matriculants who do not hold an Eskom bursary</li><li>• any person employed in terms of a Fixed Term Contract</li><li>• A person under Learnership Contract (18.2) for the purpose of this document, while on an Eskom site or any other site under Eskom's supervision.</li><li>• Apprentice for the purpose of this document, while on an Eskom site or any other site under Eskom's supervision.</li></ul>
A person placed through a TES (includes a Labour Broker /Personnel Agency)	Any person placed through a Temporary Employment Service (TES) on a contractual basis to perform work and who is remunerated by the Temporary Employment Service and works under the control, instruction and supervision of the employer.
TES (includes a Labour Broker/Personnel Agency)	<p>A registered person or business who has a letter of good standing with the Workmen's Compensation Commissioner and who –</p> <ul style="list-style-type: none"><li>• Procures or provides employee(s) to perform work or render services for a client; and</li><li>• Remunerates those employees.</li></ul> <p>Both of these elements must be present for the person providing or procuring the employees to fall under the definition of a TES.</p> <p>Must be in possession of the applicable Letter of Good Standing with the Workman Compensation Commissioner.</p>
A person under Learnership Contract 18.2	A person who is not employed by Eskom and who is recruited to enter into a learnership agreement. Learners appointed prior to 1 May 2006.
Bursary holder	A temporary worker who works during holidays or according to another similar arrangement as part of his/her training; also regarded as a casual worker.

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#### **A.5.2 Teleworker**

An employee performing Telework or "Telecommuting".

#### **A.6 Eskom employee**

Any employee (see definition of an Employee) employed by Eskom Holdings (Pty) Ltd or any of its subsidiaries.

Any contractor employee (excluding suppliers), where a written agreement does not exist between Eskom and the contractor in terms of section 37(2) of the OHS Act.

Any contractor employee, governed by the Mine Health and Safety Act.

#### **A.7 Contractor employee**

Any employee (see definition of an employee) employed by a Contractor (i.e. either a Principal Contractor or a Subcontractor) to perform work for Eskom.

It excludes any contractor employee, where no written agreement on the arrangements and procedures to ensure compliance between Eskom and the contractor is available as required in terms of section 37(2) of the OHS Act.

A section 37(2) agreement is not required for a supplier and suppliers will be regarded as contractors.

Temporary employees who could include persons who are retired members of the employer's Pension Fund or who are retired members of the Pension Funds over the age of 55 and who are appointed on an contractual basis

#### **A.8 Pensioner**

A pensioner is a person who has retired, and now collects a pension. It is accordingly implied that the person stopped employment completely.

This usually happens upon reaching a determined age, when physical conditions do not allow the person to work any more (by illness or accident), or even by personal choice (usually in the presence of an adequate pension or personal savings).

#### **A.9 Member of the public**

Any person who is not regarded as an Eskom employee or a Contractor employee in any manner, including visitors and minors.

Any family member or visitor of a Teleworker, in the event of an incident if present and involved in performing work for or on behalf of the Teleworker at the house deemed to be the employee's house (section 37), will be regarded as a member of the public.

##### **A.9.1 Member of the public related definitions**

Visitor	Any person visiting a workplace with the knowledge of or under the supervision of an employee. This could include a minor.
Minor	A person who is under the age at which one legally assumes adulthood and is legally granted the rights afforded to adults in society. According to the South African Constitution (section 28), "child" (i.e. a minor) means a person under the age of 18 years.

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## **A.10 Workplace**

Any premises or place where a person performs work in the course of his/her employment, including a private home or portion thereof in the case of Telework, a vehicle, aircraft, train, boat or vessel.

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**A.10.1 Workplace-related definitions**

Workplace boundaries	<p>On Eskom property: the boundaries of the workplace include the area where a person enters through any defined first point of entry e.g. entrance, gate, boom etc. The actual point of entry/exit will be the point where Eskom actively exercise control over such entrance area, gate or boom. In the absence of the above, any area up to the point where the employee, who is on the way from or to home (i.e. commuting), enters or leaves his/her scheme car, private vehicle or the public transport that is used for Eskom purposes with permission and refunded by Eskom.</p> <p>In the case of a lease agreement, the first access point will be regarded as the boundary of the leased premises, unless stipulated otherwise.</p> <p>Any defined workplace where the employee performs work, including</p> <ul style="list-style-type: none"> <li>• an irregular place of work; and</li> <li>• a regular place of work.</li> </ul>
Regular place of work	<p>The boundaries of the workplace include any area up to the point where an employee enters or leaves his/her private vehicle/ scheme vehicle/public transport. That part of the workplace where the employee's office/workstation is and/or he/she will for example:</p> <ul style="list-style-type: none"> <li>• Report for duty and/or regularly attends meetings</li> <li>• Receive his/her job cards and/or principal work instructions</li> <li>• Receive training or perform work activities at the same venue for more than five consecutive working days</li> <li>• Perform his/her administrative functions, e.g. completing leave applications, receiving salary slips, etc.</li> </ul>
Irregular place of work	Any other workplace excluding the regular place of work.
Telework or "Telecommuting"	<p>Work performed by the employee at his/her home, in the course and scope of his/her employment, for the employer as <b>formally agreed</b> and/or directed by the employer. During the time that such work is performed the appropriate area (either pre-defined or the house and/or property as a whole) will be regarded as the "workplace". The onus is on the employer to ensure a safe working environment and is obliged to conduct an assessment in order to ensure as far as reasonable practicable the identification of obvious potential hazards related to Telework.</p> <p>(Note: Assessment to be conducted in either an indirect or direct manner as regarded by the supervisor as appropriate for the particular circumstances at that time.</p>
Normal or routine travel	Normal or routine travel includes travel at irregular hours due to late shifts, overtime, special or urgent/emergency work, etc.
Travel	Moving from one area to another, which includes walking, cycling, flying, driving or travelling as a passenger.
Site	The location of an event, structure or object, whether actual, virtual, abandoned (e.g. an archaeological site), present or planned. This may or may not have boundaries.
Plant	This includes fixtures, fittings, implements, equipment, tools and appliances, and anything that is used for any purpose in connection with such plant.
Machinery	Means any article or combination of articles assembled, arranged or

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	connected and which are used or intended to be used for converting any form of energy to performing work, or which are used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.
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### **A.11 Incident**

Any unplanned event, which could or does result in harm, damage and/or environmental pollution or degradation.
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### **A.12 Accident**

Any unplanned event, which results in harm, damage and/or environmental pollution or degradation.
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### **A.13 Work-related incident**

Any incident occurring at any workplace or arising out of or in connection with the activities of persons at work (whether authorised or not authorised), or in connection with the use of plant or machinery, in which, or in consequence of which:
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| <ul style="list-style-type: none"><li>• any person (i.e. employee, contractor or member of the public):<ul style="list-style-type: none"><li>○ dies (i.e. a fatality);</li><li>○ becomes unconscious;</li><li>○ loses a limb or part of a limb;</li><li>○ is otherwise injured or becomes ill to such a degree that he/she is either likely to die or to suffer a permanent physical defect (e.g. an occupational disease/illness, permanent total/partial disability, etc.); or</li><li>○ is likely to be unable either to work or to continue the activity for which he/she was employed or is usually employed (e.g. temporary disability). This includes post-traumatic stress syndrome.</li></ul></li><li>• the health or safety of any person was endangered and where:<ul style="list-style-type: none"><li>○ a dangerous substance was spilled;</li><li>○ the uncontrolled release of any substance under pressure took place;</li><li>○ an uncontrolled release of electrical energy occurred, i.e. a flash over;</li><li>○ machinery or part thereof fractured or failed, resulting in flying, falling or uncontrolled moving objects; or</li><li>○ machinery ran out of control.</li></ul></li><li>• a substance pollutes or has the potential to pollute a water resource; or has, or is likely to have, a detrimental effect on a water resource;</li><li>• significant pollution or degradation of the environment has been or may be caused;</li><li>• there was a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed.</li><li>• This also includes the following:<ul style="list-style-type: none"><li>○ Contraventions of legislation and notices (e.g. prohibition notices)</li></ul></li></ul> |
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- Medical treatment and first-aid treatment cases
- Near-miss occurrences
- Vehicle and traffic incidents
- Property damage incidents
- Any incident as described in the related environmental legislation
- Any incident which has to be investigated under section 12 of the Aviation Act, 1962.

**A.13.1 Supporting definitions**

In order to explain what an Incident is, the following definitions apply:

Event	An event is the product of a chain of occurrences.
Fatality	<p>A fatality is an incident occurring at work or arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequence of which, any person (i.e. employee, contractor or member of the public) dies regardless of the time intervening between the injury and/or exposure to the cause and death.</p> <p>This excludes the death of a person (employee or contractor employee) while at the workplace and on duty who dies as a consequence of any activity not directly related to the course and scope of the deceased's employment (e.g. death from natural causes, etc.)</p>
Occupational disease/illness	Any confirmed disease/illness arising out of and in the course of an employee's employment and which is listed in Schedule 3 of the COID Act or any other condition as determined by the Occupational Medical Practitioner. Confirmation must be given by an Occupational Medical Practitioner based on the objective diagnostic analysis and/or feedback from specialists depending on the disease or illness.
Disability	A condition that resulted from disease/illness, trauma, a health or safety-related incident and/or condition which prevents the person from performing his/her regular/normal individual functions. This could be categorised as either a permanent partial, permanent total or temporary disability.
Permanent total disability	<p>An injury, other than one which results in death, which permanently and totally incapacitates an employee from following any gainful occupation, or which results in the loss of use of any of the following in any one incident:</p> <ul style="list-style-type: none"><li>• Both eyes</li><li>• One eye and one hand, or one eye and one arm, or one eye and one foot, or one eye and one leg</li><li>• Any two of the following not on the same limb: hand, foot, arm or leg.</li></ul>
Permanent partial disability	<p>An injury other than one which results in death or permanent total disability, but which results in the complete loss of use of any member or part of a member of the body, or any permanent impairment of functions of the body or part thereof, regardless of any pre-existing disability of the injured member or impaired body function.</p> <p>This definition excludes the following:</p> <ul style="list-style-type: none"><li>• Inguinal hernia</li><li>• Loss of fingernails or toenails</li><li>• Loss of tip of finger without bone involvement</li><li>• Loss of teeth</li></ul>

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	<ul style="list-style-type: none"> <li>• Disfigurement</li> <li>• Strains or sprains which do not cause permanent limitation of motion.</li> </ul>
Temporary disability	A disability that is of a temporary nature.
Medical treatment case	<p>An incident that results in a work injury where <b>treatment</b> was rendered by an occupational health nurse practitioner, a doctor or hospital within a 24-hour period <b>and</b> medication is prescribed or <b>the nature of treatment is</b> such that a First Aider is not qualified to render that assistance.</p> <p>Note: <b>Treatment</b> for the purpose of this document excludes any diagnostic or examination procedure or method use in the establishment of the extent of injuries or illnesses. (For example X-rays or scans)</p>
First-aid treatment case	<p>An incident resulting in a work injury that necessitates <b>treatment</b> by either a first-aider or an Occupational Health Nurse acting as a first aider, where:</p> <ul style="list-style-type: none"> <li>• no medication is prescribed and/or dispensed; (except Paracetamol administered by an Occupational Health Nurse as a once off within a 24 hour period)</li> <li>• no subsequent medical treatment is required;</li> <li>• no referral is required;</li> <li>• the affected employee is able to resume work after the injury has been treated.</li> </ul> <p>Note: in the case of a lack of information or documentation with regard to the level of treatment received by the injured after visiting a doctor, such a case to be regarded as a medical.</p>
Near-miss occurrence	<p>Any incident or any event that did not result in damage and/or injury but that had the potential, under slightly different circumstances, to cause harm or damage.</p> <p>This for example includes instances where the traffic rules were not adhered to (e.g. speeding) and a traffic fine was issued.</p> <p>Any incident where an employee was <b>exposed</b> to an occupational hygiene stress factor (including ionised radiation) whereby the Occupational Exposure Limit have <b>not</b> been exceeded but under slightly different circumstances, could cause harm, occupational diseases or ill health affects.</p> <p>Note: In the case where the OEL have been exceeded such a case will be classified according to the severity of injuries or treatment required.</p>
Vehicle and traffic incident	An incident in which an Eskom-insured (directly or indirectly) vehicle sustains damage; including private vehicles used with written permission from the applicable supervisor where the vehicle was used for furthering Eskom's business. This excludes incidents where the vehicle was stationary and unoccupied, or any incidents of windscreen chips with no serious or potential consequences.
Property damage incident	Any incident that results in property damage. This also includes an incident where the vehicle was stationary and unoccupied, or any incident of windscreen chips with no serious or potential consequences.
Post-traumatic stress disorder / syndrome	A mental disorder / syndrome certified by qualified Psychiatrist, following exposure to an extreme traumatic work related event or stressor.

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### **A.13.2 Other related definitions**

The following definitions relate to work-related incidents:

Serious incident	An incident as defined in section 24(1) of the OHS Act, but including a traffic incident on a public road and electrical contact incidents involving members of the public. Whenever anything becomes reportable in terms of the Act, it is regarded as serious. This includes the uncontrolled exposure of persons to Occupational Hygiene stress factors. It also includes incidents with the potential to cause a serious injury, as well as incidents that have caused or may cause significant pollution or degradation of the environment, and incidents that are or have resulted in a contravention of legislation.
Recordable incident	Any injury which must be recorded in terms of the OHS Act, i.e. medical treatment case, lost time injuries, serious injuries.  It also includes an incident which must be recorded and reported in terms of the Environmental Liaison Committee (ELC) Performance Indicator Reporting Procedure (32-249).
Technical incident	Any event occurring at work or arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequence of which, a major technical incident (as defined by Assurance and Forensic) occurred (e.g. any event of a technical nature occurring in the plant).
Repeat incident	<p>An incident can be classified as a Repeat incident, if in a similar type of incident (i.e. the specific sources of the incidents are the same):</p> <ul style="list-style-type: none"><li>• one or more of the <b>specific</b> causal factors (immediate and/or root causes) that were identified in previous incidents (at least within own division), were once again identified as a causal factor of a subsequent incident that occurred for the same type of incident; or</li><li>• one or more of the corrective actions that were identified in previous incidents, are once again identified as a corrective action to be taken for a subsequent incident.</li></ul> <p>A repeat incident applies to incidents involving employees, contractors and/or members of the public that re-occurred <b>at least within a 5 year</b> period within:</p> <ul style="list-style-type: none"><li>a) the same BU (all incidents) and</li><li>b) relevant Eskom division or subsidiary (at least all LTI related incidents) or</li><li>c) any other sites involving fatalities. .</li></ul>

### **A.14 Lost time injury**

A work injury, including any occupational disease/illness or fatality, which arises out of and in the course of employment and which renders the injured employee or contractor unable to perform his/her regular/normal work on one or more full days or shifts other than the day or shift on which the injury occurred. (Normal work refers to any work where a person can perform his/her normal duties without restriction.) This will apply if any employee is booked off, it will be regarded as a Lost Time.

This also includes, but is not limited to, the following:

- Amputation or permanent loss of the use of a limb or part thereof is classified as a lost time injury.
- All bone fractures excluding hairline fractures are classified as lost time injuries, even if no time was lost.

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- Any occupational disease/illness certified by an occupational medical practitioner or a specialist in the medical field, depending on the case (e.g. NIHL, an ENT or Audiologist; lung diseases confirmed by a specialist by means of diagnostic evaluation/examination), is also classified as a lost time injury, whether or not any time was lost. Date of confirmation by the specialist will be deemed as date of incident.
- In the case of Noise Induced Hearing Loss, consecutive threshold shifts in excess of 10% will be regarded as separate lost time injuries.
- Any incident which occurs while an employee was off duty and because of the situation at that time and his/her expertise, put him/herself on duty in order to save a life, or to protect Eskom's property or conduct any duty during an emergency situation and in this way furthering Eskom's business. Such an incident will be regarded as a lost time injury.
- This includes restricted duty as per definition.

The following incidents will not be regarded as lost time injuries:

- In the event of a hairline fracture, no lost time injury may be recorded only if the attending physician specifies that the injured person is not restricted in performing his/her normal duties as per the involved employees job specification and no time was lost.
- A person losing a shift due to being hospitalised for 48 hours or less for the purposes of observation (no medication is administered or treatment provided) will not be regarded as having suffered a lost time injury. This will exclude chronic medication prescribed prior to the incident which is unrelated to the incident and reasons for observation.

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**A.14.1 Lost time injury: supporting definitions**

In order to explain what a lost time injury is, the following definitions apply:

Work injury	<p>Injury to Eskom employees and/or contractor employees, whether full-time, casual, occasional, part-time, unattached learner (while on Eskom premises), bursary holder (while on Eskom premises) etc., arising out of and in the course of employment, including occupational diseases/illnesses and exposures reportable in terms of sections 24 and 25 of the OHS Act.</p> <p>Note: Occupational diseases/illnesses involving labour broker employed through Labour Broker Agencies, will not be counted against Eskom's employee statistics due to the difficulty in monitoring exposures while exposed to other employers or multiple employers.</p> <p>Medical surveillance of labour broker employees is still required to be done by Eskom either directly or by means of an agreement with the applicable Labour Broker service provider.</p>
Restricted duty	<p>When an injured employee or contractor is not booked off but cannot perform all or <b>any</b> part of his/her duties as per job compact/ specified job outputs or any duty/work/task required by the employer as part of the employee's normal duty even though it is not listed or referred to in the individual's job specification or job compact.</p> <p>Note: Where the term 'Light duty' is used, it will be regarded (by implication) as restricted duty and therefore the employee is regarded as not fit for normal duty as specified in the first medical or any other medical report. This will therefore be regarded as a Lost time injury.</p>

**A.15 Safety metrics**

The following safety metrics are used in Eskom:

Metrics	Definition	Calculation
Lost time incidence rate (LTIR)	<p>The LTIR is a proportional representation of the occurrence of industrial lost time injuries excluding all passengers in commuting incidents.</p> <p>It is used internationally as an indicator or measure of health and safety performance.</p> <p>The figure 200 000 refers to the average number of hours worked by 100 employees in one year.</p> <p>The LTIR reflects a rough estimate of the percentage of the workforce that suffered a lost time injury in the preceding 12 months.</p>	<p><math>LTIR = (\text{The number of lost time injuries} \times 200\,000) / (\text{total number of employee work hours})</math></p> <p>Where:</p> <ul style="list-style-type: none"><li>The number of lost time injuries is the sum of all the lost time injuries that occurred over a 12-month period; and</li><li>Total number of employee work-hours is the sum of all employee work hours over a 12-month period.</li></ul>
Total recordable incident rate: (TRIR)	<p>The TRIR is a proportional representation of the occurrence of Total Recordable incidents.</p> <p>It is used internationally as an indicator or measure of health and safety performance.</p> <p>The figure 200 000 refers to the average number of hours worked by 100 employees in one year.</p> <p>The TRIR reflects a rough estimate of the percentage of the workforce that suffered a</p>	<p><math>TRIR = (\text{Total number of Recordable Incidents} \times 200\,000) / \text{Total number of employee work hours}</math></p> <p>Where:</p> <ul style="list-style-type: none"><li>Total number of Recordable Incidents is the sum of all Recordable incidents that occurred in a 12-month period; and</li><li>Total number of employee work hours is the sum of all employee</li></ul>

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	Recordable incident in the preceding 12 months.	work hours over a 12-month period.
Severity Indicator	<p>An indicator recording the number of lost time injuries according to their severity and measured in accordance with the number of days lost and is classified in periods of 1 to 3 days; 4 to 13 days; or ≥ 14 days.</p> <p>Occupational medical practitioner has to advise on the protocol used to determine the number of days booked off.</p>	

Severity rate	<p>The severity rate provides a proportional representation of the days lost through lost time injuries as a percentage of the number of working hours worked. (Based on a 12-month rolling average.)</p> <p>It is an indication of the seriousness of the fatalities, injuries and occupational diseases/illnesses experienced in terms of days lost, according to COID Act schedules, where:</p> <ul style="list-style-type: none"> <li>the number of days lost for a fatality equals 6 000 days;</li> <li>the number of days lost for occupational diseases/illnesses equals: <ul style="list-style-type: none"> <li>4 000 days for occupational diseases/illnesses that result in permanent disablement (e.g. Noise Induced Hearing Loss (NIHL)); (refer to Schedule 3 in the COID Act – standard) or</li> <li>6 000 days for occupational diseases/illnesses where the disease/illness (e.g. asbestosis) could result in the death of the individual.</li> <li>Note: Excluding occupational diseases/illnesses involving labour broker placed employees.</li> </ul> </li> </ul>	<p>Severity Rate = (The number of days lost x 200 000)/(total number of employee work hours)</p> <p>Where:</p> <ul style="list-style-type: none"> <li>The number of days lost is the sum of all the days lost over a 12-month period; and</li> <li>Total number of employee work-hours is the sum of all employee work hours over a 12-month period.</li> </ul>
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#### **A.15.1 Safety metrics: supporting definitions**

In order to explain what safety metrics are, the following definitions apply:

Working-hours of exposure	<p>The total hours of exposure which are standardised per division, including regular/normal working hours and overtime.</p> <p>This must be calculated for Eskom employees and may be calculated for either Eskom employees or contractor employees. This calculation includes clerical, administrative and all other employees as defined in the respective definitions of “Eskom employees” and “Contractor employees”.</p> <p>Where it is not reasonable practicable to calculate the actual number of working hours, an estimated average number of hours (accepted as between 180 to 200 hours) per person per month may be used. This estimate must be representative</p>
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	of the actual working hours applicable to the particular division and/or business unit. The division and/or business unit must investigate the baseline of working-hours worked over a period of at least six months. Such period must be typical and representative of the working-hours worked for that particular division and/or business unit and must be reviewed at least every two years or when circumstances change.
Number of days lost through lost time injury (Also referred to as Days of Lost Time)	<p>The total number of full calendar days that an injured person is unable to perform his/her regular/normal duties as a result of a work injury. The total does not include the day on which the injury occurred or the day on which the injured person returned to work; but it does include the intervening Saturdays, Sundays, public holidays or plant-shutdown days..</p> <p>In a case where the injured person's service was terminated, the number of days lost would be determined by the medical practitioner involved.</p>

## A.16 Other definitions

The following definitions are some of the additional definitions, not yet defined, that play a significant role in the classification of incidents, e.g. the type of relationship with the person, the responsible employer, the cause of the incident and the severity of the incident:

Management	<p>Management comprises a directing and controlling group of one or more people or entities for the purpose of co-ordinating and harmonising that group towards achieving a goal.</p> <p>Management often encompasses the deployment and manipulation of human resources, financial resources, technological resources and natural resources.</p>
Supervision	<p>An action necessary, by a competent person appointed in the role of supervisor, to ensure:</p> <ul style="list-style-type: none"> <li>the performance of work activities; as well as</li> <li>the health and safety of any person at work and/or any person affected by activities arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery.</li> </ul>
Supervisory environment is altered	Situations where the supervisor is no longer able to supervise the particular working environment and is not able to conduct the required risk assessment
Business unit (BU)	Any defined unit within the Eskom environment, operating as a business under a particular cost-centre number. In the context of this document and in terms of health and safety, any reference to a BU includes a defined unit within any Eskom division and its subsidiaries.
Temporarily transferred/ Secondment	Any employee performing work (including training, lecturing / facilitating) at another BU or external company, that is part of a formal arrangement.
Commuting	Travel from home to a regular place of work and back home. This <b>excludes</b> travel from a workplace including campsites and other accommodation sites (i.e. hotels) where work is performed.
Home (Domicilia citandi et executandi)	The person's physical address at which legal proceedings may be instituted. A permanent place of residence.
Temporary place of residence	A temporary place of residence utilised by the employee for example: a hotel / guesthouse / construction camp site or any other place of temporary residence.
Immediate cause	The causes of an incident that can be detected by our senses (i.e. they can be seen, heard, smelled, touched and sometimes tasted.) These causes are readily

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	apparent or evident and immediately precede the contact or incident.
Root causes	The most basic causes of an incident that can reasonably be identified, over which management has control and which management can rectify and for which effective corrective actions for preventing a recurrence can be taken, for example, a fundamental weakness of design, quality of workmanship or operation and defects.
Athletic activities	All activities involving physical exercises. This includes all exercise, sports or games, any vigorous or energetic actions and any physical activity or exertion.

## **Annex B: Step 2: Notification (Initial reporting)**

Eskom's occupational health staff or external medical practitioners shall, where reasonably practicable, be responsible for initially assessing the injury sustained and/or disease/illness contracted by a person in Eskom's employ, arising out of and/or in the course of his/her employment.

### **B.1 Initial notification**

Initial information must be sufficient to enable notification to be given to the external and the internal stakeholders.

If information is not readily available, the available information must be used. An updated notification must be distributed to all stakeholders, as more information becomes available.

### **B.2 Notification to external stakeholders**

The employer is responsible for notifying or reporting incidents to external stakeholders (i.e. regulatory bodies as prescribed in legislation) as soon as is reasonably practicable or within the specified time frames prescribed by legislation. These requirements include, but are not limited to, the requirements stipulated in Table B.2.

Table B.2. Summary of legislative requirements related to Notification

<b>Report to</b>	<b>Legislative requirement and format requirements</b>
Department of Health  South African Police Service	<p>According to the <b>Hazardous Substances Act, 1973</b> in the event of a Group IV hazardous substance in respect of which he/she has an authority,</p> <ul style="list-style-type: none"><li>• being lost, stolen or missing;</li><li>• being released or being reasonably suspected to have been released into the atmosphere as a gas, aerosol or otherwise;</li><li>• being dumped or otherwise released in such a way that, in his/her opinion, it could cause contamination.</li></ul> <p><b>Notification requirements:</b></p> <p>Notify the Director-General and in the case of theft, the South African Police Service by telephone, telegram, facsimile or other similar rapid means, of the events in question forthwith, and such notification shall be followed up within seven days by a written report.</p>

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Report to	Legislative requirement and Format requirements
<p>Department of Environmental Affairs and Tourism</p> <p>South African Police Service</p> <p>Relevant provincial head of department or municipality</p> <p>All persons whose health may be affected by the incident</p>	<p>According to the <b>National Environmental Management Act, 1998</b> in the event of an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed, report to</p> <ul style="list-style-type: none"> <li>the Director-General;</li> <li>the South African Police Service and the relevant fire prevention service;</li> <li>the relevant provincial head of department or municipality; and</li> <li>all persons whose health may be affected by the incident.</li> </ul> <p><b>Notification requirements:</b></p> <p>The responsible person or, where the incident occurred in the course of that person's employment, his or her employer must forthwith after knowledge of the incident, report through the most effective means reasonably available:</p> <ul style="list-style-type: none"> <li>the nature of the incident;</li> <li>any risks posed by the incident to public health, safety and property;</li> <li>the toxicity of substances or by-products released by the incident; and</li> <li>any steps that should be taken in order to avoid or minimise the effects of the incident on public health and the environment.</li> </ul>

The responsible person or, where the incident occurred in the course of that person's employment, his or her employer must forthwith after knowledge of the incident, report through the most effective means reasonably available:

- the nature of the incident;
- any risks posed by the incident to public health, safety and property;
- the toxicity of substances or by-products released by the incident; and
- any steps that should be taken in order to avoid or minimise the effects of the incident on public health and the environment.

<p>Department of Environmental Affairs and Tourism</p> <p>South African Police Service</p> <p>Relevant provincial head of department or municipality</p>	<p>According to the <b>National Environmental Management Act, 1998</b> in the event of an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed, report to</p> <ul style="list-style-type: none"> <li>the Director-General;</li> <li>the South African Police Service and the relevant fire prevention service;</li> <li>the relevant provincial head of department or municipality; and</li> <li>all persons whose health may be affected by the incident.</li> </ul>
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All persons whose health may be affected by the incident	<p><b>Notification requirements:</b></p> <p>The responsible person or, where the incident occurred in the course of that person's employment, his or her employer must forthwith after knowledge of the incident, report through the most effective means reasonably available:</p> <ul style="list-style-type: none"> <li>• the nature of the incident;</li> <li>• any risks posed by the incident to public health, safety and property;</li> <li>• the toxicity of substances or by-products released by the incident; and</li> <li>• any steps that should be taken in order to avoid or minimise the effects of the incident on public health and the environment.</li> </ul>
<p>Fire Protection Officer</p> <p>Fire Protection Association</p> <p>Owners of adjoining land</p>	<p>According to the <b>National Veld and Forest Fire Act, 1998</b>, any owner who has reason to believe that a fire on his or her land or the land of an adjoining owner may endanger life, property or the environment, must immediately take all reasonable steps to notify</p> <ul style="list-style-type: none"> <li>• the fire protection officer or, failing him/her, any member of the executive committee of the fire protection association, if one exists for the area; and</li> <li>• the owners of adjoining land.</li> </ul> <p>Whenever a fire spreads or may spread across a boundary of a fire protection association, the fire protection officer of the premises/land must inform the fire protection officer of the area to which the fire spreads or may spread.</p>
<p>Department of Water Affairs and Forestry</p> <p>South African Police Service</p> <p>Relevant fire department</p> <p>Relevant catchment's management agency</p>	<p>According to the <b>National Water Act, 1998</b>, the responsible person, any other person involved in the incident or any other person with knowledge of the incident must, as soon as reasonably practicable after obtaining knowledge of the incident, report it to</p> <ul style="list-style-type: none"> <li>• the Department of Water Affairs and Forestry;</li> <li>• the South African Police Service or the relevant fire department; or</li> <li>• the relevant catchment's management agency.</li> </ul> <p>Within 14 days after the date of an incident contemplated in paragraph I inform the Department in writing of the measures taken to correct and prevent a recurrence of such incident.</p>

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Report to	Legislative requirement and format requirements		
Department of Labour, including WCC	<p>According to the <b>Occupational Health and Safety Act, 1993</b> and the <b>Compensation for Occupational Injuries and Diseases Act, 1993</b>, the following applies:</p> <table border="1"> <tr> <td data-bbox="451 443 986 1182"> <p>For Occupational Diseases/Illnesses</p> <ul style="list-style-type: none"> <li>Sections 25 of the OHS Act and General Administrative Regulation 8 in the case of occupational diseases, and General Administrative Regulation 9 of the OHS Act in the case of all incidents excluding first-aid treatment cases.</li> <li>COID Act, in the case of all accidents.</li> </ul> <p><b>Notification requirements:</b></p> <p>In the case of all occupational diseases/illnesses, the medical practitioner must inform the affected person and the employer. The employer must inform the Department of Labour (WCC) of the details of the occupational disease/illness.</p> <p>Employer's report of an incident in terms of the COID Act (WCL 2) or TR2 Card for telephonic reporting OR Employer's report of an occupational disease in terms of the COID Act (WCL 1).</p> </td><td data-bbox="986 443 1417 1182"> <p>For other incidents:</p> <ul style="list-style-type: none"> <li>Sections 24 of the OHS Act in the case of serious incidents and occupational diseases, as well as the incidents described in the General Machinery Regulations 7 on Reporting of incidents in connection with machinery.</li> <li>COID Act in the case of all accidents.</li> </ul> <p><b>Notification requirements:</b></p> <p>Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents).</p> <p>In the case of all injuries, the employer must inform the Department of Labour (WCC) of the details of the injury.</p> </td></tr> </table>	<p>For Occupational Diseases/Illnesses</p> <ul style="list-style-type: none"> <li>Sections 25 of the OHS Act and General Administrative Regulation 8 in the case of occupational diseases, and General Administrative Regulation 9 of the OHS Act in the case of all incidents excluding first-aid treatment cases.</li> <li>COID Act, in the case of all accidents.</li> </ul> <p><b>Notification requirements:</b></p> <p>In the case of all occupational diseases/illnesses, the medical practitioner must inform the affected person and the employer. The employer must inform the Department of Labour (WCC) of the details of the occupational disease/illness.</p> <p>Employer's report of an incident in terms of the COID Act (WCL 2) or TR2 Card for telephonic reporting OR Employer's report of an occupational disease in terms of the COID Act (WCL 1).</p>	<p>For other incidents:</p> <ul style="list-style-type: none"> <li>Sections 24 of the OHS Act in the case of serious incidents and occupational diseases, as well as the incidents described in the General Machinery Regulations 7 on Reporting of incidents in connection with machinery.</li> <li>COID Act in the case of all accidents.</li> </ul> <p><b>Notification requirements:</b></p> <p>Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents).</p> <p>In the case of all injuries, the employer must inform the Department of Labour (WCC) of the details of the injury.</p>
<p>For Occupational Diseases/Illnesses</p> <ul style="list-style-type: none"> <li>Sections 25 of the OHS Act and General Administrative Regulation 8 in the case of occupational diseases, and General Administrative Regulation 9 of the OHS Act in the case of all incidents excluding first-aid treatment cases.</li> <li>COID Act, in the case of all accidents.</li> </ul> <p><b>Notification requirements:</b></p> <p>In the case of all occupational diseases/illnesses, the medical practitioner must inform the affected person and the employer. The employer must inform the Department of Labour (WCC) of the details of the occupational disease/illness.</p> <p>Employer's report of an incident in terms of the COID Act (WCL 2) or TR2 Card for telephonic reporting OR Employer's report of an occupational disease in terms of the COID Act (WCL 1).</p>	<p>For other incidents:</p> <ul style="list-style-type: none"> <li>Sections 24 of the OHS Act in the case of serious incidents and occupational diseases, as well as the incidents described in the General Machinery Regulations 7 on Reporting of incidents in connection with machinery.</li> <li>COID Act in the case of all accidents.</li> </ul> <p><b>Notification requirements:</b></p> <p>Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents).</p> <p>In the case of all injuries, the employer must inform the Department of Labour (WCC) of the details of the injury.</p>		
Department of Labour	<p>According to the <b>OHS Act, Explosives Regulations</b>, if any incident involving explosives occurs, the explosives manager must be informed and he/she must by means of telephone, facsimile or any other method of communication inform the Chief Inspector, and shall confirm this report in writing, stating full particulars of the incident within seven days of the incident.</p> <p>Where there is a possibility of risk to the health and safety of persons, whether or not persons or property sustained injury or damage as a result, the Chief Inspector must be informed in writing every month of incidents involving the accidental ignition or detonation of explosives or a danger of such accidental ignition or detonation. These reports are named: "unusual occurrences".</p>		
South African Police Service's Chief Inspector of Explosives	<p>According to the <b>Explosives Act, 2003</b>, the licensed or authorised possessor of the explosives has to report the loss or theft of explosives.</p>		
Principal Inspector of Mines of the Department of Minerals and Energy (DME)	<p>According to the <b>Mine Health and Safety Act, 1996, Regulations, Chapter 23 on Reporting of Accidents and Dangerous Occurrences</b>, the employer must report accidents to the Principal Inspector of Mines. Depending on the cause and severity of the incident, it must be reported within a prescribed time period and on prescribed forms.</p> <p>The employer should also report certain dangerous occurrences, as described in the Act.</p>		

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<b>Report to</b>	<b>Legislative requirement and format requirements</b>
National Nuclear Regulator	<p>According to the <b>National Nuclear Regulator Act, 1999</b>, if a nuclear accident occurs in connection with a nuclear installation, nuclear vessel or action, the holder of the nuclear authorisation in question must immediately report it to the Regulator and to any other person described in that nuclear authorisation.</p> <p>If a nuclear incident occurs on a site, the holder of the nuclear authorisation in question must report it to the Regulator within the period stipulated in that authorisation.</p>
Department of Minerals and Energy	<p>According to the <b>Nuclear Energy Act, 1999</b>, any person who, by virtue of information obtained in the course of any prospecting or mining operations or carrying out any scientific investigation or chemical or metallurgical process, or otherwise, has reason to believe that any source material (i.e. any substance containing uranium or thorium) is present at any place, must, within 30 days after having developed the belief, submit to the Minister or any person designated by the Minister for that purpose, a written report on the matter, containing full particulars of the grounds on which the belief is based and of the place where the material may be present.</p>
Department of Transport  South African Police Service	<p>According to the <b>National Road Traffic Act, 1996</b>, the driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which any other person is killed or injured or suffers damage in respect of any property or animal shall report the details pertaining to the incident to:</p> <ul style="list-style-type: none"><li>• a traffic officer at the scene of the accident,</li><li>• any police officer at a police station; or</li><li>• any office set aside by a competent authority for use by a traffic officer.</li></ul> <p><b>Notification requirements:</b></p> <p>The incident must be reported in any case within 24 hours after the occurrence of such accident, or as soon as is reasonably practicable if he/she is incapable of doing so by reason of injuries sustained by him/her in the accident.</p> <p>The information that must be supplied is stipulated in the Act.</p>
Department of Transport, Dangerous Goods Inspectorate	<p>According to the <b>National Road Traffic Act, 1996</b> and <b>SANS 10232, on Transport of dangerous goods – Emergency information systems</b>, a written report shall be completed and signed by the First Responder, and forwarded to the Department of Transport, Dangerous Goods Inspectorate within 24 hours of the incident.</p>
Department of Transport	<p>According to the <b>Aviation Act, 1962</b>, in the event of any accident arising out of or in the course of air navigation and occurring in or over the Republic or the territorial waters thereof, or, in the case of South African aircraft, wheresoever they may be, the Minister may appoint one or more persons as a board of inquiry, known as an accident inquiry board, to make an investigation into the cause of and responsibility for the accident and report to him thereon. This implies that such incident should be reported to the Department of Transport.</p>

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Report to	Legislative requirement and format requirements
Department of Transport	<p>According to the <b>Marine Pollution (Control and Civil Liability) Act, 1981</b>, when any harmful substance has been discharged from a ship, tanker or offshore installation the master of such ship, tanker or offshore installation, or any member of the crew of such ship or tanker or of the staff employed in connection with such offshore installation, designated by such master, shall forthwith by the quickest means of communication available report the fact that such discharge has taken place to the principal officer at the port in the Republic nearest to where such ship, tanker or offshore installation is.</p> <p>If, while it is within the prohibited area, a ship or a tanker sustains any damage, whether to its hull, equipment or machinery, which causes, or creates the likelihood of, a discharge of any harmful substance from such ship or tanker, or having sustained such damage, enters the prohibited area in such damaged condition, this incident should also be reported.</p>
South African Police Service	<p>According to the <b>Inquest Act, 1959</b>, any person who has reason to believe that any other person has died and that death was due to other than natural causes, shall as soon as possible report accordingly to a policeman, unless he has reason to believe that a report has been or will be made by any other person.</p>
Department of Public Enterprises	<p>Incidents that result in multiple injuries and interruption of supply should be reported to the Department of Public Enterprises.</p>

Note: In terms of Eskom's permits, licences and the environmental authorisations granted to Eskom, there may be additional requirements for reporting.

Specific legislative requirements as determined by the legal register that pertain to the activities of the employer have to be consulted to ensure that all notification requirements to external stakeholders are covered.

### **B.2.1 Work-related fatalities**

In the event of a work-related fatality that occurs over a weekend or public holiday, and it is not possible to call the Department of Labour, the telephonic contact shall be substituted by a facsimile or e-mail and followed up by a phone call on first working day.

### **B.2.2 Occupational diseases/illnesses**

In the case of an occupational disease/illness, Eskom's occupational health staff or external medical practitioners shall be responsible for reporting injuries and/or occupational diseases/illnesses, in compliance with Eskom's and legal requirements and keep record of such incidents.

An employer must, within seven days of having received confirmation of the disease/illness, report the disease/illness to the Compensation Commissioner and the Corporate Sustainability Department, notwithstanding the possibility that it might be a non-work-related disease/illness. Where the evidence reviewed in an incident investigation reveals that the disease/illness did not arise out of or in the course of employment, the Corporate Sustainability Department and the Compensation Commissioner must be formally informed accordingly, and supporting evidence must be provided. This will, in the case of the Compensation Commissioner, be used in order to prevent payments to dependants or injured parties not entitled to compensation.

All identified occupational diseases/illness that need specialist confirmation, must be referred to the particular specialist within 30 days of notification.

Any medical practitioner who examines or treats a person for a disease/illness described in the Third Schedule to the COID Act or any other disease/illness which he/she believes arose out of that

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person's employment, shall within the prescribed period and in the prescribed manner, report the case to the person's employer and to the chief inspector, and inform the person accordingly.

### **B.2.3 Temporary work at another Eskom business unit**

In the event that:

- an employee temporarily working at another Eskom business unit, suffers an injury or a disease/illness;
- incidents occur after hours while the employee is away from the regular/normal workplace on a business trip to another business unit for one working day (but is not seconded or transferred);
- incidents occur while an employee is away from the regular/normal workplace on a business trip for more than one working day (but not seconded or transferred) to another business unit, head office or any other site, and while involved in work;
- incidents that involve an employee temporarily transferred or seconded to another business unit within Eskom and its subsidiaries (**excluding Enterprises (Pty) Ltd**) or where his/her supervisory environment is altered for whatever reason;

the following shall apply:

- The person responsible at that business unit where the incident occurred shall report this incident to:
  - the Department of Labour;
  - the Corporate Sustainability Department; and
  - the affected employee's original business unit.
- The affected employee's own employer (i.e. business unit) is responsible for reporting this incident to the WCC.

### **B.2.4 Temporary work at another organisation**

When an incident occurred during regular/normal work while the employee was transferred/seconded to organisations external to Eskom (including Enterprises (Pty) Ltd and joint ventures), the reporting to the WCC must be done by the original BU from which the employee was seconded or transferred, though the external organisation (where reasonably practicable) must assist with completing the documentation for submission to the WCC.

### **B.2.5 WCC information**

The applicable Human Resources Department or any other person designated has to report all incidents where any costs were incurred to the office of the Department of Labour (as required by the COIDA Act) and ensure that all correspondence, including the claim number and medical information, is kept on the employee's personal file. Medical information must be dealt with as "Confidential" at all times.

## **B.3 Notification to internal stakeholders**

The employer is responsible for notifying or reporting incidents to internal stakeholders, which include:

- the relevant authorities within the division's and/or the business unit's defined structure, using the appropriate methodology (as agreed in the planning stage);
- the Corporate Sustainability Department;
- the Corporate Audit and Forensic Department (for all technical incidents); and
- Eskom Insurance Management Services (EIMS).

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### **B.3.1 Temporary work at another Eskom business unit**

In the event that an employee temporarily working at another Eskom business unit suffers an injury, the person responsible at that business unit where the incident occurred shall report this incident to the injured employee's own business unit/employer.

### **B.3.2 Incidents involving Eskom vehicles**

The employer is responsible for reporting incidents involving Eskom vehicles to the Road Accident Fund through the OHS Act Annexure 1 report. (Form JG 21 was previously used for this purpose.)

### **B.3.3 Incidents that result in the hospitalisation of an Eskom or contractor employee**

The employer is responsible for reporting incidents that result in the hospitalisation (Intensive Care Unit or high care) of an Eskom or contractor employee to the direct supervisors and the relevant Managing Director(s), within one hour of receiving such information.

Note: In the case of subsidiaries, "Managing Director" includes Divisional Managing Directors or Subsidiary Managing Directors.

## **B.4 Flash report requirements**

The employer is responsible for sending an internal incident notification (flash report) to internal stakeholders. This flash report can be generated from either the approved electronic system provided by Eskom, or in any other acceptable manner agreed with the Corporate Sustainability Department.

The minimum information that must be contained in a flash report includes the following:

- Type of incident (e.g. property damage, environmental incident, injury, occupational disease/illness, etc.)
- Name, surname and age of the injured person or deceased
- Relationship with Eskom, e.g. Eskom employee or contractor employee
- Employed by:
  - Eskom Division, Business Unit/Region/Grid and Section in which the person was working;
  - the name of the contracting company (in case of contractor employee); and
  - the name of the Labour Broker (in the case of a labour broker employee)
- Date and approximate time of the incident
- Date and approximate time of the death
- Severity of the incident (e.g. fatality, lost time injury, medical treatment case, first-aid treatment case, near-miss occurrence, etc.)
- Location or place of incident
- Summary of initial assessment or incident description to describe what happened
- Immediate steps that must be taken to prevent the recurrence of similar incidents
- Details of the next of kin in the case of a fatality (e.g. marital status, partner's name, names and ages of dependants) (as soon as the information is available)
- The date and time of the notification
- Nature of an environmental incident

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- Details of any communication with authorities
- Reference to environmental legislation
- Name of the responsible manager and contact details.

The applicable BU must provide a flash report immediately or within 24 hours after the incident to the Corporate Sustainability Department, on all incidents resulting or having the potential to result in employee, contractor or public fatalities, as well as any contact incidents, or serious incidents as defined in section 24 (1) and section 25 of the OHS Act or as stipulated by the requirements of the Prioritisation stage. Environmental incidents must be reported as per the Environmental Liaison Committee (ELC) Performance Indicator Reporting Procedure (32-249).

## **Annex C: Step 3: Prioritisation**

### **C Prioritisation**

All notifications must be prioritised by following these steps:

Step 1	Determine the actual or potential outcome, consequence and/or severity of the incident (i.e. the assumed worse-case scenario).
Step 2	Determine the likelihood of a recurrence of this incident. Repeat incidents must increase the priority profile of the incident. This will require knowledge of the work area in which this incident occurred and other similar work areas in which similar incidents could occur at least within own divisions or if the information is readily available other divisions in Eskom.  Note: The investigation of a repeat event/incident should address ineffective corrective actions for the previous event.
Step 3	Quantify the level of risk associated with the incident by allocating or assigning a priority rating to the incident.
Step 4	Determine the appropriate action to be taken, e.g. priorities, appropriate management of the incident, level of response, classification and reporting, etc.

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## C.1 Step 1: Actual or potential outcomes

Determine the actual or potential outcome, consequence and/or severity of the incident by using Table C1. In cases where the actual or potential outcomes are not the same, the assumed worse-case scenarios must be used.

Table C1. Consequences table

Consequences	Low/Minimum	Minor	Moderate	Major	Serious/Critical
<b>Personal injury to Eskom employees and/or contractor employees</b>	First-aid treatment case, Medical treatment case	Lost time injury where fewer than 14 days were lost Diagnosed occupational disease/illness with non-permanent disability	Lost time injury where 14 days of more were lost, Diagnosed occupational disease/illness with permanent disability	Fatality, Fatality as a result of an occupational disease/illness, e.g. asbestosis.  Or person injured to an extent where such a person is admitted to any ICU unit.	Multiple fatalities
<b>Personal injury to member of the public</b>	First-aid treatment case, Medical treatment case	Incidents that resulted in hospitalisation (observation)	Incidents that resulted in hospitalisation (Intensive Care Unit or high care)	Fatality	Multiple fatalities
<b>Near-miss occurrences</b>	Could have or previously did result in a first-aid treatment case and medical treatment case	Could have or previously did result in lost time injury where fewer than 14 days were lost or resulted in hospitalisation (observation)	Could have or previously did result in a lost time injury where 14 days or more were lost, or resulted in hospitalisation	Could have or previously did result in a single fatality, Equipment running out of control with potential for a single injury	Could have or previously did result in multiple fatalities, Equipment running out of control with potential for multiple injuries
<b>Financial loss</b>	Value: R1-10k	Value: R10-100k	Value: R100k-1m	Value: R1-10m	Value: > R10m
<b>Environmental</b>	Little or no ecological effect and no measurable impact on human health.	Minor ecological effect. Ecological damage can be remedied within 6 months. Minor hazard to humans in the immediate vicinity.	Aspect could result in a moderate uncontained or sustained environmental release, impacting on local environment only. Ecological damage can be remedied in less than one year. Health hazard to humans in the immediate vicinity, but not resulting in critical or fatal injury/illness.	Aspect could result in a major uncontained or sustained environmental release, impacting on regional environment only. Ecological damage can be remedied within one year. Health hazard to humans in the immediate vicinity, resulting in critical or fatal injury/illness.	Aspect has a recognised global environmental impact. Widespread or permanent local ecological damage. Remediation would take longer than one year. Could result in a major public health hazard. Magnitude is unknown.

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## C.2 Step 2: Likelihood of occurrence

Determine the likelihood of a recurrence of this incident by using the information provided in Table C2. Repeat incidents must increase the priority profile of the incident to the next higher level. This will require knowledge of the work area in which this incident occurred and other similar work areas in the same and/or other divisions and/or business units in which similar incidents could occur.

Table C2. Likelihood table

Probability categories	Likelihood or recurrence of event	Description
Frequent, Almost certain	1 or more times per month	Is expected to occur again either immediately or within a short period of time (i.e. within the next few weeks)
Likely	Occurs once per month	Will probably occur in most circumstances (several times a year)
Possible	Occurs once per year or every 2 years	Possibly will recur – might occur at some time (may happen every 1 to 2 years)
Unlikely	Occurs more than once every 10 years	Possibly will recur – could occur at some time in the next 2 to 5 years
Rare	Occurs once every 10 years or once in a lifetime	Unlikely to occur – may occur only in exceptional circumstances (may happen every 10 to 100 years)

## C.3 Step 3: Priority rating

Quantify the level of risk associated with the incident by allocating or assigning a priority rating to the incident. Use the information obtained in Steps 1 and 2 of this process and use the priority matrix in Table C3 to assign the priority rating.

Table C3. Priority matrix

		Consequence/Severity				
		Low/Minimum	Minor	Moderate	Major	Serious/Critical
Likelihood	Frequent, almost certain	Moderate	High	Extreme	Extreme	Extreme
	Likely	Moderate	High	Extreme	Extreme	Extreme
	Possible	Low	Moderate	High	Extreme	Extreme
	Unlikely	Low	Low	Moderate	High	Extreme
	Rare	Low	Low	Low	Moderate	High

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## C.4 Step 4: Appropriate action

Determine the appropriate action to be taken, e.g. priorities, appropriate management of the incident, level of response, classification and reporting, etc. as described in Table C4.

Table C4. Action required

Priority	Management level required	Employer investigation requirements	Employer involvement in Employer investigation	Classification and recording requirements	Action required and/or level of response
Extreme	Need to inform and involve senior management in Eskom (i.e. Exec Management Chief Executive, Managing Director) (i.e. personal involvement or to ensure feedback from a direct report), an Divisional Environmental Manager (for environmental incidents) and appropriate Health and Safety Committees.	<u>Initiate investigation within 24 hours.</u> <u>Complete investigation within 7 days or as soon as reasonably practicable.</u> Investigate using root cause identification methodology.	<u>Chaired</u> by Managing Director or direct report Involve the Corporate Sustainability Department, Divisional Environmental Manager (for environmental incidents), Corporate Human Resources, specialists, unions, health and safety representatives.	Classify and record immediately (no later than 24 hours). Inform the Corporate Sustainability Department immediately.	Communicate flash report within 24 hours. Share the lessons learnt and actions required within the whole organisation. Ongoing monitoring of trended aggregated incident data may also identify and prioritise issues requiring an improvement project.
High	Need to inform senior management in division (i.e. Managing Director and his/her direct reports) (i.e. personal involvement or to ensure feedback from a direct report), Divisional Environmental Manager (for environmental incidents) and appropriate Health and Safety Committees.	<u>Initiate investigation within 48 hours.</u> <u>Complete investigation within 7 days or as soon as reasonably practicable.</u> Investigate using root cause identification methodology	<u>Chaired by an business unit leader</u> or direct report (i.e. power station, regional or grid manager). Involve the Corporate Sustainability Department (See note), Divisional Environmental Manager (for environmental incidents), Corporate Human Resources, specialists, unions, health and safety representatives	Classify and record immediately (no later than 24 hours). Inform the Corporate Sustainability Department.	Communicate flash report within 24 hours. Share the lessons learnt and actions required within the whole organisation. Ongoing monitoring of trended aggregated incident data may also identify and prioritise issues requiring an improvement project.
Moderate	Need to inform 16.2 appointees, Divisional Environmental Practitioner (for environmental incidents) and appropriate Health and Safety Committees.	Initiate investigation within 7 days. Complete investigation within 14 days or as soon as reasonably practicable. Do cause investigation to determine root cause.	Chaired by direct report to the business unit leader (i.e. power station, regional or grid manager) Involve the Corporate Sustainability Department (See note), Divisional Environmental Practitioner (for environmental incidents), Corporate Human Resources, specialists, unions, and health and safety representatives.	Classify and record immediately (no later than 24 hours). Inform the Corporate Sustainability Department.	Communicate flash report within 24 hours. Share the lessons learnt and actions required within entire division. Aggregate the data then undertake a practice improvement project.
Low	Need to involve supervisor,	Initiate investigation within 14 days. Complete investigation within one month. Do employer's investigation.	Chaired by middle management. Involve Business Unit Human Resources, specialists, unions, health and safety representatives.	Classify and record within 48 hours.	Share the lessons learnt and actions required within the entire division. Manage by routine procedures. Aggregate the data then undertake a practice improvement project.

Note: Where in-house resources are available, Corporate Sustainability need only be involved in all fatality investigations.

The requirements pertaining to the investigation for all fatalities and occupational diseases/illnesses are described in detail in the section on Incident Investigation.

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## **Annex D: Step 4: Response**

### **D.1 Emergency care**

The employer is responsible for rescue operations, and for ensuring that the scene is safe after the incident and that reasonable measures have been taken to prevent pollution or environmental degradation from occurring, continuing or recurring.

The employer is responsible for providing first-aid treatment and obtaining medical assistance where necessary and/or applicable.

Emergency care must be provided in accordance with the emergency response plan for the area, as prescribed by the Eskom Emergency Planning Procedure (32-123) and any other Divisional/Business unit specific procedures relating to emergency response.

### **D.2 Barricading the area**

The employer is responsible for ensuring that the scene of an incident is not disturbed, in the event of an incident in which a person died, or was injured so seriously that he/she is likely to die, or suffered the loss of a limb or part of a limb.

No person shall, without the consent of an inspector of the Department of Labour, disturb the site at which the incident occurred or remove any article or substance involved in the incident therefrom: Provided that such action may be taken as is necessary –

- to prevent a further incident;
- to remove the injured or dead; or
- to rescue persons from danger.

The employer is furthermore responsible for containing any dangerous substances that might have been spilled.

### **D.3 Collection and preservation of evidence**

The employer is responsible for ensuring that complete and correct evidence is collected, obtained and preserved to support the investigation of the incident.

#### **D.3.1 What is regarded as evidence?**

Evidence could include the following:

- A site visit and visual inspection (where applicable)
- Collection of information about the actual working hours of an individual
- Collection and review of information about any medication an individual used or any treatment an individual received prior to the incident, as well as the extent of the injuries sustained
- Sick notes, first medical reports, progress reports, final medical reports as well as resumption reports, if and when applicable
- Collection of any information pertaining to personal factor(s) which may have had an influence on the incident
- Occupational hygiene monitoring information/results (where applicable)
- A review of general occupational health issues
- Identification of the exact location of the incident

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- Sketches or photographs of the site, indicating the position(s) of equipment, the route and design of a power line, the clearances of conductors
- Measurements and records of e.g. line clearances and width of road
- Interviews, reviews or formal statements by witnesses and/or responsible persons, including names, contact details and the time of the incident. (Note: the individuals' right to avoid self-incrimination and victimisation must be acknowledged and explained to them)
- On-board computer reports (where applicable)
- Weather reports or any other information on the prevailing weather conditions at the time of the incident, e.g. lightning activity, wind speed, direction, etc.
- All equipment, machinery or actual affected plant that was directly involved in the incident or contributed to the incident, e.g. both pieces of a broken pole; a cut stay-wire, broken insulators, etc.
- A list of all chemicals or dangerous substances on site (where applicable)
- Soil and/or water samples in the event of pollution or potential pollution
- Material Safety Data Sheets (where applicable)
- Line inspection reports or routine line patrol sheets (these must cover both the annual routine patrols and major ten-yearly inspections of power lines)
- Internal communication with regard to the incident
- Eskom call centre records (where applicable). (Copies of relevant tapes must be made with typed transcripts)
- Copies of way leave or servitude agreements (where applicable)
- A decision with regard to further investigation(s): the reason(s) or motivation for this decision on whether or not to investigate the incident further must be recorded in a report
- Pictures and/or videos of aspects and objects pertaining to the incident. These aspects and objects could include one or more of the following:
  - The entire area surrounding the point of the incident
  - The state of the power line or other relevant item of the plant involved in the incident
  - The surrounding area depicting relevant environmental factors; the proximity of relevant features e.g. electrical installations, houses, roads, footpaths, etc.
  - The exact point on the conductor where contact was made, burn or flash marks
  - Warning signs in the area
  - Tags on poles depicting pole numbers, dates of manufacture and inspection tags
- Any evidence required by a criminal investigating officer (in the case of crime related incidents and/or where a firearm was discharged).

### **D.3.2 What additional evidence must be kept where a minor was involved?**

Where a minor was involved in an incident, the following additional information and documentation must be obtained and preserved:

- Details of the age of the minor at the time of the incident
- Details of all schools attended by the minor
- Comprehensive information about public safety and the education conducted at such schools and in the community in general, for example at open days, community centres, etc. (where applicable)

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- The name of the person under whose supervision the minor was at the time of the incident and the contact details of such person (where applicable)
- Details of all safety representatives or customer services representatives involved in such public safety and in the presentations
- Samples must be collected of all educational and safety material used or distributed, e.g. posters, pamphlets or promotional materials.

Where a minor was involved in an incident with the knowledge of or under the supervision of any employee, the following additional information and documentation must be obtained and preserved:

- The outcome of the risk assessment to determine whether the workplace is healthy and safe for minors (all age groups).
- The steps or measures taken by the employer to ensure the health and safety of minors and the effectiveness of these steps and measures.

### **D.3.3 What additional evidence must be kept in case of a fire-related incident?**

In cases of fire, the following further information must be collected:

- All information relating to possible witnesses, including farm workers, fire fighters or emergency employees, etc.
- If hot work was performed, the hot work permit.
- Photographs depicting the following:
  - The point of ignition, spread of the fire and burn pattern
  - The surrounding areas, including affected farmland, installations, plantations, etc.
  - Any firebreaks that may have been created by the land owner, or the lack thereof
  - In cases where conductor clashing caused a fire, the precise point of the clashing or arcing indicating the arcing marks or pit marks, the fire damage to poles, the point of ignition in relation to the electrical installation, etc.
  - Any possible alternative source of ignition, for example charcoal ovens or cooking or heating fires burning in the vicinity
  - Spread of any related potentially hazardous material (e.g. oil)
  - All burning of and damage to Eskom infrastructure, particularly wooden poles
  - Aerial photographs of the burn pattern, if possible.

### **D.3.4 What immediate steps can be taken to preserve evidence at the scene of the incident?**

No person shall without the consent of an inspector (Department of Labour and/or South African Police Service) disturb the site at which the incident occurred or remove any article or substance involved in an incident therefore, provided that such action may be taken as is necessary to prevent a further incident, to remove the injured or dead, or to rescue persons from danger.

The employer is responsible for preserving the evidence as required in section 24(2) of the OHS Act and paragraph 28 of the National Key Points Directive, where applicable.

Steps that must be taken to prevent disturbance or tampering with evidence include the following:

- Barricading and securing the scene, including protecting it from the weather
- Collecting, identifying and properly storing (i.e. preserving) physical items and data records, with the consent of the inspector (Department of Labour and/or South African Police Service)

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- Photographing or a video recording of the incident scene and equipment as necessary (record the date, time and name of the person who took the photograph and ensure that the original image is archived)
- Documenting interviews with key employees.

Preserving the incident scene and all potentially relevant physical items, computer data and other information is especially critical if an incident is serious enough to warrant investigation by external stakeholders (i.e. regulatory bodies as prescribed in legislation).

Failure to do so could subject the responsible individuals to charges of obstruction of justice.

#### **D.3.5 What later steps must be taken to preserve and protect evidence?**

All the effort expended in investigating an incident and collecting evidence would be futile and wasted if the evidence is not properly and effectively preserved and protected (e.g. to prevent tampering with or loss of evidence).

It makes no sense to collect vital evidence if, when a civil action is instituted and the matter comes to trial, sometimes a few years later, that evidence is no longer available for use at the trial.

Evidence must be preserved and protected by keeping it in safe custody. The following steps must be taken to protect evidence:

- All physical evidence e.g. insulators, clamps, stay wires, broken ends of conductors, links or even the ends of the pole stumps closest to where the pole fractured, must be properly and securely labelled and documented.
- The labels must have all the relevant information, including the precise location of that piece of evidence prior to or at the time of the incident, the date of collection of the evidence, the date of the incident and the name of the person who collected it.
- The evidence must be placed in a secure store under the control of a designated responsible person.
- The store must be properly secured and managed, to avoid situations where evidence is disposed of when clean-outs occur or maintenance work and painting take place.
- All documentary evidence and photographs must be treated in a similar manner, and where possible, copies sent to the Legal or Insurance Management Services Departments.

#### **D.3.6 Who has the authority to make decisions about the evidence?**

The investigation committee must determine the manner in which and the time period within which the evidence must be kept, at the conclusion of the investigation.

**D.3.7 What are the recommended time periods for keeping evidence?**

The following is a summary of the recommended minimum time period that some of the evidence must be preserved. However, this is a guideline and is subject to the final decision made by the investigation committee.

Evidence type	Recommended time period to keep evidence
Annexure 1 (as required by the OHS Act)	3 years
Photos and video material after incident	3 years
Safety representatives' inspection reports	3 years
Minutes of safety meetings	3 years
Public incidents involving a minor	Retained until the minor involved in the incident turns the age of maturity, plus an additional 3 years
Occupational Hygiene monitoring results e.g. assessments and air monitoring	Minimum of 30 years
Occupational Hygiene tests of engineering control measures	At least 3 years
Medical information <ul style="list-style-type: none"><li>Biological monitoring</li><li>Medical surveillance records</li><li>Exit medical reports (including resignations and pensioners).</li></ul>	Retained for the life of the project or 40 years <ul style="list-style-type: none"><li>Minimum of 30 years</li><li>Minimum of 30 years</li><li>Minimum of 30 years</li></ul>

**D.3.8 When will it be necessary to initiate the Eskom Forensic Process?**

The following scenarios might require forensic investigation:

- When there is reason to believe that tampering occurred;
- Where the root cause of the incident is not obvious; or
- Where there is reason to believe that witnesses are either protecting one another, withholding information or not telling the whole truth.

As soon as any of the above is suspected, the Eskom Forensic Department must be contacted and involved immediately.

**D.4 Supporting staff and liaison with the injured, their families and dependants**

All information about the injured or deceased, such as personal details, injuries, hospitalisation and first-aid treatment, must be ascertained immediately. Family and dependants of the injured or deceased must be contacted without delay and actively supported. The Corporate Sustainability, Legal and Human Resources Departments must provide the necessary guidance in this regard if and when required.

Care must be taken not to prejudice Eskom in terms of any possible liability claims. The affected parties or dependants must be treated with respect, care and concern but no discussion that may have legal repercussions may be entered into. The Legal Department and the Corporate Sustainability Department must be asked for advice concerning discussions and/or any compensation to third parties to prevent any action by Eskom from being construed as an admission of guilt.

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#### **D.4.1 Incidents that involve members of the public**

In incidents that involved member(s) of the public, regardless of the severity of the injury to the person(s) and that may result in liability claims, i.e. electrical contact and other incidents, including motor vehicle accidents, the following applies:

- Where Eskom is not liable and has no obligation to indemnify the affected parties, Eskom staff members are responsible for interfacing with the affected parties in such a way that Eskom's position is understood by those involved and that the interface contributes positively toward the portrayal of Eskom as a responsible utility; and
- to prevent any Eskom action from being construed as an admission of guilt, the Corporate Sustainability or Corporate Legal Departments must be approached for advice concerning discussions with and/or payments made to third parties, for example funeral expenses.

#### **D.5 Recovery**

The requirements in terms of Response and Recovery are described in more detail in the Eskom Emergency Planning Procedure (32-123). The employer is responsible for familiarising himself/herself with these requirements and for addressing these as part of the emergency plan.

## **Annex E: Step 5: Classification and recording**

### **E.1 Clarification of classification**

Where clarification regarding the classification of incidents is required, or in order to resolve disputes, the following is proposed:

- Send all relevant information to the Corporate Sustainability Department, Occupational Health and Safety Manager for review.
- The Corporate Sustainability Department will evaluate information and provide direction.
- If an appeal against a decision has been lodged or complex situations have to be clarified, this must be escalated to an ad hoc OHSLC subcommittee to provide direction.
- All decisions have to be recorded in writing and the process must be auditable.

#### **E.1.1 Submission of information for clarification of classification**

Where clarification is required regarding the classification of incidents or injuries, the following information must be submitted in writing to the Corporate Sustainability Department's Occupational Health and Safety Manager:

- A description of the type of incident
- A brief description of the case
- A summary of the sequence of events
- Copies of the investigation report
- Copies of statements
- Copies of medical certificates
- Medical history describing pre-existing conditions
- Supporting documentation, including contracts, photos, etc.

#### **E.1.2 Ad hoc OHSLC subcommittee**

The ad hoc OHSLC subcommittee is responsible for reviewing any appeals against a decision by the Corporate Sustainability Department or for clarifying complex situations, based on the requirements of the OHS Act and/or this procedure.

This subcommittee could consist of the following:

- A responsible person from the Corporate Sustainability Department
- A representative of at least one of the other divisions who is also an OSHLC member
- A representative of the employer (business unit) submitting the case
- A member from Assurance and Forensic
- A legal person (if required as determined by the chairperson)
- Any specialist who may be identified by the chairperson, for example a medical practitioner (as determined by the chairperson, depending on the case).

The subcommittee should meet at any time when cases are submitted, with the aim of making a final decision on a case as soon as possible. The committee could ask for additional information.

The decision of the subcommittee is final and must be recorded in writing.

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## **E.2 Rules and parameters for classification related to the type of relationship with the person**

Classification relating to the type of relationship with the person determines whether the person involved was an Eskom employee, contractor employee or member of the public. The following criteria will assist the reader with interpreting the certain classification parameters:

### **E.2.1 Notes on contractors**

Any contractor, including a supplier who is injured while on Eskom business and/or on an Eskom site or between two Eskom sites, under the instruction and direction of Eskom, while performing work for Eskom, will be included in Eskom's Incident Register (i.e. contractor statistics) and regarded as work-related.

Any contractor diagnosed with an occupational disease/illness, where this is proven to be due to exposure on an Eskom site, must be recorded and included in Eskom's performance measures (i.e. contractor statistics).

Contractor employees working under the Mine Health and Safety Act will be classified and recorded as contractor employees and not as Eskom employees.

### **E.2.2 Notes on members of the public**

In a case where an incident occurs, involving a member of the public and a Contractor employee where a section 37(2) agreement does not exist between Eskom and the relevant Mandatary, such a public injury will be regarded, recorded and investigated as an Eskom incident.

### **E.2.3 Notes on pensioners**

Pensioners are not regarded as employees. In the case of a pensioner diagnosed with an occupational disease/illness (with latent periods), such disease/illness is reported in terms of section 25 of the OHS Act. Any medical practitioner who examines or treats a person for a disease/illness described in the COID Act, or any other disease/illness which he/she believes arose out of or in connection with that person's employment, shall within the prescribed period and in the prescribed manner report the case to the person's employer and to the chief inspector, and inform the person accordingly.

If any pensioner is diagnosed with an occupational disease/illness, such an incident must be recorded but not included in Eskom's performance measures.

## **E.3 Rules and parameters for classification related to the work status at the time of the incident i.e. work-related or not**

In the event of an incident, an affirmative answer to all of the following questions defines a work-related incident:

1. Did the incident or exposure occur at any workplace or arise out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery?
2. Did it occur in the course of a person's employment?
3. Did it or could it have resulted in personal injury or health impairment?

Regardless of the work-relatedness or not of an incident that occurs at the workplace, e.g. a heart attack, such an incident must be investigated to identify any possible contributing causes and to make recommendations on preventing any repeat incidents.

The following criteria will assist the reader with interpreting the classification parameters:

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### **E.3.1 Incidents while travelling i.e. during transport or while commuting**

The following is an explanation of to classify incidents which occur while travelling as either work-related or non-work-related incidents. Any commuting incident, must be recorded but not included in Eskom's performance measures.

Table E.3.1 Explanation of classification of incidents while travelling

<b>Scenario</b>	<b>Classification</b>
<b>For all incidents that occur while travelling, excluding commuting:</b>	
Employees using a pool or rented vehicle or their own vehicle with permission, if the incident occurred out of and in the course of duty.	Work-related
Any incident occurring during travel between the employee's permanent place of residence and an irregular place of work.	Work-related.
Any incident occurring during regular/normal routine travel between the employee's temporary place of residence and a regular or an irregular place of work.	Work-related.
Employees travelling to and from a regular or an irregular place of work for the purpose of buying food within a reasonable distance (as determined by the supervisor) and where an Eskom canteen is not available.	Work-related
Employees travelling on personal business or for personal reasons: <ul style="list-style-type: none"> <li>to and from a regular or an irregular place of work; or</li> <li>who deviated from an accepted regular/normal work-related route.</li> </ul>	Non-work-related
Any incident due to the authorised or unauthorised use of vehicles for private use.	Non-work-related
<b>For all incidents that occur while commuting:</b>	
Commuting: where the employer provides transport which is free of charge, directly or indirectly, and the vehicle is driven by an authorised driver, and the incident occurred between the time when an employee boarded the provided vehicle at the point of departure and the time when he/she arrived at the destination.	Work-related, but passengers are excluded from Eskom's performance measures
Commuting: an incident occurring during regular/normal routine travel between the employee's permanent place of residence and a regular/normal place of work or between employees temporary residence i.e. a camp site or hotel and employees permanent place of residence. .	Non-work-related.
Commuting: employees using a pool or rented vehicle during regular/normal commuting, or for private use, with permission in terms of the scheme vehicle benefit.	Non-work-related
In the case of a call-out the incident will only be regarded as a work-related from the moment that the call is received until the person enters the border of his/her private property (without deviating from the normal route) or up to any point of deviation from his/her normal route.	Work-related
Commuting incidents involving contractor employees: An incident occurring during regular/normal routine travel between the contractor employee's permanent place of residence and a regular/normal place of work.	Non-work-related.
Note: It is recommended that the lessons learned from the incident are shared.	

### **E.3.2 Movement within the confines of the plant/property/premises**

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An incident shall be regarded as work-related if it occurred while the employee was proceeding from his/her regular place of work or office to the exit of the plant, site, property or premises, including before or after working hours. This stipulation includes circumstances in which the employee proceeds from one part of the plant/property/premises to another during working hours, if it arose from or in the course of his/her duties.

This will not apply to cases where a person has embarked (or prior to disembarking) on any public transport or his/her private or scheme vehicle as part of commuting.

### **E.3.3 Parking lot incidents**

An incident occurring on any parking lot, where a person has embarked on or prior to disembarking from any public transport or his/her private or scheme vehicle (as part of commuting) shall be considered as non-work-related. Any incident that occurs before embarkation or after disembarkation or incidents occurring while the employee was performing the duties of his /her employer shall be regarded as work-related.

### **E.3.4 Employee without a regular place of work**

An incident involving an employee who has no regular place of work, for example, a member of a construction or maintenance team, shall be considered work-related if the incident occurred between the time when he/she reached the designated meeting place for the team and the time when he/she was dismissed from duty at the point where the team disbands.

An incident involving an employee who travels locally or abroad for business purposes, for example, a meter reader, engineer or consultant, occurring while on the journey, shall be considered as work-related, except if it occurred:

- during regular/normal life activities apart from work, for example, during rest and recreation periods;
- during deviations, for personal reasons, from a reasonably direct route of travel;
- in the course of activities, neither necessitated by the journey nor in the interest of the employer; or
- during routine travelling from a temporary work location to a temporary home (hotel), which is regarded as commuting.

### **E.3.5 Incidents after hours away from regular/normal workplace**

An incident that occurred after hours while the employee was away from the regular/normal workplace on a business trip (but has not been seconded or transferred), including attending work-related functions, is only regarded as a work-related incident if the employee was in fact involved in work at the time of the incident. The incident must be regarded as work-related, unless negligence on the part of another business unit or owner of such a building or site is proven.

### **E.3.6 Absence from employer's premises**

An incident involving an employee while on duty outside the employer's premises shall be regarded as work-related, provided that the absence from the premises was authorised by the employer or his/her agent.

If an incident occurred at a temporary residence or hotel within the boundaries of that property, such incident will be regarded as work-related, provided that the involved/injured person is able to prove that it arose from his/her duties.

### **E.3.7 Vehicle incidents where a member of the public/third party was at fault**

Vehicle incidents which occurred where it is proven during the investigation that the cause of the vehicle incident could be ascribed solely to a member of the public/third party being at fault, must be

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recorded but not included in Eskom's performance measures. The decision of excluding such a case from Eskom's performance measures to be ratified by the Divisional or/and the Corporate Data Integrity Committee or and Corporate Legal Investigation.

### **E.3.8 Voluntary work or Entertainment by, or as, a customer/client**

An incident involving an employee while formally entertaining or being entertained as a customer/client in the interest of the employer, for example for the purposes of receiving, discussing or promoting business, shall be regarded as **work-related**. This will include any activity performed by any person on a voluntary **provided** that the voluntary work is conducted in the interests of Eskom or it's subsidiaries as part of its community development programme and shall be regarded as work-related.

Note: Section 22 of COIDA provides that an incident shall be deemed to have arisen "out of and in the course of employment" if the employee was so acting for the purposes of or in the interests of or in connection with the business of his employer.

### **E.3.9 Incidents arising from Social events/Teambuilding exercises**

Any incident occurring as from 1 April 2009, from formally arranged teambuilding or sports days whether intended to be a teambuilding event or not, or any social event where that social event is **not** organised or and paid by Eskom, must be **recorded, investigated** and lessons learned communicated but will **not** be regarded as a work related incident excluding any individual paid as part of his/her duty to organise or facilitate such an event.

#### **Extended lunch/function meetings:**

Formally pre-arranged **extended lunch/function meetings/social events** provided that the lunch/function was official and paid by Eskom, even if it was held outside the regular/normal workplace or and working hours.

Any person injured while directly involved in organising any event will be regarded as a work related incident.

### **E.3.10 Incidents from athletic activities, biokinetic exercises or during formal physical exercise sessions**

An incident resulting from participation in athletic activities, whether or not they were Eskom-sponsored, shall be considered a **work-related** incident only if the participant was **specifically paid** by the employer for organising in these activities, as reflected in the employment contract.

An incident resulting from biokinetic exercises shall be classified as work-related if the incident occurred during working hours.

### **E.3.11 Shower room/ablution facility incidents**

An incident which occurs while an employee is proceeding to or from a shower or ablution facility, or which occurs while he/she is taking a shower or otherwise using washroom facilities on the premises before, during or after working hours, shall be regarded as work-related, if the use of such facilities was occasioned by the employee's work. However, if the incident occurred in respect of washing facilities relating to the person's place of residence, for example a camp, the incident will be considered non-work-related.

### **E.3.12 Incidents occurring during lunch and rest breaks**

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An incident which occurs during an employee's specifically defined lunch break or other specifically defined off-duty period shall be considered non-work-related, unless it arises as a result of hazards in the work area.

#### **E.3.13 Violence at work due to non-work related personal differences**

All incidents of violence at work, regardless of the underlying motivation, will be regarded as **non-work-related**. All these incidents must be investigated and the intent to commit violence must be proven. Work related differences involving violence, will be regarded as work related incidents.

#### **E.3.14 Horseplay at work**

All incidents involving horseplay at work are regarded as **work-related**.

#### **E.3.15 Purposely inflicted and/or premeditated incidents**

An incident where a person **purposely** inflicted harm or injury to him or herself shall be considered **work-related** if it arises out of and in the course of employment. If the incident is unrelated to the injured person's work, it shall be considered a non-work-related incident. Incidents due to self-inflicted injuries shall be considered **non-work-related**.

#### **E.3.16 Incidents arising from activities necessitated by external events**

An incident due to an activity or response necessitated by an external event, for example, fire fighting, cleaning up debris or repairing equipment, shall be classified as work-related.

#### **E.3.17 Incidents during work performed when employee had to appoint him/herself as a result of an emergency**

Any incident which occurred while an employee was off-duty, but because of the situation at that time and because of his/her expertise, knowledge or authority put him/her on duty in order to save a life, protect Eskom's property or conduct any duty during an emergency situation that furthered the employers business, will be regarded as work-related.

#### **E.3.18 Incidents arising from training in fire fighting**

An incident that results from Eskom training in fire fighting under the supervision of official training instructors shall be classified as work-related if reported to the instructor/manager before leaving the Training Centre at the end of the shift.

#### **E.3.19 Incidents resulting in injury or death from lightning**

An incident resulting in injury or death from lightning shall be classified as work-related if the incident occurred while the employee was engaged in Eskom work.

#### **E.3.20 Exposure to temperature extremes**

An incident resulting from exposure to temperature extremes (heat or cold) that could or did lead to the symptoms of a related condition is a work-related incident if it arises out of and in the course of employment.

### **E.3.21 Pre-existing conditions**

If an incident arises solely as a result of a pre-existing physical defect, and if a worker without such a physical defect would not have suffered such an incident, such incident shall be considered as non-work-related.

An incident arising out of and in the course of employment shall be considered work-related, even though a pre-existing physical deficiency may have been a contributing factor.

### **E.3.22 Skin irritation and infections**

Skin lesions, allergic reactions, sensitisation, atrophic dermatitis or infections are classified as work-related if they arise out of and in the course of employment. This will include skin cancer where an employee was exposed to the sun or any other stress factor that according to a medical practitioner could have been the cause of the cancer.

### **E.3.23 Hernias**

- Inguinal hernia: an inguinal hernia (right, left or bilateral hernia in the groin) shall be considered a work-related injury only if it is precipitated by an impact, sudden effort or severe strain and meets any of the following conditions:
  - A clear record exists of an incident such as a slip, trip, fall, sudden effort or over-exertion.
  - Actual pain was experienced in the hernia region at the time of the incident.
  - The immediate pain was so acute that the injured was forced to stop work for long enough to draw the attention of his/her supervisor or fellow employees, or the attention of a physician was secured within 12 hours, and
  - there is no evidence of a congenital hernia defect.
- Hernia other than inguinal: this shall be classified as a non-work-related injury, but shall nevertheless be treated.

### **E.3.24 Back injuries and strains**

A back injury or strain shall be considered a work-related injury if it meets any one of the following conditions:

- It is caused by an incident such as a sudden effort or over-exertion or blow on the back, or a slip, trip or fall, which is clearly and formally recorded; and/or
- the incident that caused the back condition was reported to the supervisor immediately or not later than at the end of the shift on which it occurred; and/or
- the physician treating the case is satisfied, after a complete review of the circumstances of the incident, that the injury could have arisen from the said incident and that the disability did not exist prior to the incident.

### **E.3.25 Muscular disability**

Muscular disabilities such as bursitis, tenosynovitis, etc. are work-related injuries if they arise out of and in the course of employment.

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**E.3.26 Illness from antitoxin, vaccines or drugs**

Illness resulting solely from a reaction to an antitoxin, vaccines or drugs in the treatment of an injury or prevention of an illness shall be classified as a non-work-related incident, excluding any individual exposed as part of their duty for example sewerage workers, medical staff, first aiders or proto team members.

**E.3.27 Vector-borne/transmitted diseases/illnesses or death**

When an employee contracts a vector-borne disease/illness which is endemic to his/her regular/normal place of residence and workplace, the disease/illness will be regarded as non-work-related. When an employee, whose regular/normal place of residence is not located in a defined endemic area, is deployed in an endemic area where he/she contracts the disease/illness, the disease/illness will be regarded as work-related. The Compensation Commissioner could apply the same criteria when considering compensation claims.

**E.3.28 Animal and insect bites**

Animal bites and insect bites/stings are work-related incidents for the purposes of reporting and compensation if they arise out of and in the course of employment.

**E.3.29 Death from undetermined origin**

In a fatality where death might have resulted either from an illness or from an incident following the illness, the incident shall be considered work-related only if it is the opinion of the attending physician (e.g. medical practitioner engaged or authorised by the employer) that the illness arose out of or was aggravated by the deceased's work.

#### **E.4 Interpretation and examples of classification intricacies**

<b>Example</b>		<b>Description</b>
1	A call-out	An official receives a call-out and proceeds to his/her destination directly from home. He/she is injured in a motor vehicle collision on his/her way directly to the place of his/her call-out. This injury shall be regarded as work-related.
2	An obligation to go somewhere	An employee receives a formal instruction to report for or attends a meeting or training, at a place other than his/her regular office. An injury sustained on the way to the place he/she was asked to go to shall be regarded as work-related.
3	An injury outside the employer's premises	An injury to an employee who is off the premises of the employer during working hours, with permission from the employer for the purpose of seeking housing accommodation for himself/herself, relatives or friends, shall be considered non-work-related
4	Lunch break injuries	If, while eating at work during a specifically defined lunch break, an employee is injured when struck by a piece of moving equipment, boxes, screens or materials which he/she or another worker caused to move, or he/she is injured by a slip or fall or through any other situation peculiar to the work area, the injury shall be regarded as work-related.
5	Lunch breaks – choking	If, while eating in the same location as described in Example 4, an employee chokes on his/her food or becomes ill from his/her food, the case shall be considered non-work-related.
6	Lunch breaks – cafeteria	An injury occurring in a cafeteria, restaurant or dining room, whether on or off the company's premises, shall be regarded as non-work-related. In the event of an injury suffered in the company canteen due to a tripping hazard not removed by the (negligent) employer, the incident shall be regarded as work-related.
7	Lunch breaks – food poisoning	Food poisoning which results from contaminated food bought or obtained from external service providers and not subsidised, for example, a café, shall be considered non-work-related.
8	Lunch breaks – Food poisoning from internal sources	Food poisoning that results from a meal provided free of charge or subsidised by the employer to the employees from internal sources or external sources managed by means of a formal agreement, shall be considered work-related.
9	Pre-existing physical defect	<p>A worker with a cancerous condition, which affects the bone structure, suffers an injury when his/her legs suddenly collapse as a result of the bone condition. Because the injury arises solely out of a pre-existing <b>medical condition</b> and is not affected by any work condition, it shall be regarded a non-work-related.</p> <p>A person with a <b>physical</b> pre-existing condition i.e. Hip-replacement trip and fall as a result of an unsafe condition or behaviour, such an incident will be regarded as work-related. If in the same situation a person falls without any unsafe situation such a case will not be regarded as work related. (Cause of injury solely as a result of the pre-existing physical condition).</p>
10	Trick knee	A worker with a “trick knee” suffers a recurrence of this condition while walking up a flight of steps. The injury arises solely out of a pre-existing physical defect and shall be regarded as a non-work-related injury.
11	Slip with a trick knee	The same physical deficiency exists as that in Example 10, but the condition recurs when the worker slips while working. The injury does not arise solely out of a pre-existing physical deficiency and, in this case, shall be regarded as a work-related injury.
12	Pre-existing injury requiring medical	An employee suffering from a pre-existing injury, aggravated by a subsequent incident, visits the medical station for treatment. The subsequent injury shall be recorded as a work-related injury, but not submitted to the Compensation

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	attention	Commissioner for medical or compensation claims.
13	General dispute	An employee is seriously injured during a fight in a power station workshop, caused e.g. by a dispute over an umpire's decision in a rugby match broadcast on television the night before. This is not a work-related injury.
14	The security guard	A security guard is shot when apprehending a burglar breaking into the premises. This is regarded as a work-related injury.
15	Hijacking	A gang hijacks an Eskom vehicle on its way to fix a power line and kills the driver – this is a work-related fatality. A Distribution official is hijacked but does not suffer physical injury. After consulting the doctor, he/she is booked off for three days for being traumatised. This is a work-related incident.
16	Fall from scaffold	A worker is found dead after a fall from a scaffold that he/she had climbed. There is evidence of a heart attack and, in the opinion of the attending physician, climbing could have contributed to the heart attack – this shall be regarded as a work-related injury.
17	Overtaken vehicle due to heart condition	A vehicle operator is found dead in an overturned vehicle used for work. There is evidence of a heart attack but, in the opinion of the attending physician, driving the vehicle was not a contributing factor to the onset of the heart attack. The case will not be regarded as a work-related injury.
18	Casual employee falls	A casual employee who is member of an Eskom construction team is busy with the demolition of a line. The supervisor instructs him/her to climb up the ladder and cut the conductors with a bolt cutter, but while cutting, he/she slips, falls down and hurts his/her back. The injury will be recorded as work-related.

## **E.5 Rules and parameters for classification related to the responsible employer**

The following criteria will assist the reader with interpreting the certain classification parameters:

### **E.5.1 Responsible employer in general**

An employee's incident is recorded against the employer (e.g. business unit, contractor) that actually employed, supervised, directed and/or instructed that employee at the time of the incident. This relationship is determined by means of an agreement between the affected employee and the employer. This includes the recording of all occupational diseases/illnesses against the BU that exercised supervisory control over the affected employee on the date of diagnosis, unless it can be proven that the occupational disease/illness occurred/was caused by the activities of another BU, as described in the section on "Previous employer" below.

Note: Occupational diseases/illnesses involving labour broker placed employees will not be counted against Eskom employee statistics due to the difficulty in monitoring exposures while exposed to multiple employers.

### **E.5.2 Previous employer**

Incidents (including occupational diseases/illnesses, back injuries, etc.) where the current employer has sufficient proof or historical information (e.g. baseline and/or screening tests) that such a person was injured/exposed (i.e. that the occupational disease/illness occurred/was caused by another BU or external company) prior to starting employment at the current employer, must communicate the incident to the previous employer and the Corporate Sustainability Department. The following must be noted:

- If the previous employer is an employer in Eskom, that still exists, the previous employer must include the incident in its incident register and report thereon; and

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- if the previous employer is an employer in Eskom, that no longer exists, the incident must be included in the incident register of the Divisional Head Office of the previous employer. The Divisional Head Office must report thereon.
- If the previous employer is an external company, the incident must be recorded but not included in Eskom's performance measures.

If there is no such proof or historical information, the current employer must report this incident as part of its own statistics.

#### **E.5.3 Previous Eskom employees**

In the case of incidents involving previous Eskom employees, where no relevant medical records exist, such person(s) must be recorded and included in Eskom's performance measures.

The following must be noted:

- If this person's previous employer is an employer in Eskom, that still exists, the previous employer must include the incident in its incident register and report thereon; and
- if this person's previous employer is an employer in Eskom, that no longer exists, the incident must be included in the incident register of the Divisional Head Office of the previous employer. The Divisional Head Office must report thereon.

#### **E.5.4 Previous incidents**

If an incident (either a first-aid treatment case or a medical treatment case) develops at a later stage into a lost time injury, or an occupational disease/illness is diagnosed and related to a previous incident, the lost time injury must be recorded against the BU that was relevant at the time when the incident occurred. There must be proof that such a lost time injury was a direct result of the original incident.

#### **E.5.5 Business trip (excludes secondments and transfers)**

An incident which occurred while an employee was away from the regular workplace on a business trip (but not seconded or transferred) to another business unit, head office or any other site, and while involved in work, must be recorded against the business unit that employs the employee, unless negligence on the part of the other BU or owner of such a building or site is proven, in which case the incident must be recorded against the BU or owner of the building or site where the incident occurred.

#### **E.5.6 Secondments or transfers**

An incident which involves an employee temporarily transferred or seconded to another business unit within Eskom and its subsidiaries (excluding Enterprises (Pty) Ltd) or where his/her supervisory environment is altered for whatever reason, will be recorded against the business unit that exercised supervisory control over the employee at the time of the incident.

An incident which occurred during regular/normal work while the employee was transferred/ seconded to organisations external to Eskom (including Enterprises (Pty) Ltd), will be recorded against the BU from which that person was transferred, unless the responsibility for health and safety is stipulated in a formal and written agreement or contract (OHS Act, section 37(2)).

#### **E.5.7 Joint ventures**

An incident that occurred while an employee was working as part of a joint venture with other BUs (excluding Enterprises (Pty) Ltd), will be recorded against the BU that exercised the most control (such as giving instructions and overseeing) over the actual execution of the work performed by such an employee at the time of the incident, unless the responsibilities for health and safety are specified in a written agreement.

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An incident which occurred while an employee was working as part of a joint venture with external companies (including Enterprises (Pty) Ltd), will be recorded against the original BU that employed the employee and who decided to put him/her in the service of the Joint Venture, unless the arrangement on Health and Safety is stipulated and specifically states that the external company in the Joint Venture is responsible for Health and Safety as part of the Joint Venture agreement in terms of section 37(2) of the OHS Act.

#### **E.5.8 Training**

An incident which occurred on site at a training facility, while an employee is undergoing training at an Eskom training site or any other site internal to Eskom, must be recorded against the training facility or the Eskom BU where such training took place.

If the incident happens while the employee is on the way from his/her regular/normal place of work to the Eskom training site, to the Eskom BU where such training takes place or to an external training site, the incident must be recorded against the original BU (i.e. regular/normal place of work).

An incident which occurred while an employee was undergoing training at training sites external to Eskom must be recorded against the BU that employed the employee.

#### **E.5.9 Telework**

An incident involving an employee working from home (Telework) on a temporary or permanent basis, will be recorded against the BU that employed such a person, provided that the work was performed with the formal approval of the applicable supervisor and that proof is given that the work actually performed at the time of the incident arose out of and in the course of his/her duties.

#### **E.5.10 Horseplay at work**

All cases involving horseplay at work where an incident occurred must be recorded against the BU where the event took place. If the injured person is from another BU and was not the instigator, the BU representing the instigator(s) or participants must record the incident, provided that the injury sustained was not self-inflicted.

#### **E.5.11 Contractor employees**

In the case of an incident involving a contractor employee, the business unit that had the contractual agreement with the contractor at the time of the incident, will record such an incident against that business unit as a contractor incident.

#### **E.5.12 Member of the public**

In the case of an incident involving a member of the public (where no Eskom employee or contractor was involved in the incident), the business unit in which the activities or actions of its employees or contractors directly or indirectly led or could have led to the incident, will record such an incident against that business unit as a public incident.

### **E.6 Rules and parameters for classification related to the cause of the incident**

If a chain of events leads to an incident, and the immediate cause is not clear or a dispute arise, in such a case the last event or agency will be regarded as the immediate cause. The preceding events or agents will be regarded as contributing causes. For example, an employee makes contact with live apparatus and falls from a height. The immediate cause of the incident is categorised as falling from a height.

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## **E.7 Rules and parameters for classification related to the severity of the incident**

In the case where there is a dispute on the severity of the incident, the opinion of the medical practitioner will be the final decision. The employer should ensure that there is no interference with the decision of the medical practitioner.

The following criteria will assist with interpreting the severity of certain incident types:

### **E.7.1 Injuries where the person ignores a medical certificate, cancellation of lost time injury and reclassification of original assessment**

Following treatment for a work injury, the attending physician issues a medical certificate entitling the injured to recuperate. If the employee feels he/she can carry on with his/her work, he/she should ask the doctor to reassess his medical fitness and cancel the medical certificate before he/she returns to work and to inform the relevant employer / Eskom medical practitioner accordingly. The cancelled certificate should indicate the date of cancellation and the reasons for cancellation of the original certificate. This incident must be reported to the Compensation Commissioner to prevent the lost days' wages being refunded to the employer (Eskom).

### **E.7.2 Incidents resulting in occupational diseases/illnesses**

Occupational diseases/illnesses, for example hearing loss or asbestosis, shall be recorded as lost time injuries if they arose out of employment and the exposure to the agent that caused the disease/illness happened in the course of duty. The date on which an incident was confirmed by a medical specialist or panel shall be regarded as the day on which the incident occurred. The onus rests on the employer to investigate and confirm whether or not the exposure that caused the disease/illness was work-related. The cause of the disease/illness will be assumed to be work-related, until proven otherwise.

### **E.7.3 Medical observation**

Medical observation includes observation at a hospital or medical facility as well as any by other person under the instruction of a medical practitioner.

The following conditions are relevant:

- a. A blow on the head
- b. A blow on the abdomen
- c. The inhalation of harmful gases
- d. Any other case where a medical practitioner deems observation necessary.

Where people are under medical observation:

- If, after medical observation for less than 48 hours from the time of injury (or a suspected injury known to have a delayed effect), the person is able to resume regular/normal duties, the case shall not be considered a lost time injury. The physician shall verify that the injury was relatively slight and that the person can return to work without any permanent impairment or temporary total disability – the injury shall be classified as a medical treatment case;
- However, if the person is admitted for observation and medical treatment or medication is administered after the first 24 hours following the incident, the injury shall be classified as a lost time injury; and
- if the person is unable to continue with his/her regular/normal duties after a medical observation period of less than 24 hours, the condition shall be classified as a lost time injury.

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#### **E.7.4 Doubtful degree of disability**

If in doubt about the degree of disability, the classification of an injury shall be based on the decision of the attending medical practitioner.

#### **E.7.5 Second opinion regarding disability/injury**

In the event that an employer doubts the opinion of the attending physician regarding the severity of the injury of an injured employee, the employer is entitled to (within a period of 14 days) refer the employee to the company doctor or a medical practitioner of his/her choice for a second opinion. The injured shall be obliged to co-operate and the second opinion shall take precedence if differing from the first opinion.

The attending physician should at all times act in the best interests of the patient.

### **E.8 Recording**

#### **E.8.1 Incident registers**

The OHS Act, General Administrative Regulation, prescribes that employers shall keep at a workplace or section of a workplace a record of all incidents that he/she is required to report in terms of the Act, and any other incident that resulted in the person concerned having had to receive medical treatment other than first-aid treatment. (Note: see OHS Act, General Administrative Regulations, Annexure 1.)

The register must include at least but is not limited to the following information:

- The unique incident number (e.g. SAP - IH&S reference number)
- The details of the employer including the BU, department and/or section to which this register belongs
- The name and contact details of the person responsible for keeping the register updated
- The name, identity number and/or unique number of the injured person
- The date on which and time when the incident occurred
- The type of incident
- Identification and/or description of the equipment, plant, etc.
- A short incident description or description of the occupational disease/illness
- The body part affected, effect on the person and expected period of disablement
- The status of the incident in the WCC's process
- WCC reference number
- Department of Labour reference number
- SAPS office and reference number (where applicable)
- The immediate/direct and root causes of the incident
- The recommendations arising from the incident
- The lessons learnt from the incident.

First-aid registers shall be kept at first-aid boxes and all first-aid treatment cases shall be entered in the incident register. The register shall record at least the date of injury, the name of the injured, the treatment given and a brief description of the incident and injury.

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### **E.8.2 Responsible employer to report to Workmen's Compensation Commissioner (WCC)**

The BU where the injured employee is employed must submit the report to the WCC, including cases where:

- an incident occurred on site at a training facility, while the employee was undergoing training at an Eskom training site or any other site internal to Eskom, but the documentation must be completed by the BU where the incident occurred (if reasonably practicable) and forwarded to the original BU for submission to the WCC;
- an incident occurred while the employee was undergoing training at training sites external to Eskom, though the training organisation (where reasonably practicable) must assist with completing the documentation for submission to the WCC;
- an incident occurred which involved an employee working from home (Telework) on a temporary or permanent basis;
- an incident occurred which involved an employee while he/she was working as part of a joint venture with other BUs or external companies;
- incidents (including occupational diseases/illnesses) occurred/were caused at other BUs;
- injuries arose from teambuilding exercises (although the COIDA Act may not cover all such injuries, these must be reported to the WCC); or
- an occupational disease/illness was contracted by an employee while employed by or on behalf of the employer responsible for the affected employee.

Note: In a case where a work-related incident occurred and an employee made use of his/her private medical aid for treatment, the employer must ensure that the incident is recorded correctly and obtain the first medical report for reporting to the WCC.

### **E.8.3 Incident statistics and reports**

Business units and Divisions must provide monthly or quarterly incident statistics to inform management of their health and safety performance measures.

Business Units must ensure that all health and safety performance measures, including medical reports are reconciled and consolidated monthly for reporting purposes. The Corporate Sustainability Department shall undertake quarterly data reconciliation and monitoring process to ensure completeness and accuracy of information reported by divisions and business units. Once data has been verified and signed off, it shall not be altered without following the proper change process.

To ensure consistency, all calculations should be done as stipulated in Paragraph A.15 of this document and an audit trail of the formulas and the calculations must be available.

The due dates for reporting these agreed indicators and/or metrics must be agreed and communicated at the beginning of the calendar year. The persons appointed and accountable for the consolidation of information must ensure that information is received in time so that they can honour the agreed due dates for reports.

Divisional and Eskom group reports must be made available on the applicable Intranet sites to ensure the availability of the performance-related information to other stakeholders.

Additional information from business units and/or divisions might be requested on an ad hoc basis from the Corporate Sustainability Department as required for reporting purposes.

## **Annex F: Step 6: Investigation**

The following steps have to be followed in an investigation:

### **F.1 Identification and decision to investigate according to priority and classification**

The employer is responsible for initiating an investigation process to be undertaken by a properly constituted committee for all incidents. The constitution of the investigation committee, time frame in which the investigation must be initiated as well as the investigation techniques to be used and level of detail to be investigated, are determined according to the priority assigned to it. For example incidents with an extreme risk/loss potential must be investigated by a high-level committee, within a shorter time frame and be more detailed than incidents with a low risk/loss potential.

Exceptions, where the investigation process will deviate from the requirements according to the priority assigned to it, must be dealt with on their own merit in consultation with Divisional Risk Managers through a motivation which shall be submitted in writing.

#### **F.1.1 Types of investigations according to priority**

Eskom investigations will consist of an employer's investigation and, depending on the incident, a Corporate Legal Investigation. Any of the investigations or hearings initiated by either the Department of Labour or Department of Mineral and Energy and SAPS could also run concurrently with the investigations conducted by Eskom.

The employer is responsible for **initiating** (at least within 24 hours) and conducting an **employer's investigation** as soon as reasonably practicable. Incidents that must be recorded in terms of the OHS Act, must be **investigated** by a properly constituted committee within seven (7) days after the incident occurred and be finalised as soon as is reasonably practicable (refer to Table C4 for specific requirements), or within the contracted period in the case of contractor employees.

The employer must also ensure that a **Corporate Legal Investigation** is initiated within seven (7) days of the incident, where required.

The investigation of occupational diseases/illnesses must start within seven working days. Such an investigation must be completed as soon as possible, and may not take longer than three months, unless exemption is obtained from the Corporate Sustainability and Innovation Department.

#### **F.1.2 Employer's Investigation Committee and its duties**

In order to comply with legislative requirements, the Employer's Investigation Committee must investigate the incident, complete the Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents) and submit the completed form to the Department of Labour.

The employer must appoint the chairperson and members of the **Employer's Investigation Committee** as referred to in the sections on Step 3 on Prioritisation to conduct the investigation. Membership of and requirements for the Employer's Investigation Committee will differ, depending on the type of incident being investigated.

The following types of incidents could be investigated:

- Non-fatal electrical contact incidents, involving Eskom employees and/or contractor employees
- Non-fatal incidents other than electrical contact incidents, involving Eskom employees and/or contractor employees
- Non-fatal incidents which did not result in a serious injury but occurred in such a manner that a member or members of the public could have died, with no possible liability claims, i.e. electrical contact and other incidents, including motor vehicle accidents

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- Occupational diseases/illnesses and cases where occupational exposure limits have been exceeded
- Contravention and prohibition notices issued by the Department of Labour
- Non-occupational fatalities of employees
- Incidents involving more than one employee from different business units in the same incident
- Incidents involving an employee at other business units or external organisations
- Contravention of environmental legislation and related incidents.

### **F.1.3 Corporate Legal Investigation Committee and its duties**

The objective of the Corporate Legal Investigation is to obtain a legal opinion.

The employer is responsible for requesting a Corporate Legal Investigation, undertaken by a properly constituted committee, for the further investigation of those incidents where:

- the incident resulted in a fatality or potential fatality of an Eskom employee(s) and/or contractor employee(s), including commuting, teambuilding/social events and crime-related incidents;
- the incident resulted in a fatality or serious injury in such a manner that a member(s) of the public could die, possibly resulting in liability claims, i.e. electrical contact and other incidents, including motor vehicle accidents; and
- the potential liability for Eskom is cause for concern.

This investigation must be done in conjunction with the Corporate Sustainability and Innovation Department, Divisional and/or Business Unit Occupational Health and Safety Manager and/or Risk Manager, Divisional Environmental Manager (in the case of related environmental incidents) and the Corporate Legal Department.

Members of the committee must sign a confidentiality declaration in terms of the security vetting process.

### **F.1.4 Investigations and Hearings initiated by Government.**

In the case of any notification issued by the Department of Labour or Department of Mines and Energy (DME) to any BU in terms of OHSAct Section 31, 32, (OHSAct), Section 56 (COLD Act - Application for Increased Compensation) or any hearing under the Section 65 of the Mine health and Safety Act, such an BU manager or his/her delegated person must inform both C-SHE and Legal Department immediately.

## **F.2 Selection of investigators and forming of investigation committee**

For the Employer's investigation, it is the responsibility of the employer to identify and involve the local subject-matter experts who may be required for the investigation process.

Investigations must be conducted by a suitably constituted investigation committee which has the authority and power to investigate and recommend remedial actions and measures.

For the purpose of the Corporate Legal Investigation the committee is to be confirmed by Corporate Sustainability and Innovation (C-SHE).after consultation with the BU. The BU, after consultation with the Legal Department is to ensure confirmation of a date for the Corporate Legal Investigation and the appointment of a legal chairperson.

### **F.2.1 General requirements for committee chairperson**

The appointed committee chairperson must effectively perform the following tasks:

- Arrange and ensure that the Investigation Committee sits in an environment conducive to carrying out its duties
- Conduct comprehensive, timely investigations by controlling the scope of committee activities

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- Identify and appoint appropriate committee members and help ensure their active participation
- Convene and preside over meetings
- Explain and inform committee members and all witnesses of their right to avoid incriminating themselves as well as the possible consequences of the transgressions listed under section 6 of this procedure
- Inform management of the status of the investigation
- Review and verify the final report for completeness, accuracy and objectivity.

It is particularly important for the committee chairperson to work objectively and without emotional involvement or the assignment of fault. It may be appropriate to select a more independent chairperson from higher in the line organisation or someone who is not directly assigned to or involved in the area or business unit where the incident occurred.

### **F.2.2 No conflict of interest**

No conflict of interest is an important prerequisite for effective investigations, so there may be occasions where it would be advisable to appoint a neutral, competent investigator in preference to the person with the most interest in the incident.

A conflict of interest could occur, for example, where an individual is a member of an investigation committee but where:

- prior to and at the time of the incident, the individual was either directly involved in supervising the person who became injured or gave an instruction or failed to give an instruction which resulted in the incident;
- there is reason to believe that victimisation could occur or that the impartiality of the investigation and/or decisions may be negatively influenced;
- the individual has a personal relationship with the affected/injured person;
- there is interference from a Temporary Employment Service during the particular case; or
- any similar situation.

If any member of the Investigation Committee has a conflict of interest with regard to the incident under investigation, he/she must declare such conflict of interest to the Chairperson who will make a final decision about the involvement or replacement of the member.

### **F.2.3 General requirements for committee membership**

The composition of the investigation committee constitutes a critical factor affecting the quality of the investigation. The employer shall appoint competent employees to the investigation committee to help ensure a prompt, effective investigation.

Committee membership must include those who can contribute and play a role in the investigation. Investigation committee membership can vary according to the incident being investigated and the resources that are available.

At least one member of the committee must be experienced and trained in conducting incident investigations. This person should be of sufficient seniority to ensure he/she is in the position to guide the investigation process.

### **F.2.4. Constitution of the Employer's Investigation Committee**

The Employer's Investigation Committee must, as a minimum, consist of:

- the chairperson who must hold, at least, a middle management position, provided there is no conflict of interest in the particular case under investigation;

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- representatives from all entities, where multiple organisations and divisions are involved;
- the relevant supervisor closest to the place where the incident occurred, as an observer and/or witness;
- in some incidents, where needed, a dedicated specialist technical investigator and/or team may be appointed by Corporate Services to conduct the investigation on behalf of the employer. This investigator/team will be mandated by the OHSLC and co-ordinated by Corporate Services and will operate across divisions;
- one or more specialist(s), depending on the case;
- the Health and Safety representative;
- the Environmental Manager / Specialist;
- the Safety Risk Manager or a nominee; and
- the relevant witnesses. (excluded from the committee as committee members)

**F.2.5. Additional considerations for the Employer's Investigation Committee**

The following additional issues must be considered, depending on the type of incident being investigated:

Type of incident	Additional considerations
Non-fatal electrical contact incidents, involving <b>Eskom employees and/or contractor employees</b>	<ul style="list-style-type: none"><li>• The flash report and the Employer's Investigation Report must be forwarded to the Corporate Sustainability Department which will, after consultation with the Legal Department and the relevant divisional OHSLC principal member or nominee, give clarity about whether a legal practitioner should chair the investigation; and</li><li>• a subject specialist in the field of electricity, a forensic investigator and a Human Resources performance specialist/psychologist must also form part of the investigation committee.</li></ul>
Non-fatal incidents other than electrical contact incidents, involving <b>Eskom employees and/or contractor employees</b>	Incidents such as vehicle incidents, loss of supply, property damage, theft, human error, near-miss occurrences, medical treatment cases, etc. are investigated by line managers, including the supervisor, Safety or Risk Manager or nominee, the Health and Safety representative, etc.
Non-fatal incidents that did not result in a serious injury in such a manner that (a) member(s) of the <b>public</b> could have died, i.e. electrical contact and other incidents, including motor vehicle accidents	<ul style="list-style-type: none"><li>• The employer is responsible for holding its own enquiry pertaining to public incidents. A committee chaired by an M-band Manager is formed for this purpose.</li><li>• A flash report must in all cases be forwarded to the Corporate Sustainability Department.</li><li>• In the case of an incident where it becomes apparent during the investigation that negligence by Eskom is suspected and Eskom could be held liable as a consequence of negligence, BUs must involve the Corporate Sustainability and Corporate Legal Departments as well as other specialists.</li></ul>
All incidents involving violent crime and/or where a firearm was discharged	<ul style="list-style-type: none"><li>• The committee must involve a representative of the Corporate Security Risk Management Department.</li></ul>
Occupational diseases/illnesses and cases where occupational exposure limits have been exceeded	<ul style="list-style-type: none"><li>• A committee must investigate incidents relating to occupational diseases/illnesses and health conditions reportable in terms of sections 24 and 25 of the OHS Act. An investigation must also be conducted in cases where occupational exposure limits have been exceeded.</li></ul>

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	<ul style="list-style-type: none"><li>• The committee must include at least a registered occupational health practitioner as well as an occupational hygienist who is part of the Eskom Approved Inspection Authority (AIA), an occupational health and safety representative, and the employer.</li></ul>
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When downloaded from the EDS database, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the database.

Contravention and prohibition notices issued by the Department of Labour	<ul style="list-style-type: none"><li>• In the case of a prohibition notice being served, the Employer's Investigation Committee must immediately investigate the reason for non-compliance with the related statutory requirement.</li><li>• A copy of the investigation report must be filed for further dealings with the Department of Labour.</li><li>• The employer (BU Manager) has to provide a copy of the prohibition notice to the Corporate Sustainability Department for distribution to all other BUs, to ensure compliance in terms of the prohibition notice and the related statutory requirement.</li></ul>
Non-occupational fatalities of employees	<ul style="list-style-type: none"><li>• In the case of non-work-related fatalities of employees, the employer (BU Manager) may at his/her discretion appoint a committee to investigate the circumstances surrounding the incident.</li><li>• The nature of the case will dictate whom best to involve in the investigation. However, the committee should preferably also include the supervisor of the deceased and the BU Safety Risk Manager.</li></ul>
Incidents involving more than one employee from different business units in the same incident	<ul style="list-style-type: none"><li>• If and when an incident occurs involving more than one employee from different BUs, such an incident investigation must be chaired by an independent chairperson appointed by the Corporate Sustainability Department, as agreed upon by all the relevant line managers representing the affected employees; and</li><li>• a formal incident investigation report must be forwarded to all the applicable BU Managers.</li></ul>
Incidents involving an employee at other Business units or external organisations	<ul style="list-style-type: none"><li>• If an employee from a particular BU is involved in an incident at another BU or external organisation, the responsibility for the investigation and reporting of the incident lies with the original BU that employed the injured / affected employee.</li><li>• Depending on the seriousness of the incident, and if it is not reasonably practical to conduct the investigation itself, the original BU may request the BU where the incident occurred to conduct the investigation on its behalf or, by agreement, to conduct such an investigation together.</li><li>• If this is not possible for whatever reason, an independent chairperson appointed by the Corporate Sustainability Department, as agreed upon by all relevant employers, must conduct such an investigation. A formal incident investigation report must be forwarded to the BU Manager(s).</li></ul>
Contravention of environmental legislation-related Incidents.	<ul style="list-style-type: none"><li>• The BU Manager must ensure that a formal investigation is conducted by a properly constituted investigation committee to identify the circumstances surrounding a contravention of environmental legislation; and</li><li>• the committee must publish its findings in an incident investigation report and send cases of lessons to be learnt to the Environmental Liaison Committee for circulation to all appropriate business units.</li></ul>

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**F.2.6 General roles and responsibilities of the investigation committee**

The investigation committee is responsible for the following:

- Reaffirming the risk potential or priority of the incident
- Completing the Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents) and forward it to the Department of Labour
- Identifying and collecting all evidence for the investigation
- Reviewing all the applicable evidence and considering all the applicable documentation as soon as possible after the incident
- Determining the facts of the incident; (e.g. establishing the sequence of events)
- Determining the key factors (e.g. the direct, contributory and root causes of the incident)
- Investigating or reporting for further investigation or action, any suspected irregularity observed during the investigation
- Identifying and making recommendations on the remedial action required to prevent the recurrence of similar incidents
- Where these recommendations could be applicable to other business units and/or divisions in Eskom, communicating and sharing the relevant information (lessons learnt) to facilitate knowledge transfer in the business units, to the relevant contractors, divisions and/or Eskom group to prevent the recurrence of similar incidents
- In the case of an incident or event impacting on more than one line division, advising management of the need to appoint a recovery manager with the authority to take appropriate action to ensure a speedy return to normal
- Identifying the documents and other communications that can be released to those involved in the incident and their support person(s)
- Determining the manner in which and the time period for which the evidence used and produced during this investigation must be kept, at the conclusion of the investigation
- Ensuring that each incident is entered in the Incident Investigation Register and reviewing the initial incident classification
- Producing an incident investigation report as a factual summary of the relevant facts pertaining to the incident, which report should contain the minimum required information
- Determining the estimated cost of the incident. (This estimate must include labour, material and downtime. Standard costs for labour are given in Table F.2.6.)

Table F.2.6: Standard costs for incidents

<b>Incident severity</b>	<b>Cost</b>
Fatality	R1,5 m
Lost time injury including occupational diseases and illnesses.	R30 000
Medical treatment case	R3 500
First-aid treatment case	R1 000

- Discussing with the Legal Department any aspects in relation to liability, where applicable
- Ensuring that each incident is discussed and recorded in the minutes of the relevant Statutory Safety Committee meetings

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- Preparing for and co-operating during any investigation by the Department of Labour (where applicable)
- In the case of a fatal or serious incident, arranging for a Corporate Legal Investigation.

### **F.2.7. Constitution of the Corporate Legal Investigation Committee**

The Corporate Legal Investigation Committee as determined by C\_SHE, will be structured and limited to the following members:

<p><b>Full members on committee</b></p> <p><i><b>Note:</b> a quorum is to be determined by the chairperson</i></p>	<ul style="list-style-type: none"> <li>• Chairperson – a legal practitioner formally appointed by the Corporate Legal Department (unless otherwise specified, for example in a case where the Legal Department indicates that a legal person is not required in a particular incident, such an incident may be chaired by a member of the Corporate Sustainability Department)</li> <li>• Corporate Sustainability Occupational Health and Safety Manager or nominee</li> <li>• The Divisional / BU / Senior Management Representative (provided that he/she has no direct involvement in the particular incident)</li> <li>• Representatives from all entities, in cases involving multiple organisations and divisions</li> <li>• The Divisional Risk Manager (OHS LC Principal Member) or nominee</li> <li>• The local statutory Health and Safety representative</li> <li>• A technical expert or specialist as determined by the committee</li> <li>• A representative of the Corporate Security Risk Management Department (in case of all incidents involving violent crime and/or where a firearm was discharged)</li> <li>• Any other person whom the chairperson allows on a formal application.</li> </ul>
<p><b>Co-opted persons (without member status)</b></p>	<ul style="list-style-type: none"> <li>• Corporate I Audit and Forensic Department representative or nominee/specialist with the duty to close out the audit findings and give feedback to Exco Ops</li> <li>• The BU Safety Risk Manager or a nominee as co-ordinator, specialist and observer</li> <li>• Representatives from Divisional Technology, the Live Line Control Body, or the ORHVS Committee as specialists</li> <li>• A Human Resources representative</li> <li>• A local environmental representative as a specialist</li> <li>• Psychologist (human performance specialist) as a specialist</li> <li>• Medical services representative as a specialist.</li> </ul>
<p><b>Observers</b></p> <p><i><b>Note:</b> the chairperson may grant permission to any observer at his/her own discretion to ask questions during the hearing.</i></p>	<ul style="list-style-type: none"> <li>• Any other person whom the chairperson allows on a formal application.</li> </ul>
<p><b>Witnesses</b></p> <p><i><b>Note:</b> a witness may be recalled to answer further questions from the committee, as determined by the chairperson.</i></p>	<ul style="list-style-type: none"> <li>• The relevant person appointed Supervisor or Safety Team Leader, closest to the place where the incident occurred, as the first witness</li> <li>• Depending on the case, the relevant OHS Act section GMR 2(1) person appointed for plant-related incidents</li> <li>• The relevant direct supervisor (if not the same as the person listed above)</li> <li>• Any person who witnessed the incident</li> <li>• Any other person with any other evidence related to the incident</li> <li>• Any other person identified by the Committee.</li> </ul>

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### **F.2.8. Additional considerations for the Corporate Legal Investigation Committee**

The following additional issues must be considered, depending on the type of incident being investigated:

- In cases where the incident resulted in a fatality or a potential fatality of an Eskom employee(s) and/or contractor employee(s), the employer, appointed in terms of section 16 of the OHS Act, in whose area an incident occurred, may not be a member of the Corporate Legal Investigation Committee. Such a person may attend the investigation at the discretion of the chairperson as an observer, but will not be allowed to ask any questions during the investigation unless this is for clarity's sake and through the chairperson.
- In incidents that resulted in a fatality or a serious injury in such a manner that a member(s) of the public could die, possibly resulting in liability claims, i.e. electrical contact and other incidents including motor vehicle accidents, the following applies:
  - It must be noted that there is a presumption of negligence in cases of electrical incidents, unless the contrary is proved. (See Section 26 of the Electricity Act, 1987.)
  - In the case of an incident where negligence by Eskom is suspected and Eskom could be held liable as a consequence of negligence:
    - The investigation must be conducted under the chairmanship of a legal practitioner to ensure that the Eskom incident investigation report may enjoy legal privilege
    - BUs must involve the Corporate Sustainability Department, Corporate Legal Department and other specialists, including the Assurance and Forensic.
  - In cases where the Employer's Investigation positively rules out negligence as a contributing cause, the employer and Safety Risk Manager will consult with both the Corporate Sustainability and Corporate Legal Departments regarding the need for involving a legal practitioner in the investigation. This excludes incidents resulted in fatalities or where an employee or Eskom contractor employee has been seriously injured to an extent that the injured lost a limb or is admitted to ICU for a period longer than 3 days and after consultation with the Legal Department.

## **F.3 Determining the facts**

As an essential step in the investigation process, a comprehensive search for the facts is necessary. During the fact-finding phase, the Investigation Committee must carefully inspect and preserve physical items at the scene of the incident.

The committee shall document all factual information to facilitate further review, investigation and reporting, as necessary. This will include determining what control measures were in place, how effective or efficient these were in avoiding the incident or negating the impact of the incident, and why these control measures performed as they did. This information will be helpful in determining what additional control measures will be required or how to improve these measures.

In some cases it may be unclear who was responsible for the incident. It is advisable for all the parties involved to co-operate and interact to determine the facts of these circumstances.

### **F.3.1 Statements**

Anyone involved in an incident investigation or who is a witness to an incident with particular information about an incident, is obliged to provide a statement as part of the incident investigation when requested by the chairperson of the Investigation Committee. The individual's right to avoid self-incrimination and victimisation must be acknowledged and explained by the chairperson..

### **F.3.2 The employer appointed as Supervisor or Safety Team Leader as a witness**

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The person appointed as the supervisor or the Safety Team leader and with specified health and safety duties in whose area of responsibility the incident occurred, must be called in as a witness at any point in order to give evidence with regard to:

- an explanation of the health and safety systems and processes in place (or not in place) relating to the incident;
- the work-related and technical experience of the individual(s) involved in the incident;
- the qualifications, experience and competencies of the individual(s) involved in the incident;
- supervisory arrangements;
- the arrangements in place with regard to any of the requirements stipulated in terms of section 8 of the OHS Act; and
- any other matter pertaining to the incident.

#### **F.4 Determining the key factors and root causes**

The key factors of an incident must be determined, because they are essential for making effective recommendations to prevent recurrence. Even when the factors seem obvious, the investigation committee should use formal analysis to avoid drawing premature conclusions.

Comprehensive investigations often identify underlying operating/managing systems that have to be strengthened, as well as the more immediate human and/or equipment issues.

The investigation must be regarded as an opportunity to make improvements, rather than to assign blame.

#### **F.5 Determining the systems that need strengthening**

Investigations have to identify the systems and processes that must be strengthened to help prevent recurrence, and enable trend analysis and continuous improvement. Typically, these areas for improvement flow from the key factors already identified and must be noted on the investigation report.

#### **F.6 Propose recommendations on developing corrective and preventive actions**

Recommendations on developing corrective and/or preventive actions must be made to address the key factors identified as a result of the investigation. There must be at least one recommendation for each key factor. A recommendation has three important parts:

- A clear description of the recommended action(s) to be taken to prevent recurrence
- The name/position of the person responsible for implementation
- A completion date.

Recommendations and restart criteria/conditions that have to be completed before operations may resume, must be clearly identified. Other recommendations (e.g. longer-term system-related improvements or evaluations) often have a completion date that extends beyond the start-up date.

#### **F.7 Document and obtain approval of investigation results (report writing)**

The findings of the incident must be documented in writing in an incident report. Reports must be written in a manner which enhances and facilitates common understanding of and clarity about the sequence of events, findings and recommendations among all stakeholders not directly involved in the affected area. Site-/area-specific terminology and acronyms should be kept to a minimum.

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### **F.7.1 Employer's Investigation Report**

The Employer's Investigation Report must:

- reflect the facts and the circumstances surrounding the incident;
- in the event of suspected negligence with the potential to result in a liability claim, and where the report is not obvious or clear about the aspect of negligence, include a decision on the way forward from the Corporate Legal Department; and
- be a comprehensive Incident Investigation Report, signed off by all committee members and approved by the chairperson of the Investigation Committee within 14 days after the conclusion of the report.

### **F.7.2 Corporate Legal Investigation Report**

- All final reports must be treated as confidential and must be kept and controlled by the Corporate Legal Department.
- Business Unit Managers can request (in writing) copies of reports from the Corporate Sustainability Department which will provide these reports upon the completion of a confidentiality agreement.
- No electronic copies of these reports may be distributed outside the Corporate Legal or Corporate Sustainability Departments.
- An incident report must in all cases be submitted to the Corporate Sustainability Occupational Health and Safety Manager.

### **F.7.3 General format of incident investigation reports**

To standardise the format in which an incident investigation report is published and to facilitate transforming the report's contents into case studies, the following structure is recommended, but not limited to:

- the title and executive summary;
- incident description;
- name and contact details of the injured person's supervisor or manager;
- name and contact details of the persons directly involved in or affected by the incident;
- name and contact details of the person who reported the incident;
- extent of the injury (e.g. injury description such as cut, bruising, etc., the affected body parts, etc.) including the severity of the incidents and the number of days lost (where applicable);
- a description of plant and the nature of the work;
- the sequence of events;
- the findings;
- the immediate/contributing/direct causes of the incident;
- the root cause analysis results, which must be appended to the incident report for sharing and retention;
- the risk that subsequent incidents could occur;
- recommendations with corrective actions, responsible persons and target dates;
- statement on liability;
- photographs, sketches and test results, etc. that support the content of the report;

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- statement on total cost of incident;
- a date, place and page numbers on each page (for example, page 6 of 17), and have a unique reference number on each page;
- the name and details of the contact person should more information be required;
- the names, designations and contact details of the members of the Incident Investigation Committee; and
- the distribution list of all persons who received the report.

With regard to fire system impairment, any changes to documentation, drawings or as-is building conditions must be included with the original design documentation.

#### **F.7.4 Template for investigation reports**

The OHS Act Annexure 1 report is available from the Corporate Sustainability Department. If divisions or business units prefer to expand on this template, an exemption in terms the OHS Act must be obtained and should be available.

#### **F.7.5 General requirements for keeping records of investigation reports**

Reports must be kept safe and secure. Reports may only be made available to third parties or any other person with the written permission of the Corporate Legal Department. This excludes Annexure 1 (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents) which is available in the public domain.

Records must be kept of all section 24 incidents, lost time injuries, medical treatment cases, and fire system impairments on the Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents) for all employees, contractors and members of the public.

All investigation reports must be kept and archived for at least 25 years unless another period has been specified in legislation or in any court proceedings that may ensue. All reports describing an incident involving a minor, must be kept and archived for at least 3 years after such a person reaches the age of maturity

#### **F.7.6 Investigation reports to a third party**

Upon request, the completed Annexure 1 form (as required in the OHS Act, General Administrative Regulations for Recording and Investigation of Incidents) that was forwarded to the Department of Labour, will be available to the public in consultation with the Eskom Legal Department.

Professional privilege protects the disclosure of communications between a legal adviser and his/her client which is made in confidence for the purpose of enabling the client to obtain legal advice. Any other report, in its evidentiary aspects, has legal privilege and may only be made available upon written application to and at the discretion of the Legal Department.

### **F.8 Review of the initial incident classification and reporting**

Following the completion of the investigation, the Incident Investigation Committee must review the initial classification and include the root causes of the incident and amend the relevant records if required.

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## **F.9 Communicate findings**

Communicating the result of incident investigations is a vital component in the effort to prevent recurrence and to leverage the lessons learnt more broadly.

### **F.9.1 Communicating within the business unit**

The incident report shall be reviewed with appropriate employees, including Eskom employees and contractor employees from the affected area, and those whose job tasks are related to the incident findings. Documentation of communications must be maintained, including the date of the communication, the manner in which the communication was made, and the names of the individuals to whom the information was communicated. Consideration must be given to communicating the findings to other facilities on the site, where appropriate.

### **F.9.2 Communicating beyond the business unit**

It is recommended that all significant incidents should be shared throughout the business as appropriate, through relevant networks, so that other sites can benefit from an investigation's results and the lessons learnt.

Reports (case studies, announcements, etc.) of all fatalities, lost time injuries or incidents that could have resulted in either a fatality or a lost time injury, must be circulated throughout the relevant division to enable business units to record these in their incident tracking system to ensure the implementation of applicable recommendations.

## **F.10 Follow up and sign off the completed recommendations, corrective and preventive actions**

The BU Managers are, as the employer, responsible for ensuring that all incidents are followed up and closed out. The effectiveness of remedial steps must also be assessed.

### **F.10.1 System to track the implementation of recommendations, corrective and preventive actions**

Each site must develop and implement a system to address recommendations. To help ensure the prompt follow-up and close-out of recommendations from an incident investigation report, such system must provide periodic status reports to site management until all recommendations have been acted on and closed.

The statutory Health and Safety Committee must at its meetings also track the recommendations; target dates; accountable person(s) identified during investigations and note in the minutes the discussion points on the progress made with the implementation of recommendations. These minutes must be kept for at least three years.

In the case of health and safety-related incidents, the implementation of all recommendations from incident investigations is monitored at intervals not exceeding three months, until such time as the file on a particular incident is closed.

Completed actions on recommendations must be documented and include a specific description of what was done to satisfy the recommendation.

### **F.10.2 Rejection of recommendations, corrective and preventive actions**

If management declines or rejects a recommendation, the site shall document, in writing and based on adequate documented information or analysis, that one or more of the following conditions are true:

- The analysis on which the recommendation is based, contains material factual errors.

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- The recommendation is not necessary to protect the health and safety of the employer's own employees, contractor employees, or the health and safety of the community, wildlife or the environment.
- An alternative measure would provide a sufficient level of protection.
- The recommendation is not feasible.

This decision has to be documented, approved by the chairperson of the Investigation Committee and should provide the motivation and/or justification for the decision.

An alternative recommendation must be provided to address the key factor. The documentation shall be retained as part of the official record of the investigation.

#### **F.10.3 Reporting on implementation of recommendations, corrective and preventive actions**

For all incidents rated as a High or Extreme Priority (see Annex C), within three months after publishing the final investigation report, the employer must ensure that follow-up audits are conducted by an independent person on the progress made with the implementation of the actions identified in the investigation report.

The audit findings must be given in the form of a report specifically on the plans of action implemented to address the recommendations. This progress report, stating the status of the implementation of recommendations, must be forwarded to the following:

- The chairperson of the original Investigation Committee
- The employer appointed in terms of section 16 (2) of the OHS Act
- The Occupational Health and Safety Risk Managers and/or practitioners
- The Corporate Sustainability Department's Occupational Health and Safety Manager
- The BU/divisional Auditing Department.

#### **F.10.4 Confirmation of completion of task**

The effectiveness of remedial steps must also be assessed.

Prior to the final closure of a recommendation, the site management must determine that the completed task has addressed the intent of the recommendation. In addition, it is recommended that the system should include verification of the implementation and effectiveness of the corrective action taken.

## **Annex G: Step 7: Analysis and action**

### **G.1 Analysis**

The information obtained from the incident investigation must trigger a review of the entire management system (safety, health, environment and quality) where applicable, which includes, updating the existing risk assessments, the man-job specifications, the safe work procedures, etc.

The purpose of the analysis phase is to review the outcomes of the investigation process and to review what system changes ought to be made to address and reduce the risks. A distinction should be drawn between intermediate and long-term solutions. Where the provision of personal protective equipment is issued as an intermediate action to reduce a risk, the hierarchy of controls must be considered to ensure that a practical long-term solution is provided.

#### **G.1.1 Hierarchy of controls**

Actions following analysis fall into three categories: stronger, intermediate and weaker. In minimising the risk associated with a hazard, the aim must be to reduce the risk as far as is reasonably practicable. This includes a consideration of the following generic objectives:

- Terminating or eliminating the hazard – this risk control technique is aimed at avoiding the risk by completely eliminating the present hazard.
- Transferring the risk.
- Treating to reduce the risk – this includes techniques to minimise or stop potential losses.
- Tolerating the risk – only if it is proven that other alternatives cannot be implemented because they are not reasonably practicable.

It should be noted that a risk assessment must be done to ensure that the new improvement does not create an additional risk or increase the existing risk.

### **G.2 Action**

The employer is responsible for reviewing the recommendations made in the Incident Investigation Report, assigning responsibilities to the relevant line managers and providing the necessary resources to implement the recommendations made, within a reasonable time frame that does not expose persons to risk for an unnecessarily long period.

Employers have to ensure that the recommendations, target dates, accountable person(s) identified during investigations are tracked by means of the minutes of Statutory Health and Safety Committee meetings. These minutes must be kept for at least three years.

If an individual performance issue has been identified, the course of action is redirected to Eskom's performance management system.

The control measures that are provided must be tested during the monitoring stage to ensure that these measures are sufficient, appropriate and in line with the intent of the Investigation Committee.

Reports (case studies, announcements) of incidents which occurred at a BU must be circulated throughout the relevant division so that other BUs can ensure the implementation of applicable recommendations to prevent the recurrence of similar incidents.

## **Annex H: Step 8: Monitor regularly**

### **H.1 Monitoring activities**

The employer must ensure that the control measures provided are tested to ensure that they are effective, sufficient, appropriate and in line with the intent of the Investigation Committee. The aim of these activities is to prevent or reduce similar events from occurring and to ensure that the control measures taken do not create new risks.

Line divisions must refer to their respective division's management standards, for example in the case of potential public liability claims arising from grass fires, low-hanging conductors, unlocked mini-sub, etc.

In the case of health and safety related incidents, the implementation of all recommendations from incident investigations is monitored at intervals not exceeding three months, until such time as the file on a particular incident is closed.

Monitoring activities could involve activities such as the following:

- Auditing
- Surveys and focus groups
- Comparing performance with the relevant indicators.

The results of monitoring activities could indicate the need for a follow-up investigation, the composition of the investigation committee, and whether the final report has to be produced by a legal practitioner to enjoy legal privilege, etc.

## **Annex I: Step 9: Incident feedback**

### **I.1 Feedback to the injured**

The employer is responsible for liaising with the injured and, if required, their families and dependants.

Irrespective of the level of response to an incident, the injured must be fully informed within 24 hours of the acknowledgement of the incident. At the first meeting with the injured, the employer should provide:

- an explanation of what happened, the immediate effects and the prognosis;
- an apology which does not assign blame to any person or legal entity; and
- the names and contact details (e.g. phone numbers) of the people in the facility who are available to address concerns and complaints, including psychological and social support contacts.

### **I.2 Feedback to other employees**

The following is a summary of the requirements pertaining to providing feedback to other employees:

Feedback to the person who notified that the incident occurred	The person who notified that the incident occurred must receive feedback on the results of the investigation and actions for improvement.
Feedback to others involved in or affected by the incident	Other employees involved in the incident must receive feedback as a member of the team. It is good practice to reflect on the incident from both a team and individual perspective by asking: "What can you (team) or I do to prevent this incident from happening again?"

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## **Annex J: Communication plan**

### **J.1 Contents of the communication plan**

This communication plan must address, as a minimum, the following elements and/or requirements:

#### **J.1.1 Immediately following the incident**

- The provision of sufficient information to the Corporate Sustainability Department from the business units to facilitate communication to Eskom's Board, Exco and Exco Ops, immediately or within 24 hours after any employee and contractor fatality(ies) occurred.
- All sites where employee and contractor fatalities occurred must be visited by the BU Manager, the Chief Executive or delegated Managing Director (16.2).
- Only the Eskom Corporate Communication Department and/or the Eskom Spokesperson may disclose any information to the media and/or the public.
- The release of information related to the incident after verification has been obtained from the Legal Department.
- Immediate communication about any legal contraventions and notices to the Managing Director and the Corporate Sustainability Department.

#### **J.1.2 At close-out of the investigation**

At close-out of the investigation the employer through his/her communication plan must ensure that the lessons learnt from incidents are communicated to all stakeholders. This could be done by means of the following:

- Case studies that must be published on the Eskom Intranet after verification.
- Reports (case studies, announcements) on the incidents that occurred at a BU must be circulated throughout the relevant division for BUs to record in their incident tracking system, so as to ensure the implementation of applicable recommendations.

#### **J.1.3 Applying the tools described in the communication plan**

The following tools and their application must be described as part of the communication plan:

<b>Tool</b>	<b>Proposed application</b>
Flash report	All flash report requirements are listed in Annex B.
Announcements	<p>All Eskom employee and contractor employee fatality incidents or other serious incidents must be communicated in the form of an Announcement to Eskom's Board; Exco; Exco Ops; Eskom managers; the relevant Eskom employees and contractor employees. Supervisors are responsible for ensuring that announcements are communicated to employees who do not have access to a personal computer.</p> <p>It is the responsibility of the employer to inform the Corporate Sustainability Department of such a fatality. Sufficient information must be supplied to complete this announcement. The Corporate Sustainability Department in conjunction with Corporate Communication Department must prepare the announcement for distribution within one working day.</p>

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Presentations to EXCO (OPS)	Presentations must be made to EXCO (OPS) on all employee and contractor fatalities by the relevant Managing Director or appointed General Manager, and environmental legal contraventions, in terms of the Operational Health Dashboard by the relevant EEE Band Manager. The relevant information captured in the investigating report has to be used for the mandatory presentation to EXCO (OPS) at quarterly intervals.
Safety Incident Feedback Report	The employer is responsible for compiling a concise report on all fatalities, lost time injuries or incidents that could have resulted in either a fatality or a lost time injury, immediately but no later than one week after the Employer's Report has been completed. The Safety Incident Feedback Report must state the lessons learnt which need immediate actions that can be implemented to prevent similar incidents from occurring and must be communicated to the Corporate Sustainability Department for further distribution to all relevant stakeholders.
Case studies on employee and contractor fatalities	<p>These case studies must be compiled by the BU and forwarded to the Corporate Sustainability Department within 10 working days after the presentation was made to EXCO(OPS), as they provide additional recommendations.</p> <p>The Corporate Sustainability Department will forward the case studies for editing to the Corporate Legal Department.</p> <p>Once the final edited case studies are available, the Corporate Sustainability Department will publish them on the Corporate Sustainability Intranet website and notify senior management and Health and Safety Practitioners that the case studies are available and how they can be accessed.</p> <p>Note: deaths from natural causes, suicide(s) or fatalities as a consequence of a private/family/confidential nature, are excluded from the above requirement.</p>
Case studies on electrical contact incidents	Case studies on all electrical contact incidents (only Eskom employees and contractor employees) must be compiled by the BU within 10 working days after the Employer's Report has been completed and forwarded to the Corporate Sustainability Department, which will forward the case study for editing by the Corporate Legal Department. Once the final edited case study is available, the Corporate Sustainability Department will publish it on the Corporate Sustainability Intranet website and notify senior management and Health and Safety Practitioners that the case study is available and how it can be accessed.
Case studies on lost time injuries	Lost time injuries (other than employee or contractor fatalities, or electrical contact incidents) must be compiled by the BU concerned, within 10 working days after the Employer's Report has been completed and published on the divisional website(s) or formally communicated within BUs and/or divisions by the applicable BU or division, as appropriate.
Case studies on technical incidents	<p>Case studies on technical incidents and any other major plant loss incidents are to be made available in the form of a one-pager by Assurance and Forensic to the Corporate Sustainability Department within 10 working days after the Employer's report has been completed in order to identify and evaluate any lessons to be learnt regarding health and safety.</p> <p>Note: In the case of technical related incidents involving the potential of</p>
Case studies on public fatalities	Case studies on public fatalities are compiled by the BU concerned within 10 working days after the Employer's Report has been completed and published on the divisional website(s) or formally communicated within BUs and/or divisions by the applicable BU or division, as appropriate.

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Case studies on public incidents	Case studies on public incidents, excluding fatalities, are compiled by the BU concerned within 10 working days after the Employer's Report has been completed and published on the divisional website(s) or formally communicated within BUs and/or divisions by the applicable BU or division, as appropriate.
Cases of environmental legislation contraventions in terms of the Operational Health Dashboard	Case studies shall be prepared and accepted by the ELC and distributed to the Divisions by the Divisional ELC Primary Members.

#### **J.1.4 Case study format**

The following minimum information must be included in the case studies: Incident description, findings, causes, recommendations and specific lessons learnt. All personal details must be excluded from the case studies.

### **J.2. Contact with external parties**

#### **J.2.1 Prohibition on sharing information with members of the general public**

No person may distribute any photo or other evidence to anyone not involved in the investigation unless it is done with the permission of the relevant employer and the Eskom Legal Department.

#### **J.2.2 Contact with the media**

No opinions, press statements or comments or any other form of communication may be provided by Eskom employees to the media or any third party, unless they have been formally authorised to do so.

Any enquiry must be referred to the relevant media spokesperson.

### **J.3 Statements**

#### **J.3.1 Admissions of responsibility and liability**

The assessment of liability or responsibility is a legal issue for a court of law to decide. The employees involved cannot accurately assess liability and/or responsibility, and may under no circumstances admit and/or declare responsibility or liability to any person or official whatsoever. The Eskom Legal Department shall assist and advise employees in this regard.

#### **J.3.2 Statements made outside the formal investigation process**

Any statement made, which is not part of the formalised investigation process, may only be provided to another person on the advice of or as requested by the Eskom Legal Department. This excludes statements to the national South African Police Service after a motor vehicle incident.

#### **J.4 Implication of the Promotion of Access to Information Act**

The Eskom manual in compliance with the Promotion of Access to Information Act, will assist the requestor with requesting information from Eskom. Whenever a third party requests information about an incident, the request shall be made in writing by the requestor and it must be directed to the Eskom Chief Information Officer.

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## **Annex K: Misconduct and disciplinary action**

### **K.1 Misconduct**

Eskom takes a ZERO TOLERANCE stance on health- and safety-related at-risk behaviour. Eskom will therefore view in a very serious light any lack of adherence to the following rules, regarding but not limited to, at-risk behaviour:

- No person may disregard any requirements contained in applicable legislation, e.g. the OHS and NEMA Acts, this and other relevant Eskom documents, site-specific health, safety and environmental requirements, and requirements contained in the health, safety and environmental specifications and health and safety plan, while performing work on Eskom sites or on any other site in the course and scope of his/her employment.
- No person may perform an unsafe act or create an unsafe condition that will pose a danger to him/her and/or to other persons at work and that will cause or may cause significant pollution or environmental degradation.
- Non-adherence to any of the above rules identifying risk areas/at-risk behaviour could result in a disciplinary process, where the Disciplinary Committee will have the power to issue the most severe penalty (including dismissal).

The outcomes of the Incident Investigation Process can therefore, where relevant, indicate misconduct as a contributing factor in the events that preceded the incident. The Investigation Committee will decide how to deal with this misconduct.

However, in addition to the acts of misconduct identified prior to the incident, misconduct may also occur after the incident took place, as described in the list of actions described in Section 6 of this procedure. It is the responsibility of any person aware of such misconduct to report this misconduct to the employer. It is the responsibility of the employer to take the appropriate action that is stipulated in the disciplinary code.

**CONTROLLED DISCLOSURE**